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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2023/2053 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 13 September 2023

establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

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

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

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

Whereas:

- (1) One of the objectives of the common fisheries policy (CFP) as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾, is to ensure that the exploitation of marine biological resources provides sustainable economic, environmental and social benefits.
- (2) By means of Council Decision 98/392/EC ⁽⁴⁾, the Union approved the United Nations Convention on the Law of the Sea and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, which contain principles and rules with regard to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the Union takes part in efforts made in international waters to conserve fish stocks.
- (3) The Union is Party to the International Convention for the Conservation of Atlantic Tunas ⁽⁵⁾ ('the Convention').

⁽¹⁾ OJ C 232, 14.7.2020, p. 36.

⁽²⁾ Position of the European Parliament of 28 April 2021 (not yet published in the Official Journal) and position of the Council at first reading of 26 June 2023 (not yet published in the Official Journal). Position of the European Parliament of 12 September 2023 (not yet published in the Official Journal).

⁽³⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁽⁴⁾ Council Decision 98/392/EC of 23 March 1998 concerning the conclusion by the European Community of the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating to the implementation of Part XI thereof (OJ L 179, 23.6.1998, p. 1).

⁽⁵⁾ International Convention for the Conservation of Atlantic Tunas (OJ L 162, 18.6.1986, p. 34).

- (4) At its 21st special meeting in 2018, the International Commission for the Conservation of Atlantic Tunas (ICCAT), established by the Convention, adopted Recommendation 18-02 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean ('the Management Plan'). The Management Plan follows the advice of the ICCAT's Standing Committee on Research and Statistics ('SCRS') stating that ICCAT should establish a multiannual management plan for the stock in 2018 since the current status of the stock no longer appears to require the emergency measures introduced under the recovery plan for bluefin tuna, which was established by Recommendation 17-07 amending Recommendation 14-04, but without weakening existing monitoring and control measures.
- (5) ICCAT Recommendation 18-02 repeals Recommendation 17-07, which was implemented in Union law by Regulation (EU) 2016/1627 of the European Parliament and of the Council ⁽⁶⁾.
- (6) At its 26th regular meeting in 2019, ICCAT adopted Recommendation 19-04 amending the multi-annual management plan established by Recommendation 18-02. ICCAT Recommendation 19-04 repeals and replaces Recommendation 18-02. This Regulation should implement Recommendation 19-04 in Union law.
- (7) This Regulation should also implement, in full or in part, where relevant ICCAT Recommendations 06-07 on bluefin tuna farming, 18-10 concerning minimum standards for vessel monitoring systems in the ICCAT Convention Area, 96-14 regarding compliance in the bluefin tuna and North Atlantic swordfish fisheries, 13-13 concerning the establishment of an ICCAT record of vessels 20 metres in length overall or greater authorised to operate in the Convention Area and 16-15 on transshipment.
- (8) The positions of the Union within regional fisheries management organisations are to be based on the best available scientific advice so as to ensure that fishery resources are managed in accordance with the objectives of the CFP, in particular with the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield ('MSY'), and with the objective of providing conditions for economically viable and competitive fishing capture and processing industry and land-based fishing-related activity. According to the report issued by the SCRS in October 2018, bluefin tuna catches at a fishing mortality rate $F_{0,1}$ are in line with a fishing mortality rate consistent with achieving MSY (F_{msy}). The stock biomass is considered to be at a level ensuring MSY. The biomass value $B_{0,1}$ fluctuates from being above that level for medium and low recruitment levels, to being below that level for the high level of recruitment.
- (9) The Management Plan takes into account the specificities of the different types of gear and fishing techniques. When implementing the Management Plan, the Union and Member States should promote coastal fishing activities and the use of fishing gear and techniques which are selective and have a reduced environmental impact, in particular gear and techniques used in traditional and artisanal fisheries, thereby contributing to a fair standard of living for local economies.
- (10) Account should be taken of the specific characteristics and needs of small-scale and artisanal fisheries. In addition to relevant provisions of ICCAT Recommendation 19-04 that remove obstacles to the participation of small-scale coastal vessels in the bluefin tuna fishery, Member States should make further efforts to ensure a fair and transparent distribution of fishing opportunities between small-scale, artisanal and larger fleets, in a manner consistent with their obligations under Article 17 of Regulation (EU) No 1380/2013.

⁽⁶⁾ Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009 (OJ L 252, 16.9.2016, p. 1).

- (11) To ensure compliance with the CFP, Union legal acts have been adopted to establish a system of control, inspection and enforcement, which includes the fight against illegal, unreported and unregulated (IUU) fishing. In particular, Council Regulation (EC) No 1224/2009 ⁽⁷⁾ establishes a Union system for control, inspection and enforcement with a global and integrated approach so as to ensure compliance with all the rules of the CFP. Commission Implementing Regulation (EU) No 404/2011 ⁽⁸⁾ lays down detailed rules for the implementation of Regulation (EC) No 1224/2009. Council Regulation (EC) No 1005/2008 ⁽⁹⁾ establishes a Community system to prevent, deter and eliminate IUU fishing. Those Regulations already include provisions that cover a number of the measures laid down in ICCAT Recommendation 19-04, such as fishing licences and authorisations, as well as certain rules on vessel monitoring systems. It is therefore not necessary for this Regulation to include provisions covering those measures.
- (12) Regulation (EU) No 1380/2013 establishes the concept of minimum conservation reference size. In order to ensure consistency, the ICCAT concept of minimum size should be implemented into Union law as the minimum conservation reference size.
- (13) According to ICCAT Recommendation 19-04, bluefin tuna that have been caught and are below the minimum conservation reference size have to be discarded. The same applies to catches of bluefin tuna exceeding the by-catch limits established in annual fishing plans. For the purpose of the Union's compliance with its international obligations under ICCAT, Article 4 of Commission Delegated Regulation (EU) 2015/98 ⁽¹⁰⁾ provides for derogations from the landing obligation for bluefin tuna in accordance with Article 15(2) of Regulation (EU) No 1380/2013. Delegated Regulation (EU) 2015/98 implements certain provisions of Recommendation 19-04 which lay down the obligation to discard bluefin tuna for vessels that exceed their allocated quota or their maximum level of permitted by-catches. The scope of that Delegated Regulation includes vessels engaged in recreational fishing. It is therefore not necessary for this Regulation to cover such discard and release obligations and this Regulation is without prejudice to the corresponding provisions of Delegated Regulation (EU) 2015/98.
- (14) During the 2018 annual meeting, the Contracting Parties to the Convention acknowledged the need to reinforce controls for certain bluefin tuna operations. With that aim, it was agreed during that meeting that Contracting Parties to the Convention responsible for farms should ensure full traceability of caging operations and should undertake random controls based on risk analysis.

⁽⁷⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

⁽⁸⁾ Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system, for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).

⁽⁹⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽¹⁰⁾ Commission Delegated Regulation (EU) 2015/98, of 18 November 2014 on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (OJ L 16, 23.1.2015, p. 23).

- (15) Regulation (EU) No 640/2010 of the European Parliament and of the Council ⁽¹¹⁾ provides for an electronic catch document for bluefin tuna (‘eBCD’), implementing ICCAT Recommendation 09-11 amending Recommendation 08-12. ICCAT Recommendations 17-09 and 11-20 on the application of the eBCD have recently been repealed by ICCAT Recommendations 18-12 and 18-13. Therefore, Regulation (EU) No 640/2010 has become obsolete and the Commission has adopted a proposal for a new Regulation implementing the most recent ICCAT rules on eBCD. As a consequence this Regulation should not refer to Regulation (EU) No 640/2010 but, in more general terms, to the catch documentation programme recommended by ICCAT.
- (16) Taking into account that certain ICCAT recommendations are being amended frequently by ICCAT Contracting Parties and are likely to be amended further in the future, in order to swiftly implement into Union law future ICCAT recommendations amending or supplementing the Management Plan, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission in respect of the following matters: deadlines for reporting information, time periods for fishing seasons; derogations from the prohibition on the carry-over of unused quotas; minimum conservation reference sizes; percentages and parameters, the information to be submitted to the Commission; tasks for national observers and regional observers, reasons for refusing the authorisation to transfer fish; reasons for seizing the catches and ordering the release of fish. Moreover, each year, the Commission, representing the Union at ICCAT meetings, agrees to a number of purely technical ICCAT recommendations, in particular concerning capacity limitations, logbook requirements, catch report forms, transshipment and ICCAT transfer declarations (ITDs), minimum information for fishing authorisations, minimum number of fishing vessels in relation to the ICCAT scheme of Joint International Inspection; specifications of the inspection and observer scheme, standards for video recordings, release protocols, standards for the treatment of dead fish, caging declarations or standards for vessel monitoring systems, that should be implemented into Union law by means of Annexes I–XV to this Regulation. The power to adopt acts in accordance with Article 290 TFEU should therefore be delegated to the Commission also in respect of amending or supplementing Annexes I–XV of this Regulation in line with the amended or supplemented ICCAT Recommendations. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽¹²⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States’ experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (17) ICCAT recommendations governing the bluefin tuna fishery, namely operations related to catching, transfer, transport, caging, farming, harvesting and carry-over, are highly dynamic. There are constant new developments in technologies to control and manage the fishery, such as stereoscopic cameras and alternative methods, that need to be uniformly applied by Member States. Similarly, operational procedures also need to be developed where necessary, to help Member States to comply with ICCAT rules implemented into Union law by this Regulation. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards detailed rules for the carry-over of live bluefin tuna, transfer operations and caging operations. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹³⁾.
- (18) The delegated acts and implementing acts provided for in this Regulation are without prejudice to the implementation of future ICCAT recommendations into Union law through the ordinary legislative procedure.

⁽¹¹⁾ Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Council Regulation (EC) No 1984/2003 (OJ L 194, 24.7.2010, p. 1).

⁽¹²⁾ OJ L 123, 12.5.2016, p. 1.

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

- (19) As this Regulation will provide a new and comprehensive management plan for bluefin tuna, the provisions concerning bluefin tuna laid down in Regulations (EU) 2017/2107 ⁽¹⁴⁾ and (EU) 2019/833 ⁽¹⁵⁾ of the European Parliament and of the Council should be deleted. As regards Article 43 of Regulation (EU) 2017/2107, the part corresponding to Mediterranean swordfish has been included in Regulation (EU) 2019/1154 of the European Parliament and of the Council ⁽¹⁶⁾. Certain provisions of Council Regulation (EC) No 1936/2001 ⁽¹⁷⁾ should also be deleted. Regulations (EC) No 1936/2001, (EU) 2017/2107 and (EU) 2019/833 should therefore be amended accordingly.
- (20) ICCAT Recommendation 18-02 repealed Recommendation 17-07 since the status of the stock no longer required the emergency measures provided for in the recovery plan for bluefin tuna established by that recommendation. Regulation (EU) 2016/1627, which implemented that recovery plan, should therefore be repealed,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

General provisions

Article 1

Subject matter

This Regulation lays down general rules for the uniform and effective implementation by the Union of the multiannual management plan for bluefin tuna (*Thunnus thynnus*) in the eastern Atlantic and the Mediterranean, as adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT).

Article 2

Scope

This Regulation applies to:

- (a) Union fishing vessels and Union vessels engaged in recreational fisheries which:
- (i) catch bluefin tuna in the Convention Area; and
 - (ii) tranship or carry on board, including outside the Convention Area, bluefin tuna caught in the Convention Area;
- (b) Union farms;

⁽¹⁴⁾ Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 (OJ L 315, 30.11.2017, p. 1).

⁽¹⁵⁾ Regulation (EU) 2019/833 of the European Parliament and of the Council of 20 May 2019 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation, amending Regulation (EU) 2016/1627 and repealing Council Regulations (EC) No 2115/2005 and (EC) No 1386/2007 (OJ L 141, 28.5.2019, p. 1).

⁽¹⁶⁾ Regulation (EU) 2019/1154 of the European Parliament and of the Council of 20 June 2019 on a multiannual recovery plan for Mediterranean swordfish and amending Council Regulation (EC) No 1967/2006 and Regulation (EU) 2017/2107 of the European Parliament and of the Council (OJ L 188, 12.7.2019, p. 1).

⁽¹⁷⁾ Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish (OJ L 263, 3.10.2001, p. 1).

- (c) third country fishing vessels and third country vessels engaged in recreational fisheries that operate in Union waters and catch bluefin tuna in the Convention Area;
- (d) third country vessels which are inspected in Member State ports and which carry on board bluefin tuna caught in the Convention Area or fishery products originating from bluefin tuna caught in Union waters that have not been previously landed or transhipped at ports.

Article 3

Objective

The objective of this Regulation is to implement the multiannual management plan for bluefin tuna, as adopted by ICCAT, which aims to maintain a biomass of bluefin tuna above levels capable of producing MSY.

Article 4

Relationship with other Union acts

Unless otherwise stated in this Regulation, this Regulation applies without prejudice to other Union acts governing the fisheries sector, in particular:

- (1) Regulation (EC) No 1224/2009;
- (2) Regulation (EC) No 1005/2008;
- (3) Regulation (EU) 2017/2403 of the European Parliament and of the Council ⁽¹⁸⁾;
- (4) Regulation (EU) 2017/2107;
- (5) Regulation (EU) 2019/1241 of the European Parliament and of the Council ⁽¹⁹⁾.

Article 5

Definitions

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

- (1) 'ICCAT' means the International Commission for the Conservation of Atlantic Tunas;
- (2) 'the Convention' means the International Convention for the Conservation of Atlantic Tunas;
- (3) 'fishing vessel' means any powered vessel used for the purposes of the commercial exploitation of bluefin tuna resources, including catching vessels, fish processing vessels, support vessels, towing vessels, vessels engaged in transhipment and transport vessels equipped for the transportation of tuna products and auxiliary vessels, except container vessels;
- (4) 'live bluefin tuna' means bluefin tuna that is kept alive for a certain period in a trap, or transferred alive to a farming installation;
- (5) 'SCRS' means the Standing Committee on Research and Statistics of the ICCAT;

⁽¹⁸⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

⁽¹⁹⁾ Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

- (6) 'recreational fishery' means non-commercial fisheries activities exploiting marine biological resources;
- (7) 'sport fishery' means non-commercial fisheries whose members adhere to a national sport organisation or are issued with a national sport licence;
- (8) 'towing vessel' means any vessel used for towing cages;
- (9) 'processing vessel' means a vessel on board of which fisheries products are subject to one or more of the following operations, prior to their packaging: filleting or slicing, freezing and/or processing;
- (10) 'auxiliary vessel' means any vessel used to transport dead bluefin tuna (not processed) from a transport/farming cage, a purse seine or a trap to a designated port and/or to a processing vessel;
- (11) 'trap' means fixed gear anchored to the bottom, usually containing a guide net that leads bluefin tuna into an enclosure or series of enclosures where it is kept prior to harvesting or farming;
- (12) 'purse seine' means any encircling net the bottom of which is drawn together by means of a purse line at the bottom of the net, which passes through a series of rings along the ground rope, enabling the net to be pursed and closed;
- (13) 'caging' means the relocation of live bluefin tuna from the transport cage or trap to the farming or fattening cages;
- (14) 'catching vessel' means a vessel used for the purposes of the commercial capture of bluefin tuna resources;
- (15) 'farm' means a marine area clearly defined by geographical coordinates, used for the fattening or farming of bluefin tuna caught by traps and/or purse seine vessels; a farm could have several farming locations, all of them defined by geographical coordinates with a clear definition of longitude and latitude for each one of the points of the polygon;
- (16) 'farming' or 'fattening' means caging of bluefin tuna in farms and their subsequent feeding aiming to fatten and increase their total biomass;
- (17) 'harvesting' means the killing of bluefin tuna in farms or traps;
- (18) 'stereoscopic camera' means a camera with two or more lenses, with a separate image sensor or film frame for each lens, enabling the taking of three-dimensional images for the purpose of measuring the length of the fish and assisting in refining the number and weight of bluefin tuna;
- (19) 'small-scale coastal vessel' is a catching vessel with at least three of the five following characteristics:
 - (a) length overall of less than 12 metres;
 - (b) the vessel fishes exclusively inside the waters under the jurisdiction of the flag Member State;
 - (c) the duration of fishing trips is less than 24 hours;
 - (d) the maximum crew number is established at four persons; or
 - (e) the vessel fishes using techniques which are selective and have a reduced environmental impact;
- (20) 'joint fishing operation' means any operation between two or more purse seine vessels where the catch of one purse seine vessel is attributed to one or more purse seine vessels in accordance with a previously agreed allocation key;
- (21) 'fishing actively' means, for any catching vessel, the fact that it targets bluefin tuna during a given fishing season;
- (22) 'BCD' means a bluefin tuna catch document;

- (23) 'eBCD' means an electronic bluefin tuna catch document;
- (24) 'Convention Area' means the geographical area defined in Article 1 of the Convention;
- (25) 'transhipment' means the unloading of all or any of the fisheries products on board a fishing vessels to another fishing vessel; however, unloading of dead bluefin tuna from the purse seine, the trap or the towing vessel to an auxiliary vessel shall not be considered as transhipment;
- (26) 'control transfer' means any additional transfer being implemented at the request of the fishing/farming operators or the control authorities for the purpose of verifying the number of fish being transferred;
- (27) 'control camera' means a stereoscopic camera and/or conventional video camera for the purpose of the controls provided for in this Regulation;
- (28) 'CPC' means a Contracting Party to the Convention or a cooperating non-contracting party, entity or fishing entity;
- (29) 'large scale pelagic longline vessel' means a pelagic longline vessel greater than 24 metres in length overall;
- (30) 'transfer' means any transfer of:
- live bluefin tuna from the catching vessel's net to the transport cage;
 - live bluefin tuna from the transport cage to another transport cage;
 - the cage with live bluefin tuna from a towing vessel to another towing vessel;
 - the cage with live bluefin tuna from one farm to another, and live bluefin tuna between different cages in the same farm;
 - live bluefin tuna from the trap to the transport cage independently of the presence of a towing vessel;
- (31) 'operator' means the natural or legal person who operates or holds any undertaking carrying out any of the activities related to any stage of production, processing, marketing, distribution or retail chains of fisheries and aquaculture products;
- (32) 'gear group' means a group of fishing vessels using the same gear for which a group quota has been allocated;
- (33) 'fishing effort' means the product of the capacity and the activity of a fishing vessel; for a group of fishing vessels it means the sum of the fishing effort of all vessels in the group;
- (34) 'responsible Member State' means the flag Member State or the Member State under whose jurisdiction the relevant farm or trap is located.

CHAPTER II

Management measures

Article 6

Conditions associated with fisheries management measures

1. Each Member State shall take the necessary measures to ensure that the fishing effort of its catching vessels and its traps is commensurate with the bluefin tuna fishing opportunities available to that Member State in the eastern Atlantic and the Mediterranean. Measures adopted by Member States shall include establishing individual quotas for their catching vessels over 24 metres in length overall included in the list of authorised vessels referred to in Article 26.

2. Each Member State shall require catching vessels to proceed immediately to a port designated by it when the individual quota of the vessel is deemed to be exhausted, in accordance with Article 35 of Regulation (EC) No 1224/2009.
3. Chartering operations shall not be permitted in the bluefin tuna fishery.

Article 7

Carry-over of non-harvested live bluefin tuna

1. The carry-over of non-harvested live bluefin tuna from previous years' catches within a farm may be permitted only if a reinforced system of control is developed and reported by the Member State to the Commission. That system shall be an integral part of the Member State's annual inspection plan referred to in Article 14, and shall include at least the measures established pursuant to Articles 53 and 61.
2. If a carry-over is permitted in accordance with paragraph 1, the following points shall apply:
 - (a) by 25 May of each year, Member States responsible for farms shall complete and submit to the Commission an annual carry-over declaration which shall include:
 - (i) quantities (expressed in kg) and number of fish intended to be carried over;
 - (ii) catch year;
 - (iii) average weight;
 - (iv) flag Member State or CPC;
 - (v) references of the BCD corresponding to the catches carried over;
 - (vi) name and ICCAT number of the farm;
 - (vii) cage number; and
 - (viii) information on harvested quantities (expressed in kg), when completed;
 - (b) the quantities carried over pursuant to paragraph 1 shall be placed in separate cages or in separate series of cages in the farm on the basis of the catch year.
3. Before a fishing season starts, Member States responsible for farms shall ensure a thorough assessment of any live bluefin tuna carried over after bulk-harvests in farms under their jurisdiction. With that aim, all carried-over live bluefin tuna of the catch year subject to bulk-harvest in farms shall be transferred to other cages using stereoscopic camera systems or alternative methods, provided that they ensure the same level of precision and accuracy, in accordance with Article 51. Fully documented traceability shall be ensured at all times. Carry-over of bluefin tuna from years that were not subject to bulk-harvest shall be controlled annually by applying the same procedure to appropriate samples based on a risk assessment.
4. The Commission may adopt implementing acts laying down detailed rules to develop a reinforced control system for the carry-over of live bluefin tuna. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68.

Article 8

Carry-over of unused quotas

The carry-over of unused quotas shall not be permitted.

*Article 9***Quota transfers**

1. Transfers of quotas between the Union and other CPCs shall only be carried out with the prior authorisation of the Member States and/or CPCs concerned. The Commission shall notify the ICCAT Secretariat 48 hours prior to any such transfer of quotas.
2. The transfer of quotas within gear groups, by-catch quotas and individual fishing quotas of each Member State shall be allowed, provided that the Member States concerned inform the Commission of such transfers in advance, so that the Commission can inform the ICCAT Secretariat prior to the transfer taking effect.

*Article 10***Quota deductions in the event of overfishing**

If Member States overfish the quotas allocated to them and the situation cannot be remedied by quota exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013, Articles 37 and 105 of Regulation (EC) No 1224/2009 shall apply.

*Article 11***Annual fishing plans**

1. Each Member State with a bluefin tuna quota shall establish an annual fishing plan. That plan shall include, at least, the following information for the catching vessels and traps:
 - (a) the quotas allocated to each gear group, including by-catch quotas;
 - (b) where applicable, the method used to allocate and manage quotas;
 - (c) the measures to ensure the respect of individual quotas;
 - (d) open fishing seasons for each gear category;
 - (e) information on designated ports;
 - (f) the rules on by-catch; and
 - (g) the number of catching vessels, other than bottom trawlers, above 24 metres in length overall and purse seine vessels that are authorised to operate for bluefin tuna in the eastern Atlantic and the Mediterranean.
2. Member States that have small-scale coastal vessels authorised to fish for bluefin tuna shall allocate a specific sectorial quota for those vessels and shall include such allocation in their fishing plans. They shall also include additional measures to closely monitor the quota consumption by that fleet in their monitoring, control and inspection plans. Member States may authorise a different number of vessels to fully utilise their fishing opportunities, using the parameters referred to in paragraph 1.
3. Portugal and Spain may allocate sectorial quotas for bait-boats operating in the Union waters of the archipelagos of the Azores, Madeira and the Canary Islands. Those sectorial quotas shall be included in their annual fishing plans and additional measures to monitor the consumption of those quotas shall be clearly set out in their annual monitoring, control and inspection plans.
4. When Member States allocate sectorial quotas in accordance with paragraph 2 or 3, the minimum quota requirement of 5 tonnes set in the applicable Union act for the allocation of fishing opportunities shall not apply.

5. Any amendment to the annual fishing plan shall be submitted by the Member State concerned to the Commission at least three working days before the start of the fishing activity to which the amendment relates. The Commission shall forward the amendment to the ICCAT Secretariat at least one working day before the start of the fishing activity to which the amendment relates.

Article 12

Allocation of fishing opportunities

In accordance with Article 17 of Regulation (EU) No 1380/2013, when allocating the fishing opportunities available to them, Member States shall use transparent and objective criteria, including those of an environmental, social and economic nature, and shall also endeavour to distribute national quotas fairly among the various fleet segments, giving special consideration to traditional and artisanal fisheries, and to provide incentives to Union fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact.

Article 13

Annual fishing capacity management plans

Each Member State with a bluefin tuna quota shall establish an annual fishing capacity management plan. In that plan, the Member State shall adjust the number of catching vessels and traps in a way that ensures that the fishing capacity is commensurate with the fishing opportunities allocated to catching vessels and traps for the relevant quota period. The Member State shall adjust the fishing capacity using the parameters defined in the applicable Union act for the allocation of fishing opportunities. The adjustment of Union fishing capacity for purse seine vessels shall be limited to a maximum variation of 20 % compared to the baseline fishing capacity of 2018.

Article 14

Annual inspection plans

Each Member State with a bluefin tuna quota shall establish an annual inspection plan with a view to ensuring compliance with this Regulation. Each Member State shall submit its respective plan to the Commission. Each Member State shall establish its plan in accordance with:

- (a) the objectives, priorities and procedures as well as benchmarks for inspection activities set out in the specific control and inspection programme for bluefin tuna established under Article 95 of Regulation (EC) No 1224/2009;
- (b) the national control action programme for bluefin tuna established under Article 46 of Regulation (EC) No 1224/2009.

Article 15

Annual farming management plans

1. Each Member State with a bluefin tuna quota shall establish an annual farming management plan.
2. In the annual farming management plan, each Member State shall ensure that the total input capacity and the total farming capacity are commensurate with the estimated amount of bluefin tuna available for farming.
3. Member States shall limit their tuna farming capacity to the total farming capacity registered in the ICCAT 'record of bluefin tuna farming facilities' or authorised and declared to ICCAT in 2018.

4. The maximum input of wild caught bluefin tuna into the farms of a Member State shall be limited to the level of the input quantities registered with ICCAT in the 'record of bluefin tuna farming facilities' by the farms of that Member State in the years 2005, 2006, 2007 or 2008.
5. If a Member State needs to increase the maximum input of wild caught tuna in one or more of its tuna farms, that increase shall be commensurate with the fishing opportunities allocated to that Member State, and with any live bluefin tuna imports from another Member State or Contracting Party.
6. Member States responsible for the farms shall ensure that scientists tasked by the SCRS with trials to identify growth rates during the fattening period have access to the farms and assistance to carry out their duties.
7. Where appropriate, Member States shall submit revised farming management plans to the Commission by 15 May each year.

Article 16

Transmission of annual plans

1. By 31 January of each year, each Member State with a bluefin tuna quota shall submit the following plans to the Commission:
 - (a) the annual fishing plan for the catching vessels and traps fishing bluefin tuna in the eastern Atlantic and the Mediterranean, established in accordance with Article 11;
 - (b) the annual fishing capacity management plan established in accordance with Article 13;
 - (c) the annual inspection plan established in accordance with Article 14; and
 - (d) the annual farming management plan established in accordance with Article 15.
2. The Commission shall compile the plans referred to in paragraph 1 and use them for the establishment of a Union annual plan. The Commission shall transmit the Union annual plan to the ICCAT Secretariat by 15 February of each year for discussion and approval by ICCAT.
3. In the event that a Member State fails to submit a plan referred to in paragraph 1 to the Commission within the deadline laid down in that paragraph, the Commission may decide to transmit the Union plan to the ICCAT Secretariat without the plans of the Member State concerned. At the request of the Member State concerned, the Commission shall endeavour to take into account one of the plans referred to in paragraph 1 submitted after the deadline laid down in that paragraph, but before the deadline provided for in paragraph 2. If a plan submitted by a Member State does not comply with the provisions of this Regulation relating to the annual fishing, capacity, inspection and farming plans or contains a serious fault that may lead to the non-endorsement of the Union annual plan by the ICCAT Commission, the Commission may decide to transmit the Union annual plan to the ICCAT Secretariat without the plans of the Member State concerned. The Commission shall inform the Member State concerned as soon as possible and shall endeavour to include any revised plans submitted by that Member State in the Union annual plan or in amendments to the Union annual plan, provided that those revised plans comply with the provisions of this Regulation relating to the annual fishing, capacity, inspection and farming plans.

CHAPTER III

Technical measures

Article 17

Fishing seasons

1. Purse seine fishing for bluefin tuna shall be permitted in the eastern Atlantic and the Mediterranean from 26 May until 1 July of each year.

2. By way of derogation from paragraph 1 of this Article, Cyprus and Greece may request in their annual fishing plans, as referred to in Article 11, that purse seine vessels flying their flag be allowed to fish for bluefin tuna in the Eastern Mediterranean (FAO fishing areas 37.3.1 and 37.3.2) from 15 May until 1 July of each year.
3. By way of derogation from paragraph 1 of this Article, Croatia may request in its annual fishing plan, as referred to in Article 11, that purse seine vessels flying its flag be allowed to fish for bluefin tuna for farming purposes in the Adriatic Sea (FAO fishing area 37.2.1) from 26 May until 15 July of each year.
4. By way of derogation from paragraph 1, if a Member State provides evidence to the Commission that, due to weather conditions, some of its purse seine vessels fishing for bluefin tuna in the eastern Atlantic and the Mediterranean were unable to utilise their normal fishing days during a year, that Member State may decide that, for individual purse seine vessels affected by that situation, the fishing season referred in paragraph 1 be extended by an equivalent number of lost days up to 10 days. The inactivity of the vessels concerned, and in the case of a joint fishing operation of all vessels involved, shall be duly justified with weather reports and vessel monitoring system (VMS) positions.
5. Bluefin tuna fishing shall be permitted in the eastern Atlantic and the Mediterranean by large-scale pelagic longline vessels during the period from 1 January to 31 May.
6. Member States shall establish fishing seasons for their fleets, other than purse seine vessels and large scale pelagic longline vessels, in their annual fishing plans.

Article 18

Landing obligation

This Chapter shall be without prejudice to Article 15 of Regulation (EU) No 1380/2013, including any applicable derogations thereto.

Article 19

Minimum conservation reference size

1. It shall be prohibited to catch, retain on board, tranship, transfer, land, transport, store, sell, display or offer for sale bluefin tuna weighing less than 30 kg or with a fork length of less than 115 cm, including when caught as by-catch or in recreational fisheries.
2. By way of derogation from paragraph 1, a minimum conservation reference size for bluefin tuna of 8 kg or 75 cm fork length shall apply to the following fisheries:
 - (a) bluefin tuna caught in the eastern Atlantic by baitboats and trolling boats;
 - (b) bluefin tuna caught in the Mediterranean by the small-scale coastal fleet fishery for fresh fish by baitboats, longliners and handliners; and
 - (c) bluefin tuna caught in the Adriatic Sea by vessels flying the flag of Croatia for farming purposes.
3. Specific conditions applying to the derogation referred in paragraph 2 are set out in Annex I.
4. Member States shall issue a fishing authorisation to vessels fishing under the derogations referred to in paragraphs 2 and 3 of Annex I. The vessels concerned shall be indicated in the list of catching vessels referred to in Article 26.

5. Fish below the minimum conservation reference sizes set out in this Article that are discarded dead shall be counted against the quota of the Member State concerned.

Article 20

Incidental catches below the minimum conservation reference size

1. By way of derogation from Article 19(1), all catching vessels and traps fishing actively for bluefin tuna shall be allowed a maximum of 5 % by number of incidental catches of bluefin tuna weighing between 8 and 30 kg or, alternatively, with a fork length between 75 and 115 cm.
2. The percentage of 5 % referred to in paragraph 1 shall be calculated on the basis of the total catches of bluefin tuna retained on board a vessel, or inside the trap, at any time after each fishing operation.
3. Incidental catches shall be deducted from the quota of the Member State responsible for the catching vessel or trap.
4. Incidental catches of bluefin tuna below the minimum conservation reference size shall be subject to Articles 31, 33, 34 and 35.

Article 21

By-catches

1. Each Member State shall make provision for by-catch of bluefin tuna within its quota and shall inform the Commission thereof when submitting its fishing plan.
2. The level of authorised by-catches, which shall not exceed 20 % of the total catches on board at the end of each fishing trip, and the methodology used to calculate those by-catches in relation to the total catch on board, shall be clearly defined in the annual fishing plan as referred to in Article 11. The percentage of by-catches may be calculated in weight or in number of individuals. The calculation in number of individuals shall only apply to tuna and tuna-like species managed by the ICCAT. The level of authorised by-catches for the small-scale coastal vessels fleet may be calculated on an annual basis.
3. All by-catches of dead bluefin tuna that are retained on board or discarded shall be deducted from the quota of the flag Member State and recorded and reported to the Commission in accordance with Articles 31 and 32.
4. For Member States without a bluefin tuna quota, the by-catches concerned shall be deducted from the specific Union bluefin tuna by-catch quota established in accordance with Article 43(3) TFEU and Article 16 of Regulation (EU) No 1380/2013.
5. If the total quota allocated to a Member State has been exhausted, the catching of any bluefin tuna shall not be permitted by vessels flying its flag and that Member State shall take the necessary measures to ensure the release of the bluefin tuna caught as by-catch. If the specific Union bluefin tuna by-catch quota established in accordance with Article 43(3) TFEU and Article 16 of Regulation (EU) No 1380/2013 has been exhausted, the catching of any bluefin tuna shall not be permitted by vessels flying the flag of Member States without a bluefin tuna quota, and those Member States shall take the necessary measures to ensure the release of the bluefin tuna caught as by-catch. In those cases, the processing and commercialisation of dead bluefin tuna shall be prohibited and all catches shall be recorded. Member States shall report information on such quantities of dead bluefin tuna by-catch on an annual basis to the Commission, which shall transmit that information to the ICCAT Secretariat.

6. Vessels not fishing actively for bluefin tuna shall clearly separate any quantity of bluefin tuna retained on board from other species, to allow control authorities to monitor compliance with this Article. Those by-catches may be marketed insofar as they are accompanied by the eBCD.

Article 22

Use of aerial means

It shall be prohibited to use any aerial means, including aircraft, helicopters or any types of unmanned aerial vehicles to search for bluefin tuna.

