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## Legislation

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

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## II

(Non-legislative acts)

## REGULATIONS

## COUNCIL IMPLEMENTING REGULATION (EU) 2023/1027

of 25 May 2023

**implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 <sup>(1)</sup>, and in particular Article 32 thereof,

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

Whereas:

- (1) On 18 January 2012, the Council adopted Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria.
- (2) On the basis of a review of those measures, the entries for two deceased individuals should be deleted from the list of natural and legal persons, entities or bodies set out in Annex II to Regulation (EU) No 36/2012. The entries for 19 natural persons in that list should be updated and amended.
- (3) Annex II to Regulation (EU) No 36/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EU) No 36/2012 is amended in accordance with the Annex to this Regulation.

*Article 2*

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

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<sup>(1)</sup> OJ L 16, 19.1.2012, p. 1.

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

Done at Brussels, 25 May 2023.

*For the Council*  
*The President*  
J. FORSELL

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Annex II to Regulation (EU) No 36/2012 is amended as follows:

(1) in section 'A (Persons)', the following two entries are deleted:

122. Dr Fayssal ABBAS;

161. Dr Mohamad Zafer MOHABAK;

(2) in section 'A (Persons)', entries 5, 8, 12, 50, 51, 74, 107, 119, 120, 121, 192, 271, 284, 285, 290, 291, 324, 325, and 326 are replaced by the following:

	Name	Identifying information	Reasons	Date of listing
'5.	Hafiz (حافظ) MAKHLOUF (مخلوف) (a.k.a. Hafez Makhlof)	Date of birth: 2.4.1971; Place of birth: Damascus, Syria; Diplomatic passport No 014637352; Gender: male	Former Colonel and Head of Unit in General Intelligence Directorate, Damascus Branch in post after May 2011. Member of the Makhlof family; cousin of President Bashar al-Assad.	9.5.2011
8.	Rami (رامي) MAKHLOUF (مخلوف)	Date of birth: 10.7.1969; Place of birth: Damascus, Syria; Passport No 000098044; Issue No 002-03-0015187; Gender: male	Leading businessman operating in Syria with interests in the financial services, transport and property sectors. He has financial interests in and/or holds senior and executive positions in the investment funds Al Mashreq, Bena Properties and Cham Holding. He furnishes financing and support to the Syrian regime, through his business interests. He is an influential member of the Makhlof family and closely connected to the Assad family; cousin of President Bashar Al-Assad.	9.5.2011
12.	Ghazwan Rifaat Kheir BEK (a.k.a. Ghazqan Kheir Bek)	Date of birth: 10.3.1961; Place of birth: Al-Shamiyah, Latakia, Syria; ID Number: 06010037444; Gender: male	Former Minister of Transport in power after May 2011 (appointed 27.8.2014). He was previously General Director of the Port of Tartous. As a former Government Minister, shares responsibility for the Syrian regime's violent repression of the civilian population.	21.10.2014

	Name	Identifying information	Reasons	Date of listing
50.	Tarif (طاريف) AKHRAS (أخراس) (a.k.a. Al Akhras (الأخراس))	Date of birth: 2.6.1951; Place of birth: Homs, Syria; Syrian passport No 0000092405; Gender: male	Leading businessperson operating in Syria. He is the founder of the Akhras Group (commodities, trading, processing and logistics) and former Chairman of the Homs Chamber of Commerce. Close business relations with President Bashar al-Assad's family. Former member of the Board of the Federation of Syrian Chambers of Commerce. Provided logistical support for the regime (buses and tank loaders). He is therefore benefiting from and supporting the Syrian regime.	2.9.2011
51.	Issam (إسماعيل) ANBOUBA (أنبوبة)	President of Anbouba for Agricultural Industries Co.; Date of birth: 1952; Place of birth: Homs, Syria; Gender: male	Leading businessperson active in different sectors of the Syrian economy, such as agriculture, real estate and banking. Financial relations with high-ranking Syrian officials. Co-founder of Cham Holding.	2.9.2011
74.	Mohammad Walid GHAZAL	Date of birth: 1.11.1951; Place of birth: Aleppo, Syria; Syrian National ID Number: 02020332623; Gender: male	Former Minister of Housing and Urban Development (appointed 27.8.2014). As a former Government Minister, shares responsibility for the Syrian regime's violent repression of the civilian population.	21.10.2014
107.	Mohammad Ibrahim AL-SHA'AR	Date of birth: 1.10.1956; Place of birth: Al-Haffah, Latakia, Syria; Gender: male	Former Minister of the Interior. As a former Government Minister, shares responsibility for the Syrian regime's violent repression of the civilian population. Vice Chair of the National Progressive Front of Syria.	1.1.2011
119.	Sufian (سفيان) ALLAW (علاء)	Date of birth: 8.2.1944; Place of birth: al-Bukamal, Deir Ezzor, Syria; Gender: male	Former Minister of Oil and Mineral Resources. Associated with the Syrian regime and its violent repression of the civilian population.	27.2.2012

	Name	Identifying information	Reasons	Date of listing
120.	Dr Adnan (عدنان) SLAKHO (سلاخو)	Date of birth: 7.9.1955; Place of birth: Al-Malihah, Rif Dimashq, Syria; Gender: male	Former Minister of Industry. Former Minister of Education and current business development consultant in the Ministry of Local Administration. Associated with the Syrian regime and its violent repression of the civilian population.	27.2.2012
121.	Dr Saleh (صالح) AL-RASHED (الراشد)	Date of birth: 1.8.1964; Place of birth: Aleppo Province, Syria; Gender: male	Former Minister of Education and current Head of the International Relations Department at the Faculty of International Relations and Diplomacy at Al-Sham Private University. Associated with the Syrian regime and its violent repression of the civilian population.	27.2.2012
192.	Hashim Anwar AL-AQQAD (a.k.a. Hashem Aqqad, Hashem Akkad, Hashim Akkad)	Date of birth: 8.8.1961; Place of birth: Damascus, Syria; Syrian National ID Number: 01020018085; Gender: male	Leading businessperson operating in Syria, with interests and/or activities in multiple sectors of Syria's economy. He holds interests in and/or has significant influence in Anwar Akkad Sons Group (AASG) and its subsidiary United Oil. AASG is a conglomerate with interests in sectors such as oil, gas, chemicals, insurance, industrial machinery, real estate, tourism, exhibitions, contracting, insurance and medical equipment. He is also a co-founder of a leading security firm (ProGuard).  Hashim Anwar al-Aqqad also worked as a member of the Syrian Parliament as recently as 2012.  Hashim Anwar Al-Aqqad could not have remained successful without assistance from the regime. Given the extent of his business and political ties to the regime, he provides support to and benefits from the Syrian regime.	23.7.2014

	Name	Identifying information	Reasons	Date of listing
271.	Khaled AL-ZUBAIDI (a.k.a. (Mohammed) Khaled/Khalid (Bassam) (al-) Zubaidi/Zubedi) (خالد الزبيدي)	Nationality: Syrian; Position: Co-owner of Zubaidi and Qalei LLC; Director of Agar Investment Company; General Manager of Al Zubaidi company and Al Zubaidi & Al Taweeet Contracting Company; Director and Owner of Zubaidi Development Company; co-owner of Enjaz Investment Company; Gender: male	Leading businessperson operating in Syria, with significant investments in the construction industry, including a 50 % stake in Zubaidi and Qalei LLC, which is constructing the luxury tourist city Grand Town and to which the regime has granted a 45-year agreement in return for 19-21 % of its revenue. Khaled al-Zubaidi benefits from and/or supports the Syrian regime through his business activities, in particular through this stake in the Grand Town development.  Khaled al-Zubaidi signed a (350 000 USD worth) sponsorship with a Syrian football club “Wihda FC” through one of his companies “Hijaz Company”. Member of the Federation of Syrian Chambers of Tourism since 2019. President of the Syrian-Algerian Business Council.	21.1.2019
284.	Mazin AL-TARAZI (a.k.a. المازن الترازي, Mazen al-Tarazi) (مازن الترازي)	Date of birth: September 1962; Nationality: Syrian; Position: Businessperson; Gender: male	Leading businessperson operating in Syria, with significant investments in the construction and aviation sectors. Through his investments and activities, Mazin al-Tarazi benefits from and/or supports the Syrian regime. In particular, Mazin al-Tarazi has concluded a deal with Damascus Cham Holding for a USD 320 million investment in the construction of Marota City, a regime-backed luxury residential and commercial development. He has also been granted a licence for a private airline in Syria. In September 2019, he created “al-Dana Group Investments LLC”, a 25 million SYP company involved in export-import and investing in tourism facilities and commercial complexes. Mazin Al-Tarazi is a member of the Syrian-Iranian Business Council (SIBC) and served as an intermediary for the Iranian regime to purchase real estate in Syria.	21.1.2019



	Name	Identifying information	Reasons	Date of listing
285.	Samer FOZ (a.k.a. Samir Foz/Fawz; Samer Zuhair Foz; Samer Foz bin Zuhair) (سامر فوز)	Date of birth: 20.5.1973; Place of birth: Homs, Syria; Nationalities: Syrian, Turkish; Turkish Passport number: U 09471711 (place of issue Turkey; expiry date 21.7.2024); Syrian national number: 06010274705; Address: Platinum Tower, office No 2405, Jumeirah Lake Towers, Dubai, UAE; Gender: male	Leading businessperson operating in Syria, with interests and activities in multiple sectors of Syria's economy. Samer Foz provides financial and other support to the Syrian regime, including funding the Military Security Shield Forces in Syria and brokering grain deals. He also benefits financially from access to commercial opportunities through the wheat trade and reconstruction projects as a result of his links to the regime.  Samer Foz opened a sugar refining factory ("Samer Foz Factory") in 2021 in support of the Syrian regime's objective to increase sugar production across the country.	21.1.2019
290.	Waseem AL-KATTAN (وسيم القطان) (a.k.a. Waseem, Wasseem, Wassim, Wasim; Anouar; al-Kattan, al-Katan, al-Qattan, al-Qatan; وسيم قطان, وسيم أنوار القطان)	Date of birth: 4.3.1976; Nationality: Syrian; Syrian National ID Number: 10090110187 Position: President of Damascus Countryside (Rural) Province Chamber of Commerce; Relatives/business associates/entities or partners/links: Larosa Furniture/Furnishing; Jasmine Fields Company Ltd.; Muruj Cham (Murooj al-Cham) Investment and Tourism Group; Adam and Investment LLC; Universal Market Company LLC; Treasurer of the Federation of Syrian Chambers of Commerce; Gender: male	Leading businessperson operating in Syria benefiting from and supporting the regime. Owner of multiple businesses and holding companies with interests and activities in various economic sectors such as real estate, the luxury hotel industry and commercial centres. Waseem al-Kattan rose rapidly as a leading businessperson by imposing taxes on goods smuggled into Eastern Ghouta under siege, and is now involved in aggressive forms of clientelism to the benefit of the regime. Waseem al-Kattan benefits financially from favoured access to public tenders as well as to licences and contracts awarded by government agencies as a result of his close ties to the regime.  In 2020, Al-Kattan was elected member of the Damascus Chamber of Commerce. In November 2021, Al-Kattan was appointed secretary of the Federation of Syrian chambers of commerce by the Syrian Government, despite having lost elections. In 2022, Al-Kattan was appointed Chairman of the Syrian-Omani Business Council.	17.2.2020

	Name	Identifying information	Reasons	Date of listing
291.	Amer FOZ (a.k.a. Amer Zuhair Fawz) (عامر فوز)	Date of birth: 11.3.1976; Place of birth: Homs, Syria; Nationality: Syrian; Saint Kitts and Nevis; National no: 06010274747; Passport no: 002-14-L169340 UAE resident card: 784-1976-7135283-5 Position: Founder of District 6 Company; Founding partner of Easy life Company; Relatives/business associates/entities or partners/links: Samer Foz; Vice Chairman of Asas Steel Company; Aman Holding; Gender: male	Leading businessperson with personal and family business interests and activities in multiple sectors of the Syrian economy. He benefits financially from access to commercial opportunities and supports the Syrian regime.  He is also associated with his brother Samer Foz, who has been designated by the Council since January 2019 as a leading businessperson operating in Syria and for supporting or benefiting from the regime. Together with his brother, he implements a number of commercial projects, notably in the Adra al-Ummaliyya area (Damascus suburbs). These projects include a factory that manufactures cables and cable accessories as well as a project to produce electricity using solar power. They also engaged in various activities with ISIL (Da'esh) on behalf of the Assad regime, including the provision of weapons and ammunitions in exchange for wheat and oil.	17.2.2020
324.	Ahmed KHALIL KHALIL (a.k.a. Ahmed KHALIL, Ahmad Khalil Khalil) (احمد خليل خليل)	Date of birth: 1969; Place of birth: Qayrun; Gender: male	Ahmed Khalil Khalil is the co-owner of Sanad Protection and Security Services, a Syrian private security company established in 2017 and supervised by the Wagner Group in Syria, active in the protection of Russian interests (phosphates, gas and securing oil sites) in Syria. The exploitation of natural resources provides revenues to the Syrian regime. In addition, the company is active in the recruitment of Syrian mercenaries to Libya and Ukraine.  As such, Ahmed Khalil Khalil supports the Syrian regime and benefits from it.	21.7.2022

	Name	Identifying information	Reasons	Date of listing
325.	Nasser Deeb DEEB (a.k.a. Nasser Dhib, Nasser Dib, Nasser Deeb) (ناصر ديب)	Date of birth: 21.2.1974; Place of birth: Baniyas, Tartus, Syria; Syrian National ID Number: 10090110187; Gender: male	Nasser Deeb Deeb is the co-owner of Sanad Protection and Security Services, a Syrian private security company established in 2017 and supervised by the Wagner Group, active in the protection of Russian interests (phosphates, gas and securing oil sites) in Syria. The exploitation of natural resources provides revenues to the Syrian regime. In addition, he is also co-owner of the company Ella Services together with Khodr Ali Taher.  In this capacity, Nasser Deeb Deeb supports the Syrian regime and benefits from it.	21.7.2022
326.	Issam SHAMMOUT (a.k.a. Mohammed Issam Shammout, Mohamed Essam Shammout, Muhammad Issam Shammout, Muhammad Essam Shammout) (محمد عصام شموط)	Date of birth: 26.8.1971 Place of birth: 232, Tanzeem Kafarsus, Damascus, Syria Gender: male	Issam Shammout is the owner and chairman of the board of directors of the airline “Cham Wings” and head of the Shammout Group, active in the automotive, steel, aviation, freight forwarding, construction, and real estate sectors.  In this capacity, Issam Shammout is a leading businessperson operating in Syria.	21.7.2022 <sup>1</sup> .

**COMMISSION DELEGATED REGULATION (EU) 2023/1028****of 20 March 2023****amending Regulation (EU) No 748/2012 as regards the definition of complex motor-powered aircraft and correcting that Regulation**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 <sup>(1)</sup>, and in particular Article 19(1) and Article 62(13) thereof,

Whereas:

- (1) Commission Regulation (EU) No 748/2012 <sup>(2)</sup> lays down the requirements for the airworthiness and environmental certification of products, parts and appliances of civil aircraft, such as engines, propellers and parts to be installed therein, for the purposes of Regulation (EU) 2018/1139.
- (2) Article 140(2) of Regulation (EU) 2018/1139 requires the implementing rules adopted on the basis of Regulation (EC) No 216/2008 of the European Parliament and of the Council <sup>(3)</sup> to be adapted to Regulation (EU) 2018/1139 no later than 12 September 2023. Regulation (EU) No 748/2012 should therefore be amended to introduce the definition of 'complex motor-powered aircraft'.
- (3) Commission Delegated Regulation (EU) 2022/1358 <sup>(4)</sup> amended Article 3 of Regulation (EU) No 748/2012 to update the references to Annex I of Regulation (EU) No 748/2012. Article 1, point (5) of Delegated Regulation (EU) 2022/1358 inadvertently stated that it replaced paragraphs 3 and 4 of Article 3 of Regulation (EU) No 748/2012. In fact, it should have replaced paragraphs 2 and 3 of that Article. The whole of Article 3 of Regulation (EU) No 748/2012 should now be replaced to avoid confusion.
- (4) Article 1, point (6) of Delegated Regulation (EU) 2022/1358 inadvertently stated that it replaced paragraph 3 of Article 8 of Regulation (EU) No 748/2012. In fact, Article 8(3) of Regulation (EU) No 748/2012 is considered to be important for the correct functioning of Regulation (EU) No 748/2012 and should have been retained. Therefore, the original Article 8(3) should be reintroduced as a new paragraph 6.

<sup>(1)</sup> OJ L 212, 22.8.2018, p. 1.

<sup>(2)</sup> Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1).

<sup>(3)</sup> Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

<sup>(4)</sup> Commission Delegated Regulation (EU) 2022/1358 of 2 June 2022 amending Regulation (EU) No 748/2012 as regards the implementation of more proportionate requirements for aircraft used for sport and recreational aviation (OJ L 205, 5.8.2022, p. 7).

- (5) Article 1, point (8) of Delegated Regulation (EU) 2022/1358 inadvertently stated that it replaced paragraphs 2 and 3 of Article 9 of Regulation (EU) No 748/2012. In fact, those provisions are considered to be important for the correct functioning of Regulation (EU) No 748/2012 and should have been retained. The whole of Article 9 of Regulation (EU) No 748/2012 should now be replaced to avoid confusion.
- (6) Regulation (EU) No 748/2012 should therefore be amended and corrected accordingly,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

In Article 1(2) of Regulation (EU) No 748/2012, the following point (ha) is inserted:

‘(ha) “complex motor-powered aircraft” means:

- (i) an aeroplane
  - with a maximum certificated take-off mass exceeding 5 700 kg, or
  - certificated for a maximum passenger seating configuration of more than nineteen, or
  - certificated for operation with a minimum crew of at least two pilots, or
  - equipped with (a) turbojet engine(s) or more than one turboprop engine, or
- (ii) a helicopter certificated:
  - for a maximum take-off mass exceeding 3 175 kg, or
  - for a maximum passenger seating configuration of more than nine, or
  - for operation with a minimum crew of at least two pilots, or
- (iii) a tilt rotor aircraft.’

#### *Article 2*

Regulation (EU) No 748/2012 is corrected as follows:

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

‘*Article 3*

#### **Continued validity of type-certificates and related certificates of airworthiness**

1. With regard to products which had a type-certificate, or a document allowing the issuing of a certificate of airworthiness, issued before 28 September 2003 by a Member State, the following provisions shall apply:

- (a) the product shall be deemed to have a type-certificate issued in accordance with this Regulation when:
- (i) its type-certification basis was:
    - the JAA type-certification basis, for products that have been certificated under JAA procedures, as defined in their JAA data sheet, or
    - for other products, the type-certification basis as defined in the type-certificate data sheet of the State of design, if that State of design was:
      - a Member State, unless the Agency determines, taking into account, in particular, certification specifications used and service experience, that such type-certification basis does not provide for a level of safety equivalent to that required by Regulation (EU) 2018/1139 and this Regulation, or

- a State with which a Member State had concluded a bilateral airworthiness agreement or similar arrangement under which such products have been certificated on the basis of the certification specifications of that State of design, unless the Agency determines that such certification specifications or service experience or the safety system of that State of design do not provide for a level of safety equivalent to that required by Regulation (EU) 2018/1139 and this Regulation.

The Agency shall make a first evaluation of the implication of the provisions of the second indent in view of producing an opinion to the Commission including possible amendments to this Regulation;

- (ii) the environmental protection requirements were those laid down in Annex 16 to the Chicago Convention, as applicable to the product;
  - (iii) the applicable airworthiness directives were those of the State of design;
- (b) the design of an individual aircraft, which was on the register of a Member State before 28 September 2003, shall be deemed to have been approved in accordance with this Regulation when:
- (i) its basic type design was part of a type-certificate referred to in point (a);
  - (ii) all changes to this basic type design, which were not under the responsibility of the type-certificate holder, had been approved; and
  - (iii) the airworthiness directives issued or adopted by the Member State of registry before 28 September 2003 were complied with, including any variations to the airworthiness directives of the State of design agreed by the Member State of registry.

2. With regard to products for which a type-certification process was proceeding through the JAA or a Member State on 28 September 2003, the following shall apply:

- (a) if a product is under certification by several Member States, the most advanced project shall be used as the reference;
- (b) points 21.A.15(a), (b) and (c) of Annex I (Part 21) shall not apply;
- (c) by way of derogation from point 21.B.80 of Annex I (Part 21), the type-certification basis shall be that established by the JAA or, where applicable, the Member State at the date of application for the approval;
- (d) compliance findings made under JAA or Member State procedures shall be deemed to have been made by the Agency for the purposes of compliance with points 21.A.20(a) and (d) of Annex I (Part 21).

3. With regard to products that have a national type certificate, or equivalent, and for which the approval process of a change carried out by a Member State was not finalised at the time when the type certificate had to be approved in accordance with this Regulation, the following conditions shall apply:

- (a) if an approval process is being carried out by several Member States, the most advanced project shall be used as the reference;
- (b) point 21.A.93 of Annex I (Part 21) shall not apply;
- (c) the applicable type-certification basis shall be that established by the JAA or, where applicable, the Member State at the date of application for the approval of change;
- (d) compliance findings made under JAA or Member State procedures shall be deemed to have been made by the Agency for the purposes of compliance with point 21.B.107 of Annex I (Part 21).

4. With regard to products that had a national type-certificate, or equivalent, and for which the approval process of a major repair design carried out by a Member State was not finalised at the time when the type-certificate had to be determined in accordance with this Regulation, compliance findings made under JAA or Member State procedures shall be deemed to have been made by the Agency for the purpose of complying with point 21.A.433(a) of Annex I (Part 21).

