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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2023/1433

of 10 July 2023

amending Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP ⁽¹⁾,

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

Whereas:

- (1) On 26 February 2011, the United Nations Security Council ('UNSC') adopted United Nations Security Council Resolution (UNSCR) 1970 (2011), thereby imposing an arms embargo on Libya.
- (2) The UNSC in UNSCR 2292 (2016) authorised States acting nationally or through regional organisations to inspect on the high seas off the coast of Libya vessels which they have reasonable grounds to believe these vessels are carrying arms or related materiel to or from Libya, directly or indirectly, in violation of the United Nations arms embargo on Libya and decided that States, upon discovery during such inspections of items prohibited by the arms embargo on Libya, are to seize and dispose of such items.
- (3) Council Decision (CFSP) 2020/472 ⁽²⁾ provides that the core task of the Union naval operation EUNAVFOR MED IRINI is to contribute to the implementation of the United Nations arms embargo on Libya.
- (4) For that purpose, Article 2(3) of Decision (CFSP) 2020/472 provides that, in accordance with the relevant United Nations Security Council Resolutions, such as UNSCR 1970 (2011) and UNSCR 2473 (2019), and in particular UNSCR 2292 (2016), as required, EUNAVFOR MED IRINI is to carry out, within the agreed Area of Operation on the high seas off the coast of Libya, inspections of vessels bound to or from Libya where there are reasonable grounds to believe that such vessels are carrying arms or related materiel to or from Libya, directly or indirectly, in violation of the arms embargo on Libya, and that EUNAVFOR MED IRINI is to take relevant action to seize and dispose of such items.
- (5) Furthermore, Article 2(5) of Decision (CFSP) 2020/472 provides that, in view of the exceptional operational requirements, and upon invitation from a Member State, EUNAVFOR MED IRINI may divert vessels to ports of that Member State and dispose of arms and related materiel which it has seized, including by storage, destruction or transfer to a Member State or to a third party. It also provides that disposal of seized arms and related materiel may be achieved with the assistance of a Member State, which is to undertake to complete as swiftly as possible the

⁽¹⁾ OJ L 206, 1.8.2015, p. 34.⁽²⁾ Council Decision (CFSP) 2020/472 of 31 March 2020 on a European Union military operation in the Mediterranean (EUNAVFOR MED IRINI) (OJ L 101, 1.4.2020, p. 4).

procedures required to allow for the disposal of the seized items, within the framework of applicable law and procedures.

- (6) Council Decision (CFSP) 2023/1439 ⁽³⁾ introduces a provision in Decision (CFSP) 2015/1333 to the effect that such a Member State is required to take the necessary measures to facilitate the disposal, on behalf of EUNAVFOR MED IRINI, of arms and related material seized by EUNAVFOR MED IRINI on the high seas in accordance with its mandate.
- (7) With a view to ensuring the uniform application of that provision in all Member States, regulatory action at the level of the Union is necessary.
- (8) Council Regulation (EU) 2016/44 ⁽⁴⁾ gives effect to Decision (CFSP) 2015/1333. Regulation (EU) 2016/44 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The following article is inserted in Regulation (EU) 2016/44:

'Article 22a

1. A Member State assisting EUNAVFOR MED IRINI in accordance with Article 2(5) of Council Decision (CFSP) 2020/472 ^(*) shall take the necessary measures to dispose on behalf of EUNAVFOR MED IRINI of arms or related materiel, including goods and technology which are covered by the Union's Common Military List, which are transported on the high seas in breach of the prohibition referred to in Article 5a(1) of Decision (CFSP) 2015/1333, and which were seized by EUNAVFOR MED IRINI on the high seas pursuant to Article 2(3) of Decision (CFSP) 2020/472.
2. The disposal referred to in paragraph 1 may take place, notably, through destruction of those items, rendering them inoperable or by allowing their use, including by a third party, whilst preventing their subsequent transfer to Libya or to any other third country to which the transfer of arms or related materiel is prohibited.

^(*) Council Decision (CFSP) 2020/472 of 31 March 2020 on a European Union military operation in the Mediterranean (EUNAVFOR MED IRINI) (OJ L 101, 1.4.2020, p. 4).'

Article 2

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

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

Done at Brussels, 10 July 2023.

For the Council
The President
P. NAVARRO RÍOS

⁽³⁾ Council Decision (CFSP) 2023/1439 of 10 July 2023 amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya (see page 26 of this Official Journal).

⁽⁴⁾ Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 (OJ L 12, 19.1.2016, p. 1).

COMMISSION DELEGATED REGULATION (EU) 2023/1434**of 25 April 2023****amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures as regards the addition of notes to Part 1, section 1.1.3, of Annex VI****(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 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 ⁽¹⁾, and in particular Article 53(1) thereof,

Whereas:

- (1) Part 1, section 1.1.3, of Annex VI to Regulation (EC) No 1272/2008 contains the list of notes which may be assigned to one or more harmonised classification and labelling entries and relate to the identification, classification and labelling of substances as well as the classification and labelling of mixtures.
- (2) In its opinion of 11 June 2020 concerning 2-ethylhexanoic acid and its salts ⁽²⁾, the Committee for Risk Assessment (RAC) under the European Chemicals Agency recommended to add a new note to Part 1, section 1.1.3.1, of Annex VI to Regulation (EC) No 1272/2008, to clarify that the classification covering a group of substances in the same entry is only based on the hazardous properties of that part of the substance which is common to all substances in that entry. According to RAC, for the non-common parts of a substance, it is necessary to assess if their hazardous properties may warrant a more severe classification (higher category) or a broader classification (including additional differentiation, target organs and/or hazard statements) for the same hazard class. A new note X should therefore be added to Part 1, section 1.1.3.1, of Annex VI to Regulation (EC) No 1272/2008. As that note is likely to be assigned to other substances with the same properties in the future, it should be worded in such way that it is not limited to that specific entry.
- (3) The RAC's opinion of 20 September 2019 concerning boric acid, diboron trioxide, tetraboron disodium heptaoxide hydrate, disodium tetraborate anhydrous, orthoboric acid sodium salt, disodium tetraborate decahydrate and disodium tetraborate pentahydrate ⁽³⁾ as well as the RAC's opinion of 11 June 2020 concerning 2-ethylhexanoic acid and its salts, described scientific evidence that the reproductive toxicity of each of these substance groups is due to a molecular entity common to all members of the respective group. When considering proposals for harmonised classification of certain boron compounds and of 2-ethylhexanoic acid and its salts, Member State experts consulted in the CARACAL expert group (Competent Authorities for Registration, Evaluation, Authorisation and Restriction of

⁽¹⁾ OJ L 353, 31.12.2008, p. 1.