CHAPTER IV

Recreational fisheries

Article 23

Specific quota for recreational fisheries

1. Each Member State with a bluefin tuna quota shall regulate recreational fisheries by allocating a specific quota for the purpose of those fisheries. Possible dead bluefin tuna shall be taken into account in such allocation, including in the framework of catch-and-release fishing. Member States shall inform the Commission of the quota allocated to recreational fisheries when submitting their fishing plans.
2. Catches of dead bluefin tuna shall be reported and counted against the quota of the Member State.

Article 24

Specific conditions for recreational fisheries

1. Each Member State with a bluefin tuna quota allocated to recreational fisheries shall regulate recreational fisheries by issuing fishing authorisations to vessels for the purpose of recreational fishing. Upon request by ICCAT, Member States shall make available to the Commission the list of recreational vessels which have been granted a fishing authorisation to catch bluefin tuna. The Commission shall forward that list to ICCAT. The list shall contain the following information for each vessel:
 - (a) name of vessel;
 - (b) register number;
 - (c) ICCAT record number (if any);
 - (d) any previous name; and
 - (e) name and address of owner(s) and operator(s).
2. In recreational fisheries, it shall be prohibited to catch, retain on board, tranship or land more than one bluefin tuna per vessel per day.
3. The marketing of bluefin tuna caught in recreational fisheries shall be prohibited.
4. Each Member State shall record catch data including the weight and, where possible, the length of each bluefin tuna caught in recreational fisheries and communicate the data for the preceding year to the Commission by 30 June each year. The Commission shall forward that information to the ICCAT Secretariat.

5. Each Member State shall take the measures necessary to ensure, to the greatest extent possible, the release of bluefin tuna, especially juveniles, caught alive in recreational fisheries. Any bluefin tuna landed shall be whole, gilled and/or gutted.

Article 25

Catch, tag and release

1. By way of derogation from Article 23(1), Member States authorising 'catch and release' fishing in the north-east Atlantic conducted exclusively by sport fisheries vessels may allow a limited number of sport fishery vessels to target bluefin tuna with the purpose of 'catch, tag and release' fishing without the need to allocate a specific quota to them. Such vessels shall operate in the context of a scientific project of a research institute integrated in a scientific research programme. The results of the project shall be communicated to the relevant authorities of the flag Member State.
2. Vessels conducting scientific research under the ICCAT Research Programme for bluefin tuna shall not be deemed to conduct 'catch, tag and release' activities as referred to in paragraph 1.
3. Member States authorising 'catch, tag and release' activities, shall:
 - (a) submit description of those activities and the measures applicable thereto as an integral part of their fishing and inspection plans referred to in Articles 12 and 15;
 - (b) closely monitor the activities of the vessels concerned to ensure their compliance with this Regulation;
 - (c) ensure that the tagging and releasing operations are performed by trained personnel to ensure a high survival rate of the individuals; and
 - (d) submit an annual report to the Commission, by 30 June each year, on the scientific activities conducted. The Commission shall forward the report to the ICCAT Secretariat 60 days before the SCRS meeting of the following year.
4. Any bluefin tuna that dies during 'catch, tag and release' activities shall be reported and deducted from the quota of the flag Member State.

CHAPTER V

Control measures

Section 1

Lists and records of vessels and traps

Article 26

Lists and records of vessels

1. Each year, one month before the start of the period of authorisation, Member States shall submit to the Commission the following vessel lists in the format set out in the last version of the ICCAT Guidelines for submitting data and information:
 - (a) a list of all catching vessels authorised to fish actively for bluefin tuna; and
 - (b) a list of all other fishing vessels used for the purposes of commercial exploitation of bluefin tuna resources.

The Commission shall forward that information to the ICCAT Secretariat 15 days before the start of the fishing activity, so that those vessels can be entered into the ICCAT record of authorised vessels and, if relevant, into the ICCAT record of vessels 20 metres in length overall or greater authorised to operate in the Convention Area.

2. During a calendar year, a fishing vessel may be included in both of the lists referred to in paragraph 1 provided that it is not included in both lists at the same time.
3. The information on vessels referred to in points (a) and (b) of paragraph 1 shall contain the vessel's name and Union fleet register number (CFR) as defined in Annex I to Commission Implementing Regulation (EU) 2017/218 ⁽²⁰⁾.
4. The Commission shall not accept any retroactive submission of the lists referred to in paragraph 1.
5. Subsequent changes to the lists referred to in paragraph 1, during a calendar year, shall only be accepted if a notified fishing vessel is prevented from participating in the fishery due to legitimate operational reasons or *force majeure*. In such circumstances, the Member State concerned shall immediately inform the Commission of that fact, and shall provide:
 - (a) full details of the fishing vessel(s) intended to replace that fishing vessel; and
 - (b) a comprehensive account of the reason justifying the replacement and any relevant supporting evidence or references.
6. The Commission shall, if necessary, modify during the year the information on the vessels referred to in paragraph 1 of this article, by providing updated information to the ICCAT Secretariat in accordance with Article 7(6) of Regulation (EU) 2017/2403.

Article 27

Fishing authorisations for vessels

1. Member States shall issue fishing authorisations to vessels included in one of the lists referred to in Article 26(1) and (5). Fishing authorisations shall contain as a minimum the information set out in Annex VII and shall be issued in the format laid down in that Annex. Member States shall ensure that the information contained in the fishing authorisation is accurate and consistent with this Regulation.
2. Without prejudice to Article 21(6), Union fishing vessels not entered into the ICCAT records referred to in Article 26(1) shall be deemed not to be authorised to fish for, retain on board, tranship, transport, transfer, process or land bluefin tuna in the eastern Atlantic and the Mediterranean.
3. The flag Member State shall withdraw the fishing authorisation for bluefin tuna issued to a vessel, and may require the vessel to proceed immediately to a port designated by it, when the individual quota assigned to the vessel is exhausted.

Article 28

Lists and records of traps authorised to fish for bluefin tuna

1. As part of their fishing plans, each Member State shall submit, a list of traps authorised to fish for bluefin tuna in the eastern Atlantic and the Mediterranean to the Commission. The Commission shall forward that information to the ICCAT Secretariat so that those traps can be entered into the ICCAT record of traps authorised to fish for bluefin tuna.

⁽²⁰⁾ Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register (OJ L 34, 9.2.2017, p. 9).

2. Member States shall issue fishing authorisations for traps included in the list referred to in paragraph 1. Fishing authorisations shall contain as a minimum the information and use the format set out in Annex VII. Member States shall ensure that the information contained in the fishing authorisation is accurate and consistent with this Regulation.
3. Union traps not entered into the ICCAT record of traps authorised to fish for bluefin tuna shall not be deemed to be authorised to fish for bluefin tuna in the eastern Atlantic and the Mediterranean. It shall be prohibited to retain on board, transfer, cage or land bluefin tuna caught by those traps.
4. The flag Member State shall withdraw the fishing authorisation for bluefin tuna issued to traps when the quota assigned to them is deemed exhausted.

Article 29

Information on fishing activities

1. By 15 July each year, each Member State shall submit to the Commission detailed information on bluefin tuna catches in the eastern Atlantic and the Mediterranean in the preceding year. The Commission shall forward that information to the ICCAT Secretariat by 31 July each year. This information shall include:
 - (a) the name and ICCAT number of each catching vessel;
 - (b) the period of authorisation(s) for each catching vessel;
 - (c) the total catches of each catching vessel, including zero catches, throughout the period of authorisation(s);
 - (d) the total number of days each catching vessel fished in the eastern Atlantic and the Mediterranean throughout the period of authorisation(s); and
 - (e) the total catch outside their period of authorisation (by-catch).
2. Member States shall submit the following information to the Commission for fishing vessels flying their flag which were not authorised to fish actively for bluefin tuna in the eastern Atlantic and the Mediterranean but which caught bluefin tuna as by-catch:
 - (a) the name and ICCAT number or, if not registered with ICCAT, the national registry number of the vessel; and
 - (b) the total catches of bluefin tuna.
3. Member States shall notify the Commission of any information concerning any vessels not included in paragraphs 1 and 2 but known or presumed to have fished for bluefin tuna in the eastern Atlantic and the Mediterranean. The Commission shall transmit that information to the ICCAT Secretariat as soon as the information is available.

Article 30

Joint fishing operations

1. Any joint fishing operation for bluefin tuna shall only be allowed if participating vessels are authorised by the flag Member State(s). To be authorised, each purse seine vessel shall be required to be equipped to fish for bluefin tuna, to have an individual quota, and to comply with the reporting obligations set out in Article 32.
2. The quota allocated to a joint fishing operation shall be equal to the total of the quotas allocated to participating purse seine vessels.
3. Union purse seine vessels shall not engage in joint fishing operations with purse seine vessels from other CPCs.

4. The application form for the authorisation to participate in a joint fishing operation is set out in Annex IV. Each Member State shall take the necessary measures to obtain the following information from its purse seine vessels participating in a joint fishing operation:

- (a) the requested period of authorisation of the joint fishing operation;
- (b) the identity of the operators involved;
- (c) the individual vessels' quotas;
- (d) the allocation key between the vessels for the catches involved; and
- (e) information on the farms of destination.

5. At least 10 days before the start of the joint fishing operation, each Member State shall submit the information referred to in paragraph 4 to the Commission in the format set out in Annex IV. The Commission shall forward that information to the ICCAT Secretariat and to the flag Member State of other fishing vessels participating in the joint fishing operation, at least 5 days before the start of the fishing operation.

6. In the event of *force majeure*, the deadlines set out in paragraph 5 shall not apply as regards the information on the farms of destination. In such cases, Member States shall submit to the Commission an update of that information as soon as possible, together with a description of the events constituting *force majeure*. The Commission shall forward that information to the ICCAT Secretariat.

Section 2

Catch recording

Article 31

Recording requirements

1. Masters of Union catching vessels shall maintain a fishing logbook of their operations in accordance with Articles 14, 15, 23 and 24 of Regulation (EC) No 1224/2009 and Section A of Annex II to this Regulation.
2. Masters of Union towing vessels, auxiliary vessels and processing vessels shall record their activities in accordance with the requirements set out in Sections B, C and D of Annex II.

Article 32

Catch reports sent by masters and trap operators

1. Masters of Union catching vessels fishing actively shall send to their flag Member States daily catch reports during the whole period in which they are authorised to fish for bluefin tuna. Those reports shall not be obligatory for vessels in port, except if they are engaged in a joint fishing operation. The data in the reports shall be taken from logbooks and shall include date, time, location (latitude and longitude) and the weight and number of bluefin tuna caught in the Convention Area, including releases and discards of dead fish. Masters shall send the reports in the format set out in Annex III or in a format required by the Member State.
2. Masters of purse seine vessels shall produce the daily catch reports referred to in paragraph 1 for each fishing operation, including operations where the catch was zero. The reports shall be sent by the master of the vessel or his authorised representatives to his flag Member State by 9:00 GMT for the preceding day.

3. Trap operators or their authorised representatives fishing actively for bluefin tuna shall produce daily reports and shall send them to their flag Member States within every 48 hours during the whole period in which they are authorised to fish bluefin tuna. Those reports shall include the ICCAT register number of the trap, date and time of the catch, weight and number of bluefin tuna caught, including where the catch is zero, releases and discards of dead fish. They shall send that information in the format set out in Annex III.

4. Masters of catching vessels other than purse seine vessels, shall transmit to their flag Member States the reports referred to in paragraph 1 by Tuesday 12:00 GMT for the preceding week ending on Sunday.

Section 3

Landings and transhipments

Article 33

Designated ports

1. Each Member State that has been allocated a bluefin tuna quota shall designate ports where landing or transhipping operations of bluefin tuna are authorised. The information on designated ports shall be included in the annual fishing plan referred to in Article 11. Member States shall inform the Commission without delay of any amendment to the information on designated ports. The Commission shall communicate that information to the ICCAT Secretariat without delay.

2. For a port to be determined as a designated port, the port Member State shall ensure that the following conditions are met:

- (a) established landing and transhipment times;
- (b) established landing and transhipment places; and
- (c) established inspection and surveillance procedures ensuring inspection coverages during all landing and transhipment times and at all landing and transhipment places in accordance with Article 35.

3. It shall be prohibited to land or tranship from catching vessels, as well as processing vessels and auxiliary vessels, any quantity of bluefin tuna fished in the eastern Atlantic and the Mediterranean at any place other than ports designated by CPCs and Member States. Exceptionally, dead bluefin tuna, harvested from a trap or cage, may be transported to a processing vessel using an auxiliary vessel, insofar as such transporting is conducted in the presence of the control authority.

Article 34

Prior notification of landings

1. Article 17 of Regulation (EC) No 1224/2009 shall apply to masters of Union fishing vessels of a length overall of 12 metres or more included in the list of vessels referred to in Article 26. The prior notification under Article 17 of Regulation (EC) No 1224/2009 shall be sent to the competent authority of Member State (including the flag Member State) or CPC whose ports or landing facility they wish to use.

2. At least four hours before the estimated time of arrival at the port, masters of Union fishing vessels below 12 metres in length overall including processing vessels and auxiliary vessels included in the list of vessels referred to in Article 26, or representatives of such vessels, shall notify the competent authority of the Member State (including the flag Member State) or the CPC whose ports or landing facility they wish to use, of at least the following information:

- (a) estimated time of arrival;
- (b) estimated quantity of bluefin tuna retained on board;

- (c) information on the geographical area where the catches were taken;
- (d) the external identification number and the name of the fishing vessels.

3. Where Member States are authorised under applicable Union law to apply a shorter notification period than the period of four hours before the estimated time of arrival, the estimated quantities of bluefin tuna retained on board may be notified at the applicable time of notification prior to arrival. If the fishing grounds are less than four hours from the port, the estimated quantities of bluefin tuna retained on board may be modified at any time prior to arrival.

4. The authorities of the port Member State shall keep a record of all prior notifications for the current year.

5. All landings in the Union shall be controlled by the relevant control authorities of the port Member State and a percentage shall be inspected based on a risk assessment system involving quotas, fleet size and fishing effort. Full details of such control system adopted by each Member State shall be set out in the annual inspection plan referred to in Article 14.

6. Masters of Union catching vessels, whatever the length overall of the vessel, shall submit, within 48 hours after the completion of the landing, a landing declaration to the competent authorities of the Member State or CPC where the landing takes place and to its flag Member State. The master of the Union catching vessel shall be responsible for, and certify, the completeness and accuracy of the declaration. The landing declaration shall indicate, as a minimum requirement, the quantities of bluefin tuna landed and the area where they were caught. All landed catches shall be weighed. The port Member State shall send a record of the landing to the authorities of the flag Member State or CPC, 48 hours after the completion of the landing.

Article 35

Transhipments

1. Transhipment at sea by Union fishing vessels carrying on board bluefin tuna, or by third country vessels in Union waters, shall be prohibited in all circumstances.

2. Without prejudice to Article 52(2) and (3), Article 54 and Article 57 of Regulation (EU) 2017/2107, fishing vessels shall only tranship bluefin tuna catches in designated ports as referred to in Article 33 of this Regulation.

3. The master of the receiving fishing vessel, or the master's representative, shall provide the relevant authorities of the port State at least 72 hours before the estimated time of arrival at port, with the information listed in the transhipment declaration template set out in Annex V. Any transhipment shall require the prior authorisation from the flag Member State or flag CPC of the transhipping fishing vessel concerned. Furthermore, the master of the transhipping vessel shall, at the time of the transhipment, inform its flag Member State or CPC of the dates required under Annex V.

4. The port Member State shall inspect the receiving vessel on arrival and check the quantities and documentation relating to the transhipment operation.

5. Masters of Union fishing vessels engaged in transhipment operations shall complete and transmit to their flag Member States the ICCAT transhipment declaration within 15 days after the completion of the transhipment. The masters of the transhipping fishing vessels shall complete the ICCAT transhipment declaration in accordance with Annex V. The transhipment declaration shall include the reference number of the eBCD to facilitate cross-checking of data contained thereof.

6. The port Member State shall send a record of the transhipment to the flag Member State or CPC authority of the transshipping fishing vessel, within 5 days after the completion of the transhipment.
7. All transhipments shall be inspected by the competent authorities of the designated port Member States.

Section 4

Reporting obligations

Article 36

Weekly reports on quantities

Each Member State shall submit weekly catch reports to the Commission. Those reports shall include the data required under Article 32 as regards traps, purse seine vessels and other catching vessels. The information shall be structured by gear type. The Commission shall promptly forward that information to the ICCAT Secretariat.

Article 37

Information on quota exhaustion

1. In addition to complying with Article 34 of Regulation (EC) No 1224/2009, each Member State shall inform the Commission when the quota allocated to a gear group is deemed to have reached 80 %.
2. In addition to complying with Article 35 of Regulation (EC) No 1224/2009, each Member State shall inform the Commission when the quota allocated to a gear group or to a joint fishing operation or to a purse seine vessel is deemed to be exhausted. That information shall be accompanied by official documentation proving the fishing stop or the call back to port issued by the Member State for the fleet, the gear group, the joint fishing operation, or the vessels with an individual quota including a clear indication of the date and the time of the closure.
3. The Commission shall inform the ICCAT Secretariat of the dates when the Union quota of bluefin tuna has been exhausted.

Section 5

Observer programmes

Article 38

National observer programme

1. Each Member State shall ensure that the deployment of national observers, issued with an official identification document, on fishing vessels and traps active in the bluefin tuna fishery covers at least:
 - (a) 20 % of its active pelagic trawlers (over 15 metres);
 - (b) 20 % of its active longline vessels (over 15 metres);
 - (c) 20 % of its active baitboats (over 15 metres);

- (d) 100 % of towing vessels;
- (e) 100 % of harvesting operations from traps.

Member States with fewer than five catching vessels belonging to the categories listed in points (a), (b) and (c) of the first subparagraph and authorised to fish actively for bluefin tuna shall ensure that the deployment of national observers covers at least 20 % of the time the vessels are active in the bluefin tuna fishery.

2. The national observer tasks shall be, in particular, the following:

- (a) to monitor compliance with this Regulation by fishing vessels and traps;
- (b) to record and report the fishing activity, including the following:
 - (i) amount of catch (including by-catch), and catch disposition (retained on board or discarded dead or alive);
 - (ii) area of catch by latitude and longitude;
 - (iii) measure of effort (such as the number of sets, number of hooks), as defined in the ICCAT Field Manual for different gears;
 - (iv) date of catch;
- (c) to verify entries made in the logbook;
- (d) to sight and record vessels that may be fishing contrary to ICCAT conservation measures.

3. In addition to the tasks referred to in paragraph 2, national observers shall carry out scientific work, including the collection of necessary data, based on the guidelines from the SCRS.

4. Data and information collected under each Member State's observer programme shall be provided to the Commission. The Commission shall forward those data and that information to the SCRS or the ICCAT Secretariat, as appropriate.

5. For the purposes of paragraphs 1 to 3, each Member State shall ensure:

- (a) representative temporal and spatial coverage to ensure that the Commission receives adequate and appropriate data and information on catch, effort and other scientific and management aspects, taking into account characteristics of the fleets and fisheries;
- (b) robust data collection protocols;
- (c) that observers are properly trained and approved before deployment;
- (d) to the extent practicable, minimal disruption to the operations of vessels and traps fishing in the Convention Area.

Article 39

ICCAT regional observer programme

1. Member States shall ensure the effective implementation of the ICCAT regional observer programme as set out in this Article and in Annex VIII.

2. Member States shall ensure that an ICCAT regional observer is present:

- (a) on all purse seine vessels authorised to fish bluefin tuna;
- (b) during all transfers of bluefin tuna from purse seine vessels;
- (c) during all transfers of bluefin tuna from traps to transport cages;

- (d) during all transfers of bluefin tuna from one farm to another;
 - (e) during all cagings of bluefin tuna in farms;
 - (f) during all harvesting of bluefin tuna from farms; and
 - (g) during the release of bluefin tuna from farming cages into the sea.
3. Purse seine vessels without an ICCAT regional observer shall not be authorised to fish for bluefin tuna.
4. Member States shall ensure that one ICCAT regional observer is assigned to each farm for the whole period of caging operations. In the event of *force majeure*, and following confirmation by the farming Member State of those circumstances that constitute *force majeure*, an ICCAT regional observer may be shared by more than one farm to guarantee the continuity of farming operations, if it is ensured that the observer tasks are duly accomplished. However, the Member State responsible for the farms shall immediately request the deployment of an additional regional observer.
5. The ICCAT regional observers' tasks shall be, in particular to:
- (a) observe and monitor fishing and farming operations in compliance with the relevant ICCAT conservation and management measures, including through access to stereoscopic camera footage at the time of caging that enables the measuring of length and the estimation of the corresponding weight;
 - (b) sign the ITDs and BCDs when the information contained therein is consistent with their own observations. Otherwise, the ICCAT regional observer shall indicate his/her presence on the ITDs and BCDs and the reasons of disagreement quoting specifically the rule(s) or procedure(s) that has not been respected;
 - (c) carry out scientific work, including collecting samples, based on the guidelines from the SCRS.
6. Masters, crew, and farm, trap and vessel operators shall not obstruct, intimidate, interfere with, or influence by any means regional observers in the performance of their duties.

Section 6

Transfer operations

Article 40

Transfer authorisation

1. Before any transfer operation, the master of the catching or towing vessel or the master's representatives or the operator of the farm or trap where the transfer originates, shall send to the flag Member State, or to the Member State responsible for the farm or trap, a prior transfer notification indicating:
- (a) the name of the catching vessel or farm or trap and ICCAT record number;
 - (b) the estimated time of transfer;
 - (c) the estimated quantity of bluefin tuna to be transferred;
 - (d) information on the position (latitude/longitude) where the transfer will take place and cage identification numbers;
 - (e) the name of the towing vessel, number of cages towed and ICCAT record number where appropriate; and
 - (f) the destination port, farm or cage of the bluefin tuna.

2. For the purposes of paragraph 1, Member States shall assign a unique number to each transport cage. If several transport cages need to be used when transferring a catch corresponding to one fishing operation, only one ITD is required, but the numbers of each transport cage used shall be recorded in the ITD, clearly indicating the quantity of bluefin tuna transported in each cage.
3. Cage numbers shall be issued with a unique numbering system that includes at least the alpha-3 code corresponding to the farming Member State followed by three numbers. Unique cage numbers shall be permanent and shall not be transferable from one cage to another.
4. The Member State to which a transfer notification has been sent pursuant to paragraph 1 shall assign and communicate to the master of the fishing vessel, or operator of the trap or farm as appropriate, an authorisation number for each transfer operation. The authorisation number shall include the three-letter Member State code, four numbers showing the year and three letters indicating either positive authorisation (AUT) or negative (NEG) followed by sequential numbers.
5. The Member State to which a transfer notification has been sent pursuant to paragraph 1 shall authorise or refuse to authorise the transfer within 48 hours following the submission of the prior transfer notification. The transfer operation shall not begin without the prior positive authorisation issued.
6. The transfer authorisation shall not prejudice the confirmation of the caging operation.

Article 41

Refusal of the transfer authorisation and release of bluefin tuna

1. The Member State to which a prior transfer notification has been sent pursuant to Article 40(1) shall refuse to authorise the transfer if, on receipt of the prior notification of transfer, it considers that:
 - (a) the catching vessel or the trap declared to have caught the fish did not have a sufficient quota;
 - (b) the quantity of fish has not been duly reported by the catching vessel or trap, or was not authorised to be caged;
 - (c) the catching vessel declared to have caught the fish did not have a valid authorisation to fish for bluefin tuna issued in accordance with Article 27; or
 - (d) the towing vessel declared to receive the transfer of fish is not registered in the ICCAT record of other fishing vessels referred to in Article 26, or is not equipped with a fully-functioning VMS or equivalent tracking device.
2. If the Member State to which a transfer notification has been sent pursuant to Article 40(1), refuses the transfer, it shall immediately issue a release order to the master of the catching or of the towing vessel or to the operator of the trap or farm as appropriate, to inform them that the transfer is not authorised and require them to release of the fish into the sea in accordance with Annex XII.
3. In the event of a technical failure of its VMS during the transport to the farm, the towing vessel shall be replaced by another towing vessel with a fully-functioning VMS, or a new operative VMS shall be installed or used, as soon as feasible and not later than 72 hours after that technical failure. That period of 72 hours may be exceptionally extended in the event of *force majeure* or legitimate operational constraints. The technical failure shall be immediately communicated to the Commission, which shall inform the ICCAT Secretariat. The master or the master's representative shall, from the time the technical failure was detected until it is remedied, communicate every four hours to the control authorities of the flag Member State the updated geographical coordinates of the fishing vessel by appropriate telecommunication means.

*Article 42***ICCAT transfer declaration**

1. The masters of catching or towing vessels or the operator of the farm or trap shall complete and transmit to the responsible Member State the ITD at the end of the transfer operation in accordance with the format set out in Annex VI.
2. The ITD forms shall be numbered by the authorities of the Member State responsible for the fishing vessel, farm or trap from where the transfer originates. The number of the ITD form shall include the three-letter Member State code, followed by four numbers showing the year and three sequential numbers followed by the three letters ITD (MS-20**/xxx/ITD).
3. The original ITD shall accompany the transfer of fish. A copy of the declaration shall be kept by the catching vessel or trap and towing vessels.
4. Masters of vessels carrying out transfer operations shall report their activities in accordance with Annex II.
5. Information regarding dead fish shall be recorded in accordance with the procedures set out in Annex XIII.

*Article 43***Monitoring by video camera**

1. The master of the catching or towing vessel or the operator of the farm or trap shall ensure that the transfer is monitored by video camera in the water in order to verify the number of fish being transferred. The video recording shall be carried out in accordance with the minimum standards and procedures set out in Annex X.
2. Where the SCRS requests the Commission to provide copies of the video records, Member States shall provide those copies to the Commission, which shall forward them to the SCRS.

*Article 44***Verification by ICCAT regional observers and conduct of investigations**

1. ICCAT regional observers on board the catching vessel and trap, as referred to in Article 39 and Annex VIII, shall:
 - (a) record and report the transfer activities carried out;
 - (b) observe and estimate catches transferred; and
 - (c) verify entries made in the prior transfer authorisation, as referred to in Article 40, and in the ITD, as referred to in Article 42.
2. In cases where there is more than a 10 % difference in number of bluefin tuna individuals between the estimates made either by the regional observer, relevant control authorities or the master of the catching or towing vessel, or by the operator of the trap or farm, an investigation shall be initiated by the responsible Member State. Such investigation shall be concluded prior to the time of caging at the farm and in any event within 96 hours of the investigation being initiated, except in cases of *force majeure*. Pending the results of the investigation, caging shall not be authorised and the relevant section of the BCD shall not be validated.
3. However, in the event that the video record is of insufficient quality or clarity to estimate the quantities transferred, the master of the vessel or operator of the farm or trap may request the authorities of the responsible Member State to be authorised to conduct a new transfer operation and to provide the corresponding video record to the regional observer. If that voluntary control transfer is not performed with satisfactory results, the responsible Member State shall initiate an

investigation. If after that investigation, it is confirmed that the video record is of insufficient quality or clarity to estimate the quantities transferred, the control authorities of the responsible Member State shall order another control transfer operation and provide the corresponding video record to the ICCAT regional observer. New transfers shall be conducted as control transfers until the quality of the video record is such to allow the quantities transferred to be estimated.

4. Without prejudice to the verifications conducted by inspectors, the ICCAT regional observers shall sign the ITD only where their observations are in accordance with ICCAT conservation and management measures and the information contained in the ITD is consistent with their observations and includes a compliant video record in accordance with paragraphs 1, 2 and 3. The ICCAT observers shall also verify that the ITD is transmitted to the master of the towing vessel or operator of the farm or trap representative where applicable. If the ICCAT observers are not in agreement with the ITD, the ICCAT observers shall indicate their presence on the ITDs and BCDs and the reasons for disagreement, quoting specially the rule(s) or procedure(s) that have not been respected.

5. The master of the catching or towing vessels or the operators of the farm or trap shall complete and transmit to the responsible Member State the ITD, at the end of the transfer operation, in accordance with the format set out in Annex VI. Member States shall forward the ITD to the Commission.

Article 45

Implementing acts

The Commission may adopt implementing acts laying down operational procedures for the application of this Section. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68.

Section 7

Caging operations

Article 46

Caging authorisation and possible refusal of an authorisation

1. Prior to the start of caging operations for each transport cage, the anchoring of transport cages within 0,5 nautical miles of farming facilities shall be prohibited. To that end, geographical coordinates corresponding to the polygon where the farm is placed shall be available in the farming management plans referred to in Article 15.

2. Before any caging operation, the Member State responsible for the farm shall request the approval of the caging by the Member State or CPC responsible for the catching vessel or trap which caught the bluefin tuna to be caged.

3. The competent authority of the Member State responsible for the catching vessel or trap shall refuse to approve the caging if it considers that:

- (a) the catching vessel or trap which caught the fish did not have a sufficient quota for bluefin tuna;
- (b) the quantity of fish has not been duly reported by the catching vessel or trap; or
- (c) the catching vessel or trap declared to have caught the fish does not have a valid authorisation to fish for bluefin tuna, issued in accordance with Article 27.

4. If the Member State responsible for the catching vessel or trap refuses to approve the caging, it shall:
 - (a) inform the competent authority of the Member State or CPC responsible for the farm; and
 - (b) request that competent authority to proceed to the seizure of the catches and the release of the fish into the sea.
5. The caging shall not begin without the approval, issued within one working day of the request, by the Member State or CPC responsible for the catching vessels or trap, or by the Member State responsible for the farm if agreed with the authorities of Member State or CPC responsible for the catching vessels or trap. If, within one working day, no response is received from the authorities of the Member State or CPC responsible for the catching vessel or trap, the competent authorities of the Member State responsible for the farm may authorise the caging operation.
6. Fish shall be caged before 22 August of each year, unless the competent authorities of the Member State or CPC responsible for the farm provide valid reasons including *force majeure*, which shall accompany the caging report when submitted. In any event, the fish shall not be caged after 7 September of each year.

Article 47

Bluefin tuna catch documentation

1. It shall be prohibited for Member States responsible for farms to cage bluefin tuna not accompanied by the documents required by ICCAT in the framework of the catch documentation programme of Regulation (EU) No 640/2010. The documentation shall be accurate and complete, and shall be validated by the Member State or CPC responsible for the catching vessels or traps.
2. Member States shall not place bluefin tuna in a farm not authorised by the Member State or CPC or not listed in the ICCAT record of farming facilities.
3. Member States responsible for farms shall ensure that bluefin tuna catches are placed in separate cages or series of cages and partitioned on the basis of flag Member State or CPC of origin. By way of derogation, if the bluefin tuna are caught in the context of a joint fishing operation between different Member States, Member States responsible for farms shall ensure that bluefin tuna are placed in separate cages or series of cages and partitioned on the basis of joint fishing operations and catch year.

Article 48

Inspections

Member States responsible for farms shall take the necessary measures to inspect each caging operation in the farms.

Article 49

Monitoring by video camera

Member States responsible for farms shall ensure that caging operations are monitored by their control authorities by video camera in the water. One video record shall be produced for each caging operation in accordance with the procedures set out in Annex X.

Article 50

Launching and conduct of investigations

Where there is a difference of more than 10 % in number between the estimates made by either the ICCAT regional observer, relevant Member States control authorities and/or the farm operator, the Member State responsible for the farm shall initiate an investigation in cooperation with the Member State or CPC responsible for the catching vessel and/or trap. The Member State undertaking the investigations may use other information at its disposal, including the results of the caging programmes referred to in Article 51.

Article 51

Measures and programmes to estimate the number and weight of bluefin tuna to be caged

1. Member States shall ensure that a programme using stereoscopic camera systems or alternative methods that ensure the same level of precision and accuracy covers 100 % of all caging operations, in order to estimate the number and weight of the fish.
2. That programme shall be conducted in accordance with the procedures set out in Annex XI. Alternative methods may only be used if they have been endorsed by ICCAT during its annual meeting.
3. The Member State responsible for the farm shall communicate the results of the programme to the Member State or CPC responsible for the catching vessels, and to the entity operating the regional observer programme on behalf of ICCAT.
4. When, for a single catching operation, the results of the programme indicate that the number of caged bluefin tuna individuals differs by more than 10 % from the quantities reported caught and/or transferred, the Member State responsible for the catching vessel or trap shall launch an investigation to determine the accurate catch weight that shall be deducted from the national bluefin tuna quota, in accordance with paragraph 9.
5. When the Member State or CPC responsible for the catching vessel or trap launches an investigation, the Member State responsible for the farm shall cooperate fully and shall provide the investigating Member State or CPC with all the complementary information requested including the results of the analysis of the video footage concerned, and shall inform the Commission immediately.
6. Member States' competent authorities, including those whose vessels have been involved in the transport of the fish, shall cooperate actively, including through the exchange of all information and documentation at their disposal.
7. The competent authority of the Member State responsible for the catching vessel or trap shall conclude the investigation within one month from the communication of the caging results by the competent authority of the Member State responsible for the farm.
8. A difference greater than 10 % between the number of bluefin tuna reported caught by the vessel or trap concerned and the number determined by the competent authority of the Member State responsible for the catching vessel or the trap as a result of the investigation shall constitute potential non-compliance of the vessel or trap concerned.
9. Where an investigation concludes that bluefin tuna individuals are missing, the weight of the missing fish shall be deducted from the quota of the Member State responsible for the catching vessel or trap, as applicable, by applying the average individual weight at caging communicated by the competent authority of the Member State responsible for the farm, to the number of bluefin tuna in the catch as determined by the competent authority of the Member State responsible for the fishing vessel or trap resulting from its analysis of the first transfer video footage in the context of the investigation.
10. Notwithstanding paragraph 9, after the consultation of the competent authorities of the Member State or CPC responsible for the fishing vessel involved in the transport of fish to the destination farm, the competent authorities of the Member State responsible for the catching vessel or trap and the Commission may decide not to deduct from the national quota the fish determined in the investigation as having been lost, when the losses have been duly documented as *force majeure* by the operator, the relevant information has been communicated to the competent authority of the Member State responsible for the operator and the Commission immediately after the event and the losses did not result in known mortalities.