5. A certificate of airworthiness issued by a Member State attesting conformity with a type-certificate determined in accordance with paragraph 1 shall be deemed to comply with this Regulation.;

(2) in Article 8, the following paragraph 6 is added:

‘6. Design organisation approvals issued or recognised by a Member State in accordance with the JAA requirements and procedures and valid before 28 September 2003 shall be deemed to comply with this Regulation.’;

(3) Article 9 is replaced by the following:

*Article 9*

### **Production organisations**

1. An organisation responsible for the manufacture of products, parts and appliances shall demonstrate its capability in accordance with the provisions of Annex I (Part 21). This demonstration of capability is not required for the parts or appliances that an organisation manufactures which, in accordance with the provisions of Annex I (Part 21), are eligible for installation in a type-certified product without the need to be accompanied by an authorised release certificate (i.e. EASA Form 1).

2. By way of derogation from point 1, a manufacturer whose principal place of business is in a non-member State may demonstrate its capability by holding a certificate issued by that State for the product, part and appliance for which it applies, provided:

(a) that State is the State of manufacture; and

(b) the Agency has determined that the system of that State includes the same independent level of checking of compliance as provided by this Regulation, either through an equivalent system of approvals of organisations or through direct involvement of the competent authority of that State.

3. Production organisation approvals issued or recognised by a Member State in accordance with the JAA requirements and procedures and valid before 28 September 2003 shall be deemed to comply with this Regulation.

4. By way of derogation from paragraph 1, the production organisation may apply to the competent authority for exemptions from the environmental protection requirements referred to in the first subparagraph of Article 9(2) of Regulation (EU) 2018/1139.

5. By way of derogation from points 21.B.225(d)(1) and (2) of Annex I (Part 21), a production organisation that holds a valid approval certificate issued in accordance with Annex I (Part 21) may correct, until 7 March 2025, any findings of non-compliance related to the Annex I requirements introduced by Commission Delegated Regulation (EU) 2022/201 (\*).

Where after 7 March 2025 the organisation has not closed those findings, the approval certificate shall be revoked, limited or suspended in whole or in part.

6. By way of derogation from point 21.A.125C(a)(1) of Annex I (Part 21), an organisation that produces products, parts or appliances without an approval certificate and that holds a valid letter of agreement issued on or before 7 March 2023 in accordance with Annex I (Part 21) shall not be required to comply with the relevant Annex I requirements introduced by Delegated Regulation (EU) 2022/201.

7. By way of derogation from paragraph 1 of this Article, a natural or legal person whose principal place of business is in a Member State and who is responsible for the manufacture of products and their parts and appliances in accordance with Article 2(2) may alternatively demonstrate their capability in accordance with Annex Ib (Part 21 Light).

8. The demonstration of capability pursuant to paragraphs 1 or 2 shall not be required where the production organisation or natural or legal person are involved in the following manufacturing activities:

- (a) the manufacture of parts or appliances that are eligible, in accordance with Annex I (Part 21), for installation in a type-certified product without the need to be accompanied by an authorised release certificate (that is to say EASA Form 1);
- (b) the manufacture of parts that are eligible, in accordance with Annex Ib (Part 21 Light), for installation in an aircraft that has been subject to a declaration of design compliance without the need to be accompanied by an authorised release certificate (that is to say EASA Form 1);
- (c) the manufacture of an aircraft that has been subject to a declaration of design compliance referred to in Article 2(3), and of parts that are eligible for installation on such aircraft. In such case, the manufacturing activities shall be conducted in accordance with Subpart R of Section A of Annex Ib (Part 21 Light) by a production organisation or a natural or legal person whose principal place of business is in a Member State.

(\*) Commission Delegated Regulation (EU) 2022/201 of 10 December 2021 amending Regulation (EU) No 748/2012 as regards management systems and occurrence-reporting systems to be established by design and production organisations, as well as procedures applied by the Agency, and correcting that Regulation (O) L 33, 15.2.2022, p. 7).

### 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 25 August 2023.

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

Done at Brussels, 20 March 2023.

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



**COMMISSION REGULATION (EU) 2023/1029****of 25 May 2023****amending Annexes III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for phosmet 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), point (a), and Article 18(1), point (b), thereof,

Whereas:

- (1) For phosmet, maximum residue levels ('MRLs') were set in Part A of Annex III to Regulation (EC) No 396/2005.
- (2) The European Food Safety Authority ('the Authority') submitted a reasoned opinion on the review of the existing MRLs for phosmet in accordance with Article 12(1) of Regulation (EC) No 396/2005 <sup>(2)</sup>. It proposed to change the residue definition for enforcement purposes from 'phosmet and phosmet-oxon expressed as phosmet' to 'phosmet'. The Commission considers this new residue definition to be appropriate in the context of Regulation (EC) No 396/2005.
- (3) In its reasoned opinion on the review of the existing MRLs for phosmet in accordance with Article 12(1) of Regulation (EC) No 396/2005, the Authority identified a risk for consumers concerning the MRLs for grapefruits, oranges, lemons, limes, mandarins, coconuts, apples, pears, quinces, medlars, loquats, apricots, peaches, table grapes, wine grapes, blueberries, cranberries, kumquats and potatoes. In addition, in the context of a decision on non-renewal of the approval of the active substance phosmet <sup>(3)</sup>, the Authority published a conclusion <sup>(4)</sup> on the peer review of the pesticide risk assessment of the active substance phosmet explaining that the consumer dietary risk assessment for phosmet could not be finalised because data including the toxicological profile and genotoxicity potential of the metabolite phosmet-oxon was incomplete. In view of the data gaps, the Authority could not rule out harmful effects on human health with the existing MRLs for phosmet in all products. Therefore, none of the existing MRLs for phosmet, including those based on Codex maximum residue limits (CXLs), could be confirmed as being safe for consumers. It is therefore appropriate to delete the MRLs for phosmet in Part A of Annex III to Regulation (EC) No 396/2005 in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1) point (a) thereof. MRLs for phosmet in all products should be set at the limits of determination ('LODs'), specific to each product and safe for consumers, which should be set in Annex V to Regulation (EC) No 396/2005 in accordance with Article 18(1), point (b) of that Regulation.

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

<sup>(2)</sup> European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for phosmet according to Article 12 of Regulation (EC) No 396/2005. *EFSA Journal* 2022;20(7):7448.

<sup>(3)</sup> Commission Implementing Regulation (EU) 2022/94 of 24 January 2022 concerning the non-renewal of the approval of the active substance phosmet, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 16, 25.1.2022, p. 33).

<sup>(4)</sup> European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance phosmet, *EFSA Journal* 2021;19(3):6237.

- (4) Additionally, the Authority and a Member State identified that the default value of 0,01\* mg/kg for oranges, potatoes, apples, pears, pineapples, melons, watermelons, sugar beet roots, and milk (cattle), does not provide a sufficient level of protection for consumers. Therefore, the LODs for these products should be set at the lower and achievable level of 0,005\* mg/kg, which is safe for consumers.
- (5) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt certain LODs. Those laboratories proposed product specific LODs that are analytically achievable.
- (6) 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.
- (7) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (8) A reasonable period should be allowed to elapse before the new MRLs become applicable, in order to permit Member States, third countries and food business operators to adapt themselves to the requirements which result from the modification of the MRLs.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*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*.

It shall apply from 15 September 2023.

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

Done at Brussels, 25 May 2023.

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

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## ANNEX

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

- (1) in Part A of Annex III, the column for phosmet is deleted;
- (2) in Annex V, the following column for phosmet is added:

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

Code number	Groups and examples of individual products to which the MRLs apply <sup>(1)</sup>	Phosmet
(1)	(2)	(3)
0100000	<b>FRUITS, FRESH or FROZEN; TREE NUTS</b>	
0110000	<b>Citrus fruits</b>	
0110010	Grapefruits	<b>0,01</b> (*)
0110020	Oranges	<b>0,005</b> (*)
0110030	Lemons	<b>0,01</b> (*)
0110040	Limes	<b>0,01</b> (*)
0110050	Mandarins	<b>0,01</b> (*)
0110990	Others (2)	<b>0,01</b> (*)
0120000	<b>Tree nuts</b>	<b>0,01</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	<b>0,005</b> (*)
0130020	Pears	<b>0,005</b> (*)
0130030	Quinces	<b>0,01</b> (*)
0130040	Medlars	<b>0,01</b> (*)
0130050	Loquats/Japanese medlars	<b>0,01</b> (*)
0130990	Others (2)	<b>0,01</b> (*)

(1)	(2)	(3)
0140000	<b>Stone fruits</b>	<b>0,01 (*)</b>
0140010	Apricots	
0140020	Cherries (sweet)	
0140030	Peaches	
0140040	Plums	
0140990	Others (2)	
0150000	<b>Berries and small fruits</b>	<b>0,01 (*)</b>
0151000	(a) <b>grapes</b>	
0151010	Table grapes	
0151020	Wine grapes	
0152000	(b) <b>strawberries</b>	
0153000	(c) <b>cane fruits</b>	
0153010	Blackberries	
0153020	Dewberries	
0153030	Raspberries (red and yellow)	
0153990	Others (2)	
0154000	(d) <b>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 fruitswith</b>	
0161000	(a) <b>edible peel</b>	<b>0,01 (*)</b>
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats	
0161050	Carambolas	
0161060	Kaki/Japanese persimmons	
0161070	Jambuls/jambolans	
0161990	Others (2)	

(1)	(2)	(3)
0162000	<b>(b) inedible peel, small</b>	<b>0,01 (*)</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	<b>0,01 (*)</b>
0163020	Bananas	<b>0,01 (*)</b>
0163030	Mangoes	<b>0,01 (*)</b>
0163040	Papayas	<b>0,01 (*)</b>
0163050	Granate apples/pomegranates	<b>0,01 (*)</b>
0163060	Cherimoyas	<b>0,01 (*)</b>
0163070	Guavas	<b>0,01 (*)</b>
0163080	Pineapples	<b>0,005 (*)</b>
0163090	Breadfruits	<b>0,01 (*)</b>
0163100	Durians	<b>0,01 (*)</b>
0163110	Soursops/guanabanas	<b>0,01 (*)</b>
0163990	Others (2)	<b>0,01 (*)</b>
0200000	<b>VEGETABLES, FRESH or FROZEN</b>	
0210000	<b>Root and tuber vegetables</b>	
0211000	<b>(a) potatoes</b>	<b>0,005 (*)</b>
0212000	<b>(b) tropical root and tuber vegetables</b>	<b>0,01 (*)</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>	<b>0,01 (*)</b>
0213010	Beetroots	
0213020	Carrots	
0213030	Celeriacs/turnip rooted celeries	
0213040	Horseradishes	
0213050	Jerusalem artichokes	
0213060	Parsnips	

(1)	(2)	(3)
0213070	Parsley roots/Hamburg roots parsley	
0213080	Radishes	
0213090	Salsifies	
0213100	Swedes/rutabagas	
0213110	Turnips	
0213990	Others (2)	
0220000	<b>Bulb vegetables</b>	<b>0,01 (*)</b>
0220010	Garlic	
0220020	Onions	
0220030	Shallots	
0220040	Spring onions/green onions and Welsh onions	
0220990	Others (2)	
0230000	<b>Fruiting vegetables</b>	
0231000	(a) <b>Solanaceae and Malvaceae</b>	<b>0,01 (*)</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>	<b>0,01 (*)</b>
0232010	Cucumbers	
0232020	Gherkins	
0232030	Courgettes	
0232990	Others (2)	
0233000	(c) <b>cucurbits with inedible peel</b>	
0233010	Melons	<b>0,005 (*)</b>
0233020	Pumpkins	<b>0,01 (*)</b>
0233030	Watermelons	<b>0,005 (*)</b>
0233990	Others (2)	<b>0,01 (*)</b>
0234000	(d) <b>sweet corn</b>	<b>0,01 (*)</b>
0239000	(e) <b>other fruiting vegetables</b>	<b>0,01 (*)</b>
0240000	<b>Brassica vegetables(excluding brassica roots and brassica baby leaf crops)</b>	<b>0,01 (*)</b>
0241000	(a) <b>flowering brassica</b>	
0241010	Broccoli	
0241020	Cauliflowers	
0241990	Others (2)	

(1)	(2)	(3)
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>
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>
0252010	Spinaches	
0252020	Purslanes	
0252030	Chards/beet leaves	
0252990	Others (2)	
0253000	<b>(c) grape leaves and similar species</b>	<b>0,01 (*)</b>
0254000	<b>(d) watercresses</b>	<b>0,01 (*)</b>
0255000	<b>(e) witloofs/Belgian endives</b>	<b>0,01 (*)</b>
0256000	<b>(f) herbs and edible flowers</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	

(1)	(2)	(3)
0256090	Laurel/bay leaves	
0256100	Tarragon	
0256990	Others (2)	
0260000	<b>Legume vegetables</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>
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>
0280010	Cultivated fungi	
0280020	Wild fungi	
0280990	Mosses and lichens	
0290000	<b>Algae and prokaryotes organisms</b>	<b>0,01 (*)</b>
0300000	<b>PULSES</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>
0401000	<b>Oilseeds</b>	
0401010	Linseeds	
0401020	Peanuts/groundnuts	
0401030	Poppy seeds	
0401040	Sesame seeds	



(1)	(2)	(3)
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>
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>0,01 (*)</b>
0620000	<b>Coffee beans</b>	<b>0,05 (*)</b>
0630000	<b>Herbal infusions from</b>	<b>0,05 (*)</b>
0631000	(a) <b>flowers</b>	
0631010	Chamomile	
0631020	Hibiscus/roselle	
0631030	Rose	

(1)	(2)	(3)
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>	<b>0,05 (*)</b>
0650000	<b>Carobs/Saint John's breads</b>	<b>0,05 (*)</b>
0700000	<b>HOPS</b>	<b>0,05 (*)</b>
0800000	<b>SPICES</b>	
0810000	<b>Seed spices</b>	<b>0,05 (*)</b>
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>	<b>0,05 (*)</b>
0820010	Allspice/pimento	
0820020	Sichuan pepper	
0820030	Caraway	
0820040	Cardamom	
0820050	Juniper berry	
0820060	Peppercorn (black, green and white)	
0820070	Vanilla	
0820080	Tamarind	
0820990	Others (2)	

(1)	(2)	(3)
0830000	<b>Bark spices</b>	<b>0,05 (*)</b>
0830010	Cinnamon	
0830990	Others (2)	
0840000	<b>Root and rhizome spices</b>	
0840010	Liquorice	<b>0,05 (*)</b>
0840020	Ginger (10)	
0840030	Turmeric/curcuma	<b>0,05 (*)</b>
0840040	Horseradish (11)	
0840990	Others (2)	<b>0,05 (*)</b>
0850000	<b>Bud spices</b>	<b>0,05 (*)</b>
0850010	Cloves	
0850020	Capers	
0850990	Others (2)	
0860000	<b>Flower pistil spices</b>	<b>0,05 (*)</b>
0860010	Saffron	
0860990	Others (2)	
0870000	<b>Aril spices</b>	<b>0,05 (*)</b>
0870010	Mace	
0870990	Others (2)	
0900000	<b>SUGAR PLANTS</b>	
0900010	Sugar beet roots	<b>0,005 (*)</b>
0900020	Sugar canes	<b>0,01 (*)</b>
0900030	Chicory roots	<b>0,01 (*)</b>
0900990	Others (2)	<b>0,01 (*)</b>
1000000	<b>PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS</b>	
1010000	<b>Commodities from</b>	<b>0,01 (*)</b>
1011000	(a) <b>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	

(1)	(2)	(3)
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)	

(1)	(2)	(3)
1020000	<b>Milk</b>	
1020010	Cattle	<b>0,005</b> (*)
1020020	Sheep	<b>0,01</b> (*)
1020030	Goat	<b>0,01</b> (*)
1020040	Horse	<b>0,01</b> (*)
1020990	Others (2)	<b>0,01</b> (*)
1030000	<b>Birds eggs</b>	<b>0,01</b> (*)
1030010	Chicken	
1030020	Duck	
1030030	Geese	
1030040	Quail	
1030990	Others (2)	
1040000	<b>Honey and other apiculture products (7)</b>	<b>0,05</b> (*)
1050000	<b>Amphibians and Reptiles</b>	<b>0,01</b> (*)
1060000	<b>Terrestrial invertebrate animals</b>	<b>0,01</b> (*)
1070000	<b>Wild terrestrial vertebrate animals</b>	<b>0,01</b> (*)
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

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

## COMMISSION REGULATION (EU) 2023/1030

of 25 May 2023

amending Annex IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards *Bacillus amyloliquefaciens* strain AH2, *Bacillus amyloliquefaciens* strain IT-45 and *Purpureocillium lilacinum* strain PL11

(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 5(1) and Article 14(1) thereof,

Whereas:

- (1) For *Bacillus amyloliquefaciens* strain AH2, *Bacillus amyloliquefaciens* strain IT-45 and *Purpureocillium lilacinum* strain PL11, no specific maximum residue levels (‘MRLs’) have been set. Therefore, the default value of 0,01 mg/kg laid down in Article 18(1), point (b), of Regulation (EC) No 396/2005 applies.
- (2) Commission Implementing Regulation (EU) 2021/1455 <sup>(2)</sup> approved the low-risk active substance *Bacillus amyloliquefaciens* strain AH2. During the peer-review of the pesticide risk assessment of the active substance under Regulation (EC) No 1107/2009 of the European Parliament and of the Council <sup>(3)</sup>, the European Food Safety Authority (‘Authority’) concluded <sup>(4)</sup>, as regards the dietary risk assessment for consumers, some information was not available and further consideration by risk managers was required. As set out in the review report for that substance <sup>(5)</sup> in the context of the risk assessment of the active substance under Regulation (EC) No 1107/2009 *Bacillus amyloliquefaciens* strain AH2 is not pathogenic to humans, is not expected to produce toxins that are relevant for human health and the risk to humans through metabolites is negligible. Taking into account the peer review of the pesticide risk assessment of the active substance *Bacillus amyloliquefaciens* strain AH2, the review report and Article 5 and Article 14(2), point (a), (c) and (d), of Regulation (EC) No 396/2005, there is no need to establish MRLs for this substance and it is therefore appropriate to include *Bacillus amyloliquefaciens* strain AH2 in Annex IV to Regulation (EC) No 396/2005.

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

<sup>(2)</sup> Commission Implementing Regulation (EU) 2021/1455 of 6 September 2021 approving the low-risk active substance *Bacillus amyloliquefaciens* strain AH2 in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011 (OJ L 315, 7.9.2021, p. 1).

<sup>(3)</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>(4)</sup> Peer review of the pesticide risk assessment of the active substance *Bacillus amyloliquefaciens* strain AH2. *EFSA Journal* 2020;18(7):6156. Doi: <https://doi.org/10.2903/j.efsa.2020.6156>.

<sup>(5)</sup> Review report for the active substance *Bacillus amyloliquefaciens* strain AH2 [finalised in the Standing Committee on Plants, Animals, Food and Feed at its meeting on 5 July 2021] SANTE/11938/2020 Rev. 4, 6 July 2021. <https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/start/screen/active-substances/details/1257>.

- (3) Commission Implementing Regulation (EU) 2022/159<sup>(6)</sup> approved the low-risk active substance *Bacillus amyloliquefaciens* strain IT-45. During the peer-review of the pesticide risk assessment of the active substance under Regulation (EC) No 1107/2009, the Authority concluded<sup>(7)</sup>, as regards the dietary risk assessment for consumers some information was not available and further consideration by risk managers was required. As set out in the review report for that substance<sup>(8)</sup>, in the context of the risk assessment of the active substance under Regulation (EC) No 1107/2009 *Bacillus amyloliquefaciens* strain IT-45 is not pathogenic to humans, is not expected to produce toxins that are relevant for human health and the risk to humans through metabolites is negligible. Taking into account the peer review of the pesticide risk assessment of the active substance *Bacillus amyloliquefaciens* strain IT-45, the review report and Article 5 and Article 14(2), point (a), (c) and (d), of Regulation (EC) No 396/2005, there is no need to establish MRLs for this substance and it is therefore appropriate to include *Bacillus amyloliquefaciens* strain IT-45 in Annex IV to Regulation (EC) No 396/2005.
- (4) Commission Implementing Regulation (EU) 2022/4<sup>(9)</sup> approved the low-risk active substance *Purpureocillium lilacinum* strain PL11. During the peer-review of the pesticide risk assessment of the active substance under Regulation (EC) No 1107/2009 the Authority concluded<sup>(10)</sup>, as regards the dietary risk assessment for consumers some information was not available and further consideration by risk managers was required. As set out in the review report for that substance<sup>(11)</sup>, in the context of the risk assessment of the active substance under Regulation (EC) No 1107/2009 *Purpureocillium lilacinum* strain PL11 is not pathogenic to humans and the risk to humans through metabolites is negligible. Taking into account the peer review of the pesticide risk assessment of the active substance *Purpureocillium lilacinum* strain PL11, the review report and Article 5 and Article 14(2), point (a), (c) and (d), of Regulation (EC) No 396/2005, there is no need to establish MRLs for this substance and it is therefore appropriate to include *Purpureocillium lilacinum* strain PL11 in Annex IV to Regulation (EC) No 396/2005.
- (5) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (6) 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

In Annex IV to Regulation (EC) No 396/2005, the following entries are inserted in alphabetical order: *Bacillus amyloliquefaciens* strain AH2, *Bacillus amyloliquefaciens* strain IT-45 and *Purpureocillium lilacinum* strain PL11.