⁽²⁾ <https://echa.europa.eu/documents/10162/8740de5b-368d-55a7-7955-094ef602d760>

⁽³⁾ <https://echa.europa.eu/documents/10162/584263da-199c-f86f-9b73-422a4f22f1c3>

Chemicals (REACH) and Classification, Labelling and Packaging (CLP)) requested to add new notes in Part 1, section 1.1.3.2, of Annex VI to Regulation (EC) No 1272/2008. According to the discussion in the CARACAL expert group, these notes are necessary to allow a more accurate identification of the hazard of mixtures, which contain several substances belonging to the same 'group entry'. The principle of additivity should apply to substances whose hazard is due to the presence or formation of a common molecular entity. As a consequence, it is necessary to take account of the contribution of these substances to the overall hazardous property of the mixture in proportion to their concentration, by comparing the applicable generic or specific concentration limit with the sum of the concentrations of the substances present. Therefore, two new notes, note 11 and 12, should be added to Part 1, section 1.1.3.2, of Annex VI to Regulation (EC) No 1272/2008. As note 11 should be assigned to boric acid and its salts, and other boric compounds releasing boric acid/borate, in view of the specificity of the concerned entries, it should be worded in such way that it is specific for those entries. As note 12 is likely to be assigned in the future to substances other than 2-ethylhexanoic acid and its salts, it should be worded in such way that it is not limited to that specific entry.

- (4) Regulation (EC) No 1272/2008 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 1272/2008

Annex VI to Regulation (EC) No 1272/2008 is amended as set out in the Annex to this Regulation.

Article 2

Entry into force

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

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

Done at Brussels, 25 April 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Part 1 of Annex VI to Regulation (EC) No 1272/2008 is amended as follows:

- (1) in section 1.1.3.1, the following note X is added:

Note X:

The classification for the hazard class(es) in this entry is based only on the hazardous properties of the part of the substance which is common to all substances in the entry. The hazardous properties of any substances in the entry also depend on the properties of the part of the substance which is not common to all substances in the group. The latter must be evaluated to assess whether more severe classification(s) (i.e. a higher category) or a broader scope of the same classification (additional differentiation, target organs and/or hazard statements) might apply for the hazard class(es) in the entry.';

- (2) in section 1.1.3.2, the following notes 11 and 12 are added:

Note 11:

The classification of mixtures as reproductive toxicant is necessary if the sum of the concentrations of individual boron compounds that are classified as reproductive toxicant in the mixture as placed on the market is $\geq 0,3$ %.

Note 12:

The classification of mixtures as reproductive toxicant is necessary if the sum of the concentrations of individual substances covered by this entry in the mixture as placed on the market is equal to, or above, the applicable generic concentration limit for the assigned category, or a specific concentration limit given in this entry.'.

COMMISSION DELEGATED REGULATION (EU) 2023/1435

of 2 May 2023

amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures as regards the modification of entries in Part 3 of Annex VI for 2-ethylhexanoic acid and its salts, boric acid, diboron trioxide, tetraboron disodium heptaoxide hydrate, disodium tetraborate anhydrous, orthoboric acid sodium salt, disodium tetraborate decahydrate, and disodium tetraborate pentahydrate

(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 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 ⁽¹⁾, and in particular Article 37(5) thereof,

Whereas:

- (1) Part 3, Table 3, of Annex VI to Regulation (EC) No 1272/2008 contains a list of harmonised classification and labelling of hazardous substances based on the criteria set out in Parts 2 to 5 of Annex I to that Regulation.
- (2) Proposals to introduce harmonised classification and labelling of certain substances and to update or delete the harmonised classification and labelling of certain other substances have been submitted to the European Chemicals Agency (the 'Agency') pursuant to Article 37 of Regulation (EC) No 1272/2008. The Committee for Risk Assessment of the Agency (the 'RAC') adopted opinions on those proposals, after having taken account of the comments received from the parties concerned.
- (3) The RAC's opinion of 20 September 2019 concerning boric acid, diboron trioxide, tetraboron disodium heptaoxide hydrate, disodium tetraborate anhydrous, orthoboric acid sodium salt, disodium tetraborate decahydrate and disodium tetraborate pentahydrate ⁽²⁾, as well as the RAC's opinion of 11 June 2020 concerning 2-ethylhexanoic acid and its salts ⁽³⁾, described scientific evidence indicating that the reproductive toxicity of each of those substance groups is due to a molecular entity common to all members of a substance group. Member State experts consulted in the Commission expert group CARACAL (Competent Authorities for Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and Classification, Labelling and Packaging (CLP)) therefore requested the addition of notes to the entries related to the substance groups referred to in those RAC opinions of 2019 and 2020, in order to address the situation in which several substances belonging to one of those groups are present together in a mixture and to provide that the applicable concentration limit for classification of the mixture is to be compared with the sum of the concentrations of those substances. Those notes were added to Part 1, section 1.1.3.2, of Annex VI to Regulation (EC) No 1272/2008 by Commission Delegated Regulation (EU) 2023/1434 of 25 April 2023 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures as regards the addition of notes to Part 1, section 1.1.3, of Annex VI ⁽⁴⁾, as note 11 and note 12. It is therefore appropriate to add a reference to note 11 to the entries for boric acid, diboron trioxide, tetraboron disodium heptaoxide hydrate, disodium tetraborate anhydrous, orthoboric acid sodium salt, disodium tetraborate decahydrate and disodium tetraborate pentahydrate and a reference to note 12 to the entry for 2-ethylhexanoic acid and its salts.

⁽¹⁾ OJ L 353, 31.12.2008, p. 1.

⁽²⁾ <https://echa.europa.eu/documents/10162/584263da-199c-f86f-9b73-422a4f22f1c3>

⁽³⁾ <https://echa.europa.eu/documents/10162/8740de5b-368d-55a7-7955-094ef602d760>

⁽⁴⁾ See page 3 of this Official Journal.

- (4) In its opinion of 11 June 2020 concerning 2-ethylhexanoic acid and its salts, the RAC recommended adding a note to this entry, in order to address the possibility that, while the entry for this group of substances is based on the toxic properties of a common part of those substances, another, substance-specific, part of the substances may warrant classification in a higher category or classification with a broader scope, e.g. including additional differentiation, target organs and/or hazard statements, for certain substances in the entry. Such note was added to Part 1, section 1.1.3.1, of Annex VI to Regulation (EC) No 1272/2008 by Delegated Regulation (EU) 2023/1434 as note X. It is therefore appropriate to add a reference to note X to the entry concerning 2-ethylhexanoic acid and its salts.
- (5) Member State experts consulted in the CARACAL expert group suggested that the current note A should be applicable to 2-ethylhexanoic acid and its salts. Note A prescribes that for substances covered by an entry with a general description, such as ‘...compounds’ or ‘...salts’, the supplier is required to state on the label the correct name. As the entry for 2-ethylhexanoic acid and its salts bears such a general description, a reference to note A should be added to the entry.
- (6) As Delegated Regulation (EU) 2023/1434 was adopted on 25 April 2023, the notes included in that Regulation could not be inserted in Table 3 of Annex VI at the time of the adoption of Commission Delegated Regulation (EU) 2021/849 ⁽⁵⁾ and Commission Delegated Regulation (EU) 2022/692 ⁽⁶⁾ which added the respective entries to Table 3 of Annex VI to Regulation (EC) No 1272/2008. It is therefore necessary to update the entries concerning boric acid; diboron trioxide; tetraboron disodium heptaoxide hydrate; disodium tetraborate anhydrous; orthoboric acid sodium salt; disodium tetraborate decahydrate; disodium tetraborate pentahydrate, by adding reference to note 11 to each of them. It is also necessary to update entry concerning 2-ethylhexanoic acid and its salts by adding a reference to note 12 and note X to that entry.
- (7) Regulation (EC) No 1272/2008 should therefore be amended accordingly.
- (8) Compliance with the revised harmonised classifications should not be required immediately as suppliers need some time to adapt the labelling and packaging of substances and mixtures to the revised harmonised classifications and to sell existing stocks of substances and mixtures. That period of time would also allow suppliers to take the actions required to ensure compliance with other requirements set out in Regulation (EC) No 1272/2008, as amended by this Regulation. Suppliers should, however, have the possibility to apply the revised harmonised classifications, and to adapt the labelling and packaging accordingly, on a voluntary basis as from the entry into force of this Regulation, to ensure a high level of protection of human health and of the environment and to provide sufficient flexibility to suppliers,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 1272/2008