11. The Member State responsible for the catching vessel or trap shall issue a release order, in accordance with the procedures set out in Annex XII, for the quantities caged which exceed the quantities declared caught and transferred, if:

- (a) the investigation referred to in paragraph 4 is not concluded within 10 working days from the communication of the results of the programme, for a single caging operation, or of all caging operations from a joint fishing operation; or
- (b) the outcome of the investigation indicates that the number and/or average weight of bluefin tuna is in excess of that declared caught and transferred;

The release of the excess shall be conducted in the presence of control authorities.

12. The results of the programme shall be used to decide if releases are required and the caging declarations and relevant sections of the BCD shall be completed accordingly. When a release order has been issued, the farm operator shall request the presence of a national control authority and an ICCAT regional observer to monitor the release.

13. Member States shall submit the results of the programme to the Commission by 1 September of each year. In the event of *force majeure* in the caging, Member States shall submit those results before 12 September of each year. The Commission shall transmit that information to the SCRS by 15 September of each year for evaluation.

14. The transfer of live bluefin tuna from one farming cage to another farming cage shall not take place without the authorisation and the presence of control authorities of the Member State or CPC responsible for the farm. Each transfer shall be recorded to control the number of individuals. National control authorities shall monitor those transfers and ensure that each intra-farm transfer is recorded in the e-BCD system.

Article 52

Caging declaration and caging report

1. Within 72 hours after the end of each caging operation, a farm operator shall submit a caging declaration as provided for in Annex XIV to their competent authority.
2. In addition to the caging declaration referred to in paragraph 1, a Member State responsible for the farm shall submit one week from the completion of the caging operation, a caging report containing the elements set out in Section B of Annex XI to the Member State or CPC whose vessels or traps have caught the bluefin tuna, and to the Commission. The Commission shall transmit that information to the ICCAT Secretariat.
3. For the purpose of paragraph 2, a caging operation shall not be deemed to be completed until any investigation launched and any release operation ordered is concluded.

Article 53

Intra-farm transfers and random controls

1. A Member State responsible for a farm shall put in place a traceability system, including the video-recording of internal transfers.
2. The control authorities of the Member State responsible for a farm shall undertake random controls, on the basis of a risk analysis, on bluefin tuna kept in farm cages between the time of completion of caging operations in a year and the first caging in the following year.

3. For the purpose of paragraph 2, the Member State responsible for a farm shall establish a minimum percentage of fish to be controlled. That percentage shall be set out in the annual inspection plan referred to in Article 14. Each Member State shall communicate to the Commission the results of the random controls carried out each year. The Commission shall transmit those results to the ICCAT Secretariat in April of the year following the period of the relevant quota.

Article 54

Access to and requirements for video records

1. The Member State responsible for a farm shall ensure that the video records referred to in Articles 49 and 51 are made available upon request to the national inspectors, as well as to regional and ICCAT inspectors and to ICCAT and national observers.
2. The Member State responsible for a farm shall take the necessary measures to avoid any replacement, editing or manipulation of the original video records.

Article 55

Annual caging report

Member States subject to the obligation of submitting caging declarations and reports under Article 52 shall submit a caging report to the Commission each year by 31 July for the previous year. The Commission shall forward that information to the ICCAT Secretariat before 31 August each year. The report shall contain the following information:

- (a) the total amount of bluefin tuna caged by farm, including loss in number and weight during the transportation to the cages by farm, carried out by fishing vessels and by traps;
- (b) the list of vessels that fish for, provide or transport bluefin tuna for farming purposes (name of the vessel, flag, licence number, gear type) and traps;
- (c) the results of the sampling programme for the estimation of the numbers-at-size of the bluefin tuna caught, as well as the date, time and area of catch and the fishing method used, in order to improve statistics for stock assessment purposes;

The sampling programme requires that size sampling (length or weight) at cages must be done on one sample (= 100 individuals) for every 100 tonnes of live fish, or on a 10 % sample of the total number of the caged fish. Size samples will be collected during harvesting at the farm and on the dead fish during transport, following the ICCAT Guidelines for submitting data and information. For fish farmed for more than one year, other additional sampling methodologies shall be established. The sampling shall be conducted during any harvesting, covering all cages;

- (d) the quantities of bluefin tuna placed in cage and estimate of the growth and mortality while in captivity and of the amounts sold in tonnes. That information shall be provided per farm;
- (e) the quantities of bluefin tuna caged during the previous year; and
- (f) the quantities, broken down by their origin, marketed during the previous year.

Article 56

Implementing acts

The Commission may adopt implementing acts laying down procedures for the application of the provisions laid down in this Section. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68.

Section 8

Monitoring and surveillance*Article 57***Vessel Monitoring System**

1. By way of derogation from Article 9(5) of Regulation (EC) No 1224/2009, flag Member States shall implement VMS for their fishing vessels with a length overall equal to or greater than 12 metres in accordance with Annex XV.
2. Fishing vessels over 15 metres in length overall that are included in the list of vessels referred to in Article 26(1), point (a) or (b), shall begin to transmit VMS data to ICCAT at least 5 days before their period of authorisation and shall continue at least 5 days after their period of authorisation, unless a request is sent in advance to the Commission for the vessel to be removed from the ICCAT record of vessels.
3. For control purposes, the master or the master's representative shall ensure that the transmission of VMS data from catching vessels that are authorised to fish actively for bluefin tuna is not interrupted when vessels are in port unless there is a system of hailing in and out of port.
4. Member States shall ensure that their fisheries monitoring centres forward to the Commission and a body designated by it, in real time and using the format 'https data feed', the VMS messages received from the fishing vessels flying their flag. The Commission shall forward those messages to the ICCAT Secretariat.
5. Member States shall ensure that:
 - (a) VMS messages from the fishing vessels flying their flag are forwarded to the Commission at least every two hours;
 - (b) in the event of technical malfunctioning of the VMS, alternative messages from the fishing vessels flying their flag received pursuant to Article 25(1) of Implementing Regulation (EU) No 404/2011 are forwarded to the Commission within 24 hours of receipt by their fisheries monitoring centres;
 - (c) messages forwarded to the Commission are sequentially numbered (with a unique identifier) in order to avoid duplication;
 - (d) messages forwarded to the Commission are in accordance with Article 24(3) of Implementing Regulation (EU) No 404/2011.
6. Each Member State shall ensure that all messages made available to its inspection vessels are treated in a confidential manner and are limited to inspection at sea operations.

Section 9

Inspection and enforcement*Article 58***ICCAT Scheme of Joint International Inspection**

1. Joint international inspection activities shall be carried out in accordance with the ICCAT Scheme of Joint International Inspection ('the ICCAT scheme') for international control outside the waters under national jurisdiction, as set out in Annex IX to this Regulation.
2. Member States whose fishing vessels are authorised to operate for bluefin tuna shall assign inspectors and carry out inspections at sea under the ICCAT scheme.

3. Where at any time, more than 15 fishing vessels flagged to a Member State are engaged in bluefin tuna activities in the Convention Area, the Member State concerned shall, on the basis of risk assessment, deploy an inspection vessel for the purpose of inspection and control at sea in the Convention Area throughout the period that those vessels are there. That obligation shall be deemed to have been complied with where Member States cooperate to deploy an inspection vessel or where a Union inspection vessel is deployed in the Convention Area.

4. The Commission or a body designated by it may assign Union inspectors to the ICCAT scheme.

5. For the purposes of paragraph 3, the Commission or a body designated by it shall coordinate the surveillance and inspection activities for the Union. The Commission may draw up, in coordination with the Member States concerned, joint inspection programmes to enable the Union to fulfil its obligation under the ICCAT scheme. Member States whose fishing vessels are engaged in the fishery of bluefin tuna shall adopt the necessary measures to facilitate the implementation of those programmes particularly as regards the human and material resources required and the periods when and geographical areas where those resources are to be deployed.

6. Member States shall inform the Commission by 1 April of each year of the names of the inspectors and the inspection vessels they intend to assign to the ICCAT scheme during the year. Using that information, the Commission shall draw up, in collaboration with the Member States, a plan for the Union participation in the ICCAT scheme each year, which it shall send to the ICCAT Secretariat and the Member States.

Article 59

Inspections in the event of infringements

The flag Member State shall ensure that a physical inspection of a fishing vessel flying its flag takes place under its authority in its ports, or by an inspector designated by it when the fishing vessel is not in one of its ports, if the fishing vessel:

- (a) failed to comply with the recording and reporting requirements set out in Articles 31 and 32; or
- (b) committed a breach of this Regulation or a serious infringement referred to in Article 42 of Regulation (EC) No 1005/2008 or in Article 90 of Regulation (EC) No 1224/2009.

Article 60

Cross-checks

1. Each Member State shall verify information and timely submission of inspection and observer reports, VMS data and, where appropriate, e-BCDs, logbooks of their fishing vessels, transfer and transshipment documents and catch documents, in accordance with Article 109 of Regulation (EC) No 1224/2009.

2. Each Member State shall carry out cross-checks on all landings, all transshipments or caging between the quantities by species recorded in the fishing vessel logbook or quantities by species recorded in the transshipment declaration and the quantities recorded in the landing declaration or caging declaration, and any other relevant document, such as invoices or sales notes.

Section 10

Enforcement*Article 61***Enforcement**

Without prejudice to Articles 89 to 91 of Regulation (EC) No 1224/2009 and in particular the duty of the Member States to take appropriate enforcement measures with respect to a fishing vessel, the Member State responsible for a farm for bluefin tuna shall take appropriate enforcement measures with respect to the farm, where it has been established, in accordance with national law that the farm does not comply with Articles 46 to 56 of this Regulation. Depending on the gravity of the offense and in accordance with the relevant provisions of national law such measures may include, in particular, suspension or withdrawal of the authorisation, fines or both. Member States shall communicate any suspension or withdrawal of an authorisation to the Commission, which shall notify it to the ICCAT Secretariat with a view to modifying the 'record of bluefin tuna farming facilities' accordingly.

CHAPTER VI

Marketing*Article 62***Marketing measures**

1. Without prejudice to Regulations (EC) No 1224/2009 and (EC) No 1005/2008 and Regulation (EU) No 1379/2013 of the European Parliament and of the Council ⁽²¹⁾, Union trade, landing, import, export, placing in cages for fattening or farming, re-export and transshipment of bluefin tuna that are not accompanied by the accurate, complete and validated documentation as required under this Regulation or under other Union legal acts implementing ICCAT rules on the bluefin tuna catch documentation programme shall be prohibited.
2. Union trade, import, landing, placing in cages for fattening or farming, processing, export, re-export and transshipment of bluefin tuna shall be prohibited where:
 - (a) the bluefin tuna was caught by fishing vessels or traps the flag State of which does not have a quota or catch limit for bluefin tuna under the terms of ICCAT conservation and management measures; or
 - (b) the bluefin tuna was caught by a catching vessel or trap whose individual quota or whose State's fishing opportunities were exhausted at the time of the catch.
3. Without prejudice to Regulations (EC) No 1224/2009, (EC) No 1005/2008 and (EU) No 1379/2013, Union trade, imports, landings, processing and exports of bluefin tuna from fattening or farming farms that do not comply with the Regulations referred to in paragraph 1 shall be prohibited.

⁽²¹⁾ Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

CHAPTER VII

Final provisions*Article 63***Evaluation**

Upon request from the Commission, Member States shall submit without delay a detailed report on their implementation of this Regulation to the Commission. Based on the information received from Member States, the Commission shall submit to the ICCAT Secretariat by the date decided by the ICCAT, a detailed report on the implementation of ICCAT Recommendation 19-04.

*Article 64***Financing**

For the purposes of Regulation (EU) No 508/2014 of the European Parliament and of the Council ⁽²²⁾, this Regulation shall be deemed to be a multiannual plan within the meaning of Article 9 of Regulation (EU) No 1380/2013.

*Article 65***Confidentiality**

Data collected and exchanged in the framework of this Regulation shall be treated in accordance with the applicable rules on confidentiality pursuant to Articles 112 and 113 of Regulation (EC) No 1224/2009.

*Article 66***Procedure for amendments**

1. The Commission is empowered to adopt delegated acts in accordance with Article 67 concerning amendments to this Regulation in order to adapt it to measures adopted by ICCAT that bind the Union and its Member States as regards:

- (a) derogations from the prohibition under Article 8 on the carrying-over of unused quotas;
- (b) deadlines for reporting information as laid down in Article 24(4), Article 26(1), Article 29(1), Article 32(2) and (3), Article 35(5) and (6), Article 36, Article 41(3), Article 44(2), Article 51(13), Article 52(2), Article 55, Article 57(5), point (b), and Article 58(6);
- (c) time periods for fishing seasons as provided in Article 17(1) and (4);
- (d) the minimum conservation reference size set out in Article 19(1) and (2) and Article 20(1);
- (e) the percentages and reference parameters laid down in Article 13, Article 15(3) and (4), Article 20(1), Article 21(2), Article 38(1), Article 44(2), Article 50 and Article 51(8);
- (f) the information to be submitted to the Commission referred to in Article 11(1), Article 24(1), Article 25(3), Article 29(1), Article 30(4), Article 34(2), Article 40(1) and Article 55;
- (g) tasks for national observers and ICCAT regional observers as provided in Article 38(2) and Article 39(5), respectively;

⁽²²⁾ Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

- (h) reasons to refuse the authorisation to transfer laid down in Article 41(1);
- (i) reasons to seize the catches and order the release of fish of Article 46(4);
- (j) the number of vessels set out in Article 58(3);
- (k) Annexes I to XV.

2. Any amendments adopted in accordance with paragraph 1 shall be strictly limited to the implementation of amendments and/or supplements to the respective ICCAT recommendations which are binding on the Union.

Article 67

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 66 shall be conferred on the Commission for a period of five years from 17 October 2023. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 66 may be revoked at any time by the European Parliament or the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated act already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 66 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament or the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 68

Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established under Article 47 of Regulation (EU) No 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 69

Amendments to Regulation (EC) No 1936/2001

Regulation (EC) No 1936/2001 is amended as follows:

- (a) Article 3, points (g) to (j), Articles 4a, 4b, and 4c and Annex Ia are deleted;

- (b) in Annex I, the indent 'Bluefin tuna: *Thunnus thynnus*' is deleted;
- (c) in Annex II, the row '*Thunnus thynnus*: Bluefin tuna' is deleted.

Article 70

Amendment to Regulation (EU) 2017/2107

In Regulation (EU) 2017/2107, Article 43 is deleted.

Article 71

Amendment to Regulation (EU) 2019/833

In Regulation (EU) 2019/833, Article 53 is deleted.

Article 72

Repeal

1. Regulation (EU) 2016/1627 is repealed.
2. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex XVI to this Regulation.

Article 73

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 Strasbourg, 13 September 2023.

For the European Parliament

The President

R. METSOLA

For the Council

The President

J. M. ALBARES BUENO

ANNEX I

SPECIFIC CONDITIONS APPLYING TO THE CATCHING VESSELS FISHING UNDER ARTICLE 19

1. Each Member State shall ensure the following capacity limitations are respected:
 - (a) The maximum number of its baitboats and trolling boats authorised to fish actively bluefin tuna to the number of the vessels participating in directed fishery for bluefin tuna in 2006.
 - (b) The maximum number of its artisanal fleet authorised to fish actively bluefin tuna in the Mediterranean to the number of the vessels participating in the fishery for bluefin tuna in 2008.
 - (c) The maximum number of its catching vessels authorised to fish actively bluefin tuna in the Adriatic Sea to the number of the vessel participating in the fishery for bluefin tuna in 2008.

Each Member State shall allocate individual quotas to the vessels concerned.

2. Each Member State may allocate:
 - no more than 7 % of its quota for bluefin tuna among its baitboats and trolling boats. In the case of France, a maximum of 100 tonnes of bluefin tuna weighing no less than 6,4 kg or 70 cm fork length may be caught by vessels flying the flag of France of a length overall of less than 17 metres operating in the Bay of Biscay,
 - no more than 2 % of its quota for bluefin tuna among its coastal artisanal fishery for fresh fish in the Mediterranean,
 - no more than 90 % of its quota for bluefin tuna among its catching vessels in the Adriatic Sea for farming purposes.
3. For a maximum of 7 % by weight of individuals of bluefin tuna caught in the Adriatic Sea for farming purposes by vessels flying its flag, Croatia may apply a minimum weight of 6,4 kg or 66 cm fork length.
4. Member States whose baitboats, longliners, handliners and trolling boats are authorised to fish for bluefin tuna in the eastern Atlantic and the Mediterranean shall institute tail tag requirements as follows:
 - tail tags shall be affixed on each bluefin tuna immediately upon offloading,
 - each tail tag shall have a unique identification number and be included on bluefin tuna catch documents and written legibly and indelibly on the outside of any package containing tuna.

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ANNEX II

LOGBOOK REQUIREMENTS

A. CATCHING VESSELS

Minimum specifications for fishing logbooks:

1. The logbook shall be numbered by sheet.
2. The logbook shall be completed every day (midnight) or before port arrival.
3. The logbook shall be completed in case of at-sea inspections.
4. One copy of the sheets shall remain attached to the logbook.
5. Logbooks shall be kept on board to cover a period of one year of operation.

Minimum standard information for fishing logbooks:

1. Master's name and address.
2. Dates and ports of departure, dates and ports of arrival.
3. Vessel's name, register number, ICCAT number, international radio call sign and IMO number (if available).
4. Fishing gear:
 - (a) type by FAO code;
 - (b) dimension (e.g. length, mesh size, number of hooks).
5. Operations at sea with one line (minimum) per day of trip, providing:
 - (a) activity (e.g. fishing, steaming);
 - (b) position: exact daily positions (in degree and minutes), recorded for each fishing operation or at midday when no fishing has been conducted during that day;
 - (c) record of catches, including:
 - FAO code,
 - round weight (RWT) in kg per day,
 - number of pieces per day.

For purse seine vessels, those data shall be recorded by fishing operation, including nil return.
6. Master's signature.
7. Means of weight measure: estimation, weighing on board.
8. The logbook shall be kept in equivalent live weight of fish and shall mention the conversion factors used in the evaluation.

Minimum information for fishing logbooks in the case of landing or transhipment:

1. Dates and port of landing or transhipment.
2. Products:
 - (a) species and presentation by FAO code;
 - (b) number of fish or boxes and quantity in kg.
3. Signature of the master or vessel agent.

4. In the case of transshipment: receiving vessel name, its flag and ICCAT number.

Minimum information for fishing logbooks in the case of transfer into cages:

1. Date, time and position (latitude/longitude) of transfer.
2. Products:
 - (a) species identification by FAO code;
 - (b) number of fish and quantity in kg transferred into cages.
3. Name of towing vessel, its flag and ICCAT number.
4. Name of the farm of destination and its ICCAT number.
5. In the case of a joint fishing operation (JFO), in addition to the information laid down in points 1 to 4, the masters shall record in their logbook:
 - (a) as regards the catching vessel transferring the fish into cages:
 - amount of catches taken on board,
 - amount of catches counted against its individual quota,
 - the names of the other vessels involved in the JFO;
 - (b) as regards the other catching vessels of the same JFO not involved in the transfer of the fish:
 - the name of those vessels, their international radio call signs and ICCAT numbers,
 - that no catches have been taken on board or transferred into cages,
 - amount of catches counted against their individual quotas,
 - the name and the ICCAT number of the catching vessel referred to in point (a).

B. TOWING VESSELS

1. The master of a towing vessel shall record in the daily logbook the date, time and position of transfer, the quantities transferred (number of fish and quantity in kg), the cage number, as well as the catching vessel's name, flag and ICCAT number, the name of the other vessel(s) involved and their ICCAT number, the farm of destination and its ICCAT number, and the ITD number.
2. Further transfers to auxiliary vessels or to other towing vessel shall be reported, including the same information as in point 1, as well as the auxiliary or towing vessel's name, flag and ICCAT number and the ITD number.
3. The daily logbook shall contain the details of all transfers carried out during the fishing season. The daily logbook shall be kept on board and be accessible at any time for control purposes.

C. AUXILIARY VESSELS

1. The master of an auxiliary vessel shall record the activities daily in the logbook, including the date, time and positions, the quantities of bluefin tuna taken on board, and the fishing vessel, farm or trap name the master of the auxiliary vessel is operating in association with.
2. The daily logbook shall contain the details of all activities carried out during the fishing season. The daily logbook shall be kept on board and be accessible at any time for control purposes.

D. PROCESSING VESSELS

1. The master of a processing vessel shall report in the daily logbook the date, time and position of the activities and the quantities transhipped and the number and weight of bluefin tuna received from farms, traps or catching vessels, where applicable. The master shall also report the names and ICCAT numbers of those farms, traps or catching vessels.
 2. The master of a processing vessel shall maintain a daily processing logbook specifying the round weight and number of fish transferred or transhipped, the conversion factor used, and the weights and quantities by product presentation.
 3. The master of a processing vessel shall maintain a stowage plan that shows the location and the quantities of each species and presentation.
 4. The daily logbook shall contain the details of all transhipments carried out during the fishing season. The daily logbook, processing logbook, stowage plan and the originals of ICCAT transhipment declarations shall be kept on board and be accessible at any time for control purposes.
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ANNEX III
CATCH REPORT FORM

Catch report form

Flag	ICCAT Number	Vessel name	Report start date	Report end date	Report duration (d)	Catch date	Location of the catch		Catch			Attributed weight in case of a joint fishing operation (kg)
							Latitude	Longitude	Weight (kg)	Number of pieces	Average weight (kg)	

ANNEX IV

APPLICATION FORM FOR THE AUTHORISATION TO PARTICIPATE IN A JOINT FISHING OPERATION

Joint fishing operation								
Flag State	Vessel name	ICCAT No	Duration of the operation	Identity of the operators	Vessel's individual quota	Allocation key per vessel	Fattening and farming farm destination	
							CPC	ICCAT No

Date ...

Validation of the flag State ...

ANNEX V

ICCAT TRANSHIPMENT DECLARATION

Document No

Carrier vessel	Fishing Vessel	Final destination:
Name of vessel and radio call sign:	Name of the vessel and radio call sign:	Port:
Flag:	Flag:	Country:
Flag State authorisation No	Flag State authorisation No.	State:
National Register No	National Register No.	
ICCAT Register No	ICCAT Register No.	
IMO No	External identification:	
	Fishing logbook sheet No	

Day Month Hour Year |2|0|_|_| F.V Master's name: Carrier vessel Master's name:

Departure |_|_| |_|_| |_|_| From: |_|_|_|_|

Return |_|_| |_|_| |_|_| To: |_|_|_|_| Signature: Signature:

Tranship. |_|_| |_|_| |_|_| |_|_|_|_|

For transhipment, indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: |_|_| kilograms.

LOCATION OF TRANSHIPMENT

Port	Sea		Species	Number of unit of fish	Type of product live	Type of product whole	Type of product gutted	Type of product head off	Type of product filleted	Type of product	Further transhipments
	Lat.	Long.									
											Date: _ _ _ _ _ Place/Position: _ _ _ _ _
											Authorisation CP No
											Transfer vessel Master's signature:
											Name of receiver vessel:
											Flag
											ICCAT Register No
											IMO No
											Master's signature
											Date: _ _ _ _ _ Place/Position: _ _ _ _ _
											Authorisation CP No
											Transfer vessel Master's signature:
											Name of receiver vessel:
											Flag
											ICCAT Register No
											IMO No
											Master's signature

Obligations in case of transhipment:

1. The original of the transhipment declaration shall be provided to the recipient vessel (processing/transport).
2. The copy of the transhipment declaration shall be kept by the correspondent catching vessel or trap.
3. Further transshipping operations shall be authorised by the relevant CPC which authorised the vessel to operate.
4. The original of the transhipment declaration has to be kept by the recipient vessel which holds the fish, up to the landing place.
5. The transshipping operation shall be recorded in the logbook of any vessel involved in the operation.

ANNEX VI

ICCAT TRANSFER DECLARATION

Document No		ICCAT Transfer Declaration	
1. TRANSFER OF LIVE BFT DESTINATED FOR FARMING			
Fishing vessel name: Call sign: Flag: Flag State transfer authorisation No ICCAT Register No External identification: Fishing logbook No JFO No	Trap name: ICCAT Register No	Tug vessel name: Call sign: Flag: ICCAT Register No: External identification:	Name of destination farm: ICCAT Register No: Cage number:
2. TRANSFER INFORMATION			
Date: __/__/____	Place or position:	Port:	Lat: Long:
Number of individuals:		Species:	Weight:
Type of product: Live <input type="checkbox"/> Whole <input type="checkbox"/> Gutted <input type="checkbox"/> Other (Specify):			
Master of fishing vessel trap operator/farm operator name and signature:		Master of receiver vessel (tug, processing, carrier) name and signature:	Observer names, ICCAT No and signature:
3. FURTHER TRANSFERS			
Date: __/__/____	Place or position:	Port:	Lat: Long:
Tug vessel name:	Call sign:	Flag:	ICCAT Register No
Farm state transfer authorisation No:	External identification:	Master of receiver vessel name and signature:	
Date: __/__/____	Place or position:	Port:	Lat: Long:
Tug vessel name:	Call sign:	Flag:	ICCAT Register No
Farm state transfer authorisation No:	External identification:	Master of receiver vessel name and signature:	
4. SPLIT CAGES			
Donor cage No	Kg:	No of fish:	
Donor tug vessel name:	Call sign:	Flag:	ICCAT Register No
Receiving cage No	Kg:	No of fish:	
Receiving tug vessel name:	Call sign:	Flag:	ICCAT Register No
Receiving cage No	Kg:	No of fish:	
Receiving tug vessel name:	Call sign:	Flag:	ICCAT Register No
Receiving cage No	Kg:	No of fish:	
Receiving tug vessel name:	Call sign:	Flag:	ICCAT Register No

ANNEX VII

MINIMUM INFORMATION FOR FISHING AUTHORISATIONS ⁽¹⁾

A. IDENTIFICATION

1. ICCAT registration number
2. Name of fishing vessel
3. External registration number (letters and numbers)

B. FISHING CONDITIONS

1. Date of issue
2. Period of validity
3. Conditions of fishing authorisation, including, where appropriate, species, zone, fishing gear and any other conditions applicable derived from this Regulation and/or from national legislation.

		From .../.../... To .../.../...	From .../.../... To .../.../...	From .../.../... To .../.../...	From .../.../... To .../.../...	From .../.../... To .../.../...	From .../.../... To .../.../...
Zones							
Species							
Fishing gear							
Other conditions							

⁽¹⁾ This is in Implementing Regulation (EU) No 404/2011.

ANNEX VIII

ICCAT REGIONAL OBSERVER PROGRAMME

ASSIGNMENT OF ICCAT REGIONAL OBSERVERS

1. Each ICCAT regional observer shall have the following qualifications to accomplish their tasks:
 - (a) sufficient experience to identify species and fishing gear;
 - (b) satisfactory knowledge of the ICCAT conservation and management measures assessed by a certificate provided by the Member States and based on ICCAT training guidelines;
 - (c) the ability to observe and record accurately;
 - (d) satisfactory knowledge of the language of the flag of the vessel or farm observed.

OBLIGATIONS OF THE ICCAT REGIONAL OBSERVER

2. The ICCAT regional observers shall:
 - (a) have completed the technical training required by the guidelines established by ICCAT;
 - (b) be nationals of one of the Member States and, to the extent possible, not of the farm or trap State or the flag State of the purse seine vessel. If, however, bluefin tuna is harvested from the cage and traded as fresh products, the ICCAT regional observer that observes the harvest may be a national of the Member State responsible for the farm;
 - (c) be capable of performing the tasks set out in point 3;
 - (d) be included in the list of ICCAT regional observers maintained by ICCAT;
 - (e) not have current financial or beneficial interests in the bluefin tuna fishery.

ICCAT REGIONAL OBSERVER TASKS

3. The tasks of ICCAT regional observers shall be:
 - (a) as regards observers on purse seine vessels, to monitor the purse seine vessels' compliance with the relevant conservation and management measures adopted by ICCAT; in particular, the ICCAT regional observer shall:
 1. in cases where the ICCAT regional observer observes what could constitute non-compliance with ICCAT recommendations, the ICCAT regional observer shall submit that information without delay to the ICCAT regional observer implementing company who shall forward it without delay to the flag State authorities of the catching vessel;
 2. record and report upon the fishing activities carried out;
 3. observe and estimate catches and verify entries made in the logbook;
 4. issue a daily report of the purse seine vessels' transfer activities;
 5. sight and record vessels which could be fishing in contravention of ICCAT conservation and management measures;
 6. record and report upon the transfer activities carried out;
 7. verify the position of the vessel when engaged in transfer;
 8. observe and estimate products transferred, including through the review of video recordings;

9. verify and record the name of the fishing vessel concerned and its ICCAT number;
 10. carry out scientific work such as collecting Task II data when required by the ICCAT Commission, based on the directives from the SCRS;
- (b) as regards ICCAT regional observers in farms and traps, to monitor their compliance with the relevant conservation and management measures adopted by ICCAT; in particular, the ICCAT regional observer shall:
1. verify the data contained in the ITD and caging declaration and BCD, including through the review of video records;
 2. certify the data contained in the ITD and caging declaration and BCDs;
 3. issue a daily report of the farms' and traps' transfer activities;
 4. countersign the ITD and caging declaration and BCDs only when the ICCAT regional observer agrees that the information contained within them is consistent with the observers' observations including a compliant video record as per the requirements referred to in Article 42(1) and Article 43(1);
 5. carry out such scientific work, for example collecting samples, as required by the Commission, based on the directives from the SCRS;
 6. register and verify the presence of any type of tag, including natural marks, and notify any sign of recent tag removals;
- (c) establish general reports compiling the information collected in accordance with this point and provide the master and farm operator with the opportunity to include therein any relevant information;
- (d) submit to the Secretariat the general report referred to in point (c) within 20 days from the end of the period of observation;
- (e) exercise any other functions as defined by the ICCAT Commission.
4. The ICCAT regional observer shall treat as confidential all information with respect to the fishing and transfer operations of the purse seine vessel and of the farms and shall accept that requirement in writing as a condition of appointment as an ICCAT regional observer.
 5. The ICCAT regional observer shall comply with requirements established in the laws and regulations of the flag or farm state, which exercises jurisdiction over the vessel or farm to which the ICCAT regional observer is assigned.
 6. The ICCAT regional observer shall respect the hierarchy and general rules of behaviour which apply to all vessel and farm personnel, provided such rules do not interfere with the duties of the ICCAT regional observer under this programme, and with the obligations of vessel and farm personnel set out in point 7 of this Annex and Article 39.

OBLIGATIONS OF THE FLAG MEMBER STATES TOWARDS ICCAT REGIONAL OBSERVERS

7. Member States responsible for the purse seine vessel, farm or trap, shall ensure that ICCAT regional observers are:
 - (a) allowed access to the vessel, farm and trap personnel and to the gear, cages and equipment;
 - (b) allowed access, upon request, to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set out in point 3 of this Annex:
 1. satellite navigation equipment;
 2. radar display viewing screens when in use;
 3. electronic means of communication;

- (c) provided with accommodation, including lodging, food and adequate sanitary facilities, equal to those of officers;
- (d) provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties.

COSTS ARISING FROM THE ICCAT REGIONAL OBSERVER PROGRAMME

8. All costs arising from the operation of ICCAT regional observers shall be borne by each farm operator or owner of purse seine vessels.
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ANNEX IX

ICCAT SCHEME OF JOINT INTERNATIONAL INSPECTION

ICCAT agreed at its Fourth Regular Meeting (Madrid, November 1975) and at its Annual Meeting in 2008 in Marrakesh that:

Pursuant to paragraph 3 of Article IX of the Convention, the ICCAT Commission recommends the establishment of the following arrangements for international control outside the waters under national jurisdiction for the purpose of ensuring the application of the Convention and the measures in force thereunder:

I. SERIOUS VIOLATIONS

1. For the purposes of these procedures, a serious violation means the following violations of the provisions of the ICCAT conservation and management measures adopted by the ICCAT Commission:
 - (a) fishing without a licence, permit or authorisation issued by the flag CPC;
 - (b) failure to maintain sufficient records of catch and catch-related data in accordance with the ICCAT Commission's reporting requirements or significant misreporting of such catch and/or catch-related data;
 - (c) fishing in a closed area;
 - (d) fishing during a closed season;
 - (e) intentional taking or retention of species in contravention of any applicable conservation and management measure adopted by ICCAT;
 - (f) significant violation of catch limits or quotas in force pursuant to ICCAT rules;
 - (g) using prohibited fishing gear;
 - (h) falsifying or intentionally concealing the markings, identity or registration of a fishing vessel;
 - (i) concealing, tampering with or disposing of evidence relating to the investigation of a violation;
 - (j) multiple violations which, taken together, constitute a serious disregard of measures in force pursuant to ICCAT;
 - (k) assault, resist, intimidate, sexually harass, interfere with, or unduly obstruct or delay an authorised inspector or observer;
 - (l) intentionally tampering with or disabling the VMS;
 - (m) such other violations as are determined by the ICCAT, once those are included and circulated in a revised version of those procedures;
 - (n) fishing with the assistance of spotter planes;
 - (o) interference with the satellite monitoring system and/or operation of a vessel without the VMS;
 - (p) transfer activity without ITD;
 - (q) transshipment at sea.
2. In the case of any boarding and inspection of a fishing vessel during which the authorised inspector observes an activity or condition that would constitute a serious violation, as defined in point 1, the authorities of the flag State of the inspection vessels shall immediately notify the flag State of the fishing vessel, directly as well as through the ICCAT Secretariat. In such situations, the inspector shall also inform any inspection ship of the flag State of the fishing vessel known to be in the vicinity.