<sup>(6)</sup> Commission Implementing Regulation (EU) 2022/159 of 4 February 2022 approving the low-risk active substance *Bacillus amyloliquefaciens* strain IT-45 in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011 (OJ L 26, 7.2.2022, p. 7).

<sup>(7)</sup> Peer review of the pesticide risk assessment of the active substance *Bacillus amyloliquefaciens* strain IT-45. *EFSA Journal* 2021;19(5):6594. Doi: <https://doi.org/10.2903/j.efsa.2021.6594>.

<sup>(8)</sup> Review report for the active substance *Bacillus amyloliquefaciens* strain IT-45 [finalised in the Standing Committee on Plants, Animals, Food and Feed at its meeting on 1-2 December 2021] SANTE/10762/2021 Rev. 1, 1-2 December 2021. <https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/start/screen/active-substances/details/1333>.

<sup>(9)</sup> Commission Implementing Regulation (EU) 2022/4 of 4 January 2022 approving the active substance *Purpureocillium lilacinum* strain PL11 as a low-risk substance in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011 (OJ L 1, 5.1.2022, p. 5).

<sup>(10)</sup> Peer review of the pesticide risk assessment of the active substance *Purpureocillium lilacinum* strain PL11. *EFSA Journal* 2022;20(5):6393. Doi: <https://doi.org/10.2903/j.efsa.2022.6393>.

<sup>(11)</sup> Review report for the active substance *Purpureocillium lilacinum* strain PL11 [finalised in the Standing Committee on Plants, Animals, Food and Feed at its meeting on 22 October 2021] SANTE/10418/2021 Rev. 4. <https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/start/screen/active-substances/details/1285>.

*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, 25 May 2023.

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

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**COMMISSION IMPLEMENTING REGULATION (EU) 2023/1031****of 24 May 2023****amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin**

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 183(b) thereof,

Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 <sup>(2)</sup>, and in particular Article 5(6)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 <sup>(3)</sup> lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.
- (3) Regulation (EC) No 1484/95 should therefore be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out in the Annex to this Regulation.

*Article 2*

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

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

<sup>(2)</sup> OJ L 150, 20.5.2014, p. 1.

<sup>(3)</sup> Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC (OJ L 145, 29.6.1995, p. 47).

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

Done at Brussels, 24 May 2023.

*For the Commission,  
On behalf of the President,  
Wolfgang BURTSCHER  
Director-General  
Directorate-General for Agriculture and Rural  
Development*

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## ANNEX

## ‘ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin <sup>(1)</sup>
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	258,9	12	BR

<sup>(1)</sup> Nomenclature laid down by Commission Implementing Regulation (EU) 2020/1470 of 12 October 2020 on the nomenclature of countries and territories for the European statistics on international trade in goods and on the geographical breakdown for other business statistics (OJ L 334, 13.10.2020, p. 2).

**COMMISSION IMPLEMENTING REGULATION (EU) 2023/1032****of 25 May 2023****establishing measures to prevent the introduction into and the spread within the Union territory of Tomato brown rugose fruit virus (ToBRFV) and amending Implementing Regulation (EU) 2020/1191**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/2031 of the European Parliament and the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC <sup>(1)</sup>, and in particular Article 30(1) thereof,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) <sup>(2)</sup>, and in particular Article 22(3) and Article 52 thereof,

Whereas:

- (1) Tomato brown rugose fruit virus (ToBRFV) ('the specified pest') is currently not listed as a Union quarantine pest, or as a Union regulated non-quarantine pest, in Commission Implementing Regulation (EU) 2019/2072 <sup>(3)</sup>. However it fulfils the criteria set out in Subsection 2 of Section 3 of Annex I to Regulation (EU) 2016/2031 for a preliminary assessment to identify pests which provisionally qualify as a Union quarantine pest requiring temporary measures as referred to in Article 30(1) of that Regulation.
- (2) Commission Implementing Regulation (EU) 2020/1191 <sup>(4)</sup> established measures to prevent the introduction into and the spread within the Union of the specified pest. That Regulation is to expire on 31 May 2023.
- (3) After the adoption of Implementing Regulation (EU) 2020/1191, more recent scientific information has been collected on the spread of the specified pest and on testing methods and the audits carried out by the Commission services provided feedback on the implementation of the provisions and on their impact on the protection against the spread of the disease. That justifies the need for the adoption of a new act with more detailed measures than those provided for in that Regulation.
- (4) In order to ensure the most proactive approach concerning phytosanitary protection, measures should be established for situations where any person within the Union territory suspects or becomes aware of the presence of the specified pest, and with regards to the corresponding notification to the competent authority, and the actions to be taken by it.

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

<sup>(2)</sup> OJ L 95, 7.4.2017, p. 1.

<sup>(3)</sup> Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, p. 1).

<sup>(4)</sup> Commission Implementing Regulation (EU) 2020/1191 of 11 August 2020 establishing measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (ToBRFV) and repealing Implementing Decision (EU) 2019/1615 (OJ L 262, 12.8.2020, p. 6).

- (5) Where the presence of the specified pest is officially confirmed in the territory of a Member State, the competent authority of the Member State concerned should establish a demarcated area to ensure the eradication of that pest and the prevention of its spread to the rest of the Union territory. In order to ensure the most appropriate and proportionate approach, different rules for the demarcation should be adopted for the case where the presence of the specified pest is confirmed in production sites with physical protection, because of the reduced phytosanitary risk resulting from that protection.
- (6) In order to ensure a more proactive approach for the protection of the Union territory from the specified pest, Member States should conduct annual surveys for the presence of the specified pest in their territory.
- (7) Rules should be established for the movement within the Union of seeds of *Solanum lycopersicum* L. and hybrids thereof, and of *Capsicum* spp. ('specified seeds'), and of plants for planting, other than specified seeds, of *Solanum lycopersicum* L. and hybrids thereof and of *Capsicum* spp. ('specified plants for planting'), because those seeds and other plants for planting are most likely to host and spread the specified pest.
- (8) Those rules should include, as appropriate for the type of plant and its production, pest freedom in the production site, visual inspection, sampling and testing, appropriate handling of lots, and measures on mother plants. Such an approach is necessary in order to adapt to the technical circumstances of each case of production and movement of the specified seeds and specified plants.
- (9) In particular, all lots of specified seeds should undergo sampling and testing by the competent authority in order to detect the presence of the specified pest. Those specified seeds should also be tested by the competent authority or professional operator, as applicable, prior to further processing, and have been found, according to those tests, to be free from the specified pest. This is necessary for the protection of the Union territory from the specified pest, as the specified seeds are the starting material for the production of all respective plants.
- (10) In order to protect the Union territory from the specified pest, requirements should be set out for the introduction into the Union of specified seeds and specified plants for planting from third countries. Those requirements should be similar to the ones concerning the movement of the specified seeds and specified plants for planting within the Union, in order to ensure a non-discriminatory approach.
- (11) It is proportionate to exempt from those requirements specified seeds and specified plants belonging to varieties which are known to be resistant to the specified pest, because the respective phytosanitary risk is reduced to an acceptable level in the case of those plants. Member States should notify to the Commission and to the other Member States a list of those resistant varieties, regularly updated.
- (12) In order to ensure effective official controls against the entry of the specified pest into the Union, at least 20 % of the consignments of specified seeds and of specified plants for planting should be sampled and tested by the competent authority at the border control posts of first arrival into the Union, or at a control point as referred to in Commission Delegated Regulation (EU) 2019/2123 <sup>(9)</sup>. For consignments of specified seeds and specified plants for planting originating in Israel and China, that sampling and testing rate should be 50 % and 100 %, respectively, due to the higher number of interceptions of the specified pest in commodities originating from those third countries.
- (13) In order to allow sufficient time for the third countries, the competent authorities and the professional operators to adapt to the provisions of this Regulation, it should apply from 1 September 2023. For this reason, and in order to avoid any legal gap, the expiration of the application of Implementing Regulation (EU) 2020/1191 should be extended from 31 May 2023 to 31 August 2023.

<sup>(9)</sup> Commission Delegated Regulation (EU) 2019/2123 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts (OJ L 321, 12.12.2019, p. 64).

- (14) The full assessment of the specified pest is still pending, in order to determine its risk for the Union territory. For this reason, this Regulation should apply until 31 December 2024, in order to allow time for that assessment to happen by then.
- (15) In order to swiftly address the phytosanitary risk of the specified pest, the rules of this Regulation should become applicable after the shortest possible delay. Therefore, this Regulation should enter into force on the day following that of its publication.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

#### Article 1

##### **Subject matter**

This Regulation establishes measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (ToBRFV).

#### Article 2

##### **Definitions**

For the purpose of this Regulation, the following definitions shall apply:

- (a) 'specified pest' means Tomato brown rugose fruit virus (ToBRFV);
- (b) 'specified plants' means plants of *Solanum lycopersicum* L. and hybrids thereof, and of *Capsicum* spp., other than specified seeds and specified fruits;
- (c) 'specified plants for planting' means plants for planting of *Solanum lycopersicum* L. and hybrids thereof and of *Capsicum* spp., other than specified seeds;
- (d) 'specified seeds' means seeds of *Solanum lycopersicum* L. and hybrids thereof, and of *Capsicum* spp.;
- (e) 'specified fruits' means fruits of *Solanum lycopersicum* L. and hybrids thereof, and of *Capsicum* spp.

#### Article 3

##### **Prohibitions concerning the specified pest**

The specified pest shall not be introduced into, moved within, or held, multiplied or released within the Union territory.

#### Article 4

##### **Measures in the case of suspicion or awareness of the presence of the specified pest**

1. Any person within the Union territory who suspects or becomes aware of the presence of the specified pest, shall immediately inform the competent authority and provide it with all relevant information concerning the presence, or suspected presence, of that pest.
2. On receiving such information, the competent authority shall:
  - (a) immediately record the information provided;
  - (b) take all necessary measures to confirm or refute the presence or suspected presence of the specified pest;

- (c) ensure that any person having specified plants, specified seeds or specified fruits which may be infected with the specified pest under its control, is immediately informed of:
  - (i) the presence or the suspected presence of the specified pest; and
  - (ii) of the possible risks associated with the specified pest and of the measures to be taken.

#### Article 5

### Surveys on the presence of the specified pest

1. The competent authorities shall conduct annual surveys for the presence of the specified pest in their territory.
2. Those surveys shall:
  - (a) include sampling and testing as laid down in the Annex; and
  - (b) be based on:
    - (i) the assessed risk of introduction and spread of the specified pest into and within the Member State concerned; and
    - (ii) sound scientific and technical principles, with regard to the possibility to detect the specified pest.
3. By 30 April of each year, Member States shall notify the Commission and the other Member States the results of the surveys carried out during the preceding calendar year.

#### Article 6

### Measures in case of confirmed presence of the specified pest

1. Where the presence of the specified pest is officially confirmed in the territory of a Member State, the competent authority of the Member State concerned shall ensure that appropriate measures are taken to eradicate the specified pest in accordance with Article 17 of Regulation (EU) 2016/2031.

That competent authority shall take the measures laid down in paragraphs 2 and 3 of this Article, unless the conditions set out in Article 18(4) of Regulation (EU) 2016/2031 are fulfilled with regard to the specified pest.

Measures laid down in paragraphs 2 and 3 shall not apply to specified plants for planting of varieties which are known to be resistant to the specified pest. Member States shall notify to the Commission and to the other Member States a list of those resistant varieties, regularly updated.

2. The competent authority shall establish without delay a demarcated area as follows:
  - (a) if the specified pest is present in production sites with physical protection, the demarcated area shall consist of at least the production site where the specified pest has been found;
  - (b) if the specified pest is present in production sites other than those referred to in point (a), the demarcated area shall consist of:
    - (i) an infested zone including at least the production site where the specified pest has been found;
    - (ii) a buffer zone of at least 30 m surrounding the infested zone.
3. In the demarcated area, the competent authority, or the professional operator under the official supervision of the competent authority, shall:
  - (a) for production sites intended for the production of specified plants for planting or for the production of specified seeds:
    - (i) immediately remove and destroy all infected lots of the specified plants for planting and, where applicable, their growing medium and the specified seeds originating from those lots. That removal and destruction shall be carried out in such a way that there is no risk of spreading the specified pest;

- (ii) apply specific hygiene measures on personnel, production site structures, tools and machinery, materials and means of transport, to prevent the spread of the specified pest to the other lots present in the production site and to the successive crops of the specified plants or to other production sites;
  - (iii) destroy or treat the growing medium, at least at the end of the cropping season such that there is no identifiable risk of spreading the specified pest;
- (b) for production sites intended for the production of specified fruits:
- (i) remove and destroy all infected specified plants from the production site, at least at the end of the cropping season. The removal shall be carried out in such a way that there is no identifiable risk of spreading the specified pest;
  - (ii) apply specific hygiene measures on personnel, production site structures, tools and machinery, materials and means of packing and transport of the fruits, to prevent the spread of the specified pest to successive crops of the specified plants or to other production sites;
  - (iii) destroy or treat the growing medium at least at the end of the cropping season such that there is no identifiable risk of spreading the specified pest.

#### *Article 7*

### **Movement of the specified plants for planting within the Union**

1. The specified plants for planting may only be moved within the Union if they are accompanied by a plant passport, issued after the competent authority or the professional operator concerned has concluded all of the following conditions are fulfilled:
- (a) the specified plants for planting derive from specified seeds which comply with the requirements laid down in Articles 8 and 10;
  - (b) the specified plants for planting have been grown in a production site where the specified pest is known not to occur, on the basis of official inspections carried out at the appropriate time to detect the specified pest;
  - (c) the specified plants for planting that have displayed symptoms of the specified pest have been subjected to sampling and testing by the competent authority, and those tests have shown that those plants are free from the specified pest;
  - (d) the lots of the specified plants for planting have been kept separate from other lots of specified plants, by applying appropriate hygiene measures.

Sampling for testing, as referred to in this paragraph, shall be carried out as set out in the Annex.

2. The conditions laid down in paragraph 1 for issuance of a plant passport shall not apply to specified plants for planting of varieties which are known to be resistant to the specified pest. Member States shall notify to the Commission and to the other Member States a list of those resistant varieties, regularly updated.

#### *Article 8*

### **Movement of the specified seeds within the Union**

1. Specified seeds may only be moved within the Union, if they are accompanied by a plant passport issued after the competent authority or the professional operator concerned has concluded that the following conditions are fulfilled:
- (a) the mother plants of the specified seeds have been produced in a production site where the specified pest is known not to occur, on the basis of official inspections carried out at the appropriate time to detect the specified pest;



- (b) in the case of a specified seed lot originating from more than 30 mother plants that specified seed lot, prior to processing, has undergone sampling and testing as set out in the Annex by the competent authority for the presence of the specified pest, or has been subjected by the professional operators to sampling and testing under the official supervision of the competent authority, and has been found, according to those tests, to be free from the specified pest. Any presence of the specified pest has been notified to the competent authority and the infected specified seed lots shall not move within the Union territory;
- (c) in the case of a specified seed lot originating from less than or equal to 30 mother plants, sampling and testing, as set out in the Annex, have been carried out by the competent authority for the presence of the specified pest, or by the professional operators under the official supervision of the competent authority on the specified seeds or on each mother plant of those specified seeds. Specified seeds or mother plants have been found, according to those tests, to be free from the specified pest. Any presence of the specified pest has been notified to the competent authority and the specified seed lots originating from the infected mother plants shall not move within the Union territory;
- (d) in case of suspicion of the presence of the specified pest, that sampling and testing shall only be carried out by the competent authorities in accordance with Article 87(3), point (c), of Regulation (EU) 2016/2031;
- (e) the origin of all lots of specified seeds are recorded and documented.

2. By way of derogation from paragraph 1, points (a), (b), (c) and (d), specified seeds that have been harvested prior to 31 August 2023 and before their first movement within the Union have been found by the competent authority or the professional operator concerned to comply with the requirements of Implementing Regulation (EU) 2020/1191, may move within the Union accompanied by a plant passport attesting compliance with those requirements.

3. The lots of specified seeds moved for the first time within the Union since 1 April 2021, and which have been tested before 30 September 2020 with the enzyme-linked immunosorbent assay (ELISA) method, shall be tested again with a testing method, other than ELISA, as referred to in point 3 of the Annex.

4. Sampling and testing shall be carried out as set out in the Annex.

5. The conditions laid down in paragraphs 1 and 2 for issuance of a plant passport shall not apply to specified seeds of varieties which are known to be resistant to the specified pest. Members States shall notify to the Commission and to the other Members States a list of those resistant varieties, regularly updated.

#### Article 9

### **Introduction into the Union of the specified plants for planting**

1. Specified plants for planting, other than the ones belonging to varieties which are known to be resistant to the specified pest, originating from third countries may only be introduced into the Union if they are accompanied by a phytosanitary certificate which, under the heading 'Additional declaration', includes the following elements:

- (a) an official statement that the specified plants for planting derive from seeds which comply with the requirements laid down in Article 10;
- (b) an official statement that the specified plants for planting have been produced in a production site which is registered and supervised by the national plant protection organisation in the country of origin and known to be free from the specified pest on the basis of official inspections, sampling and testing carried out at the appropriate time to detect that pest;
- (c) the name of the registered production site.

2. Specified plants for planting of varieties which are known to be resistant to the specified pest, originating from third countries, may only be introduced into the Union if they are accompanied by a phytosanitary certificate, which, under the heading 'Additional Declaration', confirms that resistance.

*Article 10***Introduction into the Union of the specified seeds**

1. Specified seeds originating from third countries, other than the ones belonging to varieties which are known to be resistant to the specified pest, may only be introduced into the Union if they are accompanied by a phytosanitary certificate, which, under the heading 'Additional Declaration', contains all of the following:

- (a) an official statement that all of the following conditions have been fulfilled:
  - (i) the mother plants of the specified seeds concerned have been produced in a production site where the specified pest is known not to occur, on the basis of official inspections carried out at the appropriate time to detect the specified pest;
  - (ii) in the case of a specified seed lot originating from more than 30 mother plants, that specified seed lot, prior to processing, has undergone official sampling and testing for the specified pest as set out in the Annex and have been found, according to those tests, to be free from the specified pest;
  - (iii) in the case of a specified seed lot originating from less than or equal to 30 mother plants, sampling and testing, as set out in the Annex have been carried out on the specified seeds, or on each individual mother plant of those specified seeds. Specified seeds or mother plants have been found, according to those tests, to be free from the specified pest;
- (b) information ensuring the traceability of the production site of the mother plants.

2. Specified seeds of varieties which are known to be resistant to the specified pest, originating from third countries, may only be introduced into the Union if they are accompanied by a phytosanitary certificate, which, under the heading 'Additional Declaration' confirms that resistance.

3. By way of derogation from paragraph 1, point (a), specified seeds that have been harvested prior to 31 August 2023 and before their introduction within the Union have been found to comply with the requirements of Implementing Regulation (EU) 2020/1191, may be introduced into the Union territory accompanied by a phytosanitary certificate indicating under the heading 'Additional Declaration', the following statement: 'These seeds have been harvested before 31 August 2023 and have been found to comply with Regulation (EU) 2020/1191'.

*Article 11***Official checks on introduction into the Union**

At least 20 % of the consignments of specified seeds and of specified plants for planting shall be sampled and tested by the competent authority at the border control posts of first arrival into the Union, or at a control point as referred to in Article 2 of Delegated Regulation (EU) 2019/2123, as set out in the Annex to this Regulation.

For consignments of specified seeds and specified plants for planting originating in Israel and China, that sampling and testing rate shall be 50 % and 100 %, respectively.

*Article 12***Amendment of Implementing Regulation (EU) 2020/1191**

In Article 12 of Implementing Regulation (EU) 2020/1191, the date '31 May 2023' is replaced by '31 August 2023'.

*Article 13***Entry into force and date of application**

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

It shall apply from 1 September 2023 until 31 December 2024.

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

Done at Brussels, 25 May 2023.

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

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## ANNEX

**1. Sampling schemes of specified seeds, other than those of varieties which are known to be resistant to the specified pest**

Sampling of seeds for testing shall be carried out under the following sampling schemes depending on the seed lots as referred to in the relevant tables of the International Standards for Phytosanitary Measures No 31 Methodologies for sampling of consignments (ISPM31):

- a) for a seed lot originating from less than or equal to 30 mother plants:
  - application of a hypergeometric sampling scheme able to identify with 95 % reliability a level of presence of infected plants of 10 % or above; or
  - testing of each mother plant of the seed lot;
- b) for a seed lot less than or equal to 3 000 seeds: application of a hypergeometric sampling scheme able to identify with 95 % reliability a level of presence of infected plants of 10 % or above;
- c) for a seed lot of more than 3 000 but less than or equal to 30 000 seeds: application of a sampling scheme able to identify with 95 % reliability a level of presence of infected plants of 1 % or above;
- d) for a seed lot of more than 30 000 seeds: application of a sampling scheme able to identify with 95 % reliability a level of presence of infected plants of 0,1 % or above.

Sub samples shall consist of 1 000 seeds maximum for Polymerase Chain Reaction (PCR) methods.

**2. Sampling schemes of specified plants, other than those varieties which are known to be resistant to the specified pest**

- a) In the case of those specified plants, at least one sample of up to 200 young leaves from the top of the plant, or sepals from fruits, shall be collected per site of production and per cultivar when applicable.
- b) In the case of symptomatic plants, sampling for testing shall be performed on at least 3 symptomatic leaves.
- c) In case of testing of mother plants, young leaves from the top of plant, or sepals from fruits, shall be collected as appropriate.