Annex VI to Regulation (EC) No 1272/2008 is amended as set out in the Annex to this Regulation.

Article 2

Entry into force and application

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

Article 1 shall apply from 1 February 2025.

⁽⁵⁾ OJ L 188, 28.5.2021, p. 27.

⁽⁶⁾ OJ L 129, 3.5.2022, p. 1.

Suppliers may classify, label and package substances and mixtures listed in the Annex to this Regulation in accordance with Regulation (EC) No 1272/2008, as amended by this Regulation, as from 31 July 2023.

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

Done at Brussels, 2 May 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Part 3, Table 3, of Annex VI, the entries corresponding to index numbers 005-007-00-2, 005-008-00-8, 005-011-00-4 and 607-230-00-6 are replaced by the following entries respectively:

Index No	Chemical Name	EC No	CAS No	Classification		Labelling			Specific Conc. Limits, M-factors and ATE	Notes
				Hazard Class and Category Code(s)	Hazard statement Code(s)	Pictogram, Signal Word Code(s)	Hazard statement Code(s)	Suppl. Hazard statement Code(s)		
'005-007-00-2	boric acid; [1]	233-139-2 [1]	10043-35-3 [1]	Repr. 1B	H360FD	GHS08	H360FD			11'
	boric acid [2]	234-343-4 [2]	11113-50-1 [2]			Dgr				
'005-008-00-8	diboron trioxide	215-125-8	1303-86-2	Repr. 1B	H360FD	GHS08	H360FD			11'
'005-011-00-4	tetraboron disodium heptaoxide, hydrate; [1]	235-541-3 [1]	12267-73-1 [1]	Repr. 1B	H360FD	GHS08	H360FD			11'
	disodium tetraborate, anhydrous; [2]	215-540-4 [2]	1330-43-4 [2]							
	orthoboric acid, sodium salt; [3]	237-560-2 [3]	13840-56-7 [3]							
	disodium tetraborate decahydrate; [4]	215-540-4 [4]	1303-96-4 [4]							
	disodium tetraborate pentahydrate [5]	215-540-4 [5]	12179-04-3 [5]							
'607-230-00-6	2-ethylhexanoic acid and its salts, with the exception of those specified elsewhere in this Annex	-	-	Repr. 1B	H360D	GHS08	H360D			A, X, 12'

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1436**of 10 July 2023****concerning the non-renewal of the approval of the active substance dimoxystrobin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) No 540/2011 and Commission Implementing Regulation (EU) 2015/408****(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 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 ⁽¹⁾, and in particular Article 20(1) and Article 78(2) thereof,

Whereas:

- (1) Commission Directive 2006/75/EC ⁽²⁾ included dimoxystrobin as an active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) According to Article 78(3) of Regulation (EC) No 1107/2009, active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) The approval of the active substance dimoxystrobin, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, expires on 31 January 2024.
- (4) An application for the renewal of the approval of the active substance dimoxystrobin was submitted to Hungary, the rapporteur Member State, and Ireland, the co-rapporteur Member State, in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012 ⁽⁵⁾ within the time period provided for in that Article.
- (5) The applicant submitted the supplementary dossiers required by Article 6 of Implementing Regulation (EU) No 844/2012 to the rapporteur Member State, the co-rapporteur Member State, the Commission and the European Food Safety Authority ('the Authority'). The application was found to be complete by the rapporteur Member State.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Directive 2006/75/EC of 11 September 2006 amending Council Directive 91/414/EEC to include dimoxystrobin as active substance (OJ L 248, 12.9.2006, p. 3).

⁽³⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26). This Regulation was replaced by Regulation (EU) 2020/1740, however, it continues to apply to the procedure for the renewal of the approval of active substances: (1) whose approval period ends before 27 March 2024; (2) for which a Regulation, adopted in accordance with Article 17 of Regulation (EC) No 1107/2009 on or after 27 March 2021, extends the approval period to 27 March 2024 or a later date.

- (6) The rapporteur Member State prepared a draft renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the Authority and the Commission on 1 September 2017. In its draft renewal assessment report, the rapporteur Member State proposed to renew the approval of the active substance dimoxystrobin.
- (7) The Authority made the supplementary summary dossier available to the public. The Authority also circulated the draft renewal assessment report to the applicant and to the Member States for comments and launched a public consultation on it. The Authority forwarded the comments received to the Commission.
- (8) The Authority conducted expert consultations in the areas of mammalian toxicology, environmental fate and behaviour, and ecotoxicology in January and June 2022. As a result of those consultations the Authority identified concerns, in particular in relation to groundwater contamination by toxicologically relevant metabolites of dimoxystrobin.
- (9) On 12 August 2022, in the light of the concern in relation to groundwater contamination identified by the Authority, the Commission requested the Authority to issue a statement containing a summary of its main findings as regards the assessment of the active substance dimoxystrobin in relation to its environmental fate, its behaviour and its ecotoxicology.
- (10) On 11 October 2022, the Authority communicated that statement to the Commission ⁽⁶⁾.
- (11) In its statement, the Authority confirmed that a critical area of concern exists for all the representative uses of the active substance, in particular a high potential for groundwater contamination by toxicologically relevant metabolites of dimoxystrobin (505M08 and 505M09) in all geoclimatic conditions represented by the groundwater assessment scenarios.
- (12) The Commission presented its draft renewal report regarding dimoxystrobin and a draft of this Regulation to the Standing Committee on Plants, Animals, Food and Feed on 8 December 2022 and on 25 January 2023, respectively.
- (13) The Commission invited the applicant to submit its comments on the statement of the Authority. Furthermore, in accordance with Article 14(1), third subparagraph, of Implementing Regulation (EU) No 844/2012, the Commission invited the applicant to submit comments on the draft renewal report. The applicant submitted its comments, which have been carefully examined.
- (14) Despite the arguments put forward by the applicant, the concerns related to the environmental fate, behaviour and ecotoxicology of dimoxystrobin could not be eliminated.
- (15) Consequently, it has not been established that dimoxystrobin fulfils the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. It is therefore appropriate not to renew the approval of that active substance.
- (16) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.