3. The ICCAT inspector shall register, in the fishing vessel's logbook, the inspections undertaken and any infringements detected.
4. The flag Member State shall ensure that, following the inspection referred to in point 2, the fishing vessel concerned ceases all fishing activities. The flag Member State shall require the fishing vessel to proceed within 72 hours to a port designated by it, where an investigation shall be initiated.
5. If the vessel is not called to port, the flag Member State shall provide due justification in a timely manner to the Commission which shall forward the information to the ICCAT Secretariat, who shall make it available on request to other Contracting Parties.

II. CONDUCT OF INSPECTIONS

6. Inspections shall be carried out by inspectors designated by the Contracting Parties. The names of the authorised government agencies and each inspector designated for that purpose by their respective governments shall be notified to the ICCAT Commission.
7. Ships carrying out international boarding and inspection duties in accordance with this Annex shall fly a special flag or pennant approved by the ICCAT Commission and issued by the ICCAT Secretariat. The names of the ships so used shall be notified to the ICCAT Secretariat as soon as practical in advance of the commencement of inspection activities. The ICCAT Secretariat shall make information regarding designated inspection vessels available to all CPCs, including by posting on its password-protected website.
8. Each inspector shall carry an appropriate identity document issued by the authorities of the flag State, which shall be in the form shown in point 21 of this Annex.
9. Subject to the arrangements agreed under point 16, a vessel flagged to a Contracting Party and fishing for tuna or tuna-like fish in the Convention Area outside the waters within its national jurisdiction shall stop when given the appropriate signal in the International Code of Signals by a ship flying the ICCAT pennant described in point 7 and carrying an inspector, unless the vessel is actually carrying out fishing operations, in which case it shall stop immediately once it has finished such operations. The master of the vessel shall permit the inspection party, as specified in point 10, to board it and shall provide boarding ladder. The master shall enable the inspection party to make such examination of equipment, catch or gear and any relevant documents as an inspector deems necessary to verify the compliance with the ICCAT Commission's recommendations in force in relation to the flag State of the vessel being inspected. Further, an inspector may ask for any explanations that are deemed necessary.
10. The size of the inspection party shall be determined by the commanding officer of the inspection vessel, taking into account relevant circumstances. The inspection party shall be as small as possible to safely and securely accomplish the duties set out in this Annex.
11. Upon boarding the vessel, the inspector shall produce the identity documentation described in point 8. The inspector shall observe generally accepted international regulations, procedures and practices relating to the safety of the vessel being inspected and its crew, and shall minimise interference with fishing activities or stowage of product and, to the extent practicable, avoid action, which would adversely affect the quality of the catch on board.

Each inspector shall limit his/her enquiries to ascertaining whether the ICCAT Commission's recommendations in force in relation to the flag State of the vessel concerned are observed. In making the inspection, an inspector may ask the master of the fishing vessel for any assistance that is required. The inspector shall draw up a report of the inspection in a form approved by the ICCAT Commission. The inspector shall sign the report in the presence of the master of the vessel who shall be entitled to add or have added to the report any observations which the master of the vessel considers suitable and shall sign such observations.

12. Copies of the report shall be given to the master of the vessel and to the government of the inspection party, which shall transmit copies to the appropriate authorities of the flag State of the inspected vessel and to the ICCAT Commission. Where any infringement of ICCAT recommendations is discovered, the inspector shall, where possible, also inform any inspection ship of the flag State of the fishing vessel known to be in the vicinity.
13. Resistance to an inspector or failure to comply with an inspector's directions shall be treated by the flag State of the inspected vessel in a manner similar to such conduct committed with respect to a national inspector.
14. Inspectors shall carry out their duties under these arrangements in accordance with the rules set out in this Regulation, but they shall remain under the operational control of their national authorities and shall be responsible to them.
15. Contracting Parties shall consider and act on inspection reports, sighting information sheets as per ICCAT Recommendation 94-09 and statements resulting from documentary inspections of foreign inspectors under these arrangements on a similar basis as to the reports of national inspectors, in accordance with their national legislation. This point shall not impose any obligation on a Contracting Party to give the report of a foreign inspector a higher evidential value than it would possess in the inspector's own country. Contracting Parties shall collaborate in order to facilitate judicial or other proceedings arising from a report of an inspector under these arrangements.
16. (a) Contracting Parties shall inform the ICCAT Commission by 15 February each year of their provisional plans for conducting inspection activities under the recommendation implemented by this Regulation in that calendar year and the ICCAT Commission may make suggestions to Contracting Parties for the coordination of national operations in this field, including the number of inspectors and ships carrying inspectors.

(b) The arrangements set out in the ICCAT Recommendation 19-04 and the plans for participation shall apply between Contracting Parties unless otherwise agreed between them, and such agreement shall be notified to the ICCAT Commission. However, the implementation of the scheme shall be suspended between any two Contracting Parties if either of them has notified the ICCAT Commission to that effect, pending completion of such an agreement.
17. (a) The fishing gear shall be inspected in accordance with the regulations in force for the subarea in which the inspection takes place. The inspector shall state the subarea for which the inspection took place and describe any violations found in the inspection report.

(b) The inspector shall be entitled to inspect all fishing gear in use or on board.
18. The inspector shall affix an identification mark approved by the ICCAT Commission to any fishing gear inspected which appears to be in contravention of the ICCAT Commission's recommendations in force in relation to the flag State of the vessel concerned and shall record this fact in the inspection report.

- 19. The inspector may photograph the gear, equipment, documentation and any other element the inspector considers necessary in such a way as to reveal those features which in his/her opinion are not in conformity with the regulation in force, in which case the subjects photographed shall be listed in the report and copies of the photographs shall be attached to the copy of the report to the flag State.
- 20. The inspector shall, as necessary, inspect all catch on board to determine compliance with ICCAT recommendations.
- 21. The model identity card for inspectors is as follows:

<p style="text-align: center;">INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNA</p> <div style="display: flex; justify-content: space-between; align-items: center;">  <p style="font-size: 24px; font-weight: bold; margin: 0;">ICCAT</p> </div> <p style="text-align: center; font-weight: bold; margin-top: 10px;">Inspector Identity Card</p> <p>Contracting Party:</p> <p>Inspector Name:</p> <p>Card n°:</p> <p>Issue Date: Valid five years</p> <div style="border: 1px dashed gray; width: 80px; height: 80px; margin-top: 10px; display: flex; align-items: center; justify-content: center;"> <p style="font-size: 8px; color: gray;">Photograph</p> </div>	<div style="display: flex; justify-content: space-between; align-items: center;">  <p style="font-size: 24px; font-weight: bold; margin: 0;">ICCAT</p> </div> <p style="font-size: 10px; margin-top: 10px;">The holder of this document is an ICCAT inspector duly appointed under the terms of the Scheme of Joint International Inspection and Surveillance of the International Commission for the Conservation of the Atlantic Tuna and has the authority to act under the provision of the ICCAT Control and Enforcement measures.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; border-top: 1px dashed gray; padding-top: 5px;"> <p style="font-size: 8px; margin: 0;">ICCAT Executive Secretary Issuing Authority</p> </div> <div style="width: 45%; border-top: 1px dashed gray; padding-top: 5px;"> <p style="font-size: 8px; margin: 0;">Inspector</p> </div> </div>
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ANNEX X

MINIMUM STANDARDS FOR VIDEO RECORDING PROCEDURES

Transfer operations

1. The electronic storage device containing the original video record shall be provided to the ICCAT regional observer as soon as possible after the end of the transfer operation, who shall immediately initialise it to avoid any further manipulation.
2. The original recording shall be kept on board the catching vessel or by the farm or trap operator, where appropriate, during its entire period of authorisation.
3. Two identical copies of the video record shall be produced. One copy shall be transmitted to the ICCAT regional observer on board the purse seine vessel and one to the national observer on board the towing vessel, the latter of which shall accompany the ITD and the associated catches to which it relates. That procedure shall only apply to national observers in the case of transfers between towing vessels.
4. The ICCAT transfer authorisation number shall be displayed at the beginning or at the end of each video, or both.
5. The time and the date of the video shall be continuously displayed throughout each video record.
6. Before the start of the transfer, the video shall include the opening and closing of the net or door and footage showing whether the receiving and donor cages already contain bluefin tuna.
7. The video recording shall be continuous without any interruptions and cuts and cover the entire transfer operation.
8. The video record shall be of sufficient quality to estimate the number of bluefin tuna being transferred.
9. If the video record is of insufficient quality to estimate the number of bluefin tuna being transferred, a control transfer shall be conducted. The operator may request the flag authorities of the vessel or trap to conduct a control transfer. In the case the operator does not request such control transfer or the result of that voluntary transfer is not satisfactory, the control authorities shall request as many control transfers as necessary until a video record of sufficient quality is available. Such control transfers shall cover transfer of all the bluefin tuna from the receiving cage into another cage which shall be empty. Where the origin of the fish is a trap, the bluefin tuna already transferred from the trap to the receiving cage may be sent back to the trap, in which case the control transfer shall be cancelled under the supervision of the ICCAT regional observer.

Caging operations

1. The electronic storage device containing the original video record shall be provided to the ICCAT regional observer as soon as possible after the end of the caging operation, who shall immediately initialise it to avoid any further manipulation.
2. The original recording shall be kept by the farm, where applicable, during their entire period of authorisation.
3. Two identical copies of the video record shall be produced. One copy shall be transmitted to the ICCAT regional observer deployed on the farm.

4. The ICCAT caging authorisation number shall be displayed at the beginning or at the end of each video, or both.
 5. The time and the date of the video shall be continuously displayed throughout each video record.
 6. Before the start of the caging, the video shall include the opening and closing of the net/door and whether the receiving and donor cages already contain bluefin tuna.
 7. The video recording shall be continuous without any interruptions and cuts and cover the entire caging operation.
 8. The video record shall be of sufficient quality to estimate the number of bluefin tuna being transferred.
 9. If the video record is of insufficient quality to estimate the number of bluefin tuna being transferred, then a new caging operation shall be requested by the control authorities. The new caging operation shall include all the bluefin tuna in the receiving farm cage into another farm cage which shall be empty.
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ANNEX XI

STANDARDS AND PROCEDURES FOR STEREOSCOPICAL CAMERA SYSTEMS IN THE CONTEXT OF CAGING OPERATIONS

A. Use of stereoscopic camera systems

The use of stereoscopic camera systems in the context of caging operations, as required by Article 51, shall be conducted in accordance with the following:

1. The sampling intensity of live fish shall not be below 20 % of the amount of fish being caged. Where technically possible, the sampling of live fish shall be sequential, one in every five individuals being measured; such a sample shall be made up of fish measured at a distance of between 2 and 8 metres from the camera.
2. The dimensions of the transfer gate connecting the donor cage and the receiving cage shall be set at a maximum width of 10 metres and a maximum height of 10 metres.
3. Where the length measurements of the fish present a multi-modal distribution (two or more cohorts of distinct sizes), it shall be possible to use more than one conversion algorithm for the same caging operation; the most up-to-date algorithm(s) established by SCRS shall be used to convert fork lengths into total weights, according to the size category of the fish measured during the caging operation.
4. Validation of the stereoscopic length measurements shall be undertaken prior to each caging operation using a scale bar at a distance of between 2 and 8 metres.
5. Where the results of the stereoscopic programme are communicated, the information shall indicate the margin of error inherent to the technical specifications of the stereoscopic camera system, which shall not exceed a range of +/- 5 %.
6. The report on the results of the stereoscopic programme shall include details on all the technical specifications above, including the sampling intensity, the sampling methodology, the distance from the camera, the dimensions of the transfer gate, and the algorithms (length-weight relationship). SCRS shall review those specifications and, if necessary, provide recommendations to modify them.
7. In cases where the stereoscopic camera footage is of insufficient quality to estimate the weight of bluefin tuna being caged, a new caging operation shall be ordered by the Member State authorities responsible for the catching vessel, trap or farm.

B. Presentation and use of the results of the programmes

1. Decisions regarding differences between the catch report and the results from the stereoscopic system programme shall be taken at the level of the JFO or total trap catches, for JFOs and trap catches destined to a farm facility involving a single CPC and/or Member State. The decision regarding differences between the catch report and the results from the stereoscopic system programme shall be taken at the level of the caging operations for JFOs involving more than one CPC and/or Member State, unless otherwise agreed by all the flag CPC and/or Member State authorities of the catching vessels involved in the JFO.
2. Within 15 days from the caging date, the Member State responsible for the farm shall provide a report to the Member State or CPC responsible for the catching vessel or trap and to the Commission, including the following documents:
 - (a) technical stereoscopic system report including:
 - general information: species, site, cage, date, algorithm,
 - sizing statistical information: average weight and length, minimum weight and length, maximum weight and length, number of fish sampled, weight distribution, size distribution;
 - (b) detailed results of the programme, with the size and weight of every fish that was sampled;

- (c) caging report including:
- general information on the operation: number of the caging operation, name of the farm, cage number, BCD number, ITD number, name and flag of the catching vessel or trap, name and flag of the towing vessel, date of the stereoscopic system operation and footage file name,
 - algorithm used to convert length into weight,
 - comparison between the amounts declared in the BCD and the amounts found with the stereoscopic system, in number of fish, average weight and total weight (the formula used to calculate the difference shall be: $(\text{stereoscopic system} - \text{BCD}) / \text{stereoscopic system} * 100$),
 - margin of error of the system,
 - for those caging reports relating to JFOs/traps, the last caging report shall also include a summary of all information in previous caging reports.
3. When receiving the caging report, the Member State authorities of the catching vessel or trap shall take all the necessary measures according to the following situations:
- (a) the total weight declared by the catching vessel or trap in the BCD is within the range of the stereoscopic system results:
- no release shall be ordered,
 - the BCD shall be modified both in number (using the number of fish resulting from the use of the control cameras or alternative techniques) and average weight, while the total weight shall not be modified;
- (b) the total weight declared by the catching vessel or trap in the BCD is below the lowest figure of the range of the stereoscopic system results:
- a release shall be ordered using the lowest figure in the range of the stereoscopic system results,
 - the release operations shall be carried out in accordance with the procedure laid down in Article 41(2) and Annex XII,
 - after the release operations took place, the BCD shall be modified both in number (using the number of fish resulting from the use of the control cameras, minus the number of fish released) and average weight, while the total weight shall not be modified;
- (c) the total weight declared by the catching vessel or trap in the BCD exceeds the highest figure of the range of the stereoscopic system results:
- no release shall be ordered,
 - the BCD shall be modified for the total weight (using the highest figure in the range of the stereoscopic system results), for the number of fish (using the results from the control cameras) and average weight accordingly.
4. For any relevant modification of the BCD, the values (number and weight) entered in Section 2 shall be consistent with those in Section 6 and the values in Sections 3, 4 and 6, shall be not higher those in Section 2.
5. In the case of compensation of differences found in individual caging reports across all cagings from a JFO/trap, whether or not a release operation is required, all relevant BCDs shall be modified on the basis of the lowest range of the stereoscopic system results. The BCDs related to the quantities of bluefin tuna released shall also be modified to reflect the weight/number released. The BCDs related to bluefin tuna not released but for which the results from the stereoscopic systems or alternative techniques differ from those reported caught and transferred shall also be amended to reflect those differences.

The BCDs relating to the catches from where the release operation took place shall also be modified to reflect the weight/number released.

ANNEX XII

RELEASE PROTOCOL

1. The release of bluefin tuna from farming cages into the sea shall be recorded by video camera and observed by an ICCAT regional observer, who shall draft and submit a report together with the video records to the ICCAT Secretariat.
 2. Where a release order has been issued, the farm operator shall request the deployment of an ICCAT regional observer.
 3. The release of bluefin tuna from transport cages or traps into the sea shall be observed by a national observer of the Member State responsible for the towing vessel or trap, who shall draft and submit a report to the responsible Member State control authorities.
 4. Before a release operation takes place, Member State control authorities might order a control transfer using standard and/or stereoscopic cameras to estimate the number and weight of the fish that need to be released.
 5. Member State authorities may implement any additional measures they consider necessary to guarantee that the release operations take place at the most appropriate time and place in order to increase the probability of the fish going back to the stock. The operator shall be responsible for the fish survival until the release operation has taken place. Those release operations shall take place within three weeks of the completion of the caging operations.
 6. Following completion of harvesting operations, fish remaining in a farm and not covered by the BCD shall be released in accordance with the procedures laid down in Article 41(2) and this Annex.
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ANNEX XIII

TREATMENT OF DEAD FISH

During fishing operations by purse seine vessels, the quantities of fish found dead in the seine shall be recorded in the fishing vessel logbook and shall be deducted from the Member State quota accordingly.

Recording and treating of dead fish during the first transfer:

1. The BCD shall be provided to the operator of the towing vessel with Section 2 (Total catch), Section 3 (Live fish trade) and Section 4 (Transfer including 'dead' fish) completed.

The total quantities reported in Sections 3 and 4 shall be equal to the quantities reported in Section 2. The BCD shall be accompanied by the original ITD in accordance with this Regulation. The quantities reported in the ITD (transferred live), shall be equal to the quantities reported in Section 3 in the associated BCD.

2. A split of the BCD with Section 8 (Trade information) shall be completed and given to the operator of the auxiliary vessel which transports the dead bluefin tuna to shore (or retained on the catching vessel if landed directly to shore). The dead fish and split BCD shall be accompanied by a copy of the ITD.
 3. The quantities of dead fish shall be recorded in the BCD of the catching vessel which made the catch or, in the case of JFOs, in the BCD of the catching vessels or of a vessel flying another flag participating in the JFO.
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ANNEX XIV

ICCAT DECLARATION ON CAGING ⁽¹⁾

Vessel name	Flag	Registration Number Identifiable cage number	Date of catch	Place of catch Longitude Latitude	eBCD number	eBCD date	Date of caging	Quantity placed in cage (t)	Number of fish placed in cage for fattening	Size composition	Farming facility (*)

(*) Facility authorized to operate for fattening of Bluefin tuna caught in the Convention area.

⁽¹⁾ This is the Declaration on caging laid down in ICCAT Recommendation 06-07.

ANNEX XV

MINIMUM STANDARDS FOR THE ESTABLISHMENT OF A VMS IN THE ICCAT CONVENTION AREA ⁽¹⁾

1. Notwithstanding any stricter requirements applicable in specific ICCAT fisheries, each flag Member State shall implement a VMS for its fishing vessels above 15 metres in length overall authorised to fish in waters beyond jurisdiction of the flag Member State and shall:
 - (a) require its fishing vessels to be equipped with an autonomous, tamper-evident system that continuously, automatically, and independent of any intervention by the vessel, transmits messages to the fishing monitoring centre ('FMC') of the flag Member State to track the position, course, and speed of a fishing vessel by the flag Member State of that vessel;
 - (b) ensure that the satellite tracking device fitted on board the fishing vessel collects and transmits continuously to the FMC of the flag Member State the following data:
 - the vessel's identification,
 - the geographical position of the vessel (longitude, latitude) with a margin of error lower than 500 metres, with a confidence interval of 99 %, and
 - the date and time;
 - (c) ensure that the FMC of the flag Member State receives an automatic notification if communication between the FMC and the satellite tracking device is interrupted;
 - (d) ensure, in cooperation with the coastal State, that the position messages transmitted by the vessels flying its flag while operating in waters under the jurisdiction of that coastal State are also transmitted automatically and in real time to the FMC of the coastal State that has authorised the activity. In implementing this provision, due consideration shall be given to minimising the operational costs, technical difficulties, and administrative burden associated with transmission of these messages; and
 - (e) ensure that, in order to facilitate the transmission and receipt of position messages, as described in point (d), the FMC of the flag Member State or CPC, and the FMC of the coastal State shall exchange their contact information and notify each other without delay of any changes to this information. The FMC of the coastal State shall notify the flag Member State or CPC FMC of any interruption in the reception of consecutive position messages. The transmission of position messages between the FMC of the flag Member State or CPC, and that of the coastal State shall be carried out electronically using a secure communication system.
2. Each Member State shall take appropriate measures to ensure that the VMS messages are transmitted and received, as specified in paragraph 1, and use this information to continuously track the position of the vessels flying its flag.
3. Each Member State shall ensure that the masters of fishing vessels flying its flag ensure that the satellite tracking devices are permanently and continuously operational and that the information identified in paragraph 1, point (b), is collected and transmitted at least once every hour for purse seine vessels and at least once every two hours for all other vessels. In addition, Member States shall require that their vessel operators ensure that:
 - (a) the satellite tracking device is not tampered with in any way;
 - (b) VMS data are not altered in any way;
 - (c) the antennae connected to the satellite tracking device is not obstructed in any way;

⁽¹⁾ This is in the ICCAT Recommendation Concerning Minimum Standards for Vessel Monitoring Systems in the ICCAT Convention Area 18-10.

- (d) the satellite tracking device is hardwired into the fishing vessel and the power supply is not intentionally interrupted in any way; and
 - (e) the satellite tracking device is not removed from the vessel except for the purposes of repair or replacement.
4. In the event of a technical failure or non-operation of the satellite tracking device fitted on board a fishing vessel, the device shall be repaired or replaced within one month from the time of the event, unless the vessel has been removed from the list of authorised large scale fishing vessels, where applicable, or for vessels not required to be included on ICCAT's authorised vessel list, the authorisation to fish in areas beyond the jurisdiction of the flag CPC no longer applies. The vessel shall not be authorised to commence a fishing trip with a defective satellite tracking device. Furthermore, when a device stops functioning or has a technical failure during a fishing trip, the repair or the replacement shall take place as soon as the vessel enters a port; the fishing vessel shall not be authorised to commence a fishing trip without the satellite tracking device having been repaired or replaced.
 5. Each Member State or CPC shall ensure that a fishing vessel with a defective satellite tracking device shall communicate to the FMC, at least daily, reports containing the information in point (b) of paragraph 1 by other means of communication (radio, web-based reporting, electronic mail, telefax or telex).
 6. Member States or CPCs may allow a vessel to power down its satellite tracking device only if the vessel will not be fishing for an extended period of time (e.g. in dry dock for repairs), and it notifies the competent authorities of its flag Member State or CPC in advance. The satellite tracking device shall be re-activated, and collect and transmit at least one report, prior to the vessel leaving port.
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ANNEX XVI

CORRELATION TABLE BETWEEN REGULATION (EU) 2016/1627 AND THIS REGULATION

Regulation (EU) 2016/1627	This Regulation
Article 1	Article 1
Article 2	Article 1
Article 3	Article 5
Article 4	–
Article 5	Article 6
Article 6	Article 11
Article 7	Article 12
Article 8	Article 13
Article 9	Article 14
Article 10	Article 16
Article 11	Article 17 and Annex I
Article 12	Article 17 and Annex I
Article 13	Article 18
Article 14	Article 19
Article 15	Article 20
Article 16	Article 21
Article 17	Article 25
Article 18	Article 22
Article 19	Article 23
Article 20	Article 26
Article 21	Article 4
Article 22	Article 27
Article 23	Article 28
Article 24	Article 30
Article 25	Article 31
Article 26	Article 32
Article 27	Article 36
Article 28	Article 37
Article 29	Article 29
Article 30	Article 33
Article 31	Article 34
Article 32	Article 35
Article 33	Article 40
Article 34	Article 41
Article 35	Article 43
Article 36	Article 44

Regulation (EU) 2016/1627	This Regulation
Article 37	Article 51
Article 38	Article 42
Article 39	Article 45
Article 40	Article 46
Article 41	Article 46
Article 42	Article 47
Article 43	Article 48
Article 44	Article 49
Article 45	Article 50
Article 46	Article 51
Article 47	Article 55
Article 48	Article 56
Article 49	Article 57
Article 50	Article 38
Article 51	Article 39
Article 52	Article 58
Article 53	Article 15
Article 54	Article 59
Article 55	Article 60
Article 56	Article 62
Article 57	Article 63
Article 58	Article 64
Article 59	Article 68
Article 60	Article 70
Article 61	Article 71
Annex I	Annex I
Annex II	Annex II
Annex III	Annex V
Annex IV	Annex VI
Annex V	Annex III
Annex VI	Annex IV
Annex VII	Annex VIII
Annex VIII	Annex IX
Annex IX	Annex X
Annex X	Annex XI
Annex XI	Annex XII
Annex XII	Annex XIII

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2054

of 20 September 2023

entering a name in the register of protected designations of origin and protected geographical indications ['Allåkerbär från Norrland' (PDO)]

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Sweden's application to register the name 'Allåkerbär från Norrland' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Allåkerbär från Norrland' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Allåkerbär från Norrland' (PDO) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.6. 'Fruit, vegetables and cereals fresh or processed' of Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

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*.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 199, 7.6.2023, p. 21.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

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

Done at Brussels, 20 September 2023.

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

COMMISSION REGULATION (EU) 2023/2055**of 25 September 2023****amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards synthetic polymer microparticles****(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 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽¹⁾, and in particular Article 68(1) thereof,

Whereas:

- (1) The ubiquitous presence of tiny fragments of synthetic or chemically-modified natural polymers, which are insoluble in water, degrade very slowly and can easily be ingested by living organisms, raises concerns about their general impact on the environment and, potentially, on human health. Those polymers are widespread in the environment and have also been found in drinking water and food. They accumulate in the environment and contribute to microplastic pollution.
- (2) A big part of microplastic pollution forms unintentionally, for example as a result of the breakdown of larger pieces of plastic waste, or the wear and tear of tyres and road paint, or the washing of synthetic clothes. However, tiny fragments of synthetic or chemically-modified natural polymers are also manufactured to be used as such or added to products.
- (3) The Council, in its conclusions of 20 June 2016 on the EU action plan for the circular economy ⁽²⁾ and of 24 March 2017 on international ocean governance ⁽³⁾, called upon the Commission to propose measures to reduce the discharge of macro- and micro-sized plastic debris in the marine environment, including a proposal for a ban on polymers in cosmetics, personal care products and detergents.
- (4) In a bid to tackle plastic pollution, in January 2018, the Commission adopted a plastics strategy ⁽⁴⁾ which aimed, among other things, to reduce all sources contributing to microplastic pollution. This commitment was renewed with the publication of the European Green Deal ⁽⁵⁾ in December 2019, the new Circular Economy Action Plan ⁽⁶⁾ in March 2020 and the Zero Pollution Action Plan ⁽⁷⁾ in May 2021. The latter, in particular, includes reducing by 30 % the amount of microplastics released into the environment among its 2030 targets.

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.

⁽²⁾ <https://data.consilium.europa.eu/doc/document/ST-10518-2016-INIT/en/pdf/>

⁽³⁾ https://www.consilium.europa.eu/media/24073/st_7348_2017_rev_1_en.pdf

⁽⁴⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Strategy for Plastics in a Circular Economy (COM(2018) 28 final).

⁽⁵⁾ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: The European Green Deal (COM(2019) 640 final).

⁽⁶⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A new Circular Economy Action Plan for a cleaner and more competitive Europe (COM(2020) 98 final).

⁽⁷⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' (COM(2021) 400 final).

- (5) In September 2018, the European Parliament called ⁽⁸⁾ on the Commission to introduce a ban on microplastics in cosmetics, personal care products, detergents and cleaning products, by 2020.
- (6) The potential impacts of microplastic pollution on the environment and possibly human health have raised concerns in various parts of the world. Several Member States have adopted or proposed dedicated measures. However, a patchwork of national restrictions potentially hampers the functioning of the internal market and therefore requires harmonisation at Union level.
- (7) On 9 November 2017, the Commission asked ⁽⁹⁾ the European Chemicals Agency ('the Agency'), pursuant to Article 69(1) of Regulation (EC) No 1907/2006, to prepare a dossier with a view to a possible restriction of synthetic, water-insoluble polymers of 5 mm or less ('synthetic polymer microparticles') that are present in products to confer a sought-after characteristic ('intentionally-present'), in order to address the risk that those microparticles may pose to the aquatic environment ('the Annex XV dossier').
- (8) On 29 January 2019, the Agency published the Annex XV dossier ⁽¹⁰⁾ where it concludes that the intentional use of synthetic polymer microparticles, resulting in releases to the environment, poses a risk to the environment that is not adequately controlled and needs to be addressed on a Union-wide basis. The Agency estimated that, currently, more than 42 000 tonnes of intentionally-present microplastics are eventually released into the environment every year ⁽¹¹⁾. The Annex XV dossier proposed a differentiated risk management approach to address the risks from such synthetic polymer microparticles that are not adequately controlled. A complete ban on the placing on the market was proposed for sectors and applications where the releases were considered unavoidable. Instructions for use and disposal were proposed to minimise avoidable releases. A reporting requirement to obtain information on releases from uses excluded from the ban on the placing on the market was also suggested.
- (9) More specifically, the Annex XV dossier proposed a prohibition of the placing on the market of any solid polymer contained in microparticles or microparticles which have a solid polymer surface coating, as a substance on their own or in a mixture in a concentration equal to or greater than 0,01 % by weight. This is estimated to result in a cumulative emission reduction of approximately 500 000 tonnes of microplastics over the 20-year period following the introduction of the prohibition. That corresponds to a reduction of 70 % of quantified emissions that would otherwise occur. The concentration limit of 0,01 % corresponds to the lowest concentration level reported where synthetic polymer microparticles could still have an influence on the function of a product.
- (10) Due to large variability in the composition, properties and dimensions of synthetic polymer microparticles, the Annex XV dossier did not address specific polymers or any additives or other substances that the polymers may contain, but analysed a group of polymers sharing the same intrinsic properties with regard to size, dimension ratio, solid state, synthetic origin and extreme persistence in the environment.
- (11) The Annex XV dossier proposed to exclude degradable or water-soluble polymers and natural polymers that have not been chemically modified, as they do not possess the same long-term persistence and, therefore, do not contribute to the identified risk.
- (12) The Annex XV dossier proposed a framework of standardised test methods and pass criteria to identify degradability for the purpose of a restriction. The test methods were designed to measure biotic degradation, although it cannot be excluded that some abiotic degradation takes place during the test and contributes to the test results. The test methods were grouped according to their test design and rationale. Groups 1 to 3 include relatively rapid but stringent screening tests. Groups 4 and 5 include screening and simulation studies which are increasingly more

⁽⁸⁾ European Parliament resolution of 13 September 2018 on a European strategy for plastics in a circular economy (P8 TA(2018) 352).

⁽⁹⁾ Commission request of 9 November 2017 asking the European Chemicals Agency to prepare a restriction proposal conforming to the requirements of Annex XVII to REACH. <https://echa.europa.eu/documents/10162/5c8be037-3f81-266a-d71b-1a67ec01cbf9>

⁽¹⁰⁾ Annex XV restriction report. <https://echa.europa.eu/documents/10162/05bd96e3-b969-0a7c-c6d0-441182893720>; Annex to the Annex XV restriction report. <https://echa.europa.eu/documents/10162/db081bde-ea3e-ab53-3135-8aaffe66d0cb>.

⁽¹¹⁾ ECHA (2020). Background Document to the Opinion on the Annex XV report proposing restrictions on intentionally added microplastics. <https://echa.europa.eu/documents/10162/b56c6c7e-02fb-68a4-da69-0bcdb504212b>

sophisticated, technically demanding and lengthy, but use testing conditions that are more environmentally relevant. The Annex XV dossier proposed that meeting the pass criteria in any of the permitted test methods in groups 1 to 5 be sufficient to demonstrate degradability for the purpose of the restriction.

- (13) Water-soluble solid polymers lose their solid state after their release into the environment, and therefore do not contribute to the identified concern. The Annex XV dossier therefore proposed internationally-accepted methods to test solubility and to exclude those water-soluble polymers from the scope of the restriction.
- (14) The Annex XV dossier furthermore proposed a 5 mm diameter in any dimension as an upper size limit for the synthetic polymer microparticles addressed. This value is widely used in the scientific community and in legal acts in some Member States. Such limit is also consistent with the upper limit for micro-litter (including microplastics) specified in the Annex to Commission Decision (EU) 2017/848⁽¹²⁾ and used for the implementation of Directive 2008/56/EC of the European Parliament and of the Council⁽¹³⁾. Finally, according to Annex XV dossier, particles below that size are more likely to be ingested by biota than larger items.
- (15) Certain fibre-like synthetic polymer particles have a length exceeding 5 mm but lower than 15 mm, for example the particles used for the reinforcement of adhesives and concrete. As those fibre-like particles are very persistent and contribute to the identified risk, the Annex XV dossier considered that they should be included in the scope of the restriction.
- (16) To avoid regrettable substitution, i.e. the replacement of synthetic polymer microparticles with even smaller persistent polymer particles that may pose an equal or even larger risk to the environment, the Annex XV dossier initially included particles below the microscale in the scope of the restriction. To be consistent with the lower size limit already recommended by Commission Recommendation C(2022) 3689⁽¹⁴⁾, a lower size limit of 1 nm for particles and 3 nm for fibre-like particles was proposed. However, comments received during the consultation on the Annex XV dossier pointed out significant practical concerns, including regarding enforcement. To ensure enforceability, the Annex XV dossier was adjusted and the lower size limit for the synthetic polymer microparticles increased from 1 nm to 0,1 µm for particles and from 3 nm to 0,3 µm for fibre-like particles.
- (17) Particles containing or coated by a synthetic or chemically-modified natural polymer that is solid and insoluble in water come in a variety of sizes. When added to a product, only some of those particles meet the size limits laid down in the Annex XV dossier and contribute to the identified concern. The Annex XV dossier therefore proposed that a polymer should be considered within the scope of restriction if, among other things, at least 1 % by weight of the particles containing or coated by that polymer meet those size limits.
- (18) The Annex XV dossier proposed to exclude several uses or sectors from the prohibition on placing on the market. It was proposed to exclude synthetic polymer microparticles for use at industrial sites because it is easier to control emissions from such uses than, for example, emissions from consumer or professional uses. To avoid over-regulation regarding certain uses and sectors, it was proposed to exclude medicinal products within the scope of Directive 2001/83/EC of the European Parliament and of the Council⁽¹⁵⁾ and veterinary medicinal products within the scope of Regulation (EU) 2019/6 of the European Parliament and of the Council⁽¹⁶⁾, EU fertilising products within the scope of Regulation (EU) 2019/1009 of the European Parliament and of the Council⁽¹⁷⁾ and food

⁽¹²⁾ Commission Decision (EU) 2017/848 of 17 May 2017 laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU (OJ L 125, 18.5.2017, p. 43).