**3. Testing methods for detecting and identifying the specified pest on seeds, other than those of varieties which are known to be resistant to the specified pest**

One of the following testing methods shall be used for the detection of the specified pest on the specified seeds:

- real-time RT-PCR using the primers and probes described in the ISF protocol (2020) <sup>(1)</sup>;
- real-time RT-PCR using primers and probe of Menzel and Winter (2021) <sup>(2)</sup>;
- real-time RT-PCR using primers and probe from Bernabé-Orts *et al.* (2021) <sup>(3)</sup>.

In case of a positive result of the detection test, a second testing method, different from the one used for detection, shall be carried out with one of the real-time RT-PCR methods listed above, using the same sample to confirm the identification. In the case of inconsistency between detection and identification results obtained for coated seeds, the coating of the seeds shall be removed and the seeds shall be retested, if applicable.

<sup>(1)</sup> ISF (2020) Detection of Infectious Tomato brown rugose fruit virus (ToBRFV) in Tomato and Pepper Seed. <https://worldseed.org/our-work/seed-health/ishi-methods/>, version1.5, upload 29/03/2023.

<sup>(2)</sup> Menzel, W. & Winter, S. (2021). Identification of novel and known tobamoviruses in tomato and other solanaceous crops using a new pair of generic primers and development of a specific RT- qPCR for ToBRFV. *Acta Horticulturae* 1316, pp. 143 -148.

<sup>(3)</sup> Bernabé-Orts, J.M., Torre, C., Méndez-López, E., Hernando, Y., Aranda, M.A. (2021) New Resources for the Specific and Sensitive Detection of the Emerging Tomato Brown Rugose Fruit Virus. *Viruses* 13, 1680.

**4. Testing methods for detecting and identifying the specified pest on the specified plants, other than those of varieties which are known to be resistant to the specified pest, and on the specified fruits**

One of the following testing methods shall be carried out for the detection of the specified pest on the specified plants, other than those varieties which are known to be resistant to the specified pest, and on the specified fruits:

- ELISA, only for symptomatic material;
- conventional RT-PCR using the primers of Alkowni *et al.* (2019) <sup>(4)</sup>;
- conventional RT-PCR using the primers of Rodríguez-Mendoza *et al.* (2019) <sup>(5)</sup>;
- real-time RT-PCR using the primers and probes described in the ISF protocol (2020) <sup>(6)</sup>;
- real-time RT-PCR using primers and probe of Menzel and Winter (2021) <sup>(7)</sup>;
- real-time RT-PCR using primers and probe from Bernabé-Orts *et al.* (2021) <sup>(8)</sup>.

In case of a positive result of the detection test, a second testing method, different from the one used for detection, shall be carried out with one of the RT-PCR methods listed above, using the same sample to confirm the identification.

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<sup>(4)</sup> Alkowni, R, Alabdallah, O., Fadda, Z. (2019) Molecular identification of tomato brown rugose fruit virus in tomato in Palestine. *Journal of Plant Pathology* 101(3), 719–723.

<sup>(5)</sup> Rodríguez-Mendoza, J., García-Avila, C.J., López-Buenfil, J.A., Araujo- Ruiz, K., Quezada, A., Cambrón-Crisantos, J.M., Ochoa-Martínez, D.L. (2019) Identification of Tomato brown rugose fruit virus by RT-PCR from a coding region or replicase. *Mexican Journal of Phytopathology* 37(2), 346–356.

<sup>(6)</sup> ISF (2020) Detection of Infectious Tomato brown rugose fruit virus (ToBRFV) in Tomato and Pepper Seed. <https://worldseed.org/our-work/seed-health/ishi-methods/>, version1.5, upload 29/03/2023.

<sup>(7)</sup> Menzel, W. & Winter, S. (2021). Identification of novel and known tobamoviruses in tomato and other solanaceous crops using a new pair of generic primers and development of a specific RT- qPCR for ToBRFV. *Acta Horticulturae* 1316, pp. 143 -148.

<sup>(8)</sup> Bernabé-Orts, J.M., Torre, C., Méndez-López, E., Hernando, Y., Aranda, M.A. (2021) New Resources for the Specific and Sensitive Detection of the Emerging Tomato Brown Rugose Fruit Virus. *Viruses* 13, 1680.

**COMMISSION IMPLEMENTING REGULATION (EU) 2023/1033****of 25 May 2023****amending Implementing Regulation (EU) 2020/1080 imposing a definitive anti-dumping duty on imports of solar glass originating in the People's Republic of China and Implementing Regulation (EU) 2020/1081 imposing definitive countervailing duties on imports of solar glass originating in the People's Republic of China**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union <sup>(1)</sup>, and in particular Article 14(1) thereof, and to Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union <sup>(2)</sup> and in particular to Article 24(1) thereof,

Having regard to Commission Implementing Regulation (EU) 2020/1080 of 22 July 2020 imposing a definitive anti-dumping duty on imports of solar glass originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council <sup>(3)</sup>

Having regard to Commission Implementing Regulation (EU) 2020/1081 of 22 July 2020 imposing definitive countervailing duties on imports of solar glass originating in the People's Republic of China following an expiry review pursuant to Article 18 of Regulation (EU) 2016/1037 of the European Parliament and of the Council <sup>(4)</sup>,

Whereas:

**1. MEASURES IN FORCE****1.1. Anti-dumping duty**

- (1) By Implementing Regulation (EU) No 470/2014 <sup>(5)</sup> ('the original anti-dumping regulation'), the Commission imposed a definitive anti-dumping duty on imports of solar glass originating in the People's Republic of China.
- (2) By Implementing Regulation (EU) 2015/1394 <sup>(6)</sup>, following an absorption reinvestigation pursuant to Article 12 of Council Regulation (EC) No 1225/2009 <sup>(7)</sup>, the Commission amended the level of the anti-dumping duty imposed by the original anti-dumping regulation.

<sup>(1)</sup> OJ L 176, 30.6.2016, p. 21.

<sup>(2)</sup> OJ L 176, 30.6.2016, p. 55.

<sup>(3)</sup> OJ L 238, 23.7.2020, p. 1.

<sup>(4)</sup> OJ L 238, 23.7.2020, p. 43.

<sup>(5)</sup> Commission Implementing Regulation (EU) No 470/2014 of 13 May 2014 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of solar glass originating in the People's Republic of China (OJ L 142, 14.5.2014, p. 1).

<sup>(6)</sup> Commission Implementing Regulation (EU) 2015/1394 of 13 August 2015 amending Regulation (EU) No 470/2014, as amended by Regulation (EU) 2015/588, imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of solar glass originating in the People's Republic of China following an absorption reinvestigation pursuant to Article 12 of Council Regulation (EC) No 1225/2009 (OJ L 215, 14.8.2015, p. 42).

<sup>(7)</sup> Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p. 51).

- (3) By Implementing Regulation (EU) 2020/1080 <sup>(8)</sup>, the Commission prolonged, following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036, the definitive anti-dumping duty for another five years ('the measures in force'). The measures in force range between 17,5 % and 75,4 %.

### 1.2. Countervailing duties

- (4) By Implementing Regulation (EU) No 471/2014 <sup>(9)</sup> ('the original anti-subsidy regulation'), the Commission imposed definitive countervailing duties on imports of solar glass originating in the People's Republic of China.
- (5) By Implementing Regulation (EU) 2020/1081 <sup>(10)</sup>, the Commission prolonged, following an expiry review pursuant to Article 18 of Regulation (EU) 2016/1037, the definitive countervailing duties for another five years ('the measures in force'). The measures in force range between 3,2 % and 17,1 %.

### 1.3. Product subject to measures

- (6) The product subject to the antidumping and countervailing measures is defined as solar glass consisting of tempered soda-lime-flat-glass, with an iron content of less than 300 ppm, a solar transmittance of more than 88 % (measured according to AM1,5 300–2 500 nm), a resistance to heat up to 250 °C (measured according to EN 12150), a resistance to thermal shocks of  $\Delta 150\text{K}$  (measured according to EN 12150) and having a mechanical strength of 90 N/mm<sup>2</sup> or more (measured according to EN 1288- 3), currently falling under CN code ex 7007 19 80 (TARIC codes 7007 19 80 12, 7007 19 80 18, 7007 19 80 80 and 7007 19 80 85) and originating in the People's Republic of China (commonly referred to as 'solar glass').
- (7) The product subject to measures is most commonly used as one of the components for making crystalline silicon photovoltaic modules and thin film photovoltaic modules to produce electricity ('PV modules'), and flat photothermal energy collectors used, for example, in generating hot water ('photothermal modules').
- (8) However, the product subject to the measures is defined by reference to its physical and technical characteristics, and not by any specific use. Any exclusion by reason of the final use could lead to circumvention of the measures. Therefore, all glass having the physical and technical characteristics mentioned in recital (6) is covered by the measures, irrespective of its use. The fact that it covered glass used to other purposes, such as build greenhouses and for furniture, was clarified in the original anti-dumping and countervailing regulations <sup>(11)</sup>.

## 2. CLARIFICATION ON THE PRODUCT SUBJECT TO THE MEASURES

- (9) According to standard legislative practice confirmed by the case law of the European Court of Justice, recitals to Union law are means of interpretation. The interpretation of Union law seeks clarity in light of its objectively expressed purpose. It has to give effect to the aim and spirit of the legislation, taking into account its context and general objectives. Since the Commission has been informed that Member State authorities have had difficulties in interpreting the product scope of the original anti-dumping and anti-subsidy regulation, it hereby seeks further clarity in the matter.

<sup>(8)</sup> Commission Implementing Regulation (EU) 2020/1080 of 22 July 2020 imposing a definitive anti-dumping duty on imports of solar glass originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 238, 23.7.2020, p. 1).

<sup>(9)</sup> Commission Implementing Regulation (EU) No 471/2014 of 13 May 2014 imposing definitive countervailing duties on imports of solar glass originating in the People's Republic of China (OJ L 142, 14.5.2014, p. 23).

<sup>(10)</sup> Commission Implementing Regulation (EU) 2020/1081 of 22 July 2020 imposing definitive countervailing duties on imports of solar glass originating in the People's Republic of China following an expiry review pursuant to Article 18 of Regulation (EU) 2016/1037 of the European Parliament and of the Council (OJ L 238, 23.7.2020, p. 43).

<sup>(11)</sup> Section B.2 of the original anti-dumping regulation and Section B.3 of the original anti-subsidy regulation.

- (10) Thus, in order to ensure uniform implementation of the measures in force, the Commission found it appropriate to amend the operative part of Implementing Regulation (EU) 2020/1080 and Implementing Regulation (EU) 2020/1081 to include explicitly a clarification of the product subject to the measures since their original adoption.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036.

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1(1) of Implementing Regulation (EU) 2020/1080 is replaced by the following text:

'A definitive anti-dumping duty is imposed on imports of solar glass consisting of tempered soda-lime-flat-glass, with an iron content of less than 300 ppm, a solar transmittance of more than 88 % (measured according to AM1,5 300–2 500 nm), a resistance to heat up to 250 °C (measured according to EN 12150), a resistance to thermal shocks of  $\Delta$  150K (measured according to EN 12150) and having a mechanical strength of 90 N/mm<sup>2</sup> or more (measured according to EN 1288- 3), currently falling under CN code ex 7007 19 80 (TARIC codes 7007 19 80 12, 7007 19 80 18, 7007 19 80 80 and 7007 19 80 85) and originating in the People's Republic of China. The solar glass subject to anti-dumping duty includes all glass fulfilling the abovementioned technical and physical characteristics, whether it is used for photovoltaic modules, flat photothermal energy collectors, furniture, to build greenhouses, or for other uses'.

*Article 2*

Article 1(1) of Implementing Regulation (EU) (EU) 2020/1081 is replaced by the following text:

'A definitive countervailing duty is imposed on imports of solar glass consisting of tempered soda-lime-flat-glass, with an iron content of less than 300 ppm, a solar transmittance of more than 88 % (measured according to AM1,5 300–2 500 nm), a resistance to heat up to 250 °C (measured according to EN 12150), a resistance to thermal shocks of  $\Delta$  150K (measured according to EN 12150) and having a mechanical strength of 90 N/mm<sup>2</sup> or more (measured according to EN 1288- 3), currently falling under CN code ex 7007 19 80 (TARIC codes 7007 19 80 12, 7007 19 80 18, 7007 19 80 80 and 7007 19 80 85) and originating in the People's Republic of China. The solar glass subject to countervailing duty includes all glass fulfilling the abovementioned technical and physical characteristics, whether it is used for photovoltaic modules, flat photothermal energy collectors, furniture, to build greenhouses, or for other uses'.

*Article 3*

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

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

Done at Brussels, 25 May 2023.

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

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# DECISIONS

## COUNCIL DECISION (EU) 2023/1034

of 22 May 2023

**on the submission, on behalf of the European Union, of a proposal to amend Appendix I to the Convention on the Conservation of Migratory Species of Wild Animals with a view to the fourteenth meeting of the Conference of the Parties**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Convention on the Conservation of Migratory Species of Wild Animals <sup>(1)</sup> (the 'Convention') was concluded by the Union by Council Decision 82/461/EEC <sup>(2)</sup> and entered into force on 1 November 1983.
- (2) Pursuant to Article XI of the Convention, the Conference of the Parties to the Convention (the 'Conference of the Parties') is able to adopt amendments to Appendices I and II to the Convention.
- (3) The Conference of the Parties, during its fourteenth meeting from 23 to 28 October 2023, may adopt such amendments. The Secretariat of the Convention has informed the Parties to the Convention that any proposals for amendment are to be communicated, in accordance with Article XI(3) of the Convention, by 26 May 2023. The Union may, as a Party to the Convention, make such proposals.
- (4) The inclusion of the Baltic Proper harbour porpoise, *Phocoena phocoena* (only the Baltic Proper population), in Appendix I to the Convention would be scientifically sound on account of its Critically Endangered conservation status, and in line with Union legislation and with the Union's commitment to international cooperation for the protection of biodiversity.
- (5) The Union should therefore submit such proposal to amend Appendix I to the Convention. The Commission should communicate the proposal to the Secretariat of the Convention,

HAS ADOPTED THIS DECISION:

### Article 1

1. With a view to the fourteenth meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals, the Union shall submit a proposal for an amendment to Appendix I to the Convention to include the Baltic Proper harbour porpoise, *Phocoena phocoena* (only the Baltic Proper population).
2. The Commission, on behalf of the Union, shall communicate the proposal referred to in paragraph 1 to the Secretariat of the Convention.

<sup>(1)</sup> OJ L 210, 19.7.1982, p. 11.

<sup>(2)</sup> Council Decision 82/461/EEC of 24 June 1982 on the conclusion of the Convention on the conservation of migratory species of wild animals (OJ L 210, 19.7.1982, p. 10).

*Article 2*

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

Done at Brussels, 22 May 2023.

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

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**COUNCIL DECISION (CFSP) 2023/1035**  
**of 25 May 2023**  
**amending Decision 2013/255/CFSP concerning restrictive measures in view of the situation in Syria**

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 31 May 2013, the Council adopted Decision 2013/255/CFSP <sup>(1)</sup>.
- (2) On 30 May 2022, the Council adopted Decision (CFSP) 2022/849 <sup>(2)</sup> extending the restrictive measures set out in Decision 2013/255/CFSP until 1 June 2023.
- (3) On the basis of a review of Decision 2013/255/CFSP, the restrictive measures set out therein should be extended until 1 June 2024.
- (4) The entries for two deceased individuals should be deleted from the list of natural and legal persons, entities or bodies set out in Annex I to Decision 2013/255/CFSP. The entries for 19 natural persons in that list should be updated and amended.
- (5) Decision 2013/255/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2013/255/CFSP is amended as follows:

- (1) Article 34 is replaced by the following:

*'Article 34*

This Decision shall apply until 1 June 2024. It shall be kept under constant review. It may be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.;

- (2) Annex I is amended in accordance with the Annex to this Decision.

*Article 2*

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

<sup>(1)</sup> Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures in view of the situation in Syria (OJ L 147, 1.6.2013, p. 14).

<sup>(2)</sup> Council Decision (CFSP) 2022/849 of 30 May 2022 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ L 148, 31.5.2022, p. 52).

Done at Brussels, 25 May 2023.

*For the Council*  
*The President*  
J. FORSELL

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Annex I to Decision 2013/255/CFSP is amended as follows:

(1) in section 'A. Persons', the following two entries are deleted:

122. Dr Fayssal ABBAS;

161. Dr Mohamad Zafer MOHABAK;

(2) in section 'A. Persons', entries 5, 8, 12, 50, 51, 74, 107, 119, 120, 121, 192, 271, 284, 285, 290, 291, 324, 325, and 326 are replaced by the following:

	Name	Identifying information	Reasons	Date of listing
'5.	Hafiz (حافظ) MAKHLOUF (مخلوف) (a.k.a. Hafez Makhlof)	Date of birth: 2.4.1971; Place of birth: Damascus, Syria; Diplomatic passport No 014637352; Gender: male	Former Colonel and Head of Unit in General Intelligence Directorate, Damascus Branch in post after May 2011. Member of the Makhlof family; cousin of President Bashar al-Assad.	9.5.2011
8.	Rami (رامي) MAKHLOUF (مخلوف)	Date of birth: 10.7.1969; Place of birth: Damascus, Syria; Passport No 000098044; Issue No 002-03-0015187; Gender: male	Leading businessman operating in Syria with interests in the financial services, transport and property sectors. He has financial interests in and/or holds senior and executive positions in the investment funds Al Mashreq, Bena Properties and Cham Holding. He furnishes financing and support to the Syrian regime, through his business interests. He is an influential member of the Makhlof family and closely connected to the Assad family; cousin of President Bashar Al-Assad.	9.5.2011
12.	Ghazwan Rifaat Kheir BEK (a.k.a. Ghazqan Kheir Bek)	Date of birth: 10.3.1961; Place of birth: Al-Shamiyah, Latakia, Syria; ID Number: 06010037444; Gender: male	Former Minister of Transport in power after May 2011 (appointed 27.8.2014). He was previously General Director of the Port of Tartous. As a former Government Minister, shares responsibility for the Syrian regime's violent repression of the civilian population.	21.10.2014
50.	Tarif (طارف) AKHRAS (أخراس) (a.k.a. Al Akhras (الأخراس))	Date of birth: 2.6.1951; Place of birth: Homs, Syria; Syrian passport No 0000092405; Gender: male	Leading businessperson operating in Syria. He is the founder of the Akhras Group (commodities, trading, processing and logistics) and former Chairman of the Homs Chamber of Commerce. Close business relations with President Bashar al-Assad's family. Former member of the Board of the Federation of Syrian Chambers of Commerce. Provided logistical support for the regime (buses and tank loaders). He is therefore benefiting from and supporting the Syrian regime.	2.9.2011

	Name	Identifying information	Reasons	Date of listing
51.	Issam (إسماعيل) ANBOUBA (أنبوبة)	President of Anbouba for Agricultural Industries Co.; Date of birth: 1952; Place of birth: Homs, Syria; Gender: male	Leading businessperson active in different sectors of the Syrian economy, such as agriculture, real estate and banking. Financial relations with high-ranking Syrian officials. Co-founder of Cham Holding.	2.9.2011
74.	Mohammad Walid GHAZAL	Date of birth: 1.11.1951; Place of birth: Aleppo, Syria; Syrian National ID Number: 02020332623; Gender: male	Former Minister of Housing and Urban Development (appointed 27.8.2014). As a former Government Minister, shares responsibility for the Syrian regime's violent repression of the civilian population.	21.10.2014
107.	Mohammad Ibrahim AL-SHA'AR	Date of birth: 1.10.1956; Place of birth: Al-Haffah, Latakia, Syria; Gender: male	Former Minister of the Interior. As a former Government Minister, shares responsibility for the Syrian regime's violent repression of the civilian population. Vice Chair of the National Progressive Front of Syria.	1.12.2011
119.	Sufian (سفيان) ALLAW (علاوة)	Date of birth: 8.2.1944; Place of birth: al-Bukamal, Deir Ezzor, Syria; Gender: male	Former Minister of Oil and Mineral Resources. Associated with the Syrian regime and its violent repression of the civilian population.	27.2.2012
120.	Dr Adnan (عبدنور) SLAKHO (سلاخو)	Date of birth: 7.9.1955; Place of birth: Al-Malihah, Rif Dimashq, Syria; Gender: male	Former Minister of Industry. Former Minister of Education and current business development consultant in the Ministry of Local Administration. Associated with the Syrian regime and its violent repression of the civilian population.	27.2.2012
121.	Dr Saleh (صالح) AL-RASHED (الرشيد)	Date of birth: 1.8.1964; Place of birth: Aleppo Province, Syria; Gender: male	Former Minister of Education and current Head of the International Relations Department at the Faculty of International Relations and Diplomacy at Al-Sham Private University. Associated with the Syrian regime and its violent repression of the civilian population.	27.2.2012
192.	Hashim Anwar AL-AQQAD (a.k.a. Hashem Aqqad, Hashem Akkad, Hashim Akkad)	Date of birth: 8.8.1961; Place of birth: Damascus, Syria; Syrian National ID Number: 01020018085; Gender: male	Leading businessperson operating in Syria, with interests and/or activities in multiple sectors of Syria's economy. He holds interests in and/or has significant influence in Anwar Akkad Sons Group (AASG) and its subsidiary United Oil. AASG is a conglomerate with interests in sectors such as oil, gas, chemicals, insurance, industrial machinery, real estate, tourism, exhibitions, contracting, insurance and medical equipment. He is also a co-founder of a leading security firm (ProGuard).	23.7.2014