⁽⁶⁾ EFSA (European Food Safety Authority), 2022. Statement concerning the assessment of environmental fate and behaviour and ecotoxicology in the context of the pesticides peer review of the active substance dimoxystrobin. *EFSA Journal* 2022; 20(11): e07634 <https://doi.org/10.2903/j.efsa.2022.7634>.

- (17) Commission Implementing Regulation (EU) 2015/408 ⁽⁷⁾ listed dimoxystrobin as a candidate for substitution. In the light of the non-renewal of the approval of dimoxystrobin that listing is no longer relevant. Accordingly, dimoxystrobin should be deleted from the Annex to Implementing Regulation (EU) 2015/408.
- (18) Member States should be given time to withdraw authorisations for plant protection products containing dimoxystrobin.
- (19) For plant protection products containing dimoxystrobin, where Member States grant a grace period in accordance with Article 46 of Regulation (EC) No 1107/2009, that period should not exceed 12 months from the date of entry into force of this Regulation.
- (20) Commission Implementing Regulation (EU) 2023/115 ⁽⁸⁾ extended the approval period of dimoxystrobin to 31 January 2024 in order to allow the renewal process to be completed before the expiry of the approval period. However, given that a decision on the non-renewal of the approval has been taken ahead of the expiry of that extended approval period, this Regulation should apply earlier than that date.
- (21) This Regulation does not prevent the submission of another application for the approval of dimoxystrobin pursuant to Article 7 of Regulation (EC) No 1107/2009.
- (22) 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

Non-renewal of the approval of the active substance

The approval of the active substance dimoxystrobin is not renewed.

Article 2

Amendment to Implementing Regulation (EU) No 540/2011

In Part A of the Annex to Implementing Regulation (EU) No 540/2011, row 128 on dimoxystrobin is deleted.

Article 3

Amendment to Implementing Regulation (EU) 2015/408

The entry for dimoxystrobin in the Annex to Implementing Regulation (EU) 2015/408 is deleted.

⁽⁷⁾ Commission Implementing Regulation (EU) 2015/408 of 11 March 2015 on implementing Article 80(7) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and establishing a list of candidates for substitution (OJ L 67, 12.3.2015, p. 18).

⁽⁸⁾ Commission Implementing Regulation (EU) 2023/115 of 16 January 2023 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval period of the active substance dimoxystrobin (OJ L 15, 17.1.2023, p. 13).

*Article 4***Transitional measures**

Member States shall withdraw authorisations for plant protection products containing dimoxystrobin as an active substance by 31 January 2024.

*Article 5***Grace period**

Any grace period granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall expire by 31 July 2024.

*Article 6***Entry into force**

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

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

Done at Brussels, 10 July 2023.

For the Commission
The President
Ursula VON DER LEYEN

DIRECTIVES

COMMISSION DELEGATED DIRECTIVE (EU) 2023/1437

of 4 May 2023

amending, for the purposes of adapting to scientific and technical progress, Annex IV to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for mercury in melt pressure transducers for capillary rheometers under certain conditions

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ⁽¹⁾, and in particular Article 5(1), point (a), thereof,

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications listed in Annex IV to that Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Mercury is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) On 26 April 2021, the Commission received an application made in accordance with Article 5(3) of Directive 2011/65/EU for an exemption to be listed in Annex IV to that Directive, for mercury in melt pressure transducers for capillary rheometers at temperatures over 300 °C and pressures over 1 000 bar ('the requested exemption').
- (5) The used pressure transducer, incorporated in capillary rheometers, consists of electrical components and is an electrical measurement device in the scope of the Directive 2011/65/EU. The capillary rheometers described in the requested exemption fall under category 9 'monitoring and control instruments' of Annex I to Directive 2011/65/EU.
- (6) The evaluation of the exemption application, which included a technical and scientific assessment study ⁽²⁾, concluded that substitution of mercury in melt pressure transducers for capillary rheometers at temperatures over 300 °C and pressures over 1 000 bar are currently scientifically and technically impracticable. The evaluation included stakeholder consultations as required by Article 5(7) of Directive 2011/65/EU.
- (7) One of the relevant conditions specified in Article 5(1), point (a), of Directive 2011/65/EU is met, namely that the elimination and substitution is scientifically or technically impracticable.

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

⁽²⁾ Study to assess requests for two (-2-) exemptions, for mercury in pressure transducer and DEHP in a PVC base material, in Annex IV of Directive 2011/65/EU (Pack 25).

- (8) It is, therefore, appropriate to grant the requested exemption by including the applications covered by it in Annex IV to Directive 2011/65/EU with respect to electrical and electronic equipment of category 9.
- (9) In order to comply with future restrictions on mercury-added products under Regulation (EU) 2017/852 of the European Parliament and of the Council ^(*), it is necessary to limit the validity period of the exemption to 31 December 2025. The period is set in accordance with Article 5(2), first subparagraph of Directive 2011/65/EU.
- (10) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex IV to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 31 January 2024 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate the text of those provisions to the Commission.

They shall apply those provisions from 1 February 2024.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 4 May 2023.

For the Commission
The President
Ursula VON DER LEYEN

^(*) Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008 (OJ L 137, 24.5.2017, p. 1).

ANNEX

In Annex IV to Directive 2011/65/EU, the following entry 49 is added:

'49	Mercury in melt pressure transducers for capillary rheometers at temperatures over 300 °C and pressures over 1 000 bar	Applies to category 9 and expires on 31 December 2025.'
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COMMISSION IMPLEMENTING DIRECTIVE (EU) 2023/1438**of 10 July 2023****amending Directives 2003/90/EC and 2003/91/EC as regards the protocols for the examination of certain varieties of agricultural plant species and vegetable species****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species ⁽¹⁾, and in particular Article 7(2), points (a) and (b), thereof,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ⁽²⁾, and in particular Article 7(2), points (a) and (b), thereof,

Whereas:

- (1) Commission Directives 2003/90/EC ⁽³⁾ and 2003/91/EC ⁽⁴⁾ aim to ensure that the varieties of agricultural plant species and vegetable species that Member States include in their national catalogues comply with the protocols established by the Community Plant Variety Office ('CPVO'). In particular, those Directives aim to ensure compliance with the rules concerning the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant and vegetable species. For the species not covered by the CPVO protocols those Directives aim to ensure compliance with guidelines of the International Union for Protection of New Varieties of Plants ('UPOV').
- (2) The CPVO and UPOV have updated existing protocols, in particular as regards hemp, garlic, kohlrabi, leaf chicory, watermelon and turnip. Those developments should be reflected in Union law.
- (3) Directives 2003/90/EC and 2003/91/EC should therefore be amended accordingly.
- (4) Member States should apply the new rules from 1 January 2024. However, in order not to disrupt official examinations, the following should apply. For varieties that were not yet accepted for inclusion in the Common Catalogue of varieties of agricultural plant or vegetable species, official examinations, which have started prior to 1 January 2024 and are not yet finalised, should continue to be made in accordance with Directive 2003/90/EC or Directive 2003/91/EC as they stood before being amended by this Directive.