⁽¹³⁾ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

⁽¹⁴⁾ Commission Recommendation of 10 June 2022 on the definition of nanomaterial (C(2022) 3689) (OJ C 229, 14.6.2022, p. 1).

⁽¹⁵⁾ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

⁽¹⁶⁾ Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43).

⁽¹⁷⁾ Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No 2003/2003 (OJ L 170, 25.6.2019, p. 1).

additives within the scope of Regulation (EC) No 1333/2008 of the European Parliament and of the Council ⁽¹⁸⁾. In the view of the Agency, potential releases from in-vitro diagnostic devices can be minimised by setting conditions of use and disposal while ensuring continued socioeconomic benefits of use of such devices. Moreover, derogations from the ban on placing on the market are proposed where the risk from releases is expected to be minimised because synthetic polymer microparticles are contained by technical means, such as those in chromatography columns, water filtering cartridges or printer toners, or permanently lose their particle form because, for example, they swell or form a film, like in diapers, nail polish or paint, or are permanently enclosed in a solid matrix during end use, such as fibres added to concrete or pellets used as feedstock for moulded articles.

- (19) The Annex XV dossier assessed several restriction options for granular infill for use on synthetic sports surfaces and suggested either a ban on the placing on the market with a transitional period of 6 years, without exemptions, or a ban on the placing on the market with a transitional period of 3 years, with an exemption from that ban in case of use of specific risk management measures ensuring that annual releases of synthetic polymer microparticles from a synthetic sports pitch do not exceed 7 g/m².
- (20) Regarding the prohibition of the placing on the market, for sectors or products identified during the restrictions process, specific transitional periods were proposed to allow sufficient time for concerned stakeholders to comply with the restriction and transition to suitable alternatives, for example, degradable polymers. Such transitional periods are also necessary for the Member States to prepare for the enforcement of the restriction. Finally, they minimise costs to society, without causing unnecessary delay in emission reduction. No transitional periods were proposed for other uses and products not individually identified during the restriction process.
- (21) Concerning the ban on the placing on the market of 'microbeads', i.e. synthetic polymer microparticles for use as an abrasive, i.e. namely to exfoliate, polish or clean, mainly used in rinse-off cosmetic products or detergents, no transitional period was proposed, as industry was expected to have voluntarily phased out their use by 2020. For 'rinse-off' and 'leave-on' cosmetic products without microbeads, the Annex XV dossier proposed a 4-year and a 6-year transitional period.
- (22) For synthetic polymer microparticles encapsulating fragrances, the Annex XV dossier considered that transitional periods of 5 or 8 years may both be appropriate in terms of their economic costs and their economic benefits. For detergents, waxes, polishes and air care products, a transitional period of 5 years was considered appropriate to give industry sufficient time to reformulate their products and substitute synthetic polymer microparticles.
- (23) For controlled-release fertilisers, a transitional period of 5 years was considered justified to allow manufacturers to reformulate their products so that they achieve appropriate degradability in the environment. For plant protection products covered by Regulation (EC) No 1107/2009 of the European Parliament and of the Council ⁽¹⁹⁾ and seeds treated with those products, and biocidal products covered by Regulation (EU) No 528/2012 of the European Parliament and of the Council ⁽²⁰⁾, a transitional period of 8 years was considered necessary to give industry sufficient time to reformulate their products, obtain an authorisation and place them on the market, while maintaining the benefits of the encapsulation technology in the interim period. As regards other agricultural and horticultural uses, such as seeds coated with colorants or lubricants or other products which are not or do not contain plant protection products, a transitional period of 5 years was considered appropriate.
- (24) For devices covered by Regulation (EU) 2017/745 of the European Parliament and of the Council ⁽²¹⁾ which are substances or mixtures, 6 years were considered necessary for reformulation and transition to suitable alternatives.

⁽¹⁸⁾ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

⁽¹⁹⁾ 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).

⁽²⁰⁾ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

⁽²¹⁾ Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

- (25) Where pollution in the environment from synthetic polymer microparticles can be minimised by the requirement to provide instructions for use and disposal, the Annex XV dossier proposed a derogation from the prohibition of placing on the market. Those instructions should explain how to properly use and dispose of products in order to minimise releases to the environment.
- (26) Furthermore, the Annex XV dossier proposed annual reporting requirements to monitor the effectiveness of the requirement to provide instructions for use and disposal and improve the evidence base available for the risk management of the uses of synthetic polymer microparticles exempted from the prohibition of placing on the market.
- (27) On 3 June 2020, the Agency's Committee for Risk Assessment (RAC) adopted an opinion ⁽²²⁾ pursuant to Article 70 of Regulation (EC) No 1907/2006 with respect to the Annex XV dossier. In that opinion, RAC concurred with the Annex XV dossier's conclusions about the identified risks and that the proposed restriction is an appropriate Union-wide measure to reduce those risks.
- (28) RAC considered that, from a risk-reduction perspective, it is more appropriate to set no lower size limit for polymer microparticles, i.e. include all fibre-like particles smaller than 15 µm (with regard to the longest dimension of the fibres) and all other particles smaller than 5 µm. RAC considered that the omission of synthetic polymer microparticles smaller than 0,1 µm from the scope of the restriction could either provide for the continued use of synthetic polymer microparticles or even promote a shift to smaller particle sizes to circumvent the restriction. This could compromise the effectiveness of the proposed restriction, since the toxicity of particles is expected to increase the smaller their size.
- (29) Furthermore, RAC considered that the criteria for excluding degradable polymers from the restriction should be more stringent than those proposed by the Annex XV dossier. Specifically, RAC considered that where it is necessary to perform tests from groups 4 and 5 to justify an exclusion, those tests should be performed and passed in three relevant environmental compartments and not only in the most relevant compartment, as proposed in the Annex XV dossier.
- (30) With regard to the placing on the market of infill material for use on synthetic sports surfaces, taking into account considerations of emissions reduction, practicality and enforceability, RAC expressed a clear preference for a ban on the placing on the market after a transitional period over an exception from the ban conditional on the implementation of risk management measures. The main reason for RAC's preference was that infill material for use on synthetic turf sport surfaces is the largest contributor in terms of use of microplastics in products as well as the largest source of environmental emissions of intentionally-present synthetic polymer microparticles at European level. RAC had also concerns regarding the effectiveness of the proposed risk management measures, in particular in relation to existing sport surfaces and smaller size particles. It also stated that it does not endorse the referred limit of 7 g/m²/year as any sort of acceptable threshold, as this on its own still implies substantial releases to the environment on a continued basis.
- (31) On 10 December 2020, the Agency's Committee for Socioeconomic Analysis (SEAC) adopted an opinion pursuant to Article 71(1) of Regulation (EC) No 1907/2006, concluding that the proposed restriction is an appropriate Union-wide measure to address the identified risks taking into account its socioeconomic benefits and costs.
- (32) Taking into account RAC's opinion, SEAC proposed modifications to the restrictions proposed in the Annex XV dossier and considered that the definition of synthetic polymer microparticles should contain a lower size limit of 1 µm. However, in order to ensure that it is possible to implement, enforce and monitor the proposed restriction, SEAC acknowledged that it would be at least temporarily necessary to set a lower size limit at 0,1 µm (100 nm) when analytical methods or accompanying documentation cannot confirm the concentration of synthetic polymer microparticles below that size and thus the compliance with the concentration limit of the restriction cannot be verified.

⁽²²⁾ <https://echa.europa.eu/documents/10162/b4d383cd-24fc-82e9-cccf-6d9f66ee9089>

- (33) In addition to the exclusion of natural, degradable, and soluble polymers from the definition of synthetic polymer microparticles, as proposed by the Annex XV dossier, SEAC suggested excluding polymers that do not contain carbon in their chemical structure as, in its view, current tools to prove persistence are not suitable for such polymers. However SEAC considered that such exclusion would need to be confirmed by RAC.
- (34) For use in the encapsulation of fragrances, SEAC could not conclude whether 5 or 8 years would be the most appropriate transitional period and recommended to review the need for a transitional period longer than 5 years after the introduction of the restriction and that such review should not lead to open-ended derogations.
- (35) For certain 'leave-on' cosmetic products, that is make-up products, lip products and nail products, due to their low contribution to the overall emissions of microplastics, as well as the potentially large impact on the cosmetics industry of a ban of synthetic polymer microparticles in those products, SEAC considered two additional measures as appropriate alternatives to the ban on the placing on the market of those products after a 6-year transitional period, as proposed by the Annex XV dossier: either appropriate instructions for use and disposal or a transitional period longer than 6 years. However, the uncertainties related to the different impacts on industry and concerning releases did not allow SEAC to conclude whether any of those options would be more appropriate than a ban and a 6-year transitional period, as proposed in the Annex XV dossier.
- (36) SEAC noted that the implementation of risk management measures to reduce releases from granular infill for use on synthetic sports surfaces is likely to entail significantly lower costs than substituting them with alternatives. However, risk management measures would not completely eliminate such releases, so they would be less effective than a ban in the long term. Against this background, SEAC concluded that a choice of one of the options could only be based on policy priorities.
- (37) SEAC noted that information received during the consultation on the SEAC draft opinion indicates that certain actors in the supply chain of plastic pellets, flakes and powders ('plastic pellets') falling within the definition of synthetic polymer microparticles are likely to be able to start reporting on their use earlier than after 36 months as proposed in Annex XV dossier due to efforts made to implement voluntary industry initiatives, such as Operation Clean Sweep.
- (38) The Forum for Exchange of Information on Enforcement ('the Forum') was consulted during the restrictions process in accordance with Article 77(4), point (h), of Regulation (EC) No 1907/2006 and its recommendations were taken into account.
- (39) The Forum considered that the measurement of synthetic polymer microparticles smaller than 0,1 µm poses technical difficulties and noted that, currently, the lowest technically achievable limit is around 0,1 µm. The Forum further noted that enforcement authorities may rely on documentary evidence to demonstrate that the substance or the mixture does not contain particles below 5 µm in concentrations above the limits imposed by the restriction. However, in case of doubt, the documentary evidence can only be verified by a valid physical or analytical method, or both. The Forum thus recommended to include a lower size limit in the definition of synthetic polymer microparticles. In the event that no lower limit is recommended, the Forum suggested that a temporary solution for the implementation and enforcement of the restriction based on what is practicable and in line with the currently available analytical techniques is considered. In addition, the Forum recommended a review of the definition after the entry into force of the restriction to reflect the latest scientific and technological developments.
- (40) On 23 February 2021, the Agency submitted the opinions of RAC and SEAC ⁽²³⁾ to the Commission.

⁽²³⁾ Committee for Risk Assessment (RAC), Committee for Socioeconomic Analysis (SEAC) Opinion on an Annex XV dossier proposing restrictions on intentionally-added microplastics of 10 December 2020. <https://echa.europa.eu/documents/10162/a513b793-dd84-d83a-9c06-e7a11580f366>

- (41) On 22 April 2021, the Agency submitted a RAC supplementary opinion ⁽²⁴⁾ to the Commission. In particular, the Commission had asked RAC to consider: (i) the restriction options for infill material for artificial sports surfaces, in view of the recently published European Committee for Standardization (CEN) technical report TR17519 Surfaces for sports areas – Synthetic turf sports facilities – Guidance on how to minimise infill dispersion into the environment; and (ii) the exclusion of polymers without carbon atoms that was proposed by SEAC. RAC reiterated a clear preference for a ban on the placing on the market of infill material for use on synthetic turf sports surfaces. Concerning the derogation for polymers without carbon atoms in their structure, RAC stated that, due to the absence of relevant ecotoxicity data, it was not possible to conclude that such polymers in particle form would not pose the same risks as particles originating from polymers with carbon atoms in their structure.
- (42) Taking into account the Annex XV dossier, the opinions of RAC and SEAC, the socioeconomic impact and the availability of alternatives, the Commission considers that there is considerable microplastic pollution arising from the use of synthetic polymer microparticles on their own or intentionally present in products. That pollution poses an unacceptable risk to the environment, which needs to be addressed on a Union-wide basis. It has been demonstrated that microplastic pollution is extremely persistent, practically impossible to remove from the environment once emitted and that it accumulates progressively in the environment. In order to reduce emissions without undue delay, it is therefore necessary to introduce a restriction on the placing on the market of synthetic polymer microparticles on their own, or intentionally present in mixtures to confer a sought-after characteristic, for example colour, texture, bulk, water absorption, fluidity or heat resistance. Depending on the expected socioeconomic impacts and the availability of alternatives, specific transitional periods and exceptions are proposed for selected product groups.
- (43) Evidence of risk exists for many polymers within the scope of the restriction. Regarding other polymers, for which there are less data, conclusions about the risk posed by them can nevertheless be drawn based on objective criteria regarding the microparticles which contain those polymers or are coated by them. The Commission considers that groups of polymers that share relevant physical and chemical properties, particle size and persistence in the environment should be covered by this restriction. This allows for the objective identification of the substances that fall within the scope of this restriction.
- (44) The Commission considers it appropriate to exclude natural, degradable and soluble polymers from the definition of synthetic polymer microparticles, as they do not contribute to the risk. Furthermore, the Commission considers justified to exclude from the scope of the restriction polymers without carbon atoms in their structure as there is no relevant ecotoxicity data on whether such polymers in particle form would pose the same risks as particles originating from polymers that have carbon atoms in their structure.
- (45) The Commission considers that synthetic polymer microparticles below 0,1 µm in all dimensions pose an equivalent or potentially higher risk to the environment than particles between 0,1 µm and 5 mm in all dimensions. The definition of synthetic polymer microparticles should therefore cover polymers in or coating particles below 5 mm in all dimensions and fibre-like particles below 15 mm in length. However, the Commission agrees with the Forum and SEAC that the identification and quantification of particles below 0,1 µm in any dimension, or 0,3 µm in length, as the case may be, currently pose analytical constraints because the particles are too small. To ensure legal certainty, in those cases where available analytical methods or the documentation accompanying the product do not permit to determine the concentration of synthetic polymer microparticles in the product, the lower size limit of those microparticles for the purpose of enforcing the restriction should be set at 0,1 µm in any dimension or 0,3 µm in length, as the case may be. This limit should no longer apply as soon as new or improved methods become available permitting the identification and quantification of synthetic polymer microparticles measuring less than 0,1 µm in any dimension or 0,3 µm in length, as the case may be.

⁽²⁴⁾ Committee for Risk Assessment (RAC) Opinion related to the request by the Executive Director of ECHA under Art. 77(3)(c) of REACH to prepare a supplementary opinion on: CEN technical report 17519 on risk management measures for artificial pitches and the ESTC study on their effectiveness and the proposed derogation for polymers without carbon atoms in their structure. https://echa.europa.eu/documents/10162/17229/art77_3c_mpinfillandnewderogationforpolymers_opi_rac_en.pdf/b85be7e7-c0a8-649a-a0db-56e89e39b3d5?t=1619618145726

- (46) The Commission agrees with RAC that only polymers which degrade in multiple environmental compartments should be excluded from the scope of the restriction. It is widely accepted that a positive result in any of the screening test methods in groups 1 to 3 predicts degradability in all environmental compartments. Consequently, the Commission considers that passing any of those test methods is sufficient to demonstrate degradability for the purpose of this restriction. On the other hand, it is uncertain whether a polymer passing a group 4 or 5 test in one environmental compartment would have a similar degradation behaviour in another compartment. Consequently, the Commission considers that, where group 4 or 5 test methods are used, a polymer needs to pass those tests in three environmental compartments to be excluded from the scope of the restriction.
- (47) To take into account any scientific developments concerning polymer degradation and solubility, including new test methods specifically developed to assess the degradability or solubility of synthetic polymer microparticles, it may be necessary to review the standardised test methods and pass criteria to demonstrate degradability or solubility.
- (48) Synthetic polymer microparticles used in agricultural and horticultural products, for example to control the release of fertilisers or plant protection products, or the water flow between fertilisers and the soil, reduce the amount of active substances applied to soil and plants and limit the operator's exposure to such potentially toxic products as well as their environmental impact. It is necessary to facilitate the development of environmentally sustainable alternatives that would allow those beneficial applications to become 'microplastics-free' and remain on the market. SEAC considered that the measures proposed for agricultural and horticultural products would be appropriate only if degradable alternatives with at least similar functionality would become available in the medium term. Finally, Regulation (EU) 2019/1009 already lays down the general principles to assess whether polymers in EU fertilising products are degradable. Against this background, the Commission considers justified to set specific conditions and pass criteria for testing the degradability of polymers in products for agricultural and horticultural applications other than EU fertilising products, such as fertilising products which are not CE marked when made available on the market, in order to ensure consistency with the testing conditions laid down in Regulation (EU) 2019/1009 and facilitate the development of alternatives.
- (49) The Commission considers that the risk management measures proposed in the Annex XV dossier, as modified by RAC and SEAC, are relevant for addressing the risk identified. However, the Commission considers that the decision on which of those risk management measures is the most appropriate to address the risk identified taking into account their socioeconomic impact, including the consideration of specific derogations or transitional periods, should be taken case-by-case in the various applications.
- (50) It is not necessary to explicitly exclude sewage sludge and compost from the scope as suggested in the Annex XV dossier and the opinions of RAC and SEAC, given that the synthetic polymer microparticles in these products are not intentionally present and therefore do not fall within the scope of this Regulation. On the other hand, food and feed within the scope of Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽²⁵⁾ should be excluded from the scope to prevent double-regulation.
- (51) For encapsulation of fragrances, the Commission considers that 6 years is the most appropriate transitional period as it will provide industry with sufficient time to reformulate all products where no alternatives are currently available.
- (52) The reformulation costs expected for make-up products, lip products and nail products in response to the proposed restriction are higher than for other 'leave-on' cosmetic products. Taking also into account the comparatively lower contribution of make-up products, lip products and nail products to the overall emissions, the Commission considers that a transitional period of 12 years for the ban on placing on the market of such products is justified in order to ensure sufficient time to develop suitable alternatives and limit the costs for industry. However, in order to encourage the substitution of synthetic polymer microparticles in make-up products, lip products and nail products before the end of the transitional period, any make-up product, lip product and nail product placed on the market still containing synthetic polymer microparticles should bear a statement informing consumers of this fact starting

⁽²⁵⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

from 17 October 2031. To avoid unnecessary burden for suppliers and product recalls, suppliers should not be required to provide the above-mentioned statement on the products which have already been placed on the market before 17 October 2031 for a certain additional period.

- (53) For granular infill for use on synthetic sports surfaces, the Commission considers that increasing the transitional period for the ban on placing on the market to 8 years is justified in order to ensure that a larger number of existing synthetic sport surfaces using this product can reach their natural end-of-life before they need to be replaced.
- (54) As regards the risk management measure requiring the supplying of instructions for use and disposal, it is justified to set a transitional period longer than 24 months for suppliers of in vitro diagnostic devices containing synthetic polymer microparticles to allow for the information on the appropriate disposal of such microparticles to be passed down the supply chain and, in case of change to the product leaflet or packaging, for sufficient time to obtain the necessary regulatory approvals, where needed. Furthermore, the Commission considers that the latest technological developments in electronic labelling and widespread use of mobile electronic devices should be taken into account. The restriction should therefore allow for digital access to instructions for use and disposal in electronic format as an additional method of providing information.
- (55) Directive 2001/83/EC and Regulation (EU) 2019/6 require instructions for use and disposal of medicinal products for human and veterinary use, respectively, to be included on the packaging or in the package leaflet of the medicinal product. The Commission therefore does not consider that it is needed to introduce additional obligations for instructions for use and disposal of medicinal products for human or veterinary use.
- (56) As regards the reporting requirements proposed in the Annex XV dossier, as modified by RAC and SEAC, the Commission finds that they will contribute to monitoring the effectiveness of the instructions for use and disposal and will improve the evidence base for the risk management of the uses exempted from the prohibition of placing on the market. The Commission further considers that including a reference to the applicable derogations in the information to be reported to the Agency is needed in order to facilitate enforcement without imposing additional burden on industry. In addition, manufacturers and industrial downstream users should be required to estimate and report their own emissions. Furthermore, in order to ensure that all emissions along the supply chain are monitored and reported without adding undue burden on end users, suppliers of products containing synthetic polymer microparticles that place those products on the market for the first time to professional users and the general public are to also estimate, in addition to their own emissions, the downstream emissions from the moment the product is placed on the market to the moment it is disposed of after end use and report the total emissions to the Agency. To ensure the optimal use of the reported information and facilitate enforcement, such information should be made available to the Member States.
- (57) The loss of plastic pellets represents an important industrial source of microplastics in the environment. The plastic pellet supply chain is already putting in place voluntarily initiatives, which will include reporting, to minimise pellet loss. Against this background, the Commission considers a 24-month transitional period for reporting requirements for this sector justified.
- (58) To avoid double reporting, when there is more than one actor in the supply chain placing on the market the same product containing synthetic polymer microparticles, only the first actor within that supply chain should provide the required information to the Agency.
- (59) In order to facilitate the enforcement of this restriction, manufacturers, importers and industrial downstream users of products containing synthetic polymer microparticles should provide to competent authorities, upon their request, specific information enabling the unequivocal identification of the polymers in the scope of this restriction contained in their products and the function of those polymers in the product. Furthermore, manufacturers, importers and industrial downstream users claiming that certain polymers in their products are excluded from the designation of synthetic polymer microparticles on grounds of degradability or solubility should provide information proving those properties to competent authorities upon their request. Industrial downstream users that do not have the required information should request it from their suppliers first. To protect the confidentiality of commercial information, suppliers that do not wish to share the requested information with industrial downstream users should be allowed to provide it directly to the competent authority requesting it.

- (60) To prevent unnecessary product recalls and reduce waste, it is necessary to provide that synthetic polymers microparticles, on their own or in mixtures, that have been placed on the market before 17 October 2023 may continue to be placed on the market. That rule is not needed for uses of synthetic polymers microparticles subject to transitional periods.
- (61) Regulation (EC) No 1907/2006 should therefore be amended accordingly.
- (62) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVII to Regulation (EC) No 1907/2006 is 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*.

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

Done at Brussels, 25 September 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex XVII to Regulation (EC) No 1907/2006 is amended as follows:

(1) the following entry is added:

<p>78. Synthetic polymer microparticles: polymers that are solid and which fulfil both of the following conditions:</p> <p>(a) are contained in particles and constitute at least 1 % by weight of those particles; or build a continuous surface coating on particles;</p> <p>(b) at least 1 % by weight of the particles referred to in point (a) fulfil either of the following conditions:</p> <p>(i) all dimensions of the particles are equal to or less than 5 mm;</p> <p>(ii) the length of the particles is equal to or less than 15 mm and their length to diameter ratio is greater than 3.</p> <p>The following polymers are excluded from this designation:</p> <p>(a) polymers that are the result of a polymerisation process that has taken place in nature, independently of the process through which they have been extracted, which are not chemically modified substances;</p> <p>(b) polymers that are degradable as proved in accordance with Appendix 15;</p> <p>(c) polymers that have a solubility greater than 2 g/L as proved in accordance with Appendix 16;</p> <p>(d) polymers that do not contain carbon atoms in their chemical structure.</p>	<p>1. Shall not be placed on the market as substances on their own or, where the synthetic polymer microparticles are present to confer a sought-after characteristic, in mixtures in a concentration equal to or greater than 0,01 % by weight.</p> <p>2. For the purposes of this entry, the following definitions apply:</p> <p>(a) “particle” means a minute piece of matter, other than single molecules, with defined physical boundaries;</p> <p>(b) “solid” means a substance or mixture other than a liquid or gas;</p> <p>(c) “gas” means a substance or mixture which at 50 °C has a vapour pressure greater than 300 kPa (absolute), or is completely gaseous at 20 °C at a standard pressure of 101,3 kPa;</p> <p>(d) “liquid” means a substance or mixture that meets any of the following conditions:</p> <p>(i) the substance or mixture at 50 °C has a vapour pressure of not more than 300 kPa, is not completely gaseous at 20 °C and at a standard pressure of 101,3 kPa, and has a melting point or initial melting point of 20 °C or less at a standard pressure of 101,3 kPa;</p> <p>(ii) the substance or mixture fulfils the criteria in the American Society for Testing and Materials (ASTM) D 4359-90 Standard Test Method for Determining Whether a Material Is a Liquid or a Solid;</p> <p>(iii) the substance or mixture passes the fluidity test (penetrometer test) described in chapter 2.3.4 of Part 2 of Annex A to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) concluded at Geneva on 30 September 1957;</p> <p>(e) “make-up product” means any substance or mixture intended to be placed in contact with specific external parts of the human body, namely the epidermis, eye brows and eye lashes, with a view to, exclusively or mainly, changing their appearance;</p> <p>3. Where the concentration of synthetic polymer microparticles covered by this entry cannot be determined by available analytical methods or accompanying documentation, in order to verify the compliance with the concentration limit referred to in paragraph 1, only the particles of at least the following size shall be taken into account:</p> <p>(a) 0,1 µm for any dimension, for particles where all dimensions are equal to or smaller than 5 mm;</p> <p>(b) 0,3 µm in length, for particles that have a length that is equal to or smaller than 15 mm and a length to diameter ratio greater than 3.</p>
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| | <p>4. Paragraph 1 shall not apply to the placing on the market of:</p> <ul style="list-style-type: none">(a) synthetic polymer microparticles, as substances on their own or in mixtures, for use at industrial sites;(b) medicinal products within the scope of Directive 2001/83/EC and veterinary medicinal products within the scope of Regulation (EU) 2019/6 of the European Parliament and of the Council (*);(c) EU fertilising products within the scope of Regulation (EU) 2019/1009 of the European Parliament and of the Council (**);(d) food additives within the scope of Regulation (EC) No 1333/2008 of the European Parliament and of the Council (***);(e) in vitro diagnostic devices, including devices within the scope of Regulation (EU) 2017/746 of the European Parliament and of the Council (****);(f) food within the meaning of Article 2 of Regulation (EC) No 178/2002, not covered by point (d) of this paragraph, and feed as defined in Article 3(4) of that Regulation. <p>5. Paragraph 1 shall not apply to the placing on the market of the following synthetic polymer microparticles, as substances on their own or in mixtures:</p> <ul style="list-style-type: none">(a) synthetic polymer microparticles which are contained by technical means so that releases to the environment are prevented when used in accordance with the instructions for use during the intended end use;(b) synthetic polymer microparticles the physical properties of which are permanently modified during intended end use in such a way that the polymer no longer falls within the scope of this entry;(c) synthetic polymer microparticles which are permanently incorporated into a solid matrix during intended end use. <p>6. Paragraph 1 shall apply as follows regarding the following uses:</p> <ul style="list-style-type: none">(a) from 17 October 2029 to synthetic polymer microparticles for use in the encapsulation of fragrances;(b) from 17 October 2027 for “rinse-off products” as defined in point (1)(a) of the Preamble to Annexes II to VI to Regulation (EC) No 1223/2009 unless such products are covered by point (a) of this paragraph or contain synthetic polymer microparticles for use as an abrasive, i.e. namely to exfoliate, polish or clean (“microbeads”);(c) from 17 October 2035 for lip products as defined in point (1)(e) of the Preamble to Annexes II to VI to Regulation (EC) No 1223/2009, nail products as defined in point (1)(g) of the Preamble to Annexes II to VI to that Regulation, and make-up products within the scope of that Regulation, unless such products are covered by points (a) or (b) of this paragraph or contain microbeads; |
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- (d) from 17 October 2029 for leave-on products, as defined in point (1)(b) of the Preamble to Annexes II to VI to Regulation (EC) No 1223/2009, unless such products are covered by points (a) or (c) of this paragraph;
- (e) from 17 October 2028 for detergents, as defined in Article 2(1) of Regulation (EC) No 648/2004, waxes, polishes and air care products, unless those products are covered by point (a) of this paragraph or contain microbeads;
- (f) from 17 October 2029 for “devices”, within the scope of Regulation (EU) 2017/745 of the European Parliament and of the Council (****), unless those devices contain microbeads;
- (g) from 17 October 2028 for “fertilising products”, as defined in Article 2, point (1), of Regulation (EU) 2019/1009, which do not fall within the scope of that Regulation;
- (h) from 17 October 2031 for plant protection products within the meaning of Article 2(1) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council (*****), and seeds treated with those products, and biocidal products as defined in Article 3(1), point (a), of Regulation (EU) No 528/2012 of the European Parliament and of the Council (*****);
- (i) from 17 October 2028 for products for agricultural and horticultural uses not covered by points (g) or (h);
- (j) from 17 October 2031 for granular infill for use on synthetic sports surfaces.

7. From 17 October 2025 suppliers of synthetic polymer microparticles referred to in paragraph 4, point (a), shall provide the following information:
 - (a) instructions for use and disposal explaining to industrial downstream users how to prevent releases of synthetic polymer microparticles to the environment;
 - (b) the following statement: “The synthetic polymer microparticles supplied is subject to conditions laid down by entry 78 of Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council”;
 - (c) the information on quantity or, as applicable, concentration of synthetic polymer microparticles in the substance or mixture;
 - (d) generic information on the identity of the polymers contained in the substance or mixture that enables manufacturers, industrial downstream users and other suppliers to comply with their obligations laid down in paragraphs 11 and 12.
8. From 17 October 2026 suppliers of products containing synthetic polymer microparticles referred to in paragraph 4, point (e), and from 17 October 2025 suppliers of products containing synthetic polymer microparticles referred to in paragraph 4, point (d), and paragraph 5, shall provide instructions for use and disposal explaining to professional users and the general public how to prevent releases of synthetic polymer microparticles to the environment.

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9. From 17 October 2031 until 16 October 2035 suppliers of products referred to in paragraph 6, point (c), containing synthetic polymer microparticles shall provide the following statement: “This product contains microplastics.” However, products placed on the market before 17 October 2031 are not required to bear that statement until 17 December 2031.
 10. The information referred to in paragraphs 7, 8 and 9 shall be provided in the form of clearly visible, legible and indelible text or, where appropriate regarding the information in paragraphs 7 and 8, in the form of pictograms. The text or pictograms shall be placed on the label, the packaging, or the package leaflet of the products containing synthetic polymer microparticles or, regarding the information in paragraph 7, on the safety data sheet. In addition to the text or pictograms, suppliers may provide a digital tool that gives access to an electronic version of that information. Where instructions for use and disposal are provided in accordance with paragraphs 7, 8 and 9 in the form of a text, they shall be in the official languages of the Member States where the substance or mixture is placed on the market, unless the Member States concerned provide otherwise.
 11. Starting from 2026 manufacturers and industrial downstream users of synthetic polymer microparticles in the form of pellets, flakes, and powders used as feedstock in plastic manufacturing at industrial sites, and, starting from 2027, other manufacturers of synthetic polymer microparticles and other industrial downstream users using synthetic polymer microparticles at industrial sites shall submit the following information to the Agency by 31 May of each year:
 - (a) a description of the uses of synthetic polymer microparticles in the previous calendar year;
 - (b) for each use of synthetic polymer microparticles, generic information on the identity of the polymers used;
 - (c) for each use of synthetic polymer microparticles, an estimate of the quantity of synthetic polymer microparticles released to the environment in the previous calendar year, which shall include also the quantity of synthetic polymer microparticles released to the environment during transportation.
 - (d) for each use of synthetic polymer microparticles, a reference to the derogation laid down in paragraph 4, point (a).
 12. From 2027, suppliers of products containing synthetic polymer microparticles referred to in paragraphs 4, points (b), (d) and (e), and paragraph 5, placed on the market for the first time to professional users and the general public, shall submit the following information to the Agency by 31 May of each year:
 - (a) a description of the end uses for which the synthetic polymer microparticles were placed on the market in the previous calendar year;
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	<p>(b) for each end use for which the synthetic polymer microparticles were placed on the market, generic information on the identity of the polymers placed on the market in the previous calendar year;</p> <p>(c) for each end use for which the synthetic polymer microparticles were placed on the market, an estimate of the quantity of synthetic polymer microparticles released to the environment in the previous calendar year, which shall include also the quantity of synthetic polymer microparticles released to the environment during transportation.</p> <p>(d) for each use of synthetic polymer microparticles, a reference to the applicable derogation or derogations laid down in paragraph 4, point (b), (d) or (e), or 5 point (a), (b) or (c).</p> <p>13. The Agency shall make the information submitted under paragraphs 11 and 12 available to the Member States.</p> <p>14. Manufacturers, importers and industrial downstream users of products containing synthetic polymer microparticles shall provide specific information on the identity of polymers covered by this entry contained in those products and the function of those polymers in the products to competent authorities upon their request. The specific information on the polymer identity shall be sufficient to unequivocally identify polymers and shall at least include the information laid down in points 2.1 to 2.2.3 and points 2.3.5, 2.3.6 and 2.3.7 of Annex VI, where applicable. If the information is not available to industrial downstream users, they shall request it from their supplier within 7 days from the receipt of the request from the competent authorities and shall inform the authorities of the request made without delay. Having received the request referred to in the second subparagraph, the suppliers shall provide the requested information within 30 days to the industrial downstream user or directly to the competent authority requesting it. Where the supplier provides the information to the industrial downstream user, the industrial downstream user shall forward that information to the competent authorities without delay. Where the supplier provides the information directly to the authority, it shall without delay inform the industrial downstream user concerned to that effect.</p> <p>15. Manufacturers, importers and industrial downstream users of products containing polymers claimed to be excluded from the designation of synthetic polymer microparticles on grounds of degradability or solubility shall provide, without delay, information proving that those polymers are degradable in accordance with Appendix 15 or soluble in accordance with Appendix 16, as applicable, to competent authorities upon their request.</p>
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| | <p>16. Paragraph 1 shall not apply to placing on the market of synthetic polymers microparticles, on their own or in mixtures, placed on the market before 17 October 2023.</p> <p>However, the first subparagraph shall not apply to the placing on the market of synthetic polymers microparticles for uses listed in paragraph 6.</p> |
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- (*) Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43).
- (**) Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No 2003/2003 (OJ L 170, 25.6.2019, p. 1).
- (***) Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).
- (****) Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).
- (*****) Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117 5.5.2017, p. 1).
- (*****') 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).
- (*****') Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).'