	Name	Identifying information	Reasons	Date of listing
			Hashim Anwar al-Aqqad also worked as a member of the Syrian Parliament as recently as 2012. Hashim Anwar Al-Aqqad could not have remained successful without assistance from the regime. Given the extent of his business and political ties to the regime, he provides support to and benefits from the Syrian regime.	
271.	Khaled AL-ZUBAIDI (a.k.a. (Mohammed) Khaled/Khalid (Bassam) (al-) Zubaidi/Zubedi) (خالد الزبيدي)	Nationality: Syrian; Position: Co-owner of Zubaidi and Qalei LLC; Director of Agar Investment Company; General Manager of Al Zubaidi company and Al Zubaidi & Al Taweet Contracting Company; Director and Owner of Zubaidi Development Company; co-owner of Enjaz Investment Company; Gender: male	Leading businessperson operating in Syria, with significant investments in the construction industry, including a 50 % stake in Zubaidi and Qalei LLC, which is constructing the luxury tourist city Grand Town and to which the regime has granted a 45-year agreement in return for 19-21 % of its revenue. Khaled al-Zubaidi benefits from and/or supports the Syrian regime through his business activities, in particular through this stake in the Grand Town development. Khaled al-Zubaidi signed a (350 000 USD worth) sponsorship with a Syrian football club “Wihda FC” through one of his companies “Hijaz Company”. Member of the Federation of Syrian Chambers of Tourism since 2019. President of the Syrian-Algerian Business Council.	21.1.2019
284.	Mazin AL-TARAZI (a.k.a. المازن الترازي; Mazen al-Tarazi) (مازن الترازي)	Date of birth: September 1962; Nationality: Syrian; Position: Businessperson; Gender: male	Leading businessperson operating in Syria, with significant investments in the construction and aviation sectors. Through his investments and activities, Mazin al-Tarazi benefits from and/or supports the Syrian regime. In particular, Mazin al-Tarazi has concluded a deal with Damascus Cham Holding for a USD 320 million investment in the construction of Marota City, a regime-backed luxury residential and commercial development. He has also been granted a licence for a private airline in Syria. In September 2019, he created “al-Dana Group Investments LLC”, a 25 million SYP company involved in export-import and investing in tourism facilities and commercial complexes. Mazin Al-Tarazi is a member of the Syrian-Iranian Business Council (SIBC) and served as an intermediary for the Iranian regime to purchase real estate in Syria.	21.1.2019

	Name	Identifying information	Reasons	Date of listing
285.	Samer FOZ (a.k.a. Samir Foz/Fawz; Samer Zuhair Foz; Samer Foz bin Zuhair) (سامر فوز)	Date of birth: 20.5.1973; Place of birth: Homs, Syria; Nationalities: Syrian, Turkish; Turkish Passport number: U 09471711 (place of issue Turkey; expiry date 21.7.2024); Syrian national number: 06010274705; Address: Platinum Tower, office No 2405, Jumeirah Lake Towers, Dubai, UAE; Gender: male	Leading businessperson operating in Syria, with interests and activities in multiple sectors of Syria's economy. Samer Foz provides financial and other support to the Syrian regime, including funding the Military Security Shield Forces in Syria and brokering grain deals. He also benefits financially from access to commercial opportunities through the wheat trade and reconstruction projects as a result of his links to the regime. Samer Foz opened a sugar refining factory ("Samer Foz Factory") in 2021 in support of the Syrian regime's objective to increase sugar production across the country.	21.1.2019
290.	Waseem AL-KATTAN (وسيم القطان) (a.k.a. Waseem, Wasseem, Wassim, Wasim; Anouar; al-Kattan, al-Katan, al-Qattan, al-Qatan; (وسيم قطان, وسيم أنوار القطان)	Date of birth: 4.3.1976; Nationality: Syrian; Syrian National ID Number: 10090110187 Position: President of Damascus Countryside (Rural) Province Chamber of Commerce; Relatives/business associates/entities or partners/links: Larosa Furniture/Furnishing; Jasmine Fields Company Ltd.; Muruj Cham (Murooj al-Cham) Investment and Tourism Group; Adam and Investment LLC; Universal Market Company LLC; Treasurer of the Federation of Syrian Chambers of Commerce; Gender: male	Leading businessperson operating in Syria benefiting from and supporting the regime. Owner of multiple businesses and holding companies with interests and activities in various economic sectors such as real estate, the luxury hotel industry and commercial centres. Waseem al-Kattan rose rapidly as a leading businessperson by imposing taxes on goods smuggled into Eastern Ghouta under siege, and is now involved in aggressive forms of clientelism to the benefit of the regime. Waseem al-Kattan benefits financially from favoured access to public tenders as well as to licences and contracts awarded by government agencies as a result of his close ties to the regime. In 2020, Al-Kattan was elected member of the Damascus Chamber of Commerce. In November 2021, Al-Kattan was appointed secretary of the Federation of Syrian chambers of commerce by the Syrian Government, despite having lost elections. In 2022, Al-Kattan was appointed Chairman of the Syrian-Omani Business Council.	17.2.2020



	Name	Identifying information	Reasons	Date of listing
291.	Amer FOZ (a.k.a. Amer Zuhair Fawz) (عامر فوز)	Date of birth: 11.3.1976; Place of birth: Homs, Syria; Nationality: Syrian; Saint Kitts and Nevis; National no: 06010274747; Passport no: 002-14-L169340 UAE resident card: 784-1976-7135283-5 Position: Founder of District 6 Company; Founding partner of Easy life Company; Relatives/business associates/entities or partners/links: Samer Foz; Vice Chairman of Asas Steel Company; Aman Holding; Gender: male	Leading businessperson with personal and family business interests and activities in multiple sectors of the Syrian economy. He benefits financially from access to commercial opportunities and supports the Syrian regime. He is also associated with his brother Samer Foz, who has been designated by the Council since January 2019 as a leading businessperson operating in Syria and for supporting or benefiting from the regime. Together with his brother, he implements a number of commercial projects, notably in the Adra al-Ummaliyya area (Damascus suburbs). These projects include a factory that manufactures cables and cable accessories as well as a project to produce electricity using solar power. They also engaged in various activities with ISIL (Da'esh) on behalf of the Assad regime, including the provision of weapons and ammunitions in exchange for wheat and oil.	17.2.2020
324.	Ahmed KHALIL KHALIL (a.k.a. Ahmed KHALIL, Ahmad Khalil Khalil) (احمد خليل خليل)	Date of birth: 1969; Place of birth: Qayrun; Gender: male	Ahmed Khalil Khalil is the co-owner of Sanad Protection and Security Services, a Syrian private security company established in 2017 and supervised by the Wagner Group in Syria, active in the protection of Russian interests (phosphates, gas and securing oil sites) in Syria. The exploitation of natural resources provides revenues to the Syrian regime. In addition, the company is active in the recruitment of Syrian mercenaries to Libya and Ukraine. As such, Ahmed Khalil Khalil supports the Syrian regime and benefits from it.	21.7.2022
325.	Nasser Deeb DEEB (a.k.a. Nasser Dhib, Nasser Dib, Nasser Deeb) (ناصر ديب)	Date of birth: 21.2.1974; Place of birth: Baniyas, Tartus, Syria; Syrian National ID Number: 10090110187; Gender: male	Nasser Deeb Deeb is the co-owner of Sanad Protection and Security Services, a Syrian private security company established in 2017 and supervised by the Wagner Group, active in the protection of Russian interests (phosphates, gas and securing oil sites) in Syria. The exploitation of natural resources provides revenues to the Syrian regime. In addition, he is also co-owner of the company Ella Services together with Khodr Ali Taher. In this capacity, Nasser Deeb Deeb supports the Syrian regime and benefits from it.	21.7.2022

	Name	Identifying information	Reasons	Date of listing
326.	Issam SHAMMOUT (a.k.a. Mohammed Issam Shammout, Mohamed Essam Shammout, Muhammad Issam Shammout, Muhammad Essam Shammout) (محمد عصام شموط)	Date of birth: 26.8.1971 Place of birth: 232, Tanzeem Kafarsus, Damascus, Syria Gender: male	Issam Shammout is the owner and chairman of the board of directors of the airline “Cham Wings” and head of the Shammout Group, active in the automotive, steel, aviation, freight forwarding, construction, and real estate sectors. In this capacity, Issam Shammout is a leading businessperson operating in Syria.	21.7.2022’.

**COMMISSION IMPLEMENTING DECISION (EU) 2023/1036****of 24 May 2023****on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) for financial year 2022***(notified under document C(2023) 3271)*

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 <sup>(1)</sup>, and in particular Article 104 thereof,Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 <sup>(2)</sup>, and in particular Article 51 thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Article 104(1), second subparagraph, point (a), of Regulation (EU) 2021/2116 provides that Article 4(1), point (b), Article 5, Article 7(3), Articles 9, 17, 21 and 34, Article 35(4), Articles 36, 37, 38, 40 to 43, 51, 52, 54, 56, 59, 63, 64, 67, 68, 70 to 75, 77, 91 to 97, 99 and 100, Article 102(2) and Articles 110 and 111 of Regulation (EU) No 1306/2013 continue to apply, as regards the European Agricultural Fund for Rural Development (EAFRD), in relation to expenditure incurred by the beneficiaries and payments made by the paying agency in the framework of the implementation of rural development programmes pursuant to Regulation (EU) No 1305/2013 of the European Parliament and of the Council <sup>(3)</sup> for financial year 2022.
- (2) Article 64, second paragraph, point (a), of Commission Implementing Regulation (EU) 2022/128 <sup>(4)</sup> provides that Article 2, Article 3(1), first subparagraph, Article 3(2), Article 4(1), point (b), Article 5, Article 6, Article 7, Articles 21 to 25, Article 27, Article 28, Article 29, Article 30(1), points (a), (b) and (c), Article 30(2), (3) and (4), Articles 31 to 40 and Articles 42 to 47 of Commission Implementing Regulation (EU) No 908/2014 <sup>(5)</sup> continue to apply, as regards the EAFRD, in relation to expenditure incurred by the beneficiaries and payments made by the paying agency in the framework of the implementation of rural development programmes pursuant to Regulation (EU) No 1305/2013 for financial year 2022.

<sup>(1)</sup> OJ L 435, 6.12.2021, p. 187.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 549.

<sup>(3)</sup> Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

<sup>(4)</sup> Commission Implementing Regulation (EU) 2022/128 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council on paying agencies and other bodies, financial management, clearance of accounts, checks, securities and transparency (OJ L 20, 31.1.2022, p. 131).

<sup>(5)</sup> Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

- (3) Article 64, second paragraph, point (c), of Implementing Regulation (EU) 2022/128 provides that Annexes II and III to Implementing Regulation (EU) No 908/2014 continue to apply for the purposes of Article 32, points (f) and (g), of Implementing Regulation (EU) 2022/128 for financial year 2022.
- (4) Article 40, second paragraph, of Commission Delegated Regulation (EU) 2022/127 <sup>(6)</sup> provides that Article 5, Article 5a, Article 7(3) and (4), Article 10, Article 11(1), second subparagraph, Article 11(2), Article 12, Article 13 and Article 41(5) of Commission Delegated Regulation (EU) No 907/2014 <sup>(7)</sup> continue to apply as regards the EAFRD in relation to expenditure incurred by the beneficiaries and payments effected by the paying agency in the framework of the implementation of rural development programmes pursuant to Regulation (EU) No 1305/2013 for financial year 2022.
- (5) Pursuant to Article 51 of Regulation (EU) No 1306/2013, the Commission, on the basis of the annual accounts submitted by the Member States, accompanied by the information required for the clearance of accounts and an audit opinion regarding the completeness, accuracy and veracity of the accounts and the reports established by the certification bodies, has to clear the accounts of the paying agencies referred to in Article 7 of that Regulation prior to 31 May of the year following the budget year in question.
- (6) In accordance with Article 35 of Regulation (EU) 2021/2116, the agricultural financial year begins on 16 October of year N-1 and ends on 15 October of year N. When clearing the accounts for financial year 2022, for the purpose of aligning the reference period for the EAFRD expenditure with that of the European Agricultural Guarantee Fund (EAGF), account should be taken of expenditure incurred by the Member States between 16 October 2021 and 15 October 2022, as provided for in Article 11(1) of Implementing Regulation (EU) 2022/128.
- (7) Article 33(2), second subparagraph, of Implementing Regulation (EU) No 908/2014 provides that the amounts that are recoverable from, or payable to, each Member State, in accordance with the accounts clearance decision referred to in Article 33(1) of that Regulation, are to be established by deducting the intermediate payments for the financial year concerned from the expenditure recognised for that year in accordance with Article 33(1). The Commission is to deduct that amount from or add it to the next intermediate payment.
- (8) The Commission has checked the information submitted by the Member States and has communicated the results of its checks to the Member States, together with the amendments it proposes.
- (9) For all paying agencies, the annual accounts and the accompanying documents permit the Commission to take a decision on the completeness, accuracy and veracity of the annual accounts submitted.
- (10) In accordance with Article 83 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council <sup>(8)</sup>, the deadline for interim payments referred to in Article 36(5) of Regulation (EU) No 1306/2013 may be interrupted for a maximum period of 6 months in order to carry out additional verifications following information that these payments are linked to an irregularity having serious financial consequences. In adopting this Decision, the Commission should take into account the amounts affected by such interruption in order to avoid making any inappropriate or untimely payments.

<sup>(6)</sup> Commission Delegated Regulation (EU) 2022/127 of 7 December 2021 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with rules on paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 20, 31.1.2022, p. 95).

<sup>(7)</sup> Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 255, 28.8.2014, p. 18).

<sup>(8)</sup> Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

- (11) Pursuant to Article 41 of Regulation (EU) No 1306/2013, the Commission has already reduced or suspended a number of intermediate payments for financial year 2022 due to expenditure not effected in accordance with Union rules. In this Decision, the Commission should take into account such amounts reduced or suspended on the basis of Article 41 of that Regulation, in order to avoid making any undue, or untimely, payments or reimbursements that could later be subject to financial correction.
- (12) Article 36(3), first subparagraph, point (b), of Regulation (EU) No 1306/2013 provides that intermediate payments are to be made without overrun of the total programmed EAFRD contribution. Pursuant to Article 23(2) of Implementing Regulation (EU) No 908/2014, where the combined total of declarations of expenditure exceeds the total programmed contribution for a rural development programme, the amount to be paid has to be capped at the programmed amount, without prejudice to the ceiling provided for in Article 34(2) of Regulation (EU) No 1306/2013. The capped amount will be subject to a later reimbursement by the Commission following the adoption of the amended financial plan or at the closure of the programming period.
- (13) In accordance with Article 75(1), fourth subparagraph, of Regulation (EU) No 1306/2013, the rules on payment deadlines for measures under rural development in the context of the integrated administration and control system apply from claim year 2019. The reductions for non-compliance with the latest payment deadlines, calculated in conformity with Article 5a of Delegated Regulation (EU) No 907/2014, follow the procedure laid down in Articles 40 and 41 of Regulation (EU) No 1306/2013 and are to be taken into account in this Decision for financial year 2022. Those reductions may be examined, where appropriate, under conformity clearance proceedings pursuant to Article 52 of Regulation (EU) No 1306/2013.
- (14) This Decision should also take into account the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013.
- (15) Pursuant to Article 34(2) of Regulation (EU) No 1306/2013, the combined total of prefinancing and interim payments are not to exceed 95 % of the EAFRD's contribution to each rural development programme. The following programme has reached this threshold: 2014LU06RDNP001. The outstanding balance of this programme will be settled at the closure of the programming period.
- (16) Pursuant to Article 54(2) of Regulation (EU) No 1306/2013, 50 % of the financial consequences of non-recovery of irregularities should be borne by the Member State concerned, if recovery has not taken place within 4 years from the date of the recovery request, or within 8 years where the recovery is taken before the national courts. Article 54(4) of Regulation (EU) No 1306/2013 requires Member States to attach to the annual accounts that they have to submit to the Commission, pursuant to Article 29 of Implementing Regulation (EU) No 908/2014, a certified table reflecting the amounts to be borne by them under Article 54(2) of Regulation (EU) No 1306/2013. Rules on the application of the Member States' obligation to report the amounts to be recovered are laid down in Implementing Regulation (EU) No 908/2014. Annex II to Implementing Regulation (EU) No 908/2014 sets out the model of the table that Member States have to use to provide information about amounts to be recovered. On the basis of the tables completed by the Member States, the Commission should decide on the financial consequences of non-recovery of irregularities older than 4 or 8 years respectively.
- (17) Pursuant to Article 54(3) of Regulation (EU) No 1306/2013, on duly justified grounds, Member States may decide not to pursue recovery. Such a decision may be taken only if the costs already, and likely to be, incurred total more than the amount to be recovered, or if the recovery proves impossible owing to the insolvency recorded and recognised under national law, of the debtor or the persons legally responsible for the irregularity. If the decision has been taken within 4 years from the date of recovery request, or within 8 years where the recovery is taken before the national courts, 100 % of the financial consequences of the non-recovery should be borne by the Union budget. The amounts for which a particular Member State decided not to pursue recovery and the grounds for its decision are shown in the summary report referred to in Article 54(4) of that Regulation. Therefore, such amounts should not be charged to the Member States concerned and are consequently to be borne by the Union budget.

- (18) This Decision should also take into account the amounts that are still to be charged to the Member States as a result of the application of Article 54(2) of Regulation (EU) No 1306/2013 in relation to the 2007-2013 programming period for the EAFRD.
- (19) In accordance with Article 51 of Regulation (EU) No 1306/2013, this Decision should be without prejudice to the decisions the Commission may take subsequently to exclude from Union financing expenditure not effected in accordance with Union rules,

HAS ADOPTED THIS DECISION:

*Article 1*

The accounts of the Member States' paying agencies are hereby cleared as regards expenditure financed by the European Agricultural Fund for Rural Development (EAFRD), taking also into account the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013, in respect of financial year 2022 and relating to the 2014-2020 programming period.

The amounts recoverable from, or payable to, each Member State under each rural development programme pursuant to this Decision, are set out in Annex I to this Decision.

*Article 2*

The amounts to be charged to the Member States, as a result of the application of Article 54(2) of Regulation (EU) No 1306/2013 relating to the 2014-2020 programming period and to the 2007-2013 programming period for the EAFRD, are set out in Annex II to this Decision.

*Article 3*

The reductions for non-compliance with the latest payment deadlines in accordance with Article 75(1) of Regulation (EU) No 1306/2013 under each rural development programme are set out in Annex III to this Decision.

*Article 4*

This Decision is without prejudice to future conformity clearance decisions that the Commission may take pursuant to Article 52 of Regulation (EU) No 1306/2013 to exclude from Union financing expenditure not effected in accordance with Union rules.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 24 May 2023.

*For the Commission*  
Janusz WOJCIECHOWSKI  
*Member of the Commission*

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## Cleared EAFRD expenditure by Rural Development programme for financial year 2022

## Amount to be recovered from or paid to the Member State per programme

## Approved programmes with declared expenditure for EAFRD 2014-2020

MS	CCI	Expenditure 2022	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2022	In Euro		
							Interim payments reimbursed to the Member State for the financial year including clearing of pre-financing (*)	Amount to be recovered from (-) or paid to (+) the Member State	Balance to be settled at closure of programming period due to 95% threshold reached (**)
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi	
AT	2014AT06RDNP001	613 162 817,18	13 560 848,02	626 723 665,20	0,00	626 723 665,20	626 723 665,20	0,00	0,00
BE	2014BE06RDRP001	65 269 470,06	0,00	65 269 470,06	0,00	65 269 470,06	65 269 468,50	1,56	0,00
BE	2014BE06RDRP002	39 806 703,64	0,00	39 806 703,64	0,00	39 806 703,64	39 615 025,65	191 677,99	0,00
BG	2014BG06RDNP001	230 084 002,69	0,00	230 084 002,69	0,00	230 084 002,69	230 490 011,83	- 406 009,14	0,00
CY	2014CY06RDNP001	20 797 600,04	0,00	20 797 600,04	0,00	20 797 600,04	20 797 600,04	0,00	0,00
CZ	2014CZ06RDNP001	370 873 169,24	30 606,96	370 903 776,20	0,00	370 903 776,20	370 904 485,32	- 709,12	0,00
DE	2014DE06RDRN001	1 068 753,47	0,00	1 068 753,47	0,00	1 068 753,47	1 068 753,47	0,00	0,00
DE	2014DE06RDRP003	121 470 055,13	0,00	121 470 055,13	0,00	121 470 055,13	121 470 016,15	38,98	0,00
DE	2014DE06RDRP004	269 473 265,88	0,00	269 473 265,88	0,00	269 473 265,88	269 473 265,88	0,00	0,00
DE	2014DE06RDRP007	162 347 015,66	0,00	162 347 015,66	0,00	162 347 015,66	162 347 032,89	- 17,23	0,00
DE	2014DE06RDRP010	66 188 555,75	0,00	66 188 555,75	0,00	66 188 555,75	66 188 480,75	75,00	0,00
DE	2014DE06RDRP011	147 034 739,85	0,00	147 034 739,85	0,00	147 034 739,85	147 034 739,85	0,00	0,00
DE	2014DE06RDRP012	188 042 670,77	0,00	188 042 670,77	0,00	188 042 670,77	188 042 670,77	0,00	0,00
DE	2014DE06RDRP015	104 956 226,35	0,00	104 956 226,35	0,00	104 956 226,35	104 947 932,11	8 294,24	0,00
DE	2014DE06RDRP017	52 964 730,89	0,00	52 964 730,89	0,00	52 964 730,89	53 007 162,82	- 42 431,93	0,00
DE	2014DE06RDRP018	6 035 848,20	0,00	6 035 848,20	0,00	6 035 848,20	6 035 848,20	0,00	0,00
DE	2014DE06RDRP019	156 242 543,88	0,00	156 242 543,88	0,00	156 242 543,88	156 242 629,85	- 85,97	0,00
DE	2014DE06RDRP020	143 168 213,61	0,00	143 168 213,61	0,00	143 168 213,61	143 168 213,61	0,00	0,00