⁽¹⁾ OJ L 193, 20.7.2002, p. 1.

⁽²⁾ OJ L 193, 20.7.2002, p. 33.

⁽³⁾ Commission Directive 2003/90/EC of 6 October 2003 setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species (OJ L 254, 8.10.2003, p. 7).

⁽⁴⁾ Commission Directive 2003/91/EC of 6 October 2003 setting out implementing measures for the purposes of Article 7 of Council Directive 2002/55/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of vegetable species (OJ L 254, 8.10.2003, p. 11).

- (5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 2003/90/EC

Annexes I and II to Directive 2003/90/EC are replaced by the text set out in Part A of the Annex to this Directive.

Article 2

Amendments to Directive 2003/91/EC

The Annexes to Directive 2003/91/EC are replaced by the text set out in Part B of the Annex to this Directive.

Article 3

Transposition

1. Member States shall adopt and publish, by 31 December 2023 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions. They shall apply those provisions from 1 January 2024.

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

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

Article 4

Transitional measures

For official examinations of varieties started before 1 January 2024 but which are not yet finalised, Directives 2003/90/EC and 2003/91/EC shall apply as they stood before being amended by this Directive.

Article 5

Entry into force

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

Article 6

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 10 July 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Part A

'ANNEX I

List of species referred to in Article 1(2), point (a), which are to comply with CPVO technical protocols (*)

Scientific name	Common name	CPVO protocol
<i>Dactylis glomerata</i> L.	Cocksfoot	TP 31/1 of 25.3.2021
<i>Festuca arundinacea</i> Schreb.	Tall fescue	TP 39/1 of 1.10.2015
<i>Festuca filiformis</i> Pourr.	Fine-leaved sheep's fescue	TP 67/1 of 23.6.2011
<i>Festuca ovina</i> L.	Sheep's fescue	TP 67/1 of 23.6.2011
<i>Festuca pratensis</i> Huds.	Meadow fescue	TP 39/1 of 1.10.2015
<i>Festuca rubra</i> L.	Red fescue	TP 67/1 of 23.6.2011
<i>Festuca trachyphylla</i> (Hack.) Hack.	Hard fescue	TP 67/1 of 23.6.2011
<i>Lolium multiflorum</i> Lam.	Italian ryegrass	TP 4/2 of 19.3.2019
<i>Lolium perenne</i> L.	Perennial ryegrass	TP 4/2 of 19.3.2019
<i>Lolium x hybridum</i> Hausskn.	Hybrid ryegrass	TP 4/2 of 19.3.2019
<i>Medicago sativa</i> L.	Lucerne	TP /6/1 Corr. of 22.12.2021
<i>Medicago x varia</i> T. Martyn	Sand lucerne	TP 6/1 Corr. of 22.12.2021
<i>Phleum nodosum</i> L.	Small timothy	TP 34/1 of 22.12.2021
<i>Phleum pratense</i> L.	Timothy	TP 34/1 of 22.12.2021
<i>Pisum sativum</i> L. (partim)	Field pea	TP 7/2 Rev. 3 Corr. of 6.3.2020
<i>Poa pratensis</i> L.	Smooth-stalked meadow grass	TP 33/1 of 15.3.2017
<i>Trifolium pratense</i> L.	Red clover	TP 5/1 of 22.12.2021
<i>Vicia faba</i> L.	Field bean	TP 8/1 of 19.3.2019
<i>Vicia sativa</i> L.	Common vetch	TP 32/1 of 19.4.2016
<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.	Swede	TP 89/1 of 11.3.2015
<i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.	Fodder radish	TP 178/1 of 15.3.2017
<i>Brassica napus</i> L. (partim)	Swede rape	TP 36/3 of 21.4.2020
<i>Cannabis sativa</i> L.	Hemp	TP 276/2 Rev of 30.12.2022
<i>Glycine max</i> (L.) Merr.	Soya bean	TP 80/1 of 15.3.2017
<i>Gossypium</i> spp.	Cotton	TP 88/2 of 11.12.2020
<i>Helianthus annuus</i> L.	Sunflower	TP 81/1 of 31.10.2002
<i>Linum usitatissimum</i> L.	Flax/Linseed	TP 57/2 of 19.3.2014
<i>Sinapis alba</i> L.	White mustard	TP 179/1 of 15.3.2017

<i>Avena nuda</i> L.	Small naked oat, Hulless oat	TP 20/3 of 6.3.2020
<i>Avena sativa</i> L. (includes <i>A. byzantina</i> K. Koch)	Oats and Red oat	TP 20/3 of 6.3.2020
<i>Hordeum vulgare</i> L.	Barley	TP 19/5 of 19.3.2019
<i>Oryza sativa</i> L.	Rice	TP 16/3 of 1.10.2015
<i>Secale cereale</i> L.	Rye	TP 58/1 Rev Corr. of 27.4.2022
<i>Sorghum bicolor</i> (L.) Moench subsp. <i>bicolor</i>	Sorghum	TP 122/1 of 19.3.2019
<i>Sorghum bicolor</i> (L.) Moench subsp. <i>drummondii</i> (Steud.) de Wet ex Davidse	Sudan grass	TP 122/1 of 19.3.2019
<i>Sorghum bicolor</i> (L.) Moench subsp. <i>bicolor</i> x <i>Sorghum bicolor</i> (L.) Moench subsp. <i>drummondii</i> (Steud.) de Wet ex Davidse	Hybrids resulting from the crossing of <i>Sorghum bicolor</i> subsp. <i>bicolor</i> and <i>Sorghum bicolor</i> subsp. <i>drummondii</i>	TP 122/1 of 19.3.2019
<i>xTriticosecale</i> Wittm. ex A. Camus	Hybrids resulting from the crossing of a species of the genus <i>Triticum</i> and a species of the genus <i>Secale</i>	TP 121/3 Corr. of 27.4.2022
<i>Triticum aestivum</i> L. subsp. <i>aestivum</i>	Wheat	TP 3/5 of 19.3.2019
<i>Triticum turgidum</i> L. subsp. <i>durum</i> (Desf.) van Slageren	Durum wheat	TP 120/3 of 19.3.2014
<i>Zea mays</i> L. (partim)	Maize	TP 2/3 of 11.3.2010
<i>Solanum tuberosum</i> L.	Potato	TP 23/3 of 15.3.2017

(*) The text of these protocols can be found on the CPVO web site (www.cpvo.europa.eu).