(2) the following Appendices 15 and 16 are added:

Appendix 15

Entry 78 – Rules on proving degradability

This appendix lays down the rules for proving degradability of polymers for the purposes of entry 78, namely the permitted test methods and the pass criteria for those methods. The test methods were designed to measure biotic degradation, although it cannot be excluded that some abiotic degradation takes place during the test and contributes to the test results.

The tests shall be conducted by laboratories complying with the principles of good laboratory practice provided for in Directive 2004/10/EC or other international standards recognised as being equivalent by the Commission or the Agency or accredited to ISO 17025.

1. Test methods

The permitted test methods are organised into five groups, on the basis of their design and underlying rationale. Meeting the pass criteria in any of the permitted test methods in groups 1 to 3 is sufficient to demonstrate that the polymer or polymers contained in the tested material and subject to the test are degradable and are therefore excluded from the scope of entry 78. Where group 4 or group 5 tests are used to demonstrate degradability of polymers for uses other than agricultural and horticultural uses, the pass criteria shall be met in three environmental compartments chosen as follows:

Compartment 1: fresh, estuarine or marine water;

Compartment 2:

(a) fresh, estuarine or marine sediment; or

(b) fresh, estuarine or marine water/sediment interface

Compartment 3: soil.

1.1. Group 1. Screening test methods and pass criteria to demonstrate ready biodegradation

1.1.1. Permitted test methods in group 1:

T1. "Ready Biodegradability" (OECD TG 301 B, C, D, F)

T2. "Ready Biodegradability – CO₂ in sealed vessels (Headspace Test)" (OECD TG 310).

1.1.2. Pass criteria: 60 % mineralisation measured, over 28 days, as evolved CO₂ or consumed O₂. The 10-day window requirement mentioned in the T1 and T2 test guidelines does not need to be fulfilled.

1.2. Group 2. Modified and enhanced screening test methods and pass criteria to demonstrate ready biodegradation

1.2.1. Permitted test methods in group 2:

T1. "Ready Biodegradability" (OECD TG 301 B, C, D, F);

T2. "Ready Biodegradability – CO₂ in sealed vessels (Headspace Test)" (OECD TG 310);

T3. "Biodegradability in Seawater" (OECD TG 306).

1.2.2. For group 2 test methods, the test duration can be extended to up to 60 days and larger test vessels used.

1.2.3. Pass criteria: 60 % mineralisation measured, over 60 days, as consumed O₂ (allowed for T1 and T2 tests only) or evolved CO₂. The 10-day window requirement mentioned in the T1 and T2 test guidelines does not need to be fulfilled.

1.3. Group 3. Screening test method and pass criteria to demonstrate inherent degradation

1.3.1. Permitted test method in group 3:

T4. "Inherent Biodegradability: modified MITI Test (II)" (OECD 302C).

- 1.3.2. The pre-adaptation of the inoculum mentioned in the T4 test guideline shall not be allowed.
- 1.3.3. Pass criteria: $\geq 70\%$ mineralisation measured as consumed O_2 or evolved CO_2 within 14 days.
- 1.4. *Group 4. Screening test methods and pass criteria to demonstrate degradation relative to a reference material*
- 1.4.1. Permitted test methods in group 4:
- T5. "Determination of the ultimate aerobic biodegradability of plastic materials in an aqueous medium – Method by analysis of evolved carbon dioxide." (EN ISO 14852:2021);
 - T6. "Determination of the ultimate aerobic biodegradability of plastic materials in an aqueous medium – Method by measuring the oxygen demand in a closed respirometer." (EN ISO 14851:2019);
 - T7. "Plastics – Determination of aerobic biodegradation of non-floating plastic materials in seawater/sediment interface – Method by analysis of evolved carbon dioxide" (EN ISO 19679:2020);
 - T8. "Plastics – Determination of aerobic biodegradation of non-floating plastic materials in seawater/sandy sediment interface – Method by measuring the oxygen demand in closed respirometer" (EN ISO 18830:2016);
 - T9. "Plastics – Determination of the ultimate aerobic biodegradability of plastic materials in soil by measuring the oxygen demand in a respirometer or the amount of carbon dioxide evolved" (EN ISO 17556:2019);
 - T10. "Plastics – Determination of the aerobic biodegradation of non-floating materials exposed to marine sediment – Method by analysis of evolved carbon dioxide" (ISO 22404:2019).
- 1.4.2. The specifications laid down in ISO 22403:2020 "Plastics – Assessment of the intrinsic biodegradability of materials exposed to marine inocula under mesophilic aerobic laboratory conditions – Test methods and requirements" shall be taken into account when applying T7 and T8.
- 1.4.3. For group 4 test methods, the pre-adaptation of the inoculum shall not be allowed. The result shall be reported as the maximum level of degradation determined from the plateau phase of the degradation curve, or as the highest value if the plateau has not been reached. The form, size and surface area of the reference material shall be comparable to that of the test material. The following materials may be used as reference materials:
- positive controls: biodegradable materials such as micro-crystalline cellulose powder, ashless cellulose filters or poly- β -hydroxybutyrate.
 - negative controls: non-biodegradable polymers such as polyethylene or polystyrene.
- 1.4.4. Pass criteria: ultimate degradation of $\geq 90\%$ relative to the degradation of the reference material within:
- 6 months in aquatic tests, or,
 - 24 months in soil, sediment or water/sediment interface tests.
- 1.5. *Group 5. Simulation test methods and pass criteria to demonstrate degradation under relevant environmental conditions*
- 1.5.1. Permitted test methods in group 5:
- T11. "Aerobic and Anaerobic Transformation in Soil" (OECD TG 307);
 - T12. "Aerobic and Anaerobic Transformation in Aquatic Sediment Systems" (OECD TG 308);
 - T13. "Aerobic Mineralisation in Surface Water – Simulation Biodegradation Test" (OECD TG 309)

1.5.2. The required test temperatures shall be 12 °C for fresh/estuarine water, fresh/estuarine water sediment and soil, and 9 °C for marine water and marine sediment because these are the average temperatures for those compartments in the Union.

1.5.3. Pass criteria:

- the degradation half-life in marine, fresh or estuarine water is less than 60 days;
- the degradation half-life in marine, fresh or estuarine sediment is less than 180 days;
- the degradation half-life in soil is less than 180 days.

2. Specific requirements for demonstrating the degradability of polymers in products for agricultural and horticultural applications

2.1. *Fertilising products containing polymers which are coating agents or increase the water retention capacity or the wettability of the product*

The degradability of polymers which are coating agents or increase the water retention capacity or the wettability in fertilising products, as defined in Article 2, point (1), of Regulation (EU) 2019/1009, which do not fall within the scope of that Regulation shall be demonstrated in accordance with the delegated acts referred to in Article 42(6) of that Regulation. In the case of absence of such delegated acts, such polymers shall not be placed on the market in fertilising products which do not fall within the scope of Regulation (EU) 2019/1009 after 17 October 2028.

2.2. *Agricultural and horticultural products other than fertilising products referred to in paragraph 2.1*

Where group 4 or group 5 test methods are used, the degradability of polymers in products for agricultural or horticultural applications other than fertilising products referred to in point 2.1 shall be demonstrated in at least two environmental compartments chosen as follows:

Compartment 1: fresh, estuarine or marine water;

Compartment 2: soil.

To be considered degradable for the scope of entry 78, a polymer in a product for agricultural or horticultural applications other than a fertilising product referred to in point 2.1 shall achieve 90 % degradation in:

- (a) soil within 48 months after the end of that product functionality period; the functionality period is the time following the product application during which the product exerts its function.
- (b) water within:
 - (i) 12 months plus the product functionality period, where group 4 test methods are used; or
 - (ii) 16 months plus the product functionality period, where group 5 test methods are used.

To this end, the pass criteria for group 4 and 5 test methods shall be modified to indicate the percentage of degradation (for group 4) or the half-life (for group 5) that needs to be observed at the end of the standard test duration in order to achieve the conditions laid down in the previous paragraph.

The modified pass criteria of group 4 and 5 test methods are set in Tables A and B, respectively.

Table A

Group 4 pass criteria for polymers in products for agricultural or horticultural applications, listed by duration of the functionality period (FP) and type of test

Test method	Criterion assessed	Pass criterion (FP = 0)	Pass criterion (1 month FP)	Pass criterion (2 month FP)	Pass criterion (3 month FP)	Pass criterion (6 month FP)	Pass criterion (9 month FP)
T9 (soil)	Target degradation after 24 months	≥ 68,4 %	≥ 67,6 %	≥ 66,9 %	≥ 66,2 %	≥ 64,1 %	≥ 62,1 %

T5 and T6 (surface water)	Target degrada- tion after 6 months	≥ 68,4 %	≥ 65,4 %	≥ 62,7 %	≥ 60,2 %	≥ 53,6 %	≥ 48,2 %
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Table B

Group 5 pass criteria for polymers in products for agricultural or horticultural applications, listed by duration of the functionality period (FP) and type of test

Test method	Criterion assessed	Pass criterion (FP = 0)	Pass criterion (1 month FP)	Pass criterion (2 month FP)	Pass criterion (3 month FP)	Pass criterion (6 month FP)	Pass criterion (9 month FP)
T11 (soil, 48 months + F-P)	Degradation half-life (DegT50)	DegT50 ≤ 440 days	DegT50 ≤ 449 days	DegT50 ≤ 458 days	DegT50 ≤ 467 days	DegT50 ≤ 495 days	DegT50 ≤ 522 days
T13 (surface water, 16 months + F-P)	Degradation half-life (DegT50)	DegT50 ≤ 147 days	DegT50 ≤ 156 days	DegT50 ≤ 165 days	DegT50 ≤ 174 days	DegT50 ≤ 202 days	DegT50 ≤ 229 days

For functionality periods not covered in Tables A or B, the pass criteria shall be calculated using the exponential decay formulas indicated below.

Group 4, T9 (soil):

The target degradation over 24 months (TD_{24m}) shall be calculated as follows:

$$TD_{24m} = 1 - \exp(-\lambda \times c \times 24)$$

Group 4, T5 and T6 (surface water)

The target degradation over 6 months (TD_{6m}) shall be calculated as follows:

$$TD_{6m} = 1 - \exp(-\lambda \times c \times 6)$$

Group 5, T11 (soil) and T13 (surface water):

The degradation half-life (DegT50) observed at the end of the group 5 test duration shall be calculated as follows:

$$\text{DegT50} = \ln(2)/\lambda$$

where:

c is the average number of days per month, calculated as:

$$c = 365,25/12$$

λ is the degradation rate, calculated as:

$$\text{for T9 and T11: } \lambda_{T9/T11} = \ln(0,1)/-t_{90,T9/T11}$$

$$\text{for T5 and T6: } \lambda_{T5/T6} = \ln(0,1)/-t_{90,T5/T6}$$

$$\text{for T13: } \lambda_{T13} = \ln(0,1)/-t_{90,T13}$$

t_{90} is the time- to- 90 %-degradation, calculated as:

for T9 and T11: $t_{90,T9/T11} = c \times (48 + FP)$

for T5 and T6: $t_{90,T5/T6} = c \times (12 + FP)$

for T13: $t_{90,T13} = c \times (16 + FP)$

FP is the functionality period, expressed in months.

3. Specific requirements for the test material to be used in degradation tests

The test shall be performed on a test material consisting of a polymer or polymers contained in or building a continuous coating on particles ("polymer particles") comparable in terms of composition, form, size and surface area to the polymer particles present in the product or, if not technically feasible, to the polymer particles that are disposed of or released to the environment.

By way of derogation from the first paragraph, polymers used for encapsulation may be tested in any of the following forms:

- in the form placed on the market;
- in the form of isolated coating;
- in the form placed on the market where the organic core of the material is replaced by an inert material such as glass.

The test material shall be of comparable thickness to the solid polymer coating of the particle placed on the market. When the degradation is assessed in relation to a reference material, as referred to in point 1.4.3, the form, size and surface area of the reference material shall be comparable to that of the test material.

Where the test material contains more than one polymer and test methods from groups 1, 2 or 3 are used to prove degradation, the degradation of each of the polymers shall be demonstrated in either of the following ways:

- separately testing the degradation of the test material and of each polymer in the test material using the permitted test methods and pass criteria set out in this Appendix,
- testing the degradation of the test material using the permitted test methods and pass criteria set out in this Appendix and, during testing, demonstrating, by any appropriate means, that all polymers in the test material contribute to the degradation observed during testing and that each polymer meets the pass criteria in the relevant permitted test method set out in this Appendix.

Where the test material is composed of a single polymer but contains other non-polymeric organic substances in concentration higher than 10 % by weight of the test material, and test methods from groups 1, 2 or 3 are used to prove degradation, either of the following conditions shall apply:

- the degradation of the test material and of the polymer in the test material shall be tested separately using the permitted test methods and pass criteria set out in this Appendix;
- the degradation of the test material shall be tested using the permitted test methods and pass criteria set out in this Appendix and, during testing, it shall be demonstrated, by any appropriate means, that the polymer contributes to the degradation of the test material observed during testing and meets the pass criteria in the relevant permitted test method set out in this Appendix.

*Appendix 16***Entry 78 – Rules on proving solubility**

This appendix lays down the permitted test methods and the test conditions to prove that a polymer is soluble for the purposes of entry 78. The tests shall be conducted by laboratories complying with the principles of good laboratory practice provided for in Directive 2004/10/EC or other international standards recognised as being equivalent by the Commission or the Agency or accredited to ISO 17025.

Permitted test methods:

1. OECD Guideline 120
2. OECD Guideline 105

The test shall be performed on a test material consisting of a polymer or polymers contained in or building a continuous coating on particles (“polymer particles”) comparable in terms of composition, form, size and surface area to the polymer particles present in the product or, if not technically feasible, to the polymer particles that are disposed of or released to the environment.

By way of derogation from the third paragraph, for polymer particles that have all dimensions greater than 0,25 mm or have a length to diameter ratio greater than 3 and are longer than 0,25 mm, the size of the polymer particles to be tested shall be reduced in accordance with OECD guideline 120, so that at least one dimension of the polymer particle or, for polymer particles that have a length to diameter ratio greater than 3 the length of the polymer particle, is between 0,125 mm and 0,25 mm. For polymer particles containing inorganic substances in addition to a polymer or polymers, such as polymer particles encapsulated with inorganic substances or polymer particles where a polymer is grafted onto an inorganic carrier, it shall be sufficient to demonstrate that the polymer meets the pass criterion. To this end, it is allowed to test the solubility of the polymer or the polymers prior to the formation of the polymer particles.

The conditions for the solubility test shall be the following:

- Temperature 20 °C
- pH 7
- Loading: 10 g/1 000 mL
- Test time: 24 h

Pass criterion: solubility > 2 g/L.’

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2056**of 26 September 2023****amending the implementing technical standards laid down in Commission Implementing Regulation (EU) No 945/2014 as regards an update of the list of relevant appropriately diversified indices in accordance with Regulation (EU) No 575/2013 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012 ⁽¹⁾, and in particular Article 344(1), third subparagraph thereof,

Whereas:

- (1) To ensure that the stock indices listed in the Annex to Commission Implementing Regulation (EU) No 945/2014 ⁽²⁾ continue to meet the conditions for their specific risk to be ignored, the European Banking Authority has reassessed the relevant indices in light of the latest available data, which is the data relative to the year 2022. That reassessment has shown the need to update the list of relevant appropriately diversified indices.
- (2) Implementing Regulation (EU) No 945/2014 should therefore be amended accordingly.
- (3) This Regulation is based on the draft implementing technical standards submitted to the Commission by the European Banking Authority.
- (4) The amendments to Implementing Regulation (EU) No 945/2014 do not arise because of changes to the assessment methodology applied. Hence, for the sole purpose of updating the list of relevant appropriately diversified indices, the European Banking Authority has neither conducted an open public consultation on the draft implementing technical standards on which this Regulation is based, nor analysed the potential related costs and benefits considering that such a consultation or analysis would be highly disproportionate in relation to the scope of the amendments introduced and impact of the draft implementing technical standards concerned. In fact, only a small number of indices should be removed from that list as a consequence of the reassessment, and such indices are in any case outnumbered by the new indices introduced,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) No 945/2014 is replaced by the text in the Annex to this Regulation.

⁽¹⁾ OJ L 176, 27.6.2013, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 945/2014 of 4 September 2014 laying down implementing technical standards with regard to relevant appropriately diversified indices according to Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 265, 5.9.2014, p. 3).

Article 2

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

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

Done at Brussels, 26 September 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

ANNEX

Stock indices meeting the requirements of Article 344 of Regulation (EU) No 575/2013

Index	Country/Area
1. STOXX Asia/Pacific 600	Asia/Pacific
2. ASX100	Australia
3. ATX	Austria
4. ATX Prime	Austria
5. BEL20	Belgium
6. SaoPaulo – Bovespa	Brazil
7. TSX60	Canada
8. CETOP20 Index	Central Europe
9. CSI 100 Index	China
10. CSI 300 Index	China
11. FTSE China A50 Index	China
12. Hang Seng Mainland 100 China	China
13. OMX Copenhagen 25	Denmark
14. OMX Copenhagen Benchmark	Denmark
15. FTSE RAFI Developed 1000	Developed Markets
16. CECE Composite Index EUR	Eastern Europe
17. FTSE RAFI Emerging Markets	Emerging Markets
18. MSCI Emerging Markets 50	Emerging Markets
19. Cboe Eurozone 50	Europe
20. DJ Euro STOXX 50	Europe
21. FTSE All World Europe	Europe
22. FTSE Euro 100	Europe
23. FTSE Eurofirst 100	Europe
24. FTSE Eurofirst 300	Europe
25. FTSE Eurofirst 80	Europe
26. FTSE Eurotop 100	Europe
27. MSCI Euro	Europe
28. MSCI Europe	Europe
29. MSCI Pan-Euro	Europe
30. NTX New Europe Blue Chip	Europe
31. S&P Euro	Europe
32. S&P Europe 350	Europe
33. STOXX All Europe 100	Europe

34.	STOXX All Europe 800	Europe
35.	STOXX Europe 50	Europe
36.	STOXX Europe 600	Europe
37.	STOXX Europe 600 Equal Weight	Europe
38.	STOXX Europe Lrg 200	Europe
39.	STOXX Europe Mid 200	Europe
40.	STOXX Europe Small 200	Europe
41.	STOXX Select Dividend 30	Europe
42.	OMXH25	Finland
43.	CAC40	France
44.	Cboe France 40	France
45.	SBF 120	France
46.	Cboe Germany 40	Germany
47.	DAX	Germany
48.	HDAX	Germany
49.	MDAX	Germany
50.	SDAX	Germany
51.	FTSE RAFI All World	Global
52.	MSCI World Index	Global
53.	Athens General	Greece
54.	FT ASE Large Cap	Greece
55.	Hang Seng	Hong Kong
56.	Hang Seng China Enterprises	Hong Kong
57.	NIFTY 50	India
58.	S&P BSE 100	India
59.	ISEQ 20	Ireland
60.	Cboe Italy 40	Italy
61.	FTSE MIB	Italy
62.	Nikkei225	Japan
63.	Nikkei300	Japan
64.	TOPIX 400	Japan
65.	TOPIX Core 30	Japan
66.	S&P Latin America 40	Latin America
67.	FTSE Bursa Malaysia KLCI	Malaysia
68.	FTSE Bursa Malaysia Top100	Malaysia
69.	MSE Share Index	Malta
70.	INMEX Index	Mexico
71.	IPC Index	Mexico
72.	AEX	Netherlands

73.	AMX	Netherlands
74.	Cboe Netherlands 25	Netherlands
75.	NZSE50	New Zealand
76.	Cboe Norway 25	Norway
77.	OBX	Norway
78.	OBXP	Norway
79.	mWIG40	Poland
80.	WIG20	Poland
81.	MSCI Singapore Free Index	Singapore
82.	Straits Times Index	Singapore
83.	FTSE JSE Top 40	South Africa
84.	Cboe Spain 35	Spain
85.	IBEX35	Spain
86.	Cboe Sweden 30	Sweden
87.	OMX Stockholm 30	Sweden
88.	Cboe Switzerland 20	Switzerland
89.	SMI	Switzerland
90.	SMI MID	Switzerland
91.	SET 50	Thailand
92.	Cboe UK 100	UK
93.	FTSE 100	UK
94.	FTSE AIM 100	UK
95.	FTSE AIM UK 50	UK
96.	FTSE Fledgling	UK
97.	FTSE mid-250	UK
98.	FTSE Small Cap	UK
99.	Dow Jones Ind. Av.	USA
100.	NASDAQ 100	USA
101.	S&P 500	USA'

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2057**of 26 September 2023****amending Annexes VII and VIII to Implementing Regulation (EU) 2021/620 as regards the approval or withdrawal of the disease-free status of certain Member States or zones thereof as regards certain listed diseases and the approval of eradication programmes for certain listed diseases****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Articles 31(3) and 36(4) thereof,

Whereas:

- (1) Regulation (EU) 2016/429 lays down disease-specific rules for the diseases listed in accordance with Article 5(1) thereof and lays down how those rules are to be applied to different categories of listed diseases. Regulation (EU) 2016/429 provides for the Member States to establish compulsory eradication programmes for the listed diseases referred to in Article 9(1), point (b), thereof, and for optional eradication programmes for listed diseases referred to in Article 9(1), point (c), thereof, and for the approval of such programmes by the Commission. That Regulation also provides for the approval or withdrawal by the Commission of the disease-free status of Member States or zones or compartments thereof regarding certain listed diseases referred to in Article 9(1), points (b) and (c), thereof.
- (2) Commission Delegated Regulation (EU) 2020/689 ⁽²⁾ supplements Regulation (EU) 2016/429 and lays down the criteria for granting, maintaining, suspending, and withdrawing disease-free status for Member States or zones or compartments thereof, and the requirements for the approval of compulsory or optional eradication programmes for Member States or zones or compartments thereof.
- (3) Commission Implementing Regulation (EU) 2021/620 ⁽³⁾ lays down implementing rules for the listed diseases referred to in Article 9(1), points (a), (b) and (c), of Regulation (EU) 2016/429 of animals, as regards the disease-free and non-vaccination status of certain Member States or zones or compartments thereof, and the approval of eradication programmes for those listed diseases. More particularly, it lists in the Annexes thereto, the Member States or zones or compartments thereof with disease-free status and it also lists the existing approved compulsory or optional eradication programmes. The changing epidemiological situation of certain diseases makes it necessary to amend certain Annexes to Implementing Regulation (EU) 2021/620 to list new disease-free Member States or zones thereof and to approve certain compulsory or optional eradication programmes submitted to the Commission.
- (4) For BVD, Germany has submitted to the Commission information demonstrating that the conditions for recognition of disease-free status from BVD laid down in Delegated Regulation (EU) 2020/689 are fulfilled in the whole territory in the state of Bavaria, in most of the territory in the state of Lower Saxony except the regions of Cuxhaven, Göttingen, Northeim, Oldenburg and Stade, and in most of the territory in the state of North Rhine-Westphalia except the regions of Borken, Gütersloh, Höxter, Kleve and Paderborn, and in most of the territory in the state of

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/689 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for surveillance, eradication programmes, and disease-free status for certain listed and emerging diseases (OJ L 174, 3.6.2020, p. 211).

⁽³⁾ Commission Implementing Regulation (EU) 2021/620 of 15 April 2021 laying down rules for the application of Regulation (EU) 2016/429 of the European Parliament and of the Council as regards the approval of the disease-free and non-vaccination status of certain Member States or zones or compartments thereof as regards certain listed diseases and the approval of eradication programmes for those listed diseases (OJ L 131, 16.4.2021, p. 78).

Schleswig-Holstein except the region of Rendsburg-Eckernförde. Following the assessment by the Commission, those applications have been shown to comply with the criteria laid down in Part II, Chapter 4, of Delegated Regulation (EU) 2020/689 for the granting of disease-free status from BVD. Therefore, those zones should be listed in Part I of Annex VII to Implementing Regulation (EU) 2021/620, as having disease-free status from BVD.

- (5) As regards infection with BTV, Luxembourg has submitted to the Commission information demonstrating that the conditions for recognition of disease-free status from infection with BTV are fulfilled for the whole territory of Luxembourg. Following the assessment by the Commission, that application has been shown to comply with the criteria laid down in Part II, Chapter 4, of Delegated Regulation (EU) 2020/689 for the granting of disease-free status from infection with BTV. Therefore, Luxembourg should be listed as free from infection with BTV in Part I of Annex VIII to Implementing Regulation (EU) 2021/620.
- (6) Annexes VII and VIII to Implementing Regulation (EU) 2021/620 should therefore be amended accordingly.
- (7) 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 VII and VIII to Implementing Regulation (EU) 2021/620 are amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 26 September 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes VII and VIII to Implementing Regulation (EU) 2021/620 are amended as follows:

(1) Annex VII is amended as follows:

(a) in Part I, the entry for Germany is replaced by the following:

Member State	Territory
'Germany	Bundesland Baden-Württemberg Bundesland Bayern Bundesland Brandenburg Bundesland Bremen Bundesland Hamburg Bundesland Hessen Bundesland Mecklenburg-Vorpommern Bundesland Niedersachsen, except Landkreis Cuxhaven, Göttingen, Northeim, Oldenburg, Stade Bundesland Nordrhein-Westfalen, except Kreis Borken, Gütersloh, Höxter, Kleve, Paderborn Bundesland Schleswig-Holstein, except Kreis Rendsburg-Eckernförde Bundesland Rheinland-Pfalz Bundesland Saarland Bundesland Sachsen Bundesland Sachsen-Anhalt Bundesland Thüringen'

(b) in Part II, the entry for Germany is replaced by the following:

Member State	Territory	Date of initial approval as referred to in Article 15(2) of Delegated Regulation (EU) 2020/689
'Germany	Bundesland Berlin Bundesland Niedersachsen: Landkreis Cuxhaven, Göttingen, Northeim, Oldenburg, Stade Bundesland Nordrhein-Westfalen: Kreis Borken, Gütersloh, Höxter, Kleve, Paderborn Bundesland Schleswig-Holstein: Kreis Rendsburg-Eckernförde	21 February 2022'

(2) in Annex VIII, in Part I, the following entry for Luxembourg is inserted between the entries for Lithuania and Hungary:

Member State	Territory
'Luxembourg	Whole territory'

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2058**of 26 September 2023****laying down specific rules for the application of Regulation (EU) 2023/1231 of the European Parliament and of the Council on the special rates of official controls and the model general certificate for the entry into Northern Ireland from other parts of the United Kingdom of consignments of certain retail goods****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2023/1231 of the European Parliament and of the Council of 14 June 2023 on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals into Northern Ireland ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Regulation (EU) 2023/1231 lays down specific rules relating to, *inter alia*, the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of products of animal or plant origin, plants other than plants intended for planting, ready-to-sell pet food and dog chews, composite products, other food and food contact materials ('the retail goods') for placing on the market in Northern Ireland for the final consumer.
- (2) More particularly, Articles 4 and 5 of Regulation (EU) 2023/1231 provide that certain consignments of retail goods are to be subject to specific rules on special rates of official controls and a general certificate for their entry into Northern Ireland from other parts of the United Kingdom and their placing on the market in Northern Ireland, only where certain conditions are fulfilled, including written guarantees to be provided by the United Kingdom in accordance with Article 4(1), point (g), and Article 5(1), point (f), of that Regulation.
- (3) The specific rules cover the application of frequency rates for documentary, identity and physical checks on those consignments, and the model of the general certificate required to accompany those consignments and be presented at the sanitary and phytosanitary (SPS) Inspection Facilities of first arrival in Northern Ireland.
- (4) The written guarantees are to ensure that effective official controls on consignments of retail goods at SPS Inspection Facilities of first arrival in Northern Ireland that comply with the requirements set out in Annex II to Regulation (EU) 2023/1231 are carried out in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council ⁽²⁾, and that official controls, evidenced through a control plan, and monitoring in accordance with the requirements set out in Part 1 of Annex III to Regulation (EU) 2023/1231 are carried out covering the movements of those consignments from the SPS Inspection Facilities of first arrival in Northern Ireland to the listed establishments of destination to ensure that those consignments are solely intended for retail sale at listed establishments in Northern Ireland and will not be subsequently moved to a Member State.
- (5) The United Kingdom, in its letter of 4 September 2023, states that SPS Inspection Facilities of first arrival in Northern Ireland will comply with the requirements set out in Part 1 of Annex II to Regulation (EU) 2023/1231 by 1 October 2023.

⁽¹⁾ OJ L 165, 29.6.2023, p.103.

⁽²⁾ 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) (OJ L 95, 7.4.2017, p. 1).

- (6) The United Kingdom, in its letters of 4 and 7 September 2023, further states that from 1 October 2023 effective official controls on consignments of retail goods will be carried out at SPS Inspection Facilities of first arrival in Northern Ireland in accordance with Regulation (EU) 2017/625 and official controls and monitoring in accordance with the requirements set out in Part 1 of Annex III to Regulation (EU) 2023/1231 will be carried out covering the movements of those consignments from the SPS Inspection Facilities of first arrival in Northern Ireland to the listed establishment of destination.
- (7) In accordance with Article 4(3) of Regulation (EU) 2023/1231, the Commission services carried out a Commission control in Northern Ireland from 11 to 14 September 2023 on the verification of compliance of the SPS Inspection Facilities in Northern Ireland with the requirements set out in Part 1 of Annex II to Regulation (EU) 2023/1231. The report of 15 September 2023 drawn up following that Commission control states that the SPS Inspection Facilities of Belfast Port, Larne Harbour and Warrenpoint Port comply with the relevant requirements set out in Part 1 of Annex II to Regulation (EU) 2023/1231.
- (8) As the United Kingdom has provided the necessary written guarantees, required by Article 4(1), point (g), and Article 5(1), point (f), of Regulation (EU) 2023/1231, it is appropriate to lay down the special rates of official controls on such consignments as well as the rules on those official controls and on the model general certificate for consignments of retail goods, including certain retail goods that are currently prohibited from entry into the Union.
- (9) Article 6(1) of Regulation (EU) 2023/1231 requires all retail goods to be marked. More particularly, it provides that certain retail goods are to be individually marked as from 1 October 2023, other retail goods from 1 October 2024, and other retail goods from 1 July 2025, to allow the adaptation of the supply chain in Northern Ireland to the specific rules laid down in Regulation (EU) 2023/1231. Article 4(3) of that Regulation requires that the rates of identity checks of retail goods are to be adapted depending on the extent to which different types of retail goods are individually marked. The detailed rules for identity checks on consignments of products of animal origin and goods laid down in Article 3(2) of Commission Implementing Regulation (EU) 2019/2130 ⁽³⁾ should not apply to identity checks on consignments of retail goods where the specific rules laid down by Regulation (EU) 2023/1231 apply, in order to ensure a consistent application of that Regulation for those retail goods.
- (10) In the interest of legal certainty and to avoid unnecessary trade disruptions, this Regulation should take effect as a matter of urgency.
- (11) The obligation to mark retail goods in accordance with Annex IV to Regulation (EU) 2023/1231 applies from 1 October 2023. This Regulation should therefore apply from 1 October 2023, to ensure consistency and legal certainty and avoid unnecessary trade disruptions.
- (12) 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 and scope

1. This Regulation lays down special rates of official controls, and the rules on those official controls and on the model general certificate for the entry into Northern Ireland from other parts of the United Kingdom and the placing on the market in Northern Ireland of consignments of the following retail goods falling within the scope of Regulation (EU) 2023/1231:

- (a) products of animal or plant origin, plants other than plants intended for planting, and ready-to-sell pet food and dog chews;
- (b) composite products;

⁽³⁾ Commission Implementing Regulation (EU) 2019/2130 of 25 November 2019 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts (OJ L 321, 12.12.2019, p. 128).

- (c) food;
 - (d) food contact materials.
2. The rules referred to in paragraph 1 cover:
- (a) the frequency of the special rates of official controls and requirements for documentary, identity and physical checks on the consignments referred to in that paragraph;
 - (b) the establishment of a model form of the general certificate required to accompany those consignments and to be presented at SPS Inspection Facilities of first arrival in Northern Ireland.

Article 2

Documentary checks at SPS Inspection Facilities

The competent authorities at SPS Inspection Facilities of first arrival in Northern Ireland shall carry out documentary checks of all general certificates and other documents accompanying all consignments of retail goods referred to in Article 1 entering into Northern Ireland from other parts of the United Kingdom.

Article 3

Special rates of official controls and requirements for identity and physical checks at SPS Inspection Facilities

1. Identity checks, including checks for compliance with the requirements to be prepacked and bear a marking referred to in Article 4(1), point (a), and Article 5(1), point (a), of Regulation (EU) 2023/1231, shall be performed at SPS Inspection Facilities of first arrival in Northern Ireland at a frequency rate of 10 % on all consignments of retail goods referred to in Article 1, other than those referred to in paragraph 2 of this Article.