MS	CCI	Expenditure 2022	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2022	Interim payments reimbursed to the Member State for the financial year including clearing of pre-financing (*)	Amount to be recovered from (-) or paid to (+) the Member State	Balance to be settled at closure of programming period due to 95% threshold reached (**)
DE	2014DE06RDRP021	62 540 361,99	0,00	62 540 361,99	0,00	62 540 361,99	62 540 362,30	- 0,31	0,00
DE	2014DE06RDRP023	93 754 625,77	0,00	93 754 625,77	0,00	93 754 625,77	93 754 625,77	0,00	0,00
DK	2014DK06RDNP001	99 938 832,41	0,00	99 938 832,41	0,00	99 938 832,41	99 938 832,41	0,00	0,00
EE	2014EE06RDNP001	99 822 865,70	0,00	99 822 865,70	0,00	99 822 865,70	99 848 909,30	- 26 043,60	0,00
ES	2014ES06RDNP001	37 474 545,05	0,00	37 474 545,05	0,00	37 474 545,05	37 474 545,05	0,00	0,00
ES	2014ES06RDRP001	323 085 277,00	0,00	323 085 277,00	0,00	323 085 277,00	323 085 454,23	- 177,23	0,00
ES	2014ES06RDRP002	69 554 829,07	0,00	69 554 829,07	0,00	69 554 829,07	69 554 837,10	- 8,03	0,00
ES	2014ES06RDRP003	52 695 158,52	0,00	52 695 158,52	0,00	52 695 158,52	52 695 939,40	- 780,88	0,00
ES	2014ES06RDRP004	8 372 890,56	0,00	8 372 890,56	0,00	8 372 890,56	8 372 885,93	4,63	0,00
ES	2014ES06RDRP005	28 736 274,39	0,00	28 736 274,39	0,00	28 736 274,39	28 736 274,39	0,00	0,00
ES	2014ES06RDRP006	9 814 368,21	0,00	9 814 368,21	0,00	9 814 368,21	9 815 637,86	- 1 269,65	0,00
ES	2014ES06RDRP007	174 475 234,07	0,00	174 475 234,07	0,00	174 475 234,07	174 448 614,62	26 619,45	0,00
ES	2014ES06RDRP008	200 215 739,68	0,00	200 215 739,68	0,00	200 215 739,68	200 207 496,78	8 242,90	0,00
ES	2014ES06RDRP009	43 658 610,38	0,00	43 658 610,38	0,00	43 658 610,38	43 660 702,72	- 2 092,34	0,00
ES	2014ES06RDRP010	125 384 056,12	0,00	125 384 056,12	0,00	125 384 056,12	125 384 052,67	3,45	0,00
ES	2014ES06RDRP011	114 358 688,77	0,00	114 358 688,77	0,00	114 358 688,77	114 358 686,38	2,39	0,00
ES	2014ES06RDRP012	11 620 285,95	- 0,05	11 620 285,90	0,00	11 620 285,90	11 620 285,39	0,51	0,00
ES	2014ES06RDRP013	33 257 807,68	0,00	33 257 807,68	0,00	33 257 807,68	33 257 806,10	1,58	0,00
ES	2014ES06RDRP014	17 010 152,28	0,00	17 010 152,28	0,00	17 010 152,28	17 010 152,58	- 0,30	0,00
ES	2014ES06RDRP015	12 446 765,31	0,00	12 446 765,31	0,00	12 446 765,31	12 446 768,62	- 3,31	0,00
ES	2014ES06RDRP016	11 981 562,01	0,00	11 981 562,01	0,00	11 981 562,01	11 981 557,41	4,60	0,00
ES	2014ES06RDRP017	33 631 561,01	0,00	33 631 561,01	0,00	33 631 561,01	33 648 902,07	- 17 341,06	0,00



MS	CCI	Expenditure 2022	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2022	Interim payments reimbursed to the Member State for the financial year including clearing of pre-financing (*)	Amount to be recovered from (-) or paid to (+) the Member State	Balance to be settled at closure of programming period due to 95% threshold reached (**)
FI	2014FI06RDRP001	460 958 253,23	0,00	460 958 253,23	0,00	460 958 253,23	460 962 648,99	- 4 395,76	0,00
FI	2014FI06RDRP002	3 184 657,38	0,00	3 184 657,38	0,00	3 184 657,38	3 184 657,38	0,00	0,00
FR	2014FR06RDNP001	161 143 841,62	0,00	161 143 841,62	0,00	161 143 841,62	161 143 841,62	0,00	0,00
FR	2014FR06RDRN001	3 533 496,34	0,00	3 533 496,34	0,00	3 533 496,34	3 533 496,34	0,00	0,00
FR	2014FR06RDRP001	26 143 033,22	0,00	26 143 033,22	0,00	26 143 033,22	26 143 033,23	- 0,01	0,00
FR	2014FR06RDRP002	14 353 759,78	0,00	14 353 759,78	0,00	14 353 759,78	14 353 759,78	0,00	0,00
FR	2014FR06RDRP003	18 024 611,16	0,00	18 024 611,16	0,00	18 024 611,16	18 024 611,16	0,00	0,00
FR	2014FR06RDRP004	54 627 051,07	0,00	54 627 051,07	0,00	54 627 051,07	54 627 051,08	- 0,01	0,00
FR	2014FR06RDRP006	15 242 232,90	0,00	15 242 232,90	0,00	15 242 232,90	15 242 232,91	- 0,01	0,00
FR	2014FR06RDRP011	8 651 031,10	0,00	8 651 031,10	0,00	8 651 031,10	8 651 031,10	0,00	0,00
FR	2014FR06RDRP021	39 930 844,87	0,00	39 930 844,87	0,00	39 930 844,87	39 930 844,89	- 0,02	0,00
FR	2014FR06RDRP022	26 898 740,91	0,00	26 898 740,91	0,00	26 898 740,91	26 898 740,90	0,01	0,00
FR	2014FR06RDRP023	15 642 466,86	0,00	15 642 466,86	0,00	15 642 466,86	15 642 466,86	0,00	0,00
FR	2014FR06RDRP024	54 558 956,73	- 35 659,55	54 523 297,18	0,00	54 523 297,18	54 523 297,19	- 0,01	0,00
FR	2014FR06RDRP025	59 807 868,25	0,00	59 807 868,25	0,00	59 807 868,25	59 807 868,24	0,01	0,00
FR	2014FR06RDRP026	89 712 562,78	0,00	89 712 562,78	0,00	89 712 562,78	89 712 562,79	- 0,01	0,00
FR	2014FR06RDRP031	20 574 898,28	0,00	20 574 898,28	0,00	20 574 898,28	20 574 898,28	0,00	0,00
FR	2014FR06RDRP041	64 866 066,06	0,00	64 866 066,06	0,00	64 866 066,06	64 866 066,05	0,01	0,00
FR	2014FR06RDRP042	20 605 477,15	0,00	20 605 477,15	0,00	20 605 477,15	20 605 477,15	0,00	0,00
FR	2014FR06RDRP043	67 967 773,86	0,00	67 967 773,86	0,00	67 967 773,86	67 967 773,84	0,02	0,00
FR	2014FR06RDRP052	64 421 329,43	0,00	64 421 329,43	0,00	64 421 329,43	64 421 329,41	0,02	0,00
FR	2014FR06RDRP053	61 448 370,88	0,00	61 448 370,88	0,00	61 448 370,88	61 448 370,88	0,00	0,00
FR	2014FR06RDRP054	64 150 752,64	0,00	64 150 752,64	0,00	64 150 752,64	64 150 752,62	0,02	0,00

MS	CCI	Expenditure 2022	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2022	Interim payments reimbursed to the Member State for the financial year including clearing of pre-financing (*)	Amount to be recovered from (-) or paid to (+) the Member State	Balance to be settled at closure of programming period due to 95% threshold reached (**)
FR	2014FR06RDRP072	102 894 144,07	0,00	102 894 144,07	0,00	102 894 144,07	102 894 144,09	- 0,02	0,00
FR	2014FR06RDRP073	230 410 842,90	- 1 748 371,30	228 662 471,60	0,00	228 662 471,60	228 662 471,54	0,06	0,00
FR	2014FR06RDRP074	93 563 523,18	0,00	93 563 523,18	0,00	93 563 523,18	93 563 523,19	- 0,01	0,00
FR	2014FR06RDRP082	188 826 122,37	- 1 495 494,94	187 330 627,43	0,00	187 330 627,43	187 330 627,43	0,00	0,00
FR	2014FR06RDRP083	197 338 673,08	- 6 232 629,92	191 106 043,16	0,00	191 106 043,16	191 106 043,16	0,00	0,00
FR	2014FR06RDRP091	100 111 167,11	0,00	100 111 167,11	0,00	100 111 167,11	100 111 167,14	- 0,03	0,00
FR	2014FR06RDRP093	86 100 064,79	- 2 340 634,22	83 759 430,57	0,00	83 759 430,57	83 759 430,57	0,00	0,00
FR	2014FR06RDRP094	20 358 953,92	0,00	20 358 953,92	0,00	20 358 953,92	20 358 964,60	- 10,68	0,00
EL	2014GR06RDNP001	864 101 187,86	0,00	864 101 187,86	0,00	864 101 187,86	864 101 187,81	0,05	0,00
HR	2014HR06RDNP001	375 269 952,96	0,00	375 269 952,96	0,00	375 269 952,96	375 316 677,18	- 46 724,22	0,00
HU	2014HU06RDNP001	650 508 247,74	1 491 088,92	651 999 336,66	0,00	651 999 336,66	651 999 347,97	- 11,31	0,00
IE	2014IE06RDNP001	371 824 358,33	0,00	371 824 358,33	0,00	371 824 358,33	371 824 358,30	0,03	0,00
IT	2014IT06RDNP001	270 601 884,32	0,00	270 601 884,32	0,00	270 601 884,32	270 603 414,07	- 1 529,75	0,00
IT	2014IT06RDRN001	9 474 249,68	0,00	9 474 249,68	0,00	9 474 249,68	9 474 249,68	0,00	0,00
IT	2014IT06RDRP001	42 925 515,11	0,00	42 925 515,11	0,00	42 925 515,11	43 013 445,12	- 87 930,01	0,00
IT	2014IT06RDRP002	25 181 744,08	0,00	25 181 744,08	0,00	25 181 744,08	25 181 742,10	1,98	0,00
IT	2014IT06RDRP003	64 889 133,74	0,00	64 889 133,74	0,00	64 889 133,74	64 891 383,97	- 2 250,23	0,00
IT	2014IT06RDRP004	23 461 115,82	0,00	23 461 115,82	0,00	23 461 115,82	23 499 740,85	- 38 625,03	0,00
IT	2014IT06RDRP005	58 584 186,21	0,00	58 584 186,21	0,00	58 584 186,21	58 638 268,53	- 54 082,32	0,00
IT	2014IT06RDRP006	15 480 939,30	0,00	15 480 939,30	0,00	15 480 939,30	15 506 624,21	- 25 684,91	0,00
IT	2014IT06RDRP007	80 788 893,69	0,00	80 788 893,69	0,00	80 788 893,69	80 788 893,69	0,00	0,00
IT	2014IT06RDRP008	44 687 240,96	0,00	44 687 240,96	0,00	44 687 240,96	44 710 399,78	- 23 158,82	0,00
IT	2014IT06RDRP009	64 472 596,62	0,00	64 472 596,62	0,00	64 472 596,62	64 472 595,22	1,40	0,00

MS	CCI	Expenditure 2022	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2022	Interim payments reimbursed to the Member State for the financial year including clearing of pre-financing (*)	Amount to be recovered from (-) or paid to (+) the Member State	Balance to be settled at closure of programming period due to 95% threshold reached (**)
IT	2014IT06RDRP010	63 616 850,59	0,00	63 616 850,59	0,00	63 616 850,59	63 617 263,25	- 412,66	0,00
IT	2014IT06RDRP011	20 169 418,43	0,00	20 169 418,43	0,00	20 169 418,43	20 167 389,09	2 029,34	0,00
IT	2014IT06RDRP012	50 098 963,82	0,00	50 098 963,82	0,00	50 098 963,82	50 145 722,36	- 46 758,54	0,00
IT	2014IT06RDRP013	10 179 823,38	0,00	10 179 823,38	0,00	10 179 823,38	10 195 069,95	- 15 246,57	0,00
IT	2014IT06RDRP014	62 462 663,24	0,00	62 462 663,24	0,00	62 462 663,24	62 462 663,08	0,16	0,00
IT	2014IT06RDRP015	14 146 131,15	0,00	14 146 131,15	0,00	14 146 131,15	14 173 748,06	- 27 616,91	0,00
IT	2014IT06RDRP016	97 321 953,55	0,00	97 321 953,55	0,00	97 321 953,55	97 323 150,43	- 1 196,88	0,00
IT	2014IT06RDRP017	53 615 791,80	0,00	53 615 791,80	0,00	53 615 791,80	53 674 994,46	- 59 202,66	0,00
IT	2014IT06RDRP018	113 312 697,49	0,00	113 312 697,49	0,00	113 312 697,49	113 340 600,27	- 27 902,78	0,00
IT	2014IT06RDRP019	174 260 030,84	0,00	174 260 030,84	0,00	174 260 030,84	174 596 371,23	- 336 340,39	0,00
IT	2014IT06RDRP020	189 012 946,55	0,00	189 012 946,55	0,00	189 012 946,55	189 354 460,12	- 341 513,57	0,00
IT	2014IT06RDRP021	172 446 891,62	0,00	172 446 891,62	0,00	172 446 891,62	172 632 045,96	- 185 154,34	0,00
LT	2014LT06RDNP001	243 029 559,40	0,00	243 029 559,40	0,00	243 029 559,40	243 030 936,72	- 1 377,32	0,00
LU	2014LU06RDNP001	27 705 892,93	0,00	27 705 892,93	0,00	27 705 892,93	27 613 923,07	0,00	91 969,86
LV	2014LV06RDNP001	111 344 515,62	0,00	111 344 515,62	0,00	111 344 515,62	111 344 515,62	0,00	0,00
MT	2014MT06RDNP001	10 043 022,51	0,00	10 043 022,51	0,00	10 043 022,51	10 043 029,73	- 7,22	0,00
NL	2014NL06RDNP001	126 160 623,78	0,00	126 160 623,78	0,00	126 160 623,78	126 162 845,70	- 2 221,92	0,00
PL	2014PL06RDNP001	1 377 382 844,02	0,00	1 377 382 844,02	0,00	1 377 382 844,02	1 377 387 001,59	- 4 157,57	0,00
PT	2014PT06RDRP001	31 022 126,76	2,73	31 022 129,49	0,00	31 022 129,49	31 022 121,67	7,82	0,00
PT	2014PT06RDRP002	517 451 658,60	0,00	517 451 658,60	0,00	517 451 658,60	517 354 244,54	97 414,06	0,00
PT	2014PT06RDRP003	31 010 517,65	0,00	31 010 517,65	0,00	31 010 517,65	31 002 882,73	7 634,92	0,00
RO	2014RO06RDNP001	1 029 757 902,20	1 439 883,27	1 031 197 785,47	0,00	1 031 197 785,47	1 031 161 921,49	35 863,98	0,00

MS	CCI	Expenditure 2022	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2022	Interim payments reimbursed to the Member State for the financial year including clearing of pre-financing (*)	Amount to be recovered from (-) or paid to (+) the Member State	Balance to be settled at closure of programming period due to 95% threshold reached (**)
SE	2014SE06RDNP001	301 463 151,40	0,00	301 463 151,40	0,00	301 463 151,40	301 839 453,60	- 376 302,20	0,00
SI	2014SI06RDNP001	130 507 941,88	0,00	130 507 941,88	0,00	130 507 941,88	130 508 017,27	- 75,39	0,00
SK	2014SK06RDNP001	146 808 100,25	- 3 140 717,74	143 667 382,51	0,00	143 667 382,51	146 048 085,98	- 2 380 703,47	0,00

(\*) Column vi, Interim payments reimbursed to the Member State for the financial year including clearing of pre-financing, includes negative amounts declared in financial year 2022. These negative amounts have been offset against the quarterly payments to the Member States concerned in Q4-2022

(\*\*) Where payments have reached 95 % of the total EAFRD contribution for a rural development programme — Article 34(2) of Regulation (EU) No 1306/2013, the balance will be settled during the closure of the programme.

## Clearance of the Paying Agencies' accounts

Financial year 2022 - EAFRD

## Corrections according to Article 54(2) of Regulation (EU) 1306/2013

Member State	Currency	Corrections Related to the 2014-2020 Programming Period		Corrections Related to the 2007-2013 Programming Period	
		In National currency	In Euro	In National currency	In Euro
AT	EUR	0,00	0,00	0,00	42 684,69
BE	EUR	0,00	0,00	0,00	893,39
BG	BGN	570 782,27	0,00	3 220 667,20	0,00
CY	EUR	0,00	0,00	0,00	69 743,97
CZ	CZK	12 489,18	0,00	51 636 495,68	0,00
DE	EUR	0,00	162 929,85	0,00	377 694,69
DK	DKK	149 399,60	0,00	16 532,31	0,00
EE	EUR	0,00	15 240,81	0,00	671 576,83
ES	EUR	0,00	23 960,66	0,00	2 652 237,81
FI	EUR	0,00	5 580,55	0,00	137 592,39
FR	EUR	0,00	25 778,47	0,00	158 403,86
EL	EUR	0,00	19 563,48	0,00	791 126,51
HR	HRK	70 564,40	0,00	0,00	0,00
HU	HUF	12 591 826,00	0,00	480 986 237,00	0,00
IE	EUR	0,00	3 860,20	0,00	102 836,72
IT	EUR	0,00	162 721,39	0,00	2 710 330,11
LT	EUR	0,00	0,00	0,00	393 278,00
LU	EUR	0,00	1 102,79	0,00	0,00
LV	EUR	0,00	5 039,79	0,00	215 758,46

Member State	Currency	Corrections Related to the 2014-2020 Programming Period		Corrections Related to the 2007-2013 Programming Period	
		In National currency	In Euro	In National currency	In Euro
MT	EUR	0,00	0,00	0,00	0,00
NL	EUR	0,00	0,00	0,00	0,00
PL	PLN	265 334,84	0,00	8 002 556,25	0,00
PT	EUR	0,00	939 781,83	0,00	5 440 185,46
RO	RON	44,66	0,00	65 793 664,44	0,00
SE	SEK	10 013,18	0,00	53 600,34	0,00
SI	EUR	0,00	0,00	0,00	724 031,47
SK	EUR	0,00	15 190,29	0,00	1 255 494,75

## ANNEX III

**Clearance of the paying agencies' accounts****Financial year 2022 - EAFRD****Reductions for non-compliance with the latest payment deadlines in accordance with Article 75(1) of Regulation (EU) No 1306/2013**

		In Euro
	CCI	Reductions for non-compliance with latest payment deadlines for FY2022
AT	2014AT06RDNP001	0,00
BE	2014BE06RDRP001	0,00
BE	2014BE06RDRP002	0,00
BG	2014BG06RDNP001	0,00
CY	2014CY06RDNP001	43 777,26
CZ	2014CZ06RDNP001	33 469,07
DE	2014DE06RDRN001	0,00
DE	2014DE06RDRP003	0,00
DE	2014DE06RDRP004	0,00
DE	2014DE06RDRP007	0,00
DE	2014DE06RDRP010	0,00
DE	2014DE06RDRP011	0,00
DE	2014DE06RDRP012	0,00
DE	2014DE06RDRP015	0,00
DE	2014DE06RDRP017	0,00
DE	2014DE06RDRP018	6 980,27
DE	2014DE06RDRP019	0,00
DE	2014DE06RDRP020	0,00
DE	2014DE06RDRP021	0,00
DE	2014DE06RDRP023	0,00
DK	2014DK06RDNP001	94 284,66
EE	2014EE06RDNP001	0,00
ES	2014ES06RDNP001	0,00
ES	2014ES06RDRP001	1 029 691,04
ES	2014ES06RDRP002	0,00
ES	2014ES06RDRP003	0,00
ES	2014ES06RDRP004	149 211,96
ES	2014ES06RDRP005	0,00
ES	2014ES06RDRP006	0,00
ES	2014ES06RDRP007	2 326 500,41
ES	2014ES06RDRP008	0,00

	CCI	Reductions for non-compliance with latest payment deadlines for FY2022
ES	2014ES06RDRP009	0,00
ES	2014ES06RDRP010	0,00
ES	2014ES06RDRP011	0,00
ES	2014ES06RDRP012	311 888,99
ES	2014ES06RDRP013	241 500,94
ES	2014ES06RDRP014	0,00
ES	2014ES06RDRP015	0,00
ES	2014ES06RDRP016	0,00
ES	2014ES06RDRP017	9 792,10
FI	2014FI06RDRP001	0,00
FI	2014FI06RDRP002	0,00
FR	2014FR06RDNP001	0,00
FR	2014FR06RDRN001	0,00
FR	2014FR06RDRP001	147 957,18
FR	2014FR06RDRP002	21 819,01
FR	2014FR06RDRP003	5 662,91
FR	2014FR06RDRP004	0,00
FR	2014FR06RDRP006	0,00
FR	2014FR06RDRP011	4 904,98
FR	2014FR06RDRP021	2 051,35
FR	2014FR06RDRP022	0,00
FR	2014FR06RDRP023	5 370,74
FR	2014FR06RDRP024	0,00
FR	2014FR06RDRP025	0,00
FR	2014FR06RDRP026	0,00
FR	2014FR06RDRP031	119 951,32
FR	2014FR06RDRP041	0,00
FR	2014FR06RDRP042	25 855,69
FR	2014FR06RDRP043	0,00
FR	2014FR06RDRP052	0,00
FR	2014FR06RDRP053	0,00
FR	2014FR06RDRP054	0,00
FR	2014FR06RDRP072	0,00
FR	2014FR06RDRP073	0,00
FR	2014FR06RDRP074	0,00
FR	2014FR06RDRP082	0,00