ANNEX II

List of species referred to in Article 1(2), point (b), which are to comply with UPOV test guidelines (*)

Scientific name	Common name	UPOV guideline
<i>Beta vulgaris</i> L.	Fodder beet	TG/150/3 of 4.11.1994
<i>Agrostis canina</i> L.	Velvet bent	TG/30/6 of 12.10.1990
<i>Agrostis gigantea</i> Roth	Red top	TG/30/6 of 12.10.1990
<i>Agrostis stolonifera</i> L.	Creeping bent grass	TG/30/6 of 12.10.1990
<i>Agrostis capillaris</i> L.	Brown top	TG/30/6 of 12.10.1990
<i>Bromus catharticus</i> Vahl	Rescue grass	TG/180/3 of 4.4.2001
<i>Bromus sitchensis</i> Trin.	Alaska brome grass	TG/180/3 of 4.4.2001
<i>xFestulolium</i> Asch. et Graebn.	Hybrids resulting from the crossing of a species of the genus <i>Festuca</i> with a species of the genus <i>Lolium</i>	TG/243/1 of 9.4.2008
<i>Lotus corniculatus</i> L.	Birdsfoot trefoil	TG/193/1 of 9.4.2008
<i>Lupinus albus</i> L.	White lupin	TG/66/4 of 31.3.2004
<i>Lupinus angustifolius</i> L.	Narrow-leaved lupin	TG/66/4 of 31.3.2004
<i>Lupinus luteus</i> L.	Yellow lupin	TG/66/4 of 31.3.2004
<i>Medicago doliata</i> Carmign.	Straight-spined medic	TG/228/1 of 5.4.2006
<i>Medicago italica</i> (Mill.) Fiori	Disc medic	TG/228/1 of 5.4.2006
<i>Medicago littoralis</i> Rohde ex Loisel.	Shore medic/Strand medic	TG/228/1 of 5.4.2006
<i>Medicago lupulina</i> L.	Trefoil	TG/228/1 of 5.4.2006
<i>Medicago murex</i> Willd.	Sphere medic	TG/228/1 of 5.4.2006
<i>Medicago polymorpha</i> L.	Bur medic	TG/228/1 of 5.4.2006
<i>Medicago rugosa</i> Desr.	Wrinkled medic/Gama medic	TG/228/1 of 5.4.2006
<i>Medicago scutellata</i> (L.) Mill.	Snail medic/Shield medic	TG/228/1 of 5.4.2006
<i>Medicago truncatula</i> Gaertn.	Barrel medic	TG/228/1 of 5.4.2006
<i>Trifolium repens</i> L.	White clover	TG/38/7 of 9.4.2003
<i>Trifolium subterraneum</i> L.	Subterranean clover	TG/170/3 of 4.4.2001
<i>Phacelia tanacetifolia</i> Benth.	California Bluebell	TG/319/1 of 5.4.2017
<i>Arachis hypogaea</i> L.	Groundnut/Peanut	TG/93/4 of 9.4.2014
<i>Brassica juncea</i> (L.) Czern	Brown mustard	TG/335/1 of 17.12.2020
<i>Brassica rapa</i> L. var. <i>silvestris</i> (Lam.) Briggs	Turnip rape	TG/185/3 of 17.4.2002
<i>Carthamus tinctorius</i> L.	Safflower	TG/134/3 of 12.10.1990
<i>Papaver somniferum</i> L.	Poppy	TG/166/4 of 9.4.2014

(*) The text of these guidelines can be found on the UPOV web site (www.upov.int)

Part B**'ANNEX I****List of species referred to in Article 1(2), point (a), which are to comply with CPVO technical protocols (*)**

Scientific name	Common name	CPVO protocol
<i>Allium cepa</i> L. (Cepa group)	Onion and Echalion	TP 46/2 of 1.4.2009
<i>Allium cepa</i> L. (Aggregatum group)	Shallot	TP 46/2 of 1.4.2009
<i>Allium fistulosum</i> L.	Japanese bunching onion or Welsh onion	TP 161/1 of 11.3.2010
<i>Allium porrum</i> L.	Leek	TP 85/2 of 1.4.2009
<i>Allium sativum</i> L.	Garlic	TP 162/2 of 30.5.2023
<i>Allium schoenoprasum</i> L.	Chives	TP 198/2 of 11.3.2015
<i>Apium graveolens</i> L.	Celery	TP 82/1 of 13.3.2008
<i>Apium graveolens</i> L.	Celeriac	TP 74/1 of 13.3.2008
<i>Asparagus officinalis</i> L.	Asparagus	TP 130/2 of 16.2.2011
<i>Beta vulgaris</i> L.	Beetroot including Cheltenham beet	TP 60/1 of 1.4.2009
<i>Beta vulgaris</i> L.	Spinach beet or Chard	TP 106/2 of 14.4.2021
<i>Brassica oleracea</i> L.	Curly kale	TP 90/1 of 16.2.2011
<i>Brassica oleracea</i> L.	Cauliflower	TP 45/2 Rev. 2 of 21.3.2018
<i>Brassica oleracea</i> L.	Sprouting broccoli or Calabrese	TP 151/2 Rev. 2 of 21.4.2020
<i>Brassica oleracea</i> L.	Brussels sprouts	TP 54/2 Rev. of 15.3.2017
<i>Brassica oleracea</i> L.	Kohlrabi	TP 65/2 of 30.5.2023
<i>Brassica oleracea</i> L.	Savoy cabbage, White cabbage and Red cabbage	TP 48/3 Rev. 2 of 25.3.2021
<i>Brassica rapa</i> L.	Chinese cabbage	TP 105/1 of 13.3.2008
<i>Capsicum annuum</i> L.	Chilli or Pepper	TP 76/2 Rev. 2 Corr. of 21.4.2020
<i>Cichorium endivia</i> L.	Curled-leaved endive and Plain-leaved endive	TP 118/3 of 19.3.2014
<i>Cichorium intybus</i> L.	Industrial chicory	TP 172/2 of 1.12.2005
<i>Cichorium intybus</i> L.	Leaf chicory	TP 154/2 Rev. of 31.3.2023
<i>Cichorium intybus</i> L.	Witloof chicory	TP 173/2 of 21.3.2018
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon	TP 142/2 Rev. 2 of 31.3.2023
<i>Cucumis melo</i> L.	Melon	TP 104/2 Rev. 2 Corr. of 25.3.2021
<i>Cucumis sativus</i> L.	Cucumber and Gherkin	TP 61/2 Rev. 2 of 19.3.2019
<i>Cucurbita maxima</i> Duchesne	Gourd	TP 155/1 of 11.3.2015