For the purpose of the identity checks referred to in the first subparagraph of this paragraph, Article 3(2) of Implementing Regulation (EU) 2019/2130 shall not apply.

Physical checks, in conjunction with the identity checks referred to in the first subparagraph of this paragraph, shall be carried out to fulfil the objectives of the written guarantees referred to in Article 4(1), point (g), and Article 5(1), point (f), of Regulation (EU) 2023/1231, using, in particular, a risk-based and intelligence-led approach.

2. Identity checks on consignments of plants other than plants intended for planting, referred to in Article 2(2), point (b), of Regulation (EU) 2023/1231, shall be performed at a frequency rate of 1 %.

Physical checks, in conjunction with the identity checks referred to in the first subparagraph of this paragraph, shall be carried out to fulfil the objectives of the written guarantees referred to in Article 4(1), point (g), and Article 5(1), point (f), of Regulation (EU) 2023/1231, using, in particular, a risk-based and intelligence-led approach.

Article 4

Simplified general certification requirements

1. All consignments of retail goods referred to in Article 1 entering into Northern Ireland from other parts of the United Kingdom shall be accompanied by a general certificate, drawn up in accordance with the model Retail NI set out in the Annex.

2. The general certificate for the retail goods contained in the same consignment, referred to in paragraph 1, shall be supplemented by a description of the retail goods included in the consignment.

The description referred to in the first subparagraph shall be included in an additional document attached to the general certificate, which may be in paper or electronic form. It shall provide details of:

- (a) the nature of each product in the consignment, and any treatment each product has undergone;
- (b) the number of packages in the consignment and its net weight;
- (c) the registration or approval number of the listed establishment of dispatch and of destination in Northern Ireland.

Article 5

Entry into force and application

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

This Regulation shall apply from 1 October 2023.

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

Done at Brussels, 26 September 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Model general certificate for the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, delivered directly to listed establishments in Northern Ireland (Model Retail NI)

Place of origin: PARTS OF THE UNITED KINGDOM OTHER THAN NORTHERN IRELAND			Retail in Northern Ireland			
Part I: Details of dispatched consignment	I.1. Consignor Name Address Tel.		I.2. Certificate reference number	I.2.a		
	I.3. Central Competent Authority					
	I.4. Local Competent Authority					
	I.5. Consignee Name Address Tel.		I.6. Operator responsible for the consignment Name Address Tel.			
	I.7. Place of origin	ISO code GB	I.8.	I.9. Place of destination	ISO code XI	I.10.
	Parts of the United Kingdom other than Northern Ireland			Northern Ireland		
	I.11. Place of dispatch Name Registration/Approval number Address			I.12. Place of destination Name Registration/Approval number Address		
	I.15. Means of transport Road vehicle <input type="checkbox"/> Identification Documentary references			I.16. Entry SPS Inspection Facility in Northern Ireland		
				I.17.		
	I.18 Transport conditions Ambient <input type="checkbox"/> Chilled <input type="checkbox"/> Frozen <input type="checkbox"/>					
I.19. Container/seal number			I.24.			
I.22. For entry into Northern Ireland <input type="checkbox"/>						

Place of origin: PARTS OF THE UNITED KINGDOM OTHER THAN NORTHERN IRELAND		Retail NI	
Part II: Certification	II.1. Health information	II.a. Certificate reference number	II.b.
	<p>This certificate must only be used for the entry into Northern Ireland from other parts of the United Kingdom of retail goods delivered directly to listed establishments in Northern Ireland in compliance with the rules laid down in Articles 4 to 9 of Regulation (EU) 2023/1231 of the European Parliament and of the Council.</p> <p>II.2. Health attestation</p> <p>I, the undersigned, take full responsibility in certifying that the retail goods ⁽¹⁾ described in Part I of this certificate comply with the relevant Union requirements as regards animal health, plant health and animal by-products rules.</p> <p>II.3. Illegal, Unreported and Unregulated fishing attestation</p> <p>I, the undersigned, take full responsibility in certifying that the retail goods ⁽¹⁾ described in Part I of this certificate respect the notion of illegal, unreported and unregulated fishing as defined in Article 2, points (1) to (4), of Council Regulation (EC) No 1005/2008.</p> <p>Notes</p> <p>Part I:</p> <p>— Box reference I.1: Indicate the name and identification number of the listed establishment.</p> <p>— Box reference I.5: Indicate the name and identification number of the listed establishment.</p> <p>— The description of the retail goods (nature of products, type of treatment, registration/approval number of listed establishments, number of packages, net weight) is provided in an additional document, in paper or electronic form. The number of packages and the net weight in the description of the retail goods are indicated under the responsibility of the operator.</p> <p>Part II:</p> <p>— This part does not apply to consignments of retail goods where the retail goods are only those referred to in footnote ⁽¹⁾, points (iv) and (v).</p> <p>⁽¹⁾ 'retail goods' means the following goods that are delivered at distribution terminals, including terminals distributing retail goods under controlled temperatures, supermarket distribution centres, wholesale outlets, points of sale, or that are delivered directly to the final consumer, including by catering operators at factory canteens, by institutional catering, by restaurants and by other similar food service operators and shops:</p> <ul style="list-style-type: none"> (i) products of animal or plant origin; (ii) plants other than plants intended for planting, as listed in Annex XI to Commission Implementing Regulation (EU) 2019/2072; (iii) composite products; (iv) food other than that referred to in points (i), (ii) and (iii); (v) food contact materials; (vi) ready-to-sell pet food and dog chews falling within the scope of Regulation (EC) No 1069/2009 of the European Parliament and of the Council. 		
Competent Authority			
Name (in capital letters)		Qualification and title	
Date		Signature	
Stamp			

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2059

of 26 September 2023

laying down rules for the application of Regulation (EU) 2023/1231 of the European Parliament and of the Council as regards the listing of certain rest-of-the-world commodities that may enter into Northern Ireland as retail goods from other parts of the United Kingdom and be placed on the market in Northern Ireland

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2023/1231 of the European Parliament and of the Council of 14 June 2023 on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals into Northern Ireland ⁽¹⁾, and in particular Article 9(4), point (a), thereof,

Whereas:

- (1) Regulation (EU) 2023/1231 lays down specific rules relating to, *inter alia*, the entry into Northern Ireland from other parts of the United Kingdom of consignments of certain retail goods for placing on the market in Northern Ireland for the final consumer, including specific rules for consignments of rest-of-the-world retail goods.
- (2) More specifically, Article 9(1), point (a), of Regulation (EU) 2023/1231 provides that rest-of-the-world retail goods consisting of commodities of animal or plant origin or composite products subject to the animal health or plant health rules referred to in Article 1(2), points (d), (e) and (g), of Regulation (EU) 2017/625 of the European Parliament and of the Council ⁽²⁾ ('the rest-of-the-world commodities') may enter into Northern Ireland from other parts of the United Kingdom and be placed on the market in Northern Ireland in accordance with Article 4 of Regulation (EU) 2023/1231 only if the United Kingdom provides written evidence that the import conditions and official controls requirements provided for in Regulations (EC) No 1069/2009 ⁽³⁾, (EU) 2016/429 ⁽⁴⁾ and (EU) 2016/2031 ⁽⁵⁾ of the European Parliament and of the Council, in Regulation (EU) 2017/625, and in the Commission acts adopted pursuant to those Regulations apply to those commodities under the national law of the United Kingdom, and those import conditions and official controls requirements are effectively implemented by the United Kingdom ('the written evidence').

⁽¹⁾ OJ L165, 29.6.2023, p. 103.

⁽²⁾ 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) (OJ L 95, 7.4.2017, p. 1).

⁽³⁾ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300 14.11.2009, p. 1).

⁽⁴⁾ Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (OJ L 84, 31.3.2016, p. 1).

⁽⁵⁾ Regulation (EU) 2016/2031 of the European Parliament and of 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 (OJ L 317, 23.11.2016, p. 4).

- (3) Article 9(4), point (a), of Regulation (EU) 2023/1231 provides that where the Commission has received the written evidence, it may adopt an implementing act listing the rest-of-the-world commodities that may enter into Northern Ireland as retail goods from other parts of the United Kingdom and be placed on the market in Northern Ireland.
- (4) By letters dated 4, 7 and 12 September 2023, the United Kingdom provides the written evidence that import conditions and official controls requirements provided for in Regulations (EC) No 1069/2009, (EU) 2016/429 and (EU) 2017/625 and related to meat and edible offal of sheep originating in New Zealand and to pet food and dog chews originating in authorised third countries as listed in Chapter II, Section 1, Table 2, No 12 of Annex XIV to Commission Regulation (EU) No 142/2011 ⁽⁶⁾ apply under its national law and these import conditions and official controls requirements related to these commodities are effectively implemented by the United Kingdom.
- (5) It is therefore appropriate to list the rest-of-the-world commodities, identified by their Combined Nomenclature codes, established by Council Regulation (EEC) No 2658/87 ⁽⁷⁾, and listed with their third country of origin, that may enter into Northern Ireland as retail goods from other parts of the United Kingdom, and be placed on the market in Northern Ireland.
- (6) In the interest of legal certainty and to avoid unnecessary trade disruptions, this Regulation should take effect as a matter of urgency.
- (7) The obligation to mark retail goods in accordance with Annex IV to Regulation (EU) 2023/1231 applies from 1 October 2023. This Regulation should therefore apply from 1 October 2023 to ensure consistency and legal certainty and avoid unnecessary trade disruptions.
- (8) 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 and scope

This Regulation establishes the list of rest-of-the-world commodities of animal or plant origin or composite products subject to the animal health or plant health rules referred to in Article 1(2), points (d), (e) and (g), of Regulation (EU) 2017/625 and their third country of origin, that may enter into Northern Ireland as retail goods from other parts of the United Kingdom, and be placed on the market in Northern Ireland in accordance with Article 4 of Regulation (EU) 2023/1231 ('the rest-of-the-world commodities').

Article 2

Rest-of-the-world commodities listed in the Annex

The rest-of-the-world commodities listed in the Annex may enter into Northern Ireland as retail goods from other parts of the United Kingdom and be placed on the market in Northern Ireland.

⁽⁶⁾ Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regard animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

⁽⁷⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

*Article 3***Entry into force and application**

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

This Regulation shall apply from 1 October 2023.

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

Done at Brussels, 26 September 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

List of rest-of-the-world commodities that may enter into Northern Ireland as retail goods from other parts of the United Kingdom and be placed on the market in Northern Ireland (referred to in Article 2)

Row	Commodities (*)	CN code (**)	Model animal health certificate/official certificate/official statement (***)	Third country of origin
Category of commodities				
Goods of animal origin				
1	Meat and edible offal of sheep, fresh, chilled or frozen	0204 10 00 0204 21 00 0204 22 10 0204 22 30 0204 22 50 0204 22 90 0204 23 00 0204 42 10 0204 42 30 0204 42 50 0204 42 90 0204 43 10 0204 43 90		New Zealand
2	Pet food and dog chews	0401 0402 0403 0404 0408 0504 0505 0506 0508 0511 1501 1502 1503 1504 2301 2309 2835 25 2835 26 3501 3502 3503 3504 4101 4205	— Health certificate set out in Chapter 3(A) of Annex XV to Commission Regulation (EU) No 142/2011 ⁽¹⁾ — Health certificate set out in Chapter 3(B) of Annex XV to Regulation (EU) No 142/2011 — Health certificate set out in Chapter 3(C) of Annex XV to Regulation (EU) No 142/2011 — Health certificate set out in Chapter 3(D) of Annex XV to Regulation (EU) No 142/2011	Authorised third countries as listed in Chapter II, Section 1, Table 2, No 12 of Annex XIV to Regulation (EU) No 142/2011

⁽¹⁾ Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

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

⁽³⁾ Council Decision 87/369/EEC of 7 April 1987 concerning the conclusion of the International Convention on the Harmonized Commodity Description and Coding System and of the Protocol of Amendment thereto (OJ L 198, 20.7.1987, p. 1).

Notes

- (*) The description of the commodities listed in the table in this Annex shall be as laid down in the description column of the Combined Nomenclature (CN), established by Council Regulation (EEC) No 2658/87 and approved by Council Decision 87/369/EEC. The CN is based on the International Convention on Harmonized Commodity Description and Coding System (HS) concluded in Brussels on 14 June 1983.

Without prejudice to the rules for the interpretation of the CN laid down in Regulation (EEC) No 2658/87, the wording for the description of the commodities in the table in this Annex shall be considered to be of indicative value only since the commodities covered by the list in the table in this Annex shall be determined by CN codes.

- (**) This column indicates the CN code.

- (***) This column indicates the model animal health certificate/official certificate/official statement required to accompany the consignment of the rest-of-the-world commodities in accordance with Union legislation.
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COMMISSION IMPLEMENTING REGULATION (EU) 2023/2060**of 26 September 2023****laying down rules for the application of Regulation (EU) 2023/1231 of the European Parliament and of the Council as regards the listing of the flag States of fishing vessels catching fishery products that may enter into Northern Ireland from other parts of the United Kingdom and be placed on the market in Northern Ireland as retail goods****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2023/1231 of the European Parliament and of the Council of 14 June 2023 on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals into Northern Ireland ⁽¹⁾, and in particular Article 9(4), point (b), thereof,

Whereas:

- (1) Regulation (EU) 2023/1231 lays down specific rules relating to, inter alia, the entry into Northern Ireland from other parts of the United Kingdom of consignments of certain retail goods for placing on the market in Northern Ireland for the final consumer.
- (2) In particular, Article 9 of Regulation (EU) 2023/1231 lays down specific rules for consignments of rest-of-the-world retail goods. Article 9(2), point (b), of that Regulation provides that fishery products caught by a fishing vessel flying the flag of a third country other than the United Kingdom ('the flag State'), and imported into parts of the United Kingdom other than Northern Ireland, may enter into Northern Ireland from other parts of the United Kingdom as retail goods, and be placed on the market in Northern Ireland in accordance with Article 4 of that Regulation, only if the flag State of the fishing vessel concerned is listed in an implementing act adopted in accordance with Article 9(4) of that Regulation.
- (3) In addition, Article 9(2), point (a), of Regulation (EU) 2023/1231 provides that fishery products caught by a vessel of the flag State, and imported into parts of the United Kingdom other than Northern Ireland, may enter into Northern Ireland from other parts of the United Kingdom as retail goods, and be placed on the market in Northern Ireland in accordance with Article 4 of that Regulation, only if the United Kingdom provides written evidence that import conditions, official controls and verification requirements apply under its national law, thereby ensuring that fishery products obtained from illegal, unreported and unregulated fishing ('IUU fishing') as defined in Article 2 of Council Regulation (EC) No 1005/2008 ⁽²⁾ and in the Union acts adopted pursuant to Regulation (EC) No 1005/2008 are not imported into the United Kingdom, and that those import conditions, official controls and verification requirements are effectively implemented by the United Kingdom ('the written evidence').
- (4) Regulation (EC) No 1005/2008 establishes a Union system to prevent, deter and eliminate IUU fishing, and Article 12(1) thereof prohibits the importation into the Union of fishery products obtained from IUU fishing. In addition, Article 20 of that Regulation lays down rules for the notification to the Commission from third country flag States for the purpose of the acceptance of catch certificates validated by such flag States to ensure, inter alia, that consignments of fishery products entering the Union from third countries comply with that prohibition.

⁽¹⁾ OJ L 165, 29.6.2023, p. 103.

⁽²⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

- (5) Council Implementing Decision 2014/170/EU ⁽³⁾ establishes a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008.
- (6) Article 9(4), point (b), of Regulation (EU) 2023/1231 provides that where the Commission has received the written evidence, it may adopt an implementing act listing the flag States of the fishing vessel catching fishery products that may enter into Northern Ireland as retail goods from other parts of the United Kingdom, and be placed on the market in Northern Ireland.
- (7) By letter dated 4 September 2023, the United Kingdom provides the written evidence that import conditions, official controls and verification requirements apply under the national law of the United Kingdom and import conditions, official controls and verification requirements are effectively implemented by the United Kingdom.
- (8) As the United Kingdom has provided the necessary written evidence required by Article 9(2), point (a), of Regulation (EU) 2023/1231, it is appropriate to establish the list of flag States of fishing vessels catching fishery products that may enter into Northern Ireland from other parts of the United Kingdom and be placed on the market in Northern Ireland as retail goods, after having been imported into other parts of the United Kingdom. That list should take into account the notification requirement laid down in Article 20 of Regulation (EC) No 1005/2008, and the list of non-cooperating third countries established by Implementing Decision 2014/170/EU.
- (9) In the interest of legal certainty and to avoid unnecessary trade disruptions, this Regulation should take effect as a matter of urgency.
- (10) The obligation to mark retail goods in accordance with Annex IV to Regulation (EU) 2023/1231 applies from 1 October 2023. This Regulation should therefore apply from 1 October 2023 to ensure consistency and legal certainty and avoid unnecessary trade disruptions.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation establishes the list of third countries other than the United Kingdom which are flag States of fishing vessels catching fishery products that may enter into Northern Ireland from other parts of the United Kingdom and be placed on the market in Northern Ireland as retail goods in accordance with Article 4 of Regulation (EU) 2023/1231, after having been imported into other parts of the United Kingdom ('the list of flag States').

Article 2

List of flag States

The list of flag States is set out in the Annex.

⁽³⁾ Council Implementing Decision 2014/170/EU of 24 March 2014 establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 91, 27.3.2014, p. 43).

*Article 3***Entry into force and application**

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

This Regulation shall apply from 1 October 2023.

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

Done at Brussels, 26 September 2023

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

ALBANIA
ALGERIA
ANGOLA
ANTIGUA AND BARBUDA
ARGENTINA
AUSTRALIA
BAHAMAS
BANGLADESH
BELIZE
BENIN
BRAZIL
CANADA
CABO VERDE
CHILE
CHINA
COLOMBIA
COSTA RICA
CÔTE D'IVOIRE
CUBA
CURAÇAO
ECUADOR
EGYPT
EL SALVADOR
ERITREA
FALKLAND ISLANDS
FAROES
FIJI
FRENCH POLYNESIA
FRENCH SOUTHERN AND ANTARCTIC LANDS
GABON
GHANA
GREENLAND
GRENADA
GUATEMALA
GUINEA
GUYANA
ICELAND

INDIA
INDONESIA
JAMAICA
JAPAN
KENYA
KIRIBATI
MADAGASCAR
MALAYSIA
MALDIVES
MAURITANIA
MAURITIUS
MEXICO
MONTENEGRO
MOROCCO
MOZAMBIQUE
MYANMAR/BURMA
NAMIBIA
NEW CALEDONIA
NEW ZEALAND
NICARAGUA
NIGERIA
NORWAY
OMAN
PAKISTAN
PANAMÁ
PAPUA NEW GUINEA
PERU
PHILIPPINES
RUSSIA
SAINT HELENA
SAINT PIERRE AND MIQUELON
SENEGAL
SEYCHELLES
SOLOMON ISLANDS
SOUTH AFRICA
SOUTH KOREA
SRI LANKA

SURINAME

TAIWAN

TANZANIA

THAILAND

THE GAMBIA

TRISTAN DA CUNHA

TUNISIA

TÜRKIYE

UKRAINE

UNITED ARAB EMIRATES

UNITED STATES OF AMERICA

URUGUAY

VENEZUELA

VIETNAM

WALLIS AND FUTUNA

YEMEN

DECISIONS

EUROPEAN COUNCIL DECISION (EU) 2023/2061
of 22 September 2023
establishing the composition of the European Parliament

THE EUROPEAN COUNCIL,

Having regard to the Treaty on European Union, and in particular Article 14(2) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a(1) thereof,

Having regard to the proposal from the European Parliament ⁽¹⁾,

Having regard to the consent of the European Parliament ⁽²⁾,

Whereas:

- (1) Article 14(2), first subparagraph, of the Treaty on European Union (TEU) lays down the criteria for the composition of the European Parliament, namely that representatives of the Union's citizens are not to exceed seven hundred and fifty in number, plus the President, that representation is to be degressively proportional, with a minimum threshold of six members per Member State, and that no Member State is to be allocated more than ninety-six seats.
- (2) Article 10 TEU provides, inter alia, that the functioning of the Union is to be founded on representative democracy, with citizens being directly represented at Union level in the European Parliament and with Member States being represented by their governments, themselves being democratically accountable to their national Parliaments or citizens, in the Council.
- (3) Article 14(2) TEU therefore applies within the context of the wider institutional arrangements set out in the Treaties, which also include the provisions on decision-making in the Council.
- (4) By the end of 2026 and in advance of the proposal on its composition, the European Parliament should propose an objective, fair, durable and transparent seat distribution method implementing the principle of degressive proportionality, without prejudice to the institutions' prerogatives under the Treaties. Taking into account the impact of possible future developments, such a method should safeguard a sustainable maximum number of members of the European Parliament.
- (5) The budgetary authority and the Commission, in the exercise of their prerogatives under the annual budgetary procedure, should ensure that the increase in the number of seats foreseen by this Decision is budgetary neutral within Section 1 of the general budget of the Union,

HAS ADOPTED THIS DECISION:

Article 1

In the application of Article 14(2) TEU, the following principles shall be respected:

— the total number of seats in the European Parliament shall not exceed 750 in number, plus the President;

⁽¹⁾ Proposal adopted on 15 June 2023 (not yet published in the Official Journal).

⁽²⁾ Consent of 13 September 2023 (not yet published in the Official Journal).

- the allocation of seats to Member States shall be degressively proportional with a minimum threshold of six seats and a maximum threshold of 96 seats per Member State, while reflecting as closely as possible the sizes of the respective populations of the Member States;
- degressive proportionality is defined as follows: the ratio between the population and the number of seats of each Member State before rounding up or down to the nearest whole number is to vary in relation to their respective populations in such a way that each Member of the European Parliament from a more populous Member State represents more citizens than each Member of the European Parliament from a less populous Member State and, conversely, that the larger the population of a Member State, the greater its entitlement to a large number of seats in the European Parliament;
- the allocation of seats in the European Parliament is to consider demographic developments in the Member States.

Article 2

The total population of the Member States is calculated by the Commission (Eurostat) on the basis of data provided by the Member States, in accordance with a method established by means of Regulation (EU) No 1260/2013 of the European Parliament and of the Council ⁽³⁾.

Article 3

The number of representatives in the European Parliament elected in each Member State for the 2024–2029 parliamentary term is set as follows:

Belgium	22
Bulgaria	17
Czechia	21
Denmark	15
Germany	96
Estonia	7
Ireland	14
Greece	21
Spain	61
France	81
Croatia	12
Italy	76
Cyprus	6
Latvia	9
Lithuania	11
Luxembourg	6
Hungary	21
Malta	6
Netherlands	31
Austria	20
Poland	53

⁽³⁾ Regulation (EU) No 1260/2013 of the European Parliament and of the Council of 20 November 2013 on European demographic statistics (OJ L 330, 10.12.2013, p. 39).

Portugal	21
Romania	33
Slovenia	9
Slovakia	15
Finland	15
Sweden	21

Article 4

Sufficiently far in advance of the beginning of the 2029–2034 parliamentary term, and if possible by the end of 2027, the European Parliament shall submit to the European Council, in accordance with Article 14(2) TEU, a proposal for an updated allocation of seats in the European Parliament.

Article 5

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, 22 September 2023.

For the Council
The President
C. MICHEL

COUNCIL DECISION (CFSP) 2023/2062**of 25 September 2023****on an assistance measure under the European Peace Facility to support the Beninese 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 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 in 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 in the region, strengthening Benin's defence and security forces is important in order to enable and support stabilisation efforts in that country. In that context, and fully cognisant of the need for an integrated response to the situation, ensuring long-term peace and security in Benin is a key priority for the Union.
- (4) On 3 July 2023, the High Representative of the Union for Foreign Affairs and Security Policy received a request from Benin for the Union to assist the Beninese Armed Forces. The requested assistance relates to the procurement of key equipment to strengthen the operational capabilities of the Beninese military units that are deployed in the north of Benin within the framework of Operation Mirador to fight non-State armed groups and to 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, with the Universal Declaration of Human Rights and with international law, in particular international human rights law and international humanitarian law,

⁽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).

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

1. An assistance measure benefitting Benin (the 'beneficiary') to be financed under the European Peace Facility (EPF) (the 'assistance measure') is hereby established.
2. The objective of the assistance measure is to enhance the capabilities of the Beninese Armed Forces to protect the territorial integrity and sovereignty of Benin and its civilian population against internal and external aggression and to contribute to peace and stability in 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) one intelligence, surveillance and reconnaissance aircraft;
 - (b) intelligence, surveillance and reconnaissance unmanned air systems.
4. The duration of the assistance measure shall be 30 months from the 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 11 750 000.
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 as 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 units of the Beninese Armed Forces deployed within the framework of Operation Mirador and supported under the assistance measure 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 transferred without the consent of the Facility Committee established under Decision (CFSP) 2021/509 (the 'Facility Committee') to persons or entities other than those identified in those arrangements, including 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 provision of the equipment referred to in Article 1(3) shall be carried out by *Défense Conseil International* - DCI Group.

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. That 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 units of the Beninese Armed Forces deployed within the framework of Operation Mirador.

2. The post-shipment control of equipment shall be organised as follows:

(a) delivery verification, whereby delivery certificates are to be signed by the end-user upon transfer of ownership;

(b) reporting, whereby the beneficiary is to report annually on the activities conducted with equipment provided by the assistance measure and on the inventory of designated items 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 checks 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 objective set out 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 on 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, 25 September 2023.

For the Council
The President
H. GÓMEZ HERNÁNDEZ

COUNCIL DECISION (CFSP) 2023/2063
of 25 September 2023
amending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42(4) and 43(2) thereof,

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

Whereas:

- (1) On 22 May 2013, the Council adopted Decision 2013/233/CFSP ⁽¹⁾, establishing the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya).
- (2) On 26 June 2023, the Council adopted Decision (CFSP) 2023/1305 ⁽²⁾ which adapted and extended until 30 June 2025 the mandate of EUBAM Libya. That Decision also provided EUBAM Libya with a financial reference amount until 30 September 2023.
- (3) EUBAM Libya should be provided with a financial reference amount for the period from 1 October 2023 until 30 June 2025.
- (4) Decision 2013/233/CFSP should be amended accordingly.
- (5) EUBAM Libya will be conducted in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

In Article 13(1) of Decision 2013/233/CFSP, the last subparagraph is replaced by the following:

‘The financial reference amount intended to cover the expenditure of EUBAM Libya from 1 October 2023 until 30 June 2025 shall be EUR 53 442 350,13.’.

Article 2

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

It shall apply from 1 October 2023.

Done at Brussels, 25 September 2023.

For the Council
The President
H. GÓMEZ HERNÁNDEZ

⁽¹⁾ Council Decision 2013/233/CFSP of 22 May 2013 on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) (OJ L 138, 24.5.2013, p. 15).

⁽²⁾ Council Decision (CFSP) 2023/1305 of 26 June 2023 amending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) (OJ L 161, 27.6.2023, p. 68).

COUNCIL DECISION (CFSP) 2023/2064**of 25 September 2023****on Union support for the activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) in order to strengthen its monitoring and verification capabilities**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 31(1) thereof,

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

Whereas:

- (1) On 12 December 2003, the European Council adopted the EU Strategy against Proliferation of Weapons of Mass Destruction ('the Strategy'). Chapter III of the Strategy contains a list of measures that need to be taken to combat such proliferation.
- (2) The Union is actively implementing the Strategy and is giving effect to the measures listed in Chapter III thereof, in particular through releasing financial resources to support specific projects conducted by multilateral institutions, such as the Provisional Technical Secretariat of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO).
- (3) The States Signatories to the Comprehensive Nuclear-Test-Ban Treaty (CTBT) have decided to establish a Preparatory Commission, endowed with legal capacity and which has standing as an international organisation, to carry out the effective implementation of the CTBT, pending the establishment of the CTBTO.
- (4) The early entry into force and universalisation of the CTBT and the strengthening of the monitoring and verification system of the Preparatory Commission of the CTBTO are important objectives of the Strategy.
- (5) The United Nations Secretary-General stated in 'Securing our Common Future: an Agenda for Disarmament' that by constraining the development of advanced new types of nuclear weapons, the CTBT put a brake on the arms race and that it also serves as a powerful normative barrier against potential States that might seek to develop, manufacture and subsequently acquire nuclear weapons in violation of their non-proliferation commitments.
- (6) The 2022 Strategic Compass for Security and Defence refers to the persistent threat of the proliferation of weapons of mass destruction and their means of delivery, the expanding nuclear arsenals, the development of new weapon systems as well as the use of nuclear threats by some countries, and expresses the Union's objective of reinforcing concrete actions in support of the goals of disarmament, non-proliferation and arms control.

- (7) In the framework of the implementation of the Strategy, the Council adopted three Joint Actions and five Decisions on support for activities of the Preparatory Commission of the CTBTO, namely Joint Actions 2006/243/CFSP ⁽¹⁾, 2007/468/CFSP ⁽²⁾ and 2008/588/CFSP ⁽³⁾, and Decisions 2010/461/CFSP ⁽⁴⁾, 2012/699/CFSP ⁽⁵⁾, (CFSP) 2015/1837 ⁽⁶⁾, (CFSP) 2018/298 ⁽⁷⁾ and (CFSP) 2020/901 ⁽⁸⁾. That Union support should be continued.
- (8) The technical implementation of this Decision should be entrusted to the Preparatory Commission of the CTBTO which, on the basis of its unique expertise and capabilities through the network of the International Monitoring System (IMS), comprising over 337 facilities around the globe, and the International Data Centre (IDC), is the sole international organisation having the ability and legitimacy to implement this Decision. The action as supported by the Union can only be financed through an extra-budgetary contribution to the Preparatory Commission of the CTBTO,

HAS ADOPTED THIS DECISION:

Article 1

1. With a view to the implementation of the Strategy, the EU Global Strategy for the European Union's Foreign and Security Policy and the Strategic Compass for Security and Defence, the Union shall further support the activities of the Preparatory Commission of the CTBTO through an operational action.
2. The objectives of the action referred to in paragraph 1 shall be to:
 - (a) strengthen the capabilities of the CTBT monitoring and verification system;
 - (b) strengthen the capabilities of the States Signatories to the CTBT to fulfil their verification responsibilities under the CTBT and to enable them to benefit fully from their participation in the CTBT regime;
 - (c) raise awareness of the CTBT and promote its universalisation and entry into force.

⁽¹⁾ Council Joint Action 2006/243/CFSP of 20 March 2006 on support for activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in the area of training and capacity building for verification and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 88, 25.3.2006, p. 68).

⁽²⁾ Council Joint Action 2007/468/CFSP of 28 June 2007 on support for activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (OJ L 176, 6.7.2007, p. 31).

⁽³⁾ Council Joint Action 2008/588/CFSP of 15 July 2008 on support for activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 189, 17.7.2008, p. 28).

⁽⁴⁾ Council Decision 2010/461/CFSP of 26 July 2010 on support for activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 219, 20.8.2010, p. 7).

⁽⁵⁾ Council Decision 2012/699/CFSP of 13 November 2012 on the Union support for the activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 314, 14.11.2012, p. 27).

⁽⁶⁾ Council Decision (CFSP) 2015/1837 of 12 October 2015 on Union support for the activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 266, 13.10.2015, p. 83).

⁽⁷⁾ Council Decision (CFSP) 2018/298 of 26 February 2018 on Union support for the activities of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 56, 28.2.2018, p. 34).

⁽⁸⁾ Council Decision (CFSP) 2020/901 of 29 June 2020 on Union support for the activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 207, 30.6.2020, p. 15).

3. A detailed description of the action is set out in the Annex.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') shall be responsible for the implementation of this Decision.
2. The technical implementation of the action referred to in Article 1 shall be carried out by the Preparatory Commission of the CTBTO.
3. The Preparatory Commission of the CTBTO shall perform that task under the responsibility of the High Representative. For that purpose, the High Representative shall enter into the necessary arrangements with the Preparatory Commission to the CTBTO.

Article 3

1. The financial reference amount for the implementation of the action financed by the Union referred to in Article 1 shall be EUR 6 285 929.
2. The expenditure financed by the reference amount set out in paragraph 1 shall be managed in accordance with the rules and procedures applicable to the general budget of the Union.
3. The Commission shall supervise the proper management of the expenditure financed by the amount referred to in paragraph 1. For that purpose, it shall conclude a contribution agreement with the Preparatory Commission of the CTBTO. The contribution agreements shall stipulate that the Preparatory Commission of the CTBTO is to ensure the visibility of the Union's contribution, appropriate to its size.
4. The Commission shall endeavour to conclude the agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of the conclusion of the agreement.

Article 4

1. The HR shall report to the Council on the implementation of this Decision on the basis of regular reports by the Preparatory Commission of the CTBTO. The reports shall form the basis of the evaluation carried out by the Council.
2. The Commission shall provide information on the financial aspects of the implementation of the action referred to in Article 1.

Article 5

1. This Decision shall enter into force on the date of its adoption.
2. This Decision shall expire 36 months after the conclusion of the agreement referred to in Article 3(3). However, it shall expire six months after the date of the entry into force if no agreement has been concluded within that period.

Done at Brussels, 25 September 2023.

For the Council
The President
H. GÓMEZ HERNÁNDEZ

ANNEX

SUPPORT FOR THE ACTIVITIES OF THE PREPARATORY COMMISSION OF THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY ORGANIZATION (CTBTO)**1. Background**

On 12 December 2003, the European Council adopted the European Union Strategy against Proliferation of Weapons of Mass Destruction (the Strategy), Chapter III of which contains a list of measures that need to be taken both within the Union and in third countries to combat such proliferation.