	CCI	Reductions for non-compliance with latest payment deadlines for FY2022
FR	2014FR06RDRP083	0,00
FR	2014FR06RDRP091	0,00
FR	2014FR06RDRP093	0,00
FR	2014FR06RDRP094	637 341,66
EL	2014GR06RDNP001	0,00
HR	2014HR06RDNP001	0,00
HU	2014HU06RDNP001	2 402 487,98
IE	2014IE06RDNP001	0,00
IT	2014IT06RDNP001	0,00
IT	2014IT06RDRN001	0,00
IT	2014IT06RDRP001	30 552,99
IT	2014IT06RDRP002	0,00
IT	2014IT06RDRP003	4 558,73
IT	2014IT06RDRP004	0,00
IT	2014IT06RDRP005	0,00
IT	2014IT06RDRP006	0,00
IT	2014IT06RDRP007	0,00
IT	2014IT06RDRP008	22 974,99
IT	2014IT06RDRP009	0,00
IT	2014IT06RDRP010	22 899,34
IT	2014IT06RDRP011	0,00
IT	2014IT06RDRP012	0,00
IT	2014IT06RDRP013	107 853,77
IT	2014IT06RDRP014	0,00
IT	2014IT06RDRP015	17 596,93
IT	2014IT06RDRP016	422 993,64
IT	2014IT06RDRP017	2 267,07
IT	2014IT06RDRP018	8 041,68
IT	2014IT06RDRP019	5 266,72
IT	2014IT06RDRP020	2 473 314,13
IT	2014IT06RDRP021	27 524,83
LT	2014LT06RDNP001	0,00
LU	2014LU06RDNP001	0,00
LV	2014LV06RDNP001	0,00
MT	2014MT06RDNP001	130,26
NL	2014NL06RDNP001	0,00

	CCI	Reductions for non-compliance with latest payment deadlines for FY2022
PL	2014PL06RDNP001	0,00
PT	2014PT06RDRP001	0,00
PT	2014PT06RDRP002	0,00
PT	2014PT06RDRP003	0,00
RO	2014RO06RDNP001	0,00
SE	2014SE06RDNP001	0,00
SI	2014SI06RDNP001	0,00
SK	2014SK06RDNP001	1 880 434,28

**COMMISSION IMPLEMENTING DECISION (EU) 2023/1037****of 24 May 2023****on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Guarantee Fund (EAGF) for financial year 2022***(notified under document C(2023)3274)*

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013<sup>(1)</sup>, and in particular Article 104 thereof,Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008<sup>(2)</sup>, and in particular Article 51 thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Article 104(1), second subparagraph, point (a), of Regulation (EU) 2021/2116 provides that Article 4(1), point (b), Article 5, Article 7(3), Articles 9, 17, 21 and 34, Article 35(4), Articles 36, 37, 38, 40 to 43, 51, 52, 54, 56, 59, 63, 64, 67, 68, 70 to 75, 77, 91 to 97, 99 and 100, Article 102(2) and Articles 110 and 111 of Regulation (EU) No 1306/2013 continue to apply, as regards the European Agricultural Guarantee Fund (EAGF), in relation to expenditure incurred and payments made for financial year 2022.
- (2) Article 64, second paragraph, point (a), of Commission Implementing Regulation (EU) 2022/128<sup>(3)</sup> provides that Article 2, Article 3(1), first subparagraph, Article 3(2), Article 4(1), point (b), Article 5, Article 6, Article 7, Articles 21 to 25, Article 27, Article 28, Article 29, Article 30(1), points (a), (b) and (c), Article 30(2), (3) and (4), Articles 31 to 40 and Articles 42 to 47 of Commission Implementing Regulation (EU) No 908/2014<sup>(4)</sup> continue to apply, as regards the EAGF, in relation to expenditure incurred and payments made for financial year 2022.
- (3) Article 64, second paragraph, point (c), of Implementing Regulation (EU) 2022/128 provides that Annexes II and III to Implementing Regulation (EU) No 908/2014 continue to apply for the purposes of Article 32, points (f) and (g), of Implementing Regulation (EU) 2022/128 for financial year 2022.

<sup>(1)</sup> OJ L 435, 6.12.2021, p. 187.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 549.

<sup>(3)</sup> Commission Implementing Regulation (EU) 2022/128 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council on paying agencies and other bodies, financial management, clearance of accounts, checks, securities and transparency (OJ L 20, 31.1.2022, p. 131).

<sup>(4)</sup> Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

- (4) Article 40, second paragraph, of Commission Delegated Regulation (EU) 2022/127 <sup>(5)</sup> provides that Article 5, Article 5a, Article 7(3) and (4), Article 10, Article 11(1), second subparagraph, Article 11(2), Article 12, Article 13 and Article 41(5) of Commission Delegated Regulation (EU) No 907/2014 <sup>(6)</sup> continue to apply, as regards the EAGF, in relation to expenditure incurred and payments made for financial year 2022.
- (5) Pursuant to Article 51 of Regulation (EU) No 1306/2013, the Commission, on the basis of the annual accounts submitted by the Member States, accompanied by the information required for the clearance of accounts and an audit opinion regarding the completeness, accuracy and veracity of the accounts and the reports established by the certification bodies, has to clear the accounts of the paying agencies referred to in Article 7 of that Regulation prior to 31 May of the year following the budget year in question.
- (6) In accordance with Article 35 of Regulation (EU) 2021/2116, the agricultural financial year begins on 16 October of year N-1 and ends on 15 October of year N. When clearing the accounts for financial year 2022, account should be taken of expenditure incurred by the Member States between 16 October 2021 and 15 October 2022, as provided for in Article 11(1) of Implementing Regulation (EU) 2022/128.
- (7) Article 33(2), first subparagraph, of Implementing Regulation (EU) No 908/2014 provides that the amounts that are recoverable from, or payable to, each Member State, in accordance with the accounts clearance decision referred to in Article 33(1) of that Regulation, are to be established by deducting the monthly payments for the financial year concerned from expenditure recognised for that year in accordance with Article 33(1). The Commission is to deduct that amount from or add it to the monthly payment relating to the expenditure effected in the second month following the clearance of accounts decision.
- (8) The Commission has checked the information submitted by the Member States and has communicated the results of its checks to the Member States, together with the amendments it proposes.
- (9) For all paying agencies, the annual accounts and the accompanying documents permit the Commission to take a decision on the completeness, accuracy and veracity of the annual accounts submitted.
- (10) In accordance with Article 5(5) of Delegated Regulation (EU) No 907/2014, any overrun of payment deadlines is to be taken into account, at the latest, in the accounts clearance decision. Some of the expenditure declared by certain Member States during financial year 2022 was effected after the applicable deadlines. This Decision should therefore fix the relevant reductions.
- (11) Pursuant to Article 41 of Regulation (EU) No 1306/2013, the Commission has already reduced or suspended a number of monthly payments for financial year 2022 due to failure to comply with financial ceilings, or due to control system deficiencies. In this Decision, the Commission should take into account such reduced or suspended amounts in order to avoid making any inappropriate, or untimely, payments or reimbursements which could later be subject to financial correction. The amounts in question may be examined, where appropriate, under conformity clearance proceedings pursuant to Article 52 of that Regulation.
- (12) The Commission has already reduced the relevant monthly payments for financial year 2022 for the amounts due to the EAGF as a result of financial and conformity clearance decisions, pursuant to Articles 51 and 52 of Regulation (EU) No 1306/2013, executed by the Commission in financial year 2022. Any such amounts are taken into account in this Decision.

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<sup>(5)</sup> Commission Delegated Regulation (EU) 2022/127 of 7 December 2021 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with rules on paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 20, 31.1.2022, p. 95).

<sup>(6)</sup> Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 255, 28.8.2014, p. 18).

- (13) Pursuant to Article 54(2) of Regulation (EU) No 1306/2013, 50 % of the financial consequences of non-recovery of irregularities should be borne by the Member State concerned, if recovery has not taken place within 4 years from the date of the recovery request, or within 8 years where the recovery is taken before the national courts. Article 54(4) of Regulation (EU) No 1306/2013 requires Member States to attach to the annual accounts that they have to submit to the Commission pursuant to Article 29 of Implementing Regulation (EU) No 908/2014 a certified table reflecting the amounts to be borne by them under Article 54(2) of Regulation (EU) No 1306/2013. Rules on the application of the Member States' obligation to report the amounts to be recovered are laid down in Implementing Regulation (EU) No 908/2014. Annex II to Implementing Regulation (EU) No 908/2014 sets out the model of the table that Member States have to use to provide information about amounts to be recovered. On the basis of the tables completed by the Member States, the Commission should decide on the financial consequences of non-recovery of irregularities older than 4 or 8 years respectively.
- (14) Pursuant to Article 54(3) of Regulation (EU) No 1306/2013, on duly justified grounds, Member States may decide not to pursue recovery. Such a decision may be taken only if the costs already, and likely to be, incurred total more than the amount to be recovered, or if the recovery proves impossible owing to the insolvency, recorded and recognised under national law, of the debtor or the persons legally responsible for the irregularity. If the decision has been taken within 4 years from the date of the recovery request or within 8 years where the recovery is taken to the national courts, 100 % of the financial consequences of the non-recovery should be borne by the Union budget. The amounts for which the Member State decided not to pursue recovery and the grounds for the decision are shown in the summary report referred to in Article 54(4) of that Regulation. Therefore, such amounts should not be charged to the Member States concerned and are consequently borne by the Union budget.
- (15) In accordance with Article 51 of Regulation (EU) No 1306/2013, this Decision should be without prejudice to the decisions the Commission may take subsequently to exclude from Union financing expenditure not effected in accordance with Union rules,

HAS ADOPTED THIS DECISION:

*Article 1*

The accounts of the Member States' paying agencies are hereby cleared as regards expenditure financed by the European Agricultural Guarantee Fund (EAGF) in respect of financial year 2022.

The amounts recoverable from, or payable to, each Member State pursuant to this Decision, including those resulting from the application of Article 54(2) of Regulation (EU) No 1306/2013, are set out in Annexes I and II to this Decision.

*Article 2*

This Decision is without prejudice to future conformity clearance decisions that the Commission may take pursuant to Article 52 of Regulation (EU) No 1306/2013 to exclude from Union financing expenditure not effected in accordance with Union rules.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 24 May 2023.

*For the Commission*  
Janusz WOJCIECHOWSKI  
*Member of the Commission*

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## Clearance of the Paying Agencies' accounts

Financial year 2022 - EAGF

## Amount to be recovered from or paid to the Member State

MS		2022 - Expenditure / Assigned Revenue for the Paying Agencies for which the accounts are		Total a + b	Reductions and suspensions for the whole financial year 1)	Amount to be charged according to Article 54(2) of Regulation (EU) 1306/2013	Total including reductions and suspensions	Payments made to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State 2)
		cleared	disjoined						
		= expenditure / assigned revenue declared in the annual declaration	= total of the expenditure / assigned revenue in the monthly declarations						
		a	b	c=a+b	d	e	f=c+d+e	g	h=f-g
AT	EUR	711 124 945,28	0,00	711 124 945,28	- 69 142 843,52	0,00	641 982 101,76	641 982 101,76	0,00
BE	EUR	563 469 110,23	0,00	563 469 110,23	- 3 355 470,80	0,00	560 113 639,43	560 304 381,02	- 190 741,59
BG	BGN	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
BG	EUR	817 224 556,93	0,00	817 224 556,93	- 9 999 812,85	0,00	807 224 744,08	807 666 231,95	- 441 487,87
CY	EUR	53 554 003,69	0,00	53 554 003,69	- 292 064,80	0,00	53 261 938,89	53 252 507,36	9 431,53
CZ	CZK	0,00	0,00	0,00	0,00	- 60 832,27	- 60 832,27	0,00	- 60 832,27
CZ	EUR	869 951 444,06	0,00	869 951 444,06	- 13 409 662,73	0,00	856 541 781,33	856 541 781,08	0,25
DE	EUR	4 785 423 691,21	0,00	4 785 423 691,21	- 2 061 589,16	- 254 798,01	4 783 107 304,04	4 783 372 432,35	- 265 128,31
DK	DKK	0,00	0,00	0,00	0,00	- 1 191,47	- 1 191,47	0,00	- 1 191,47
DK	EUR	829 480 010,17	0,00	829 480 010,17	- 7 602 930,95	0,00	821 877 079,22	820 222 855,84	1 654 223,38
EE	EUR	193 550 993,08	0,00	193 550 993,08	- 644 142,44	0,00	192 906 850,64	192 822 050,67	84 799,97
ES	EUR	5 666 189 224,46	0,00	5 666 189 224,46	- 18 819 069,18	- 981 775,27	5 646 388 380,01	5 649 483 252,09	- 3 094 872,08
FI	EUR	532 007 917,30	0,00	532 007 917,30	- 5 541 621,71	- 36 310,08	526 429 985,51	526 444 909,04	- 14 923,53
FR	EUR	7 473 864 122,77	0,00	7 473 864 122,77	- 89 296 720,07	- 15 710 912,61	7 368 856 490,09	7 385 172 632,53	- 16 316 142,44
EL	EUR	2 005 280 173,71	0,00	2 005 280 173,71	- 41 991 902,42	- 767 853,27	1 962 520 418,02	1 963 352 174,10	- 831 756,08
HR	HRK	0,00	0,00	0,00	0,00	- 501 432,22	- 501 432,22	0,00	- 501 432,22

HR	EUR	381 911 249,22	0,00	381 911 249,22	- 1 154 543,99	0,00	380 756 705,23	381 161 087,48	- 404 382,25
HU	HUF	0,00	0,00	0,00	0,00	- 27 341 782,00	- 27 341 782,00	0,00	- 27 341 782,00
HU	EUR	1 330 221 833,99	0,00	1 330 221 833,99	- 6 915 926,40	0,00	1 323 305 907,59	1 323 305 907,59	0,00
IE	EUR	1 198 385 813,17	0,00	1 198 385 813,17	- 2 145 652,57	- 5 171,71	1 196 234 988,89	1 193 847 604,02	2 387 384,87
IT	EUR	4 174 468 850,41	0,00	4 174 468 850,41	123 024 548,00	- 2 638 256,04	4 294 855 142,37	4 297 018 706,30	- 2 163 563,93
LT	EUR	577 952 498,08	0,00	577 952 498,08	319 221,81	- 1 023,01	578 270 696,88	578 271 719,89	- 1 023,01
LU	EUR	33 840 844,26	0,00	33 840 844,26	49 506,44	- 4 555,22	33 885 795,48	33 810 839,19	74 956,29
LV	EUR	318 687 850,75	0,00	318 687 850,75	- 11 497,83	- 316,45	318 676 036,47	318 676 352,92	- 316,45
MT	EUR	5 019 919,40	0,00	5 019 919,40	- 283,11	0,00	5 019 636,29	5 019 636,29	0,00
NL	EUR	705 886 328,90	0,00	705 886 328,90	- 1 102,62	0,00	705 885 226,28	705 869 191,61	16 034,67
PL	PLN	0,00	0,00	0,00	0,00	- 1 267 717,12	- 1 267 717,12	0,00	- 1 267 717,12
PL	EUR	3 403 049 489,21	0,00	3 403 049 489,21	95 710,65	0,00	3 403 145 199,86	3 403 174 261,25	- 29 061,39
PT	EUR	876 061 261,75	0,00	876 061 261,75	- 32 162 068,39	- 238 453,89	843 660 739,47	843 033 925,20	626 814,27
RO	RON	0,00	0,00	0,00	0,00	- 10 768 075,58	- 10 768 075,58	0,00	- 10 768 075,58
RO	EUR	1 949 712 389,54	0,00	1 949 712 389,54	- 92 026 338,46	0,00	1 857 686 051,08	1 856 480 122,17	1 205 928,91
SE	SEK	0,00	0,00	0,00	0,00	- 38 548,93	- 38 548,93	0,00	- 38 548,93
SE	EUR	704 598 300,44	0,00	704 598 300,44	- 33 101 942,66	0,00	671 496 357,78	671 716 657,22	- 220 299,44
SI	EUR	139 976 886,43	0,00	139 976 886,43	- 7 111 401,19	0,00	132 865 485,24	132 865 485,25	- 0,01
SK	EUR	430 357 281,48	0,00	430 357 281,48	- 18 191 798,11	- 5 401,69	412 160 081,68	411 995 979,07	164 102,61

MS		Expenditure 3)	Assigned revenue 3)	Article 54(2) (=e)	Total (=h)
		08 02 06 01	6200	6200	
		i	j	k	
AT	EUR	0,00	0,00	0,00	0,00
BE	EUR	0,00	- 190 741,59	0,00	- 190 741,59
BG	BGN	0,00	0,00	0,00	0,00
BG	EUR	0,00	- 441 487,87	0,00	- 441 487,87
CY	EUR	9 431,53	0,00	0,00	9 431,53
CZ	CZK	0,00	0,00	- 60 832,27	- 60 832,27
CZ	EUR	0,25	0,00	0,00	0,25
DE	EUR	0,00	- 10 330,30	- 254 798,01	- 265 128,31
DK	DKK	0,00	0,00	- 1 191,47	- 1 191,47
DK	EUR	1 654 223,38	0,00	0,00	1 654 223,38
EE	EUR	84 799,97	0,00	0,00	84 799,97
ES	EUR	0,00	- 2 113 096,81	- 981 775,27	- 3 094 872,08
FI	EUR	112 829,88	- 91 443,33	- 36 310,08	- 14 923,53
FR	EUR	0,00	- 605 229,83	- 15 710 912,61	- 16 316 142,44
EL	EUR	0,00	- 63 902,81	- 767 853,27	- 831 756,08
HR	HRK	0,00	0,00	- 501 432,22	- 501 432,22
HR	EUR	0,00	- 404 382,25	0,00	- 404 382,25
HU	HUF	0,00	0,00	- 27 341 782,00	- 27 341 782,00
HU	EUR	0,00	0,00	0,00	0,00
IE	EUR	2 417 792,76	- 25 236,18	- 5 171,71	2 387 384,87
IT	EUR	1 390 225,25	- 915 533,14	- 2 638 256,04	- 2 163 563,93
LT	EUR	0,00	0,00	- 1 023,01	- 1 023,01
LU	EUR	79 511,51	0,00	- 4 555,22	74 956,29
LV	EUR	0,00	0,00	- 316,45	- 316,45
MT	EUR	0,00	0,00	0,00	0,00
NL	EUR	16 034,67	0,00	0,00	16 034,67
PL	PLN	0,00	0,00	- 1 267 717,12	- 1 267 717,12
PL	EUR	0,00	- 29 061,39	0,00	- 29 061,39
PT	EUR	865 268,16	0,00	- 238 453,89	626 814,27
RO	RON	0,00	0,00	- 10 768 075,58	- 10 768 075,58
RO	EUR	1 673 638,52	- 467 709,61	0,00	1 205 928,91
SE	SEK	0,00	0,00	- 38 548,93	- 38 548,93
SE	EUR	0,00	- 220 299,44	0,00	- 220 299,44
SI	EUR	0,00	- 0,01	0,00	- 0,01
SK	EUR	207 271,53	- 37 767,23	- 5 401,69	164 102,61



- 1) The reductions and suspensions are those taken into account in the payment system, to which are added in particular the corrections for the non respect of payment deadlines and other reductions in the context of Article 41 of Regulation (EU) No 1306/2013.
- 2) For the calculation of the amount to be recovered from or paid to the Member State the amount taken into account is, the total of the annual declaration for the expenditure cleared (col.a) or, the total of the monthly declarations for the expenditure disjoined (col.b). Applicable exchange rate: Article 11(1), first subparagraph, second sentence of the Commission Delegated Regulation (EU) No 907/2014.
- 3) BL 08 02 06 01 shall be split between the negative corrections which become assigned revenue in BL 62 00 and the positive ones in favour of MS which shall now be included on the expenditure side 08 02 06 01 as per article 43 of Regulation (EU) No 1306/2013.