<i>Cucurbita pepo</i> L.	Marrow or Courgette	TP 119/1 Rev. of 19.3.2014
<i>Cynara cardunculus</i> L.	Globe artichoke and Cardoon	TP 184/2 Rev. of 6.3.2020
<i>Daucus carota</i> L.	Carrot and Fodder carrot	TP 49/3 Corr. of 13.3.2008
<i>Foeniculum vulgare</i> Mill.	Fennel	TP 183/2 of 14.4.2021
<i>Lactuca sativa</i> L.	Lettuce	TP 13/6 Rev. 3 of 27.4.2022
<i>Solanum lycopersicum</i> L.	Tomato	TP 44/4 Rev. 5 of 14.4.2021
<i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. Hill	Parsley	TP 136/1 Corr. of 21.3.2007
<i>Phaseolus coccineus</i> L.	Runner bean	TP 9/1 of 21.3.2007
<i>Phaseolus vulgaris</i> L.	Dwarf French bean and Climbing French bean	TP 12/4 of 27.2.2013
<i>Pisum sativum</i> L. (partim)	Wrinkled pea, Round pea and Sugar pea	TP 7/2 Rev. 3 Corr. of 6.3.2020
<i>Raphanus sativus</i> L.	Radish, Black radish	TP 64/2 Rev. Corr. of 11.3.2015
<i>Rheum rhabarbarum</i> L.	Rhubarb	TP 62/1 of 19.4.2016
<i>Scorzonera hispanica</i> L.	Scorzonera or Black salsify	TP 116/1 of 11.3.2015
<i>Solanum melongena</i> L.	Aubergine or Egg plant	TP 117/1 of 13.3.2008
<i>Spinacia oleracea</i> L.	Spinach	TP 55/5 Rev. 4 of 27.4.2022
<i>Valerianella locusta</i> (L.) Laterr.	Corn salad or Lamb's lettuce	TP 75/2 of 21.3.2007
<i>Vicia faba</i> L. (partim)	Broad bean	TP 206/1 of 25.3.2004
<i>Zea mays</i> L. (partim)	Sweet corn and Pop corn	TP 2/3 of 11.3.2010
<i>Solanum habrochaites</i> S. Knapp & D.M. Spooner; <i>Solanum lycopersicum</i> L. x <i>Solanum habrochaites</i> S. Knapp & D.M. Spooner; <i>Solanum lycopersicum</i> L. x <i>Solanum peruvianum</i> (L.) Mill.; <i>Solanum lycopersicum</i> L. x <i>Solanum cheesmaniae</i> (L. Ridley) Fosberg; <i>Solanum pimpinellifolium</i> L. x <i>Solanum habrochaites</i> S. Knapp & D.M. Spooner	Tomato rootstocks	TP 294/1 Rev. 5 of 14.4.2021
<i>Cucurbita maxima</i> Duchesne x <i>Cucurbita moschata</i> Duchesne	Interspecific hybrids of <i>Cucurbita maxima</i> Duchesne x <i>Cucurbita moschata</i> Duchesne for use as rootstocks	TP 311/1 of 15.3.2017

(*) The text of these protocols can be found on the CPVO web site (www.cpvo.europa.eu).

ANNEX II

List of species referred to in Article 1(2), point (b), which are to comply with UPOV test guidelines (*)

Scientific name	Common name	UPOV guideline
<i>Brassica rapa</i> L.	Turnip	TG/37/11 of 23.9.2022

(*) The text of these guidelines can be found on the UPOV web site (www.upov.int).'

DECISIONS

COUNCIL DECISION (CFSP) 2023/1439

of 10 July 2023

amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya

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 of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 31 July 2015, the Council adopted Decision (CFSP) 2015/1333 ⁽¹⁾ concerning restrictive measures in view of the situation in Libya.
- (2) The United Nations Security Council ('UNSC') in its Resolution 2292 (2016) authorised States acting nationally or through regional organisations to inspect on the high seas off the coast of Libya vessels which they have reasonable grounds to believe are carrying arms or related materiel to or from Libya, directly or indirectly, in violation of the United Nations arms embargo on Libya and decided that States, upon discovery during such inspections of items prohibited by the arms embargo on Libya, are to seize and dispose of such items.
- (3) Council Decision (CFSP) 2020/472 ⁽²⁾ provides that the core task of the Union naval operation EUNAVFOR MED IRINI is to contribute to the implementation of the United Nations arms embargo on Libya.
- (4) For that purpose, Article 2(3) of Decision (CFSP) 2020/472 provides that, in accordance with the relevant United Nations Security Council Resolutions ('UNSCRs'), in particular UNSCR 2292 (2016), and as required, EUNAVFOR MED IRINI is to carry out, within the agreed Area of Operation on the high seas off the coast of Libya, inspections of vessels bound to or from Libya where there are reasonable grounds to believe that such vessels are carrying arms or related materiel to or from Libya, directly or indirectly, in violation of the arms embargo on Libya, and that EUNAVFOR MED IRINI is to take relevant action to seize and dispose of such items.
- (5) Furthermore, Article 2(5) of Decision (CFSP) 2020/472 provides that, in view of the exceptional operational requirements, and upon invitation from a Member State, EUNAVFOR MED IRINI may divert vessels to ports of that Member State and dispose of arms and related materiel which it has seized, including by storage, destruction or transfer to a Member State or to a third party. It also provides that disposal of seized arms and related materiel may be achieved with the assistance of a Member State, which is to undertake to complete as swiftly as possible the procedures required to allow for the disposal of the seized items, within the framework of applicable law and procedures.
- (6) Relevant provisions should therefore be introduced in order to provide that such a Member State is required to take the necessary measures to facilitate the disposal, on behalf of EUNAVFOR MED IRINI, of arms and related material seized by EUNAVFOR MED IRINI on the high seas in accordance with its mandate.
- (7) Decision (CFSP) 2015/1333 should therefore be amended accordingly,

⁽¹⁾ Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP (OJ L 206, 1.8.2015, p. 34).

⁽²⁾ Council Decision (CFSP) 2020/472 of 31 March 2020 on a European Union military operation in the Mediterranean (EUNAVFOR MED IRINI) (OJ L 101, 1.4.2020, p. 4).

HAS ADOPTED THIS DECISION:

Article 1

The following article is inserted in Decision (CFSP) 2015/1333:

‘Article 5a

1. In accordance with the relevant United Nations Security Council Resolutions concerning Libya, notably UNSCR 1970(2011) and UNSCR 2292(2016), it shall be prohibited for vessels flying the flag of a third country, bound to or from Libya, to carry arms and related materiel, including goods and technology which are covered by the Union's Common Military List, to or from Libya, directly or indirectly, on the high seas off the coast of Libya, in violation of the arms embargo established by UNSCR 1970 (2011).
2. A Member State assisting EUNAVFOR MED IRINI in accordance with Article 2(5) of Council Decision (CFSP) 2020/472 (*) shall take the necessary measures to dispose on behalf of EUNAVFOR MED IRINI of arms or related materiel, including goods and technology which are covered by the Union's Common Military List, seized by EUNAVFOR MED IRINI on the high seas pursuant to Article 2(3) of that Decision.
3. The disposal referred to in paragraph 2 may take place, notably, through destruction of those items, rendering them inoperable or by allowing their use, including by a third party, whilst preventing their subsequent transfer to Libya or to any other third country to which the transfer of arms or related materiel is prohibited.

(*) Council Decision (CFSP) 2020/472 of 31 March 2020 on a European Union military operation in the Mediterranean (EUNAVFOR MED IRINI) (OJ L 101, 1.4.2020, p. 4).’.

Article 2

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

Done at Brussels, 10 July 2023.

For the Council
The President
P. NAVARRO RÍOS

COUNCIL DECISION (CFSP) 2023/1440**of 10 July 2023****on an assistance measure under the European Peace Facility to support the Ghana Armed Forces**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 41(2) thereof,

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

Whereas:

- (1) Council Decision (CFSP) 2021/509 ⁽¹⁾ establishes the European Peace Facility (EPF) for the financing by Member States of Union actions under the common foreign and security policy (CFSP) to preserve peace, prevent conflicts and strengthen international security pursuant to Article 21(2), point (c), of the Treaty. In particular, pursuant to Article 1(2) of Decision (CFSP) 2021/509, the EPF is to be used for the financing of assistance measures such as actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.
- (2) The northern regions of the coastal countries of the Gulf of Guinea, namely Ghana, Côte d'Ivoire, Benin and Togo, have been experiencing deteriorating security conditions in connection with the crisis affecting the central Sahel.
- (3) In light of the deteriorating security environment, it is important to strengthen the defence and security forces to enable and support stabilisation efforts in Ghana. In this context, and fully cognisant of the fact that the situation requires an integrated response, long-term peace and security in Ghana are a key priority for the Union.
- (4) On 5 May 2023, the High Representative of the Union for Foreign Affairs and Security Policy received a request from Ghana for the Union to assist the Ghana Armed Forces with the procurement of key equipment to strengthen the operational capabilities of the military units deployed in the northern part of the country to fight armed groups and counteract and reduce the opportunities for those groups to commit terrorist attacks.
- (5) Assistance measures are to be implemented taking into account the principles and requirements set out in Decision (CFSP) 2021/509, in particular compliance with Council Common Position 2008/944/CFSP ⁽²⁾, and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.
- (6) The Council reaffirms its determination to protect, promote and fulfil human rights, fundamental freedoms and democratic principles and to strengthen the rule of law and good governance, in compliance with the United Nations Charter, the Universal Declaration of Human Rights and international law, in particular international human rights law and international humanitarian law,

HAS ADOPTED THIS DECISION:

*Article 1***Establishment, objectives, scope and duration**

1. An assistance measure benefiting Ghana (the 'beneficiary'), to be financed under the European Peace Facility (EPF) (the 'assistance measure'), is hereby established.

⁽¹⁾ Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528 (OJ L 102, 24.3.2021, p. 14).

⁽²⁾ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

2. The objective of the assistance measure is to enhance the capabilities of the Ghana Armed Forces to protect the territorial integrity and sovereignty of Ghana and its civilian population against internal and external aggression and to contribute to peace and stability within the region.
3. To achieve the objective set out in paragraph 2, the assistance measure shall finance the following types of equipment not designed to deliver lethal force:
 - (a) intelligence and surveillance equipment;
 - (b) electronic warfare systems;
 - (c) military engineering equipment;
 - (d) riverine equipment;
 - (e) explosive ordnance disposal equipment.
4. The assistance measure shall finance the transfer to Ghana of 105 militarized vehicles seized by Operation EUNAVFOR MED IRINI on board the merchant vessel MV Victory RoRo on 18 July 2022 due to that vessel's violation of the United Nations' arms embargo on Libya.
5. The duration of the assistance measure shall be 30 months from the date of adoption of this Decision.

Article 2

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 8 250 000.
2. All expenditure shall be managed in accordance with Decision (CFSP) 2021/509 and the rules for the implementation of revenue and expenditure financed under the EPF.
3. Expenditure related to the implementation of the assistance measure shall be eligible from the date of adoption of this Decision.

Article 3

Arrangements with the beneficiary

1. The High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') shall make the necessary arrangements with the beneficiary to ensure its compliance with the requirements and conditions established by this Decision as a condition for the provision of support under the assistance measure.
2. The arrangements referred to in paragraph 1 shall include provisions obliging the beneficiary to ensure:
 - (a) the compliance of the Ghana Armed Forces with relevant international law, in particular international human rights law and international humanitarian law;
 - (b) the proper and efficient use of any assets provided under the assistance measure for the purposes for which they were provided;
 - (c) the sufficient maintenance of any assets provided under the assistance measure to ensure their usability and their operational availability over their life cycle;
 - (d) that any assets provided under the assistance measure will not be lost, or be transferred without the consent of the Facility Committee established under Decision (CFSP) 2021/509 to persons or entities other than those identified in those arrangements, at the end of their life cycle.
3. The arrangements referred to in paragraph 1 shall include provisions on the suspension and termination of support under the assistance measure in the event of the beneficiary being found in breach of the obligations set out in paragraph 2.

*Article 4***Implementation**

1. The High Representative shall be responsible for ensuring the implementation of this Decision in accordance with Decision (CFSP) 2021/509, and the rules for the implementation of revenue and expenditure financed under the EPF, in line with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.
2. The implementation of the activities referred to in Article 1(3) shall be carried out by the administrator for assistance measures, through an administrative arrangement with the *Economat des Armées* in accordance with Article 37 of Decision (CFSP) 2021/509.

*Article 5***Monitoring, control and evaluation**

1. The High Representative shall monitor the compliance by the beneficiary with the obligations set out in Article 3. This monitoring shall be used to provide awareness of the context and the risks of breaches of the obligations established in accordance with Article 3, and to contribute to the prevention of such breaches, including violations of international human rights law and international humanitarian law by the Ghana Armed Forces.
2. The post-shipment control of equipment and supplies shall be organised as follows:
 - (a) delivery verification, whereby EPF delivery certificates are to be signed by the end-user forces upon transfer of ownership;
 - (b) reporting, whereby the beneficiary is to report annually on the activities conducted with the equipment provided under the assistance measure and on the inventory of designated items, as relevant, until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);
 - (c) on-site inspections, whereby the beneficiary is to grant the High Representative access to conduct on-site controls upon request.
3. The High Representative shall conduct a final evaluation upon completion of the assistance measure to assess whether the assistance measure has contributed to reaching the objectives stated in Article 1(2).

*Article 6***Reporting**

During the period of implementation, the High Representative shall provide the PSC with six-monthly reports on the implementation of the assistance measure, in accordance with Article 63 of Decision (CFSP) 2021/509. The administrator for assistance measures shall regularly inform the Facility Committee established by Decision (CFSP) 2021/509 as to the implementation of revenue and expenditure in accordance with Article 38 of that Decision, including by providing information on the suppliers and subcontractors involved.

*Article 7***Suspension and termination**

1. The PSC may decide to suspend wholly or partially the implementation of the assistance measure in accordance with Article 64 of Decision (CFSP) 2021/509.
2. The PSC may also recommend that the Council terminate the assistance measure.

*Article 8***Entry into force**

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

Done at Brussels, 10 July 2023.

For the Council
The President
P. NAVARRO RÍOS

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