NB: Nomenclature 2023 : 08 02 06 01 , 6200

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## ANNEX II

## Clearance of the paying agencies' accounts

## Financial year 2022 - EAGF

## Corrections according to Article 54(2) of Regulation (EU) No 1306/2013 (\*)

Member State	Currency	In National currency	In Euro
AT	EUR		
BE	EUR		
BG	BGN		
CY	EUR	-	19 409,26
CZ	CZK	182 675,76	-
DE	EUR		
DK	DKK		
EE	EUR	-	-
ES	EUR		
FI	EUR		
FR	EUR		
EL	EUR		
HR	HRK		
HU	HUF	-	-
IE	EUR		
IT	EUR		
LT	EUR	-	934,53
LU	EUR		
LV	EUR	-	-
MT	EUR	-	-
NL	EUR		
PL	PLN	81 714,61	-
PT	EUR		
RO	RON		
SE	SEK		
SI	EUR	-	-
SK	EUR	-	-

(\*) Amounts to be charged to the Member States as a result of the application of Article 54(2) of Regulation (EU) No 1306/2013 in relation to the Temporary Rural Development Instrument (TRDI) funded by the European Agricultural Guidance and Guarantee Fund (EAGGF) (Commission Regulation (EC) No 27/2004 of 5 January 2004 laying down transitional detailed rules for the application of Council Regulation (EC) No 1257/1999 as regards the financing by the EAGGF Guarantee Section of rural development measures in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (OJ L 5, 9.1.2004, p. 36))

**COMMISSION IMPLEMENTING DECISION (EU) 2023/1038****of 24 May 2023****on the clearance of the accounts of the paying agencies of the United Kingdom concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) for financial year 2022***(notified under document C(2023) 3275)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 <sup>(1)</sup>, and in particular Article 104 thereof,Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 <sup>(2)</sup>, and in particular Article 51 thereof, in conjunction with Articles 131 and 138 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Article 104(1), second subparagraph, point (a), of Regulation (EU) 2021/2116 provides that Article 4(1), point (b), Article 5, Article 7(3), Articles 9, 17, 21 and 34, Article 35(4), Articles 36, 37, 38, 40 to 43, 51, 52, 54, 56, 59, 63, 64, 67, 68, 70 to 75, 77, 91 to 97, 99 and 100, Article 102(2) and Articles 110 and 111 of Regulation (EU) No 1306/2013 continue to apply, as regards the European Agricultural Fund for Rural Development (EAFRD), in relation to expenditure incurred by the beneficiaries and payments made by the paying agency in the framework of the implementation of rural development programmes pursuant to Regulation (EU) No 1305/2013 of the European Parliament and of the Council <sup>(3)</sup> for financial year 2022.
- (2) Article 64, second paragraph, point (a), of Commission Implementing Regulation (EU) 2022/128 <sup>(4)</sup> provides that Article 2, Article 3(1), first subparagraph, Article 3(2), Article 4(1), point (b), Article 5, Article 6, Article 7, Articles 21 to 25, Article 27, Article 28, Article 29, Article 30(1), points (a), (b) and (c), Article 30(2), (3) and (4), Articles 31 to 40 and Articles 42 to 47 of Commission Implementing Regulation (EU) No 908/2014 <sup>(5)</sup> continue to apply, as regards the EAFRD, in relation to expenditure incurred by the beneficiaries and payments made by the paying agency in the framework of the implementation of rural development programmes pursuant to Regulation (EU) No 1305/2013 for financial year 2022.

<sup>(1)</sup> OJ L 435, 6.12.2021, p. 187.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 549.

<sup>(3)</sup> Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

<sup>(4)</sup> Commission Implementing Regulation (EU) 2022/128 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council on paying agencies and other bodies, financial management, clearance of accounts, checks, securities and transparency (OJ L 20, 31.1.2022, p. 131).

<sup>(5)</sup> Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

- (3) Article 64, second paragraph, point (c), of Implementing Regulation (EU) 2022/128 provides that Annexes II and III to Implementing Regulation (EU) No 908/2014 continue to apply for the purposes of Article 32, points (f) and (g), of Implementing Regulation (EU) 2022/128 for financial year 2022.
- (4) Article 40, second paragraph, of Commission Delegated Regulation (EU) 2022/127 <sup>(6)</sup> provides that Article 5, Article 5a, Article 7(3) and (4), Article 10, Article 11(1), second subparagraph, Article 11(2), Article 12, Article 13 and Article 41(5) of Commission Delegated Regulation (EU) No 907/2014 <sup>(7)</sup> continue to apply as regards the EAFRD in relation to expenditure incurred by the beneficiaries and payments effected by the paying agency in the framework of the implementation of rural development programmes pursuant to Regulation (EU) No 1305/2013 for financial year 2022.
- (5) Pursuant to Article 51 of Regulation (EU) No 1306/2013, the Commission, on the basis of the annual accounts submitted by the United Kingdom, accompanied by the information required for the clearance of accounts and an audit opinion regarding the completeness, accuracy and veracity of the accounts and the reports established by the certification bodies, has to clear the accounts of the paying agencies referred to in Article 7 of that Regulation prior to 31 May of the year following the budget year in question.
- (6) In accordance with Article 35 of Regulation (EU) 2021/2116, the agricultural financial year begins on 16 October of year N-1 and ends on 15 October of year N. When clearing the accounts for financial year 2022, for the purpose of aligning the reference period for the EAFRD expenditure with that of the European Agricultural Guarantee Fund (EAGF), account should be taken of expenditure incurred by the United Kingdom between 16 October 2021 and 15 October 2022, as provided for in Article 11(1) of Implementing Regulation (EU) 2022/128.
- (7) Article 33(2), second subparagraph, of Implementing Regulation (EU) No 908/2014 provides that the amounts that are recoverable from, or payable to, the United Kingdom, in accordance with the accounts clearance decision referred to in Article 33(1) of that Regulation, are to be established by deducting the intermediate payments for the financial year concerned from the expenditure recognised for that year in accordance with Article 33(1). The Commission is to deduct that amount from or add it to the next intermediate payment.
- (8) The Commission has checked the information submitted by the United Kingdom and has communicated the results of its checks to the United Kingdom, together with the amendments it proposes.
- (9) For the paying agencies of the United Kingdom, 'Department of Agriculture, Environment and Rural Affairs', 'The Scottish Government Rural Payments and Inspections Directorate', 'Welsh Government' and 'Rural Payments Agency', the annual accounts and the accompanying documents permit the Commission to take a decision on the completeness, accuracy and veracity of the annual accounts submitted.
- (10) Article 36(3), first subparagraph, point (b), of Regulation (EU) No 1306/2013 provides that intermediate payments are to be made without overrun of the total programmed EAFRD contribution. Pursuant to Article 23(2) of Implementing Regulation (EU) No 908/2014, where the combined total of declarations of expenditure exceeds the total programmed contribution for a rural development programme, the amount to be paid has to be capped at the programmed amount, without prejudice to the ceiling provided for in Article 34(2) of Regulation (EU) No 1306/2013. The capped amount will be subject to a later reimbursement by the Commission following the adoption of the amended financial plan or at the closure of the programming period.

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<sup>(6)</sup> Commission Delegated Regulation (EU) 2022/127 of 7 December 2021 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with rules on paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 20, 31.1.2022, p. 95).

<sup>(7)</sup> Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 255, 28.8.2014, p. 18).

- (11) In accordance with Article 75(1), fourth subparagraph, of Regulation (EU) No 1306/2013, the rules on payment deadlines for measures under rural development in the context of the integrated administration and control system apply from claim year 2019. The reductions for non-compliance with the latest payment deadlines, calculated in conformity with Article 5a of Delegated Regulation (EU) No 907/2014, follow the procedure laid down in Articles 40 and 41 of Regulation (EU) No 1306/2013 and are to be taken into account in this Decision for financial year 2022. Those reductions may be examined, where appropriate, under conformity clearance proceedings pursuant to Article 52 of Regulation (EU) No 1306/2013.
- (12) Pursuant to Article 34(2) of Regulation (EU) No 1306/2013, the combined total of prefinancing and interim payments are not to exceed 95 % of the EAFRD's contribution to each rural development programme. The following programmes have reached this threshold: 2014UK06RDRP001 and 2014UK06RDRP003. The outstanding balance of these programmes will be settled at the closure of the programming period.
- (13) Pursuant to Article 54(2) of Regulation (EU) No 1306/2013, 50 % of the financial consequences of non-recovery of irregularities should be borne by the United Kingdom, if recovery has not taken place within 4 years from the date of the recovery request, or within 8 years where the recovery is taken before the national courts. Article 54(4) of Regulation (EU) No 1306/2013 requires the United Kingdom to attach to the annual accounts that it has to submit to the Commission, pursuant to Article 29 of Implementing Regulation (EU) No 908/2014, a certified table reflecting the amounts to be borne by the United Kingdom under Article 54(2) of Regulation (EU) No 1306/2013. Rules on the application of the United Kingdom's obligation to report the amounts to be recovered are laid down in Implementing Regulation (EU) No 908/2014. Annex II to Implementing Regulation (EU) No 908/2014 sets out the model of the table that the United Kingdom has to use to provide information about amounts to be recovered. On the basis of the tables completed by the United Kingdom, the Commission should decide on the financial consequences of non-recovery of irregularities older than 4 or 8 years respectively.
- (14) Pursuant to Article 54(3) of Regulation (EU) No 1306/2013, on duly justified grounds, the United Kingdom may decide not to pursue recovery. Such a decision may be taken only if the costs already, and likely to be, incurred total more than the amount to be recovered, or if the recovery proves impossible owing to the insolvency recorded and recognised under national law, of the debtor or the persons legally responsible for the irregularity. If the decision has been taken within 4 years from the date of recovery request, or within 8 years where the recovery is taken before the national courts, 100 % of the financial consequences of the non-recovery should be borne by the Union budget. The amounts for which the United Kingdom decided not to pursue recovery and the grounds for its decision are shown in the summary report referred to in Article 54(4) of that Regulation. Therefore, such amounts should not be charged to the United Kingdom and are consequently to be borne by the Union budget.
- (15) This Decision should also take into account the amounts that are still to be charged to the United Kingdom as a result of the application of Article 54(2) of Regulation (EU) No 1306/2013 in relation to the 2007-2013 programming period for the EAFRD.
- (16) In accordance with Article 51 of Regulation (EU) No 1306/2013, this Decision should be without prejudice to the decisions the Commission may take subsequently to exclude from Union financing expenditure not effected in accordance with Union rules,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The accounts of the paying agencies of the United Kingdom, 'Department of Agriculture, Environment and Rural Affairs', 'The Scottish Government Rural Payments and Inspections Directorate', 'Welsh Government' and 'Rural Payments Agency' are hereby cleared as regards expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) in respect of financial year 2022 and relating to the 2014-2020 programming period.

The amounts recoverable from, or payable to the United Kingdom under each rural development programme pursuant to this Decision, are set out in Annex I.

*Article 2*

The amounts to be charged to the United Kingdom, as a result of the application of Article 54(2) of Regulation (EU) No 1306/2013 relating to the 2014-2020 programming period and to the 2007-2013 programming period for the EAFRD, are set out in Annex II to this Decision.

*Article 3*

The reductions for non-compliance with the latest payment deadlines in accordance with Article 75(1) of Regulation (EU) No 1306/2013 under each rural development programme are set out in Annex III to this Decision.

*Article 4*

This Decision is without prejudice to future conformity clearance decisions that the Commission may take pursuant to Article 52 of Regulation (EU) No 1306/2013 to exclude from Union financing expenditure not effected in accordance with Union rules.

*Article 5*

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 24 May 2023.

*For the Commission*  
Janusz WOJCIECHOWSKI  
*Member of the Commission*

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## Cleared EAFRD expenditure by Rural Development programme for financial year 2022

## Amount to be recovered from or paid to the United Kingdom per programme

## Approved programmes with declared expenditure for EAFRD 2014-2020

	CCI	Expenditure 2022	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2022	Interim payments reimbursed to the United Kingdom for the financial year including clearing of pre-financing	In Euro	In Euro
								Amount to be recovered from (-) or paid to (+) the United Kingdom	Balance to be settled at closure of programming period due to 95% threshold reached (*)
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi	
UK	2014UK06RDRP001	320 428 023,31	0,00	320 428 023,31	0,00	320 428 023,31	272 787 068,76	- 13 178,79	47 654 133,34
UK	2014UK06RDRP002	27 737 698,19	- 33 192,33	27 704 505,86	0,00	27 704 505,86	27 703 772,21	733,65	0,00
UK	2014UK06RDRP003	43 945 611,42	- 441 226,49	43 504 384,93	0,00	43 504 384,93	29 598 163,53	- 597 933,18	14 504 154,58
UK	2014UK06RDRP004	83 079 581,60	- 178 527,42	82 901 054,18	0,00	82 901 054,18	82 901 627,10	- 572,92	0,00

(\*) Where payments have reached 95 % of the total EAFRD contribution for a rural development programme — Article 34(2) of Regulation (EU) No 1306/2013, the balance will be settled during the closure of the programme.

ANNEX II

Clearance of the Paying Agencies' accounts

Financial year 2022 – EAFRD

Corrections according to Article 54(2) of Regulation (EU) 1306/2013

		Corrections Related to the 2014-2020 Programming Period		Corrections Related to the 2007-2013 Programming Period	
	Currency	In National currency	In Euro	In National currency	In Euro
UK	GBP	3 841,34	0,00	17 115,42	0,00



## ANNEX III

**Clearance of the paying agencies' accounts****Financial year 2022 - EAFRD****Reductions for non-compliance with the latest payment deadlines in accordance with Article 75(1)  
of Regulation (EU) No 1306/2013**

In Euro		
	CCI	Reductions for non-compliance with latest payment deadlines for FY2022
UK	2014UK06RDRP001	434 188,85
UK	2014UK06RDRP002	0,00
UK	2014UK06RDRP003	0,00
UK	2014UK06RDRP004	0,00

**COMMISSION IMPLEMENTING DECISION (EU) 2023/1039****of 24 May 2023****on the clearance of the accounts of the paying agencies of the United Kingdom concerning debts arising from expenditure financed by the European Agricultural Guarantee Fund (EAGF) under the 2014-2020 programming period and the 2007-2013 programming period for financial year 2022***(notified under document C(2023) 3272)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 <sup>(1)</sup>, and in particular Article 104 thereof,Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 <sup>(2)</sup>, and in particular Article 51 thereof, in conjunction with Articles 131 and 138 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ('Withdrawal Agreement'),

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Article 104(1), second subparagraph, point (a), of Regulation (EU) 2021/2116 provides that Article 4(1), point (b), Article 5, Article 7(3), Articles 9, 17, 21 and 34, Article 35(4), Articles 36, 37, 38, 40 to 43, 51, 52, 54, 56, 59, 63, 64, 67, 68, 70 to 75, 77, 91 to 97, 99 and 100, Article 102(2) and Articles 110 and 111 of Regulation (EU) No 1306/2013 continue to apply, as regards debts arising from expenditure financed by the European Agricultural Guarantee Fund (EAGF) under the 2014-2020 programming period and the 2007-2013 programming period for financial year 2022.
- (2) Article 64, second paragraph, point (a), of Commission Implementing Regulation (EU) 2022/128 <sup>(3)</sup> provides that Article 2, Article 3(1), first subparagraph, Article 3(2), Article 4(1), point (b), Article 5, Article 6, Article 7, Articles 21 to 25, Article 27, Article 28, Article 29, Article 30(1), points (a), (b) and (c), Article 30(2), (3) and (4), Articles 31 to 40 and Articles 42 to 47 of Commission Implementing Regulation (EU) No 908/2014 <sup>(4)</sup> continue to apply, as regards debts arising from expenditure financed by the EAGF under the 2014-2020 programming period and the 2007-2013 programming period for financial year 2022.

<sup>(1)</sup> OJ L 435, 6.12.2021, p. 187.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 549.

<sup>(3)</sup> Commission Implementing Regulation (EU) 2022/128 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council on paying agencies and other bodies, financial management, clearance of accounts, checks, securities and transparency (OJ L 20, 31.1.2022, p. 131).

<sup>(4)</sup> Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

- (3) Article 64, second paragraph, point (c), of Implementing Regulation (EU) 2022/128 provides that Annexes II and III to Implementing Regulation (EU) No 908/2014 continue to apply for the purposes of Article 32, points (f) and (g), of Implementing Regulation (EU) 2022/128 for financial year 2022.
- (4) Pursuant to Article 51 of Regulation (EU) No 1306/2013, the Commission, on the basis of the annual accounts submitted by the United Kingdom, accompanied by the information required for the clearance of accounts and an audit opinion regarding the completeness, accuracy and veracity of the accounts and the reports established by the certification bodies, has to clear the accounts of the paying agencies referred to in Article 7 of that Regulation prior to 31 May of the year following the budget year in question.
- (5) Pursuant to Article 138(1) of the Withdrawal Agreement, the United Kingdom has an obligation to continue to ensure the functioning of the management and control system for recognition, registration and recovery of debts arising from expenditure financed by EAGF under 2014-2020 programming period and the 2007-2013 programming period, in accordance with Article 54 of Regulation (EU) No 1306/2013.
- (6) In accordance with Article 35 of Regulation (EU) 2021/2116, the agricultural financial year begins on 16 October of year N-1 and ends on 15 October of year N. When clearing the accounts for financial year 2022, account should be taken of recognition, registration and recovery of debts by the United Kingdom between 16 October 2021 and 15 October 2022, as provided for in Article 11(1) of Implementing Regulation (EU) 2022/128.
- (7) The Commission has checked the information submitted by the United Kingdom and has communicated the results of its checks to the United Kingdom, together with the amendments it proposes.
- (8) For the paying agencies of the United Kingdom, 'Department of Agriculture, Environment and Rural Affairs', 'The Scottish Government Rural Payments and Inspections Directorate', 'Welsh Government' and 'Rural Payments Agency', the annual accounts and the accompanying documents permit the Commission to take a decision on the completeness, accuracy and veracity of the annual accounts submitted.
- (9) Pursuant to Article 54(2) of Regulation (EU) No 1306/2013, 50 % of the financial consequences of non-recovery of irregularities should be borne by the United Kingdom, if recovery has not taken place within 4 years from the date of the recovery request, or within 8 years where the recovery is taken before the national courts. Article 54(4) of Regulation (EU) No 1306/2013 requires the United Kingdom to attach to the annual accounts that it has to submit to the Commission pursuant to Article 29 of Implementing Regulation (EU) No 908/2014 a certified table reflecting the amounts to be borne by the United Kingdom under Article 54(2) of Regulation (EU) No 1306/2013. Rules on the application of the obligation of the United Kingdom to report the amounts to be recovered are laid down in Implementing Regulation (EU) No 908/2014. Annex II to Implementing Regulation (EU) No 908/2014 sets out the model of the table that the United Kingdom has to use to provide information about amounts to be recovered. On the basis of the tables completed by the United Kingdom, the Commission should decide on the financial consequences of non-recovery of irregularities older than 4 or 8 years respectively.
- (10) Pursuant to Article 54(3) of Regulation (EU) No 1306/2013, on duly justified grounds, the United Kingdom may decide not to pursue recovery. Such a decision may be taken only if the costs already, and likely to be, incurred total more than the amount to be recovered, or if the recovery proves impossible owing to the insolvency, recorded and recognised under national law, of the debtor or the persons legally responsible for the irregularity. If the decision has been taken within 4 years from the date of the recovery request or within 8 years where the recovery is taken to the national courts, 100 % of the financial consequences of the non-recovery should be borne by the Union budget. The amounts for which the United Kingdom decided not to pursue recovery and the grounds for the decision are shown in the summary report referred to in Article 54(4) of that Regulation. Therefore, such amounts should not be charged to the United Kingdom and are consequently borne by the Union budget.
- (11) In accordance with Article 51 of Regulation (EU) No 1306/2013, this Decision should be without prejudice to the decisions the Commission may take subsequently to exclude from Union financing expenditure not effected in accordance with Union rules,

HAS ADOPTED THIS DECISION:

*Article 1*

The accounts of the paying agencies of the United Kingdom, 'Department of Agriculture, Environment and Rural Affairs', 'The Scottish Government Rural Payments and Inspections Directorate', 'Welsh Government' and 'Rural Payments Agency' are hereby cleared as regards debts arising from expenditure financed by the European Agricultural Guarantee Fund (EAGF) under the multiannual financial framework for the years 2014-2020 and previous financial perspectives, in accordance with Article 54 of Regulation (EU) No 1306/2013 for financial year 2022.

The amounts recoverable from, or payable to, the United Kingdom pursuant to this Decision, including those resulting from the application of Article 54(2) of Regulation (EU) No 1306/2013, are set out in the Annex to this Decision.

*Article 2*

This Decision is without prejudice to future conformity clearance decisions that the Commission may take pursuant to Article 52 of Regulation (EU) No 1306/2013 to exclude from Union financing expenditure not effected in accordance with Union rules.

*Article 3*

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 24 May 2023.

*For the Commission*  
Janusz WOJCIECHOWSKI  
*Member of the Commission*

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## Clearance of the Paying Agencies' accounts

## Financial year 2022 - EAGF

## Amount to be recovered from or paid to the United Kingdom

		2022 - Expenditure / Assigned Revenue for the paying agencies for which the accounts are		Total a + b	Amount to be charged according to Article 54(2) of Regulation (EU) No 1306/2013 in relation to the EAGF	Total	Amount to be recovered from (-) or paid to (+) the United Kingdom <sup>(1)</sup>
		cleared	disjoined				
		= expenditure / assigned revenue declared in the annual declaration	= total of the expenditure / assigned revenue in the monthly declarations				
		a	b	c=a+b	d	e=c+d	f=e
UK	GBP	0,00	0,00	0,00	- 19 336,80	- 19 336,80	- 19 336,80
UK	EUR	- 1 474 812,20	0,00	- 1 474 812,20	0,00	- 1 474 812,20	- 1 474 812,20

<sup>(1)</sup> For the calculation of the amount to be recovered from or paid to the United Kingdom the amount taken into account is, the total of the annual declaration for the expenditure cleared (col.a) or, the total of the monthly declarations for the expenditure disjoined (col.b). Applicable exchange rate: Article 11(1), first subparagraph, second sentence of the Commission Delegated Regulation (EU) No 907/2014.

		Expenditure <sup>(1)</sup>	Assigned revenue <sup>(1)</sup>	Article 54(2) (=d)	Total (=f)
		0802 06 01	6200	6200	
		g	h	i	j=g+h+i
UK	GBP	0,00	0,00	- 19 336,80	- 19 336,80
UK	EUR	0,00	- 1 474 812,20	0,00	- 1 474 812,20

<sup>(1)</sup> BL 08 02 06 01 shall be split between the negative corrections which become assigned revenue in BL 62 00 and the positive ones in favour of the United Kingdom which shall now be included on the expenditure side 08 02 06 01 as per article 43 of Regulation (EU) No 1306/2013.  
NB: Nomenclature 2023 : 0802 06 01 , 6200



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