— The Comprehensive Nuclear-Test-Ban Treaty (CTBT) which bans all nuclear explosions is an essential element in the international non-proliferation architecture. The CTBT is a strong collective confidence and security-building measure and a powerful constraint on the proliferation of nuclear weapons, preventing the development of nuclear weapons by countries that do not currently possess them, as well as upgrades to already existing nuclear arsenals.

The CTBT has established a powerful global norm against nuclear weapons testing, backed up by a state-of-art and highly sensitive global nuclear test monitoring system, the International Monitoring System (IMS) of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) which monitors compliance with the Treaty.

The Treaty has yet to enter into force and global efforts continue to achieve this key goal of the international peace and security community and agenda. In parallel, the IMS of the CTBTO provides a steady flow of real-time data via the International Data Centre to the international community to ensure that no nuclear test goes undetected. The Organization's on-site inspection capabilities and technologies are also being developed and readied for the Treaty's entry into force.

The European Union (EU) is actively implementing its Strategy and for more than a decade provides significant voluntary contributions to the Preparatory Commission for the CTBTO to promote CTBT entry into force and to sustain and further strengthen CTBTO's monitoring and verification capabilities.

2. Overall Objective

Aligned with the EU Strategy against Proliferation of Weapons of Mass Destruction, the overall objective of this project is to contribute to international peace and security and confidence building by promoting universalization and entry into force of the CTBT and strengthening the CTBTO's international monitoring and verification regime.

By improving capabilities of the CTBT verification regime, building capacities among experts from State Signatories and raising awareness among youth, parliamentarians, media and scientists, this project aims to contribute to "preserving peace, conflict prevention, and the strengthening of international security" as envisaged under Article 21 of the Treaty on European Union.

3. Specific Objectives

- a) To strengthen the capabilities of the CTBT monitoring and verification system.
- b) To strengthen the capabilities of the States Signatories to the CTBT to fulfil their verification responsibilities under the CTBT and to enable them to benefit fully from their participation in the CTBT regime.
- c) To raise awareness of the CTBT and promote its universalization and entry into force.

4. Expected Outputs

- a) The project will generate outputs contributing to strengthening the capabilities of the CTBT monitoring and verification regime by (1) enhancing radionuclide and atmospheric transport modelling pipelines, (2) improving the scientific understanding of the radionuclide background and its impact on CTBTO noble gas systems detection (3) improving the sustainment of the IMS auxiliary seismic stations, and (4) furthering CTBTO On-Site Inspection (OSI) capabilities build-up.

- i) Enhancement of the Federation of Digital Seismograph Networks (FDSN) web service implementation that covers all seismic, hydroacoustic, and infrasonic (SHI) and radionuclide data, products, and formats.
 - ii) XeBET II software operational and ready to estimate the radionuclide concentrations for each IMS noble gas sample. The prototype will be implemented in the ATM pipeline with the output to be integrated into the radionuclide pipeline for enhancing the Automated Radionuclide Report (ARR) and the Reviewed Radionuclide Report (RRR) and Standard Screened Radionuclide Event Bulletin (SSREB). It will also be available in the Expert Technical Analysis tool set and in the NDC-in-a-Box.
 - iii) Prototype software allowing to implement uncertainties in atmospheric transport modelling (ATM) simulations for the purpose of isotopic ratio analysis (screening & timing) and machine learning (ML) studies.
 - iv) An upgraded ATM pipeline based on this prototype ATM-EPS. providing additional and essential information about the ATM uncertainties, improving credibility of the ATM results.
 - v) Provision of a software which is a) used by the IDC, and b) used by NDCs to do infrasound and hydroacoustic processing, and interactive analysis.
 - vi) Better understanding / characterization of the global radionuclide background, including its regional variations, especially at the JPX38 noble gas system.
 - vii) Refinement of the current understanding of known sources in Eurasia, leading to an improved understanding / interpretation of level 'C' episodes.
 - viii) Improvement of ATM, especially the high-resolution (HR) ATM.
 - ix) Development, testing and optimization of advanced source location algorithms / screening methods (to be applied for data of all other IMS noble gas systems).
 - x) Improved ability to detect, locate, and characterize a nuclear test from the radionuclide releases.
 - xi) Increased data availability up to 95 % or as close as feasible to 100% in a sustained manner at auxiliary seismic stations (AS) targeted.
 - xii) Improved sustainment and stability of AS stations targeted, including better performance over time, with reduced station downtime.
 - xiii) Furthering OSI build-up by translating the Model Text for the Draft OSI Operational Manual in two CTBTO languages: French, Spanish.
- b) The action will generate outputs that will improve the National Data Centres (NDCs) capacities of States Signatories and provide foundational knowledge of the Treaty as well as an overview of OSI activities and equipment, using hands-on training.
- i) Conduct of the OSI Regional Introductory Course (RIC-26) in the African region in early 2024.
 - ii) Increase of the number of experts from the African region in the ongoing OSI Linear Training Programme.
 - iii) Provision of the sixteen Capacity Building System (CBS) equipment including heavy duty servers with large storage, and installation of standardised software for NDCs to support the establishment and further development of national capacity to participate actively in the verification regime by accessing and analysing IMS data and IDC products.
 - iv) Two regional NDC trainings and two regional workshops to support experts from developing countries.
 - v) Four SeisComP training courses.
 - vi) Six follow up/maintenance visits.
 - vii) Maintenance for CBS systems.
- c) Moreover, outputs generated by the action will strengthen the universal character of the CTBT, boost inclusivity and diversity in the Preparatory Commission for the CTBTO, and raise awareness about the CTBT among young professionals from non-signatories and non-ratifying countries, including States whose signature and ratification are required for entry into force of the CTBT.

- i) A Series of lectures, namely the Citizen Journalism Academy, with leading communications experts for the next generation of journalists in nuclear disarmament and non-proliferation, providing them with a comprehensive vision of the CTBT and its role within the international peace and security architecture. The graduates of the Citizen Journalism Academy will also produce media and outreach products featuring the Science and Technology Conference and Science Diplomacy Symposium, raising the profile of the Treaty among youth audiences.
- ii) Participation of CTBTO Youth Group members at Science Diplomacy Symposium 2024 and 2026
- iii) Participation of CTBTO Youth Group members at Science and Technology Conference 2025
- iv) Participation in the CTBTO Mentoring Programme of twelve early-career women in STEM from underrepresented geographical regions. The programme will include virtual workshops focused on Career Development, Communication, and the scientific/technical aspects of the CTBT, to help the participants improve their understanding of the CTBT and its verification regime.
- v) Participation of the twelve Mentees of the CTBTO Mentoring Programme in the CTBTO Shadowing Programme in Vienna to get a better understanding of the Secretariat's work.
- vi) Development of a space on LinkedIn that facilitates and encourages the connection among Mentees and Mentors and help them stay informed of CTBTO career opportunities and activities.

5. Duration

The total estimated duration of the action is 36 months.

Activity 1: Support to the verification technologies and monitoring system

Component 1: IDC SHI and RN Tools and Products Enhancement

Impact

By improving and enhancing radionuclide and atmospheric transport modelling pipelines and improving sustainability of Federation of Digital Seismograph Networks (FDSN) product generation and distribution, we aim to enhance the ability of the State Parties to monitor and interpret IDC data and products. This strengthens the verification regime and contributes to the non-proliferation goals in line with the Common Foreign and Security Policy (CFSP).

Product 1: FDSN products generation and format enhancements for SHI and RN products

Background

The Provisional Technical Secretariat (PTS), with support from EU Council Decision VIII, implemented the generation of its SHI products and data in compliance with the FDSN web service standard. This enabled National Data Centres (NDCs) as well as the International Data Centre (IDC) to request Seismic Hydroacoustic and Infrasonic (SHI) IDC products and data from the International Monitoring System (IMS) using standard compliant client software.

To build on this initial achievement, the goal now is to enhance the scope of the FDSN web service implementation by PTS to additional formats and to provide access to IDC's Radionuclide (RN) products and data. This would mean that all product generation will be done by the FDSN web service implementation. This will create a clear separation of responsibilities between product generation, which will be done by the FDSN web services, and the product and data distribution methods (VDMS as well as SWP). By separating these responsibilities, the product generation and distribution system will be more flexible and easier to maintain. It also adds the capability for NDCs to query directly for IDC products through the FDSN web service, in addition to receiving IDC products through VDMS and SWP, meeting the need for on-demand product distribution.

Improved sustainability of IDC product and IMS data generation and distribution allows State Parties to review and analyse CTBTO data more easily and efficiently.

Expected Outcome

- To improve service to NDCs and the IDC with one central service to request SHI and RN data and products from.

Expected Outputs

- Enhancement of the FDSN web service implementation that covers all SHI and RN data, products, and formats.

Product 2: Development of an operational Xenon Background Estimation Tool (XeBET II)

Background

Radionuclide emissions from man-made global sources, related to peaceful activities, are frequently observed by the CTBTO noble gas network. These ever-present and highly variable emissions weaken the global monitoring of nuclear explosions. Knowing that this intricate problem will exist forever, there is strong consensus for a need to advance the current methodologies through necessary innovation, by adopting the lessons learned, and by utilizing cross-disciplinary approaches from atmospheric transport modelling (ATM) and radionuclide expertise. Such efforts provide a capability to distinguish for each IMS sample whether the observation can be explained with known sources, or whether it possibly contains a contribution from a nuclear explosion.

An existing *scientific* software development project, XeBET (contract no. 2022-1179), currently paves the way for XeBET II by providing a software prototyping environment to test and demonstrate new data-driven scientific methodologies. XeBET II is the logical and important follow up to XeBET to utilize that prototype outcome for the provision of a software that *operationally* provides the best background estimation flag in the ATM pipeline. XeBET II will therefore enhance the nuclear screening quality accordingly.

Expected Outcome

- To make XeBET II software operational and ready to estimate the radioxenon concentrations for each IMS noble gas sample. The prototype will be implemented in the ATM pipeline with output to be integrated into the radionuclide pipeline for enhancing the Automated Radionuclide Report (ARR) and the Reviewed Radionuclide Report (RRR) and Standard Screened Radionuclide Event Bulletin (SSREB). It will also be available in the Expert Technical Analysis tool set and in the NDC-in-a-Box.

Expected Outputs

XeBET II is a software solution ready to be integrated into the ATM and radionuclide pipelines. It provides three Outputs:

- Creation of a solution for the flag “backtracking to known sources” that is part of the Categorization Scheme agreed by the Commission but not yet implemented in the IDC radionuclide reports.
- Enhancement of the SSREB to provide real automatic screening results rather than simply extracting information from the RRR.
- Provision of a tool for expert technical analysis.

All these functionalities will be made available for NDCs as part of the NDC-in-a-Box software. XeBET II will serve as a starting point for further enhancements and add-on development. By incorporating XeBET II into the operational ATM pipeline, it can be better estimated whether an anomalous signal can be attributed to a nuclear explosion or to known sources, which greatly improves the quality of the verification regime in the long term.

Product 3: Enhanced Atmospheric Transport Modelling (ATM) by Ensemble Prediction System

Background

The Atmospheric Transport Modelling (ATM) operational system deployed and used at the CTBTO produces source receptor sensitivity (SRS) fields which specify the location of the air masses prior to their arrival at any radionuclide station of the International Monitoring System (IMS) network. Consequently, the ATM computations support the radionuclide technology by providing a link between radionuclide detections and the regions in which possible sources are located.

A common and legitimate question regarding ATM products is related to their uncertainties and confidence level. It is recognized that uncertainties can be estimated using a set of equivalent simulations, an ensemble, rather than a single simulation. Based on the study funded by EUVII (Heading 1, Component 4), it was found that to benefit from ensemble properties, it is sufficient to have an ensemble composed of arbitrarily selected 10 members. This conclusion is especially important in the context of operational work at IDC, which requires more than 280 ATM simulations performed daily.

The current ATM operational system is based on a Lagrangian Particle Dispersion Model, FLEXPART. The work on updating FLEXPART-CTBTO version with the newest scientific enhancements implemented in the community version FLEXPART v10, was funded by EU VIII. A further enhanced version of the updated FLEXPART-CTBTO version will provide computational performance gains and more reliable and robust processing by using high performance computing resources with GPUs (Graphics Processing Unit), funded by EU Council Decision VIII (reference made to Heading 1, Component2, Project4). A new community release announced for 2023 as FLEXPART v11 and its potential improvements will also be investigated, and if deemed necessary it will be incorporated as well.

The project will result in further enhancements by extending the ATM capabilities to include ensemble modelling for 10 Ensemble Prediction System (EPS) members. Using EPS analysis will allow to estimate confidence levels in ATM guidance. To fulfil this task, the prototype software developed during EUVII, facilitating the estimation of uncertainties of modelled time series for source term inversion will be further enhanced. Moreover, the use of modelled ATM uncertainties for the purpose of isotopic ratio analysis and machine learning (ML) studies will be further investigated.

Introducing uncertainties in the ATM model predictions, provides for more accurate analyses for screening & timing (isotopic ratio analyses) and source localization. Ensemble prediction is also well suited as one of the methods to be used in a better background estimation of radionuclides. Overall, it gives State Parties a better understanding of the possible source location and timing of a radionuclide release and will in the long term greatly improve the quality of the verification regime. It strengthens the capabilities of the CTBT monitoring and verification system considerably by providing essential information about ATM uncertainties that has been requested by the State Signatories.

Expected Outcome

- To enhance ATM system (ATM-EPS) which provides essential information about ATM uncertainties, improving credibility of the ATM results.

Expected Outputs

- Prototype software allowing to implement uncertainties in ATM simulations for the purpose of isotopic ratio analysis (screening & timing) and machine learning (ML) studies.
- An upgraded ATM pipeline based on this prototype ATM-EPS providing additional and essential information about the ATM uncertainties, improving credibility of the ATM results

Product 4 - Update of the multi-waveform technology processing and interactive system

Background

The infrasound and hydroacoustic processing software, DTK-(G)PMCC, supported through EU-VIII funding, has gone into operational use at the IDC and is now shared with member states through NDC-in-a-Box. This success now leads to requests from NDCs to continue to update the software and enhance the processing for hydroacoustic data using the tool. Moreover, there is also a need to update the associated tool DTK-DIVA, which offers the ability to do interactive analysis combining information about station noise, processing results, and, for infrasound data, to join data processing analysis with the knowledge of the atmosphere.

Provision of a software to the IDC and to NDCs offers improved hydroacoustic processing (through DTK-(G)PMCC), and comprehensive analysis and visualization (through DTK-DIVA). Improved hydroacoustic processing enhances the ability of the verification regime to locate nuclear tests conducted underwater. The enhancement of DTK-DIVA enhances the ability of experts to combine a variety of information from seismic, hydroacoustic, and infrasound detections and obtain more detailed understanding of a source event.

Expected Outcome

- To provide a software which is a) used by the IDC, and b) used by NDCs to do infrasound and hydroacoustic processing, and interactive analysis.

Expected Outputs

- Built hydroacoustic and infrasound events, and comprehensive analysis of these events.

Component 2: Continuing the radioxenon background campaigns in different regions of the world

Impact

Further improve the scientific understanding of the radioxenon background and its impact on CTBTO noble gas systems, which strengthens the capabilities of the CTBT monitoring and verification system.

Background

The xenon radioisotopes are the most likely to be observed noble gas signatures of underground and underwater nuclear explosions. They play a major role when confirming whether an event is nuclear in nature.

Radioactive xenon monitoring is a highly sensitive technique, but the reliable interpretation of the detections strongly depends on the local background knowledge and understanding. More than 500 nuclear facilities around the world regularly release radioactive xenon during routine operations. Nuclear power plants, research reactors and medical isotope production facilities are indeed generating radioxenon during normal routine operations. The emissions from these numerous anthropogenic sources create a significant background that may hide the radioxenon signals originating from a nuclear explosion.

The discrimination between the radioxenon background and signals resulting from a nuclear test is therefore a complex and challenging task. To this end, the noble gas background that can be expected in different regions of the world must be sufficiently investigated, as it is the only way to ensure a correct and accurate interpretation of radioxenon detections at the IMS stations by State Signatories.

Even though the CTBTO noble gas systems form a unique network, the full range of possible background features that may occur is not fully covered. More specific empirical data are required for further developing, enhancing, and validating screening methodologies. Well-designed field measurements are the best way to gain the necessary additional knowledge of the radioxenon background, especially in regions where interferences between potential CTBT-relevant observations and the normal regional background might be observed.

With the contribution received from the European Union within the framework of the EU Council Decision III, the Commission developed and purchased two transportable systems for measuring the four radioxenon isotopes of interest for the CTBTO. Within the framework of the EU Council Decision V, VI, VII and VIII, several radioxenon measurement campaigns were conducted in different parts of the world. With the contribution received from Government of Japan in 2017, the Commission purchased a third transportable system.

Two systems are currently operating in Mutsu and Horonobe, Japan. These locations have been selected with the goal of temporarily running a high-density mini network in the region of the IMS noble gas system JPX38, located in Takasaki, Japan. This is the first occurrence of having several systems close enough to each other to allow specific scientific studies on experimental data, and to (1) develop and test methods to refine understanding the background and (2) design, test and further develop advanced screening methodologies.

The Government of Japan has agreed before with the CTBTO's intention of deploying a 3rd system in Fukuoka, Japan, expanding the temporary high-density configuration towards the South-West. The deployment of this 3rd system shall be done as soon as this is possible.

An overview of past measurement campaigns is given in the following publication: <https://doi.org/10.1016/j.jenvrad.2022.107053>. This overview demonstrates the value of the radioxenon background measurement data collected through the years, lays out scientific findings and provides considerations for the design of future measurement campaigns.

The scientific data gathered by this effort gives the scientific community the rare chance to obtain measurement data from a mini network, the correct size to measure the accuracy of their high-resolution atmospheric transport models. This, in turn, helps the scientific community much more clearly to understand how radionobles background levels measured at stations vary, which will significantly aid the ability of the PTS to analyse the significance of radionobles detections. When State Parties trust the ability of the verification regime to discriminate between background xenon and xenon from an event of potential interest, the non-proliferation regime is strengthened.

Of direct interest for the PTS, collected data will be used to refine the understanding of, and further characterize, known sources across Eurasia frequently impacting the noble gas system JPX38. As this mini-network configuration enables the observation of the same release event at different locations close to that system, they will be used for:

testing and optimizing advanced source location algorithms, and

obtaining a better understanding of frequent level C episodes (where level C indicates the presence of a CTBT-relevant xenon radioisotope at anomalously high concentration).

The optimization and advance of screening methods as an outcome of this campaign will be reflected in the IDC analysis, not only with regard to RN38 data, but for data of all other IMS noble gas systems. Again, this will significantly aid the ability of the PTS to analyze the significance of xenon detections, consequently strengthening the verification regime.

Expected Outcome

- To improve understanding of the global radionobles background, including its regional variations, and a better interpretation of CTBT-relevant detections. This outcome will be achieved through a large range of scientific studies performed on the collected data – by the PTS, and more generally, by the scientific community. Internally, the CTBTO has already initiated several scientific studies based on data collected by the transportable systems. This includes, for example, studies:
- To better understand and characterize the contribution pattern of known sources on IMS East-Asian stations over the whole cycle of seasonal variations,
- To refine knowledge on the emissions / emission patterns from the largest medical isotopes productions facilities in Europe, and assess their impact on the radionobles background,
- To investigate how additional measurements can be used to develop tools for accurately estimating the expected radionobles background from known sources,
- To develop sample association techniques using decay consistency analysis for studying the same detection event at multiple locations.

Continuing the radionobles background measurement campaign in Japan has still a lot to offer in terms of scientific knowledge and development. There is no other place in the world where a high-density configuration operates, and this is a unique opportunity. Collecting more data with the high-density network by continuing the implementation of the ongoing campaign in Japan is crucial for strengthening conclusions from the first studies.

Following the measurement campaign in Japan, the systems will be available for use by the PTS for follow up studies. Possible guidelines on the use of the transportable systems provided by the PrepCom will be duly considered and the project scope adjusted accordingly. As an alternative, the systems may also be used as temporary backup or training systems.

Expected Outputs

The main expected outputs are:

- Better understanding / characterization of the global radionobles background, including its regional variations, especially at the JPX38 noble gas system,
- Refinement of the current understanding of known sources in Eurasia, leading to an improved understanding / interpretation of level C episodes,
- Improvement of atmospheric transport modelling (ATM), especially the high-resolution (HR) ATM,

- Development, testing and optimization of advanced source location algorithms / screening methods (to be applied for data of all other IMS noble gas systems),
- Improved ability to detect, locate, and characterize a nuclear test from the radionuclide releases.

Component 3: Sustainment of Certified IMS Auxiliary Seismic Stations

Impact

Improved sustainment of the IMS auxiliary seismic stations strengthens capabilities of the CTBT monitoring and verification system and contributes to the global security and nuclear non-proliferation.

Background

This project component will continue to address failing auxiliary seismic stations (AS) and stations with a history of poor performance which need urgent maintenance action, preferably targeting stations located in countries facing financial hardship. In addition, preventive maintenance actions will be implemented where necessary and justifiable. The latter will be done by addressing issues with obsolete equipment and consequent upgrade as well as through improvement of equipment sparing levels.

The support to the IMS AS and the improvement of the technical knowledge and skills of their operator(s) include necessary and justified station visits and on-site troubleshooting during which practical demonstrations and training are also foreseen to take place. Attention is drawn to the fact that this is achieved in conjunction with other actions such as station operators' technical trainings, which periodically take place at the Vienna International Centre.

As in previous programmes, full-time staff within the Maintenance Unit of the Monitoring Facilities Support Section (IMS/MFS/M) will be required to plan and execute troubleshooting and maintenance projects at the relevant AS stations.

Expected outcome

- To address station problems caused by instrumental malfunction, equipment failure, end of life, obsolescence or lack of spares that result in extended outages or downtime contributing to poor performance and frequent loss of mission capability.
- To contribute to global security on nuclear non-proliferation by making a genuine measurable impact on IMS Network Detection Capability and AS Network segment reliability. The impact of this project will be reflected in all target stations brought to a technical level compatible with the IMS technical requirements in a sustained manner through improved sustainment of the IMS AS. It is expected that it will considerably improve data availability and data quality at the stations which are the focus of the programme because of equipment repair, replacement, or system improvement.
- To improve sustained performance through the strengthening of the stations' systems and equipment as well as through the enhancement of the technical knowledge of the station operators involved.

Expected outputs

- **Increased data availability and data quality of AS stations targeted as part of this programme:** To reach more than 95 % data availability or as close as feasible to 100% reached in a sustained manner at target stations. The measured quantity for this expected result is authenticated data availability, which is expected to improve after the activity at the station is concluded.
- **Improved sustainment and stability of AS stations targeted:** This includes achieving better performance over time, with reduced station downtime. The measured quantity for this expected result is improved authenticated data availability over the course of a period of three months (minimum) following the conclusion of the activity at the station.

Activities

- **Technical activities:**
- Station problem troubleshooting and diagnostic in cooperation with the station operators.

- Solution identification based on equipment repair; replacement or improvement (or a combination of these).
- Implementation, testing and training: field campaign involving equipment installation, equipment testing and training of station operators. Station visits as necessary by PTS staff.
- **Commercial/technical activities:**
- Purchase of equipment and/or services. Liaison with contractors and suppliers.
- Shipping and importation (when applicable).
- Commissioning and monitoring.

Component 4: Translation of Model Text for the Draft OSI Operational Manual

Impact

By having the latest version of the draft OSI Operational Manual (OM) available in two more UN official languages for IFE 25, not only enhances the CTBTO multilingualism and contributes to the OSI capabilities build-up, but it also strengthens the capabilities of the CTBT monitoring and verification system.

Background

The On-Site Inspection (OSI) Operational Manual is one of the documents that needs to be approved following the Entry Into Force (EIF) of the CTBT. It guides the implementation of the provisions of the Treaty and its Protocol on the conduct of an OSI, and includes general principles and guidelines, as well as technical, operational, and administrative procedures.

Working Group B is conducting the third round of elaboration of the draft Operational Manual by focusing on the outstanding issues and lessons learned from the Integrated Field Exercise in 2014 (IFE14).

A large-scale Integrated Field Exercise (IFE) is planned to be conducted in 2025 as part of the On-Site Inspection (OSI) Exercise Programme for 2022- 2025 (CTBT/PTS/INF.1613), adopted at the Fifty-Eighth Session of the Preparatory Commission (CTBT/PC-58/2). The draft Operational Manual will be the important document to be tested in the exercise. As the response to the call for multilingualism by the States Signatories, there is a need for the document be translated into all UN languages. This will enable technical experts from all regions of the world to have a precise understanding of the document and will essentially contribute to the build-up of the OSI capabilities.

Expected Outcome

- To enhance CTBTO Multilingualism and contribute to OSI capabilities build-up.

Expected Outputs

- Translation of the Model Text for the Draft OSI Operational Manual in two CTBTO languages: French, Spanish.

Activities

The work to translate the latest version of the Model Text for the Draft OSI Operational Manual from English to two official CTBTO languages: French and Spanish, will be outsourced through a standing arrangement of the PTS with United Nations Office in Vienna.

The translated Model Text for the Draft OSI Operational Manual should be available by latest end of May 2024.

Activity 2: Integrated capacity building

Component 1: OSI Regional Introductory Course (RIC) for the Geographical Region of Africa

Impact

Provision of foundational knowledge of the Treaty and its OSI-related provisions as well as an overview of OSI activities and equipment, using hands-on training for experts of States Signatories, in developing countries, resulting in an increase in nominations and participation in the ongoing OSI linear training programme.

Background

As capacity building activities, OSI Regional Introductory Courses (RIC) have proven to be fundamental in strengthening the CTBT's verification regime, specifically in the development of an OSI Inspectorate Training Program and in the nomination of surrogate inspector trainee candidates for that program from Signatory States.

Records show a correlation between the increased numbers of nominees from a geographical region after the conduct of a RIC. The Commission has initiated the OSI Training Linear Programme (2022-2025) which aims for the integration of training for all training cycles and to provide for more effective skills maintenance training.

The project is to conduct 1 RIC in the CTBT African geographical region in order to have the broadest geographical and gender pool of trainees under the OSI Training Linear Programme.

The Regional Introductory Course will be conducted in March 2024.

The RIC is delivered as an 8 day on-site blended learning course that incorporates theoretical and mostly hands-on introductory training on OSI treaty protocols, equipment, techniques, and procedures. The RICs end with a capstone field exercise that validates the effectiveness of the training program.

Expected Outcome

- To acquaint national technical experts and personnel from the States Signatories of the region with the OSI regime.
- To broaden the pool of experts from the States Signatories of the region who are available to participate in OSI related activities and to identify potential candidates for the Provisional Technical Secretariat (PTS) roster of surrogate inspectors.

Expected Outputs

- Quantitative increase of participation of experts from this region in the ongoing OSI Linear Training Programme.
- Means of verification will be a comparative analysis of the roster of Surrogate Inspectors in the OSI Database from the 1st to the 3rd Training cycles versus the roster at the mid-point of the OSI Linear Training Programme.

Activities

- RIC-26 to be conducted in the African region in early 2024.

Component 2: Building Capacity of National Data Centres

Impact

Strengthen and maintain support for the Treaty's verification regime through the establishing and improving National Data Centres (NDCs) capacities of States Signatories, in particular in developing countries, to enable them to take full advantage of the data and products generated by the verification system.

Background

Capacity building has proven to be fundamental underpinning the CTBT verification regime. The Commission continues supporting the States Signatories in assisting and providing means to develop capabilities to actively participate in CTBT verification regime. Developing countries from different continents have started taking advantage of the provision of IMS data and IDC products as these are useful not only for verification purposes but also for civil, scientific, and industrial applications. The capacity building strategy of the Commission has been recognised by Working Group B (WGB). During the lifespan of the European Union funding, scientific and technical staff of States Signatories have participated in specialised trainings on the use of the NDC-in-a-box software package, as well as CTBT-related knowledge that directly benefits national authorities. Developing countries institutions hosting NDCs have also been benefitting from provision of basic equipment to establish or further develop their capacity for data processing.

Expected Outcome

- To strengthen CTBT verification regime and increase use of IMS data and IDC products by NDCs of developing countries.

Expected Outputs

- Provision of the Capacity Building System (CBS) equipment to NDCs to support the establishment and further development of national capacity to participate actively in the verification regime by accessing and analysing IMS data and IDC products.
- On-site technical visits to NDCs for providing technical assistance for installation and/or maintaining of a Capacity Building System.
- Support for experts from developing countries with needed background and training to facilitate their participation of Workshops and Training courses organized by the CTBTO.
- Organization of regional workshops and trainings.

Activities

- Two NDC trainings and two regional workshops
- Four SeisComP training courses
- Six follow up/maintenance visits
- The purchase of sixteen CBS systems including heavy duty servers with large storage and installation of standardised software
- Maintenance for CBS systems.

Component 3: Participation of technical experts from developing countries in official technical meetings of the CTBTO Preparatory Commission (Technical Experts Support Project, in short TESP) ⁽¹⁾

Impact

To strengthen the universal character of the CTBTO Preparatory Commission, boost inclusivity and diversity through increased technical capacity of experts in developing countries to meaningfully contribute to CTBTO policy-making processes.

Background

In November 2006, during its Twenty-Seventh Session (13-17 November 2006), the Commission agreed to establish a pilot project aimed to support the participation of technical experts from developing countries in the work of Working Group B (TESP). The TESP has since been repeatedly extended.

⁽¹⁾ Abbreviation reference change proposed to read 'Technical Experts Support Project' [TESP] as no longer a "pilot project" after 16 years of its existence

Many developing countries lack the financial resources to enable their experts to participate in the scientific and technical work being undertaken in official technical meetings of the CTBTO Preparatory Commission. This means that there is a clear and systemic deficit in the involvement of developing country representatives in recommendations made and decisions taken, on key technical issues relevant to the Treaty's verification regime. This deficit is particularly problematic given that many stations of the Treaty's International Monitoring System are, or will be, located on the territory of developing countries and are managed by their country's institutions. Moreover, many developing countries are in the process of establishing and improving their NDCs to enable them to take advantage of the data products generated by the verification system, to be used not just for verification but also for civil and scientific purposes.

The funding will allow the CTBTO to select at least 12 leading technical experts from developing countries working on CTBT-related issues and fund their participation in Working Group B on verification issues meetings twice a year at the CTBTO Headquarters in Vienna, Austria. Achieving gender balance and geographical spread will be key criteria for selection consideration.

Expected Outcome

- To enhance the knowledge and skills of technical experts from developing countries regarding CTBTO's verification technologies and the broader civil and scientific applications, which will ultimately contribute to long-term national development outcomes in relevant areas.
- To improve gender balance and geographical diversity among experts from developing countries engaged in policy discussions on the CTBT verification regime.

Expected Outputs

- Attendance of at least 12 technical experts from developing countries for two in-person Working Group B meetings per year in Vienna is funded (with an equal male to female ratio).
- Training of experts on scientific and technical aspects with respect to the CTBT verification technologies and civil and scientific applications.

Activity 3: Outreach

Component 1: Next Generation Outreach for the CTBT

Impact

Development of a pool of future leaders in disarmament and non-proliferation spheres, by encouraging intergenerational dialogue, cross-regional synergies, and cross-dimensional studies, eventually contribution in strengthening the capabilities of State Signatories to the CTBT.

Background

The empowerment of the next generation of experts, capable of advocating for the mission of the CTBT, both politically and technically, and advancing the universalization and entry into force of the Treaty is a cross-cutting commitment of the CTBTO.

Since 2016, the CTBTO has been at the forefront within the UN system of opening its fora to civil society and actively engaging the next generation, especially through the flagship CTBTO Youth Group outreach programme. The programme has offered the next generation of experts (coming from over 125 countries), unique capacity building, research, and educational opportunities in the typically closed nuclear non-proliferation and disarmament environment.

The component will support a sustainable, scalable, and well-governed ecosystem of youth initiatives, that aims to build youth capacities globally with ever greater insight and impact. The aim is to organize capacity building activities tailored to specific target groups, such as young journalists, scholars and prospective decision-makers from the remaining non-ratifying and non-signatory States of the CTBT. This approach will raise awareness and foster informed advocacy for the CTBT among the next generation of experts from diverse backgrounds, and eventually, support the universalization and entry into force of the Treaty.

Expected Outcome

- To establish a new cohort of empowered and engaged young professionals, equipped with a keen knowledge of nuclear disarmament and the CTBT, its universalization and entry into force.
- To increase and diversify (both regionally and profile-wise) the network of young professionals that support universalization and entry into force of the Treaty, while simultaneously helping to improve the international visibility of the CTBT.
- To improve social media presence of CTBT-related topics.

Expected Outputs

- Series of lectures with leading communications experts.
- Capacity building of the next generation of journalists in nuclear disarmament and non-proliferation, providing them with a comprehensive vision of the CTBT and its role within the international peace and security field.
- Science and Technology Conference and Science Diplomacy Symposium coverage by graduates of the Citizen Journalism Academy, raising the profile of the Treaty among youth audiences.
- Social media and outreach products featuring the CTBT developed and published online by the CTBTO Youth Group members.

Activities

- Participation of CYG members at Science Diplomacy Symposium 2024 and 2026
- Participation of CYG members at Science and Technology Conference 2025
- Citizen Journalism Academy
- The Citizen Journalism Academy will strengthen the communication and social media skills of Youth Group members. Professional social media trainers will provide hands-on workshops and mentoring to CYGs, teaching them how to:
 - conduct effective interviews with various stakeholders - diplomats, technical experts, other young people – on how to prepare, research, and pose appropriate questions.
 - develop professional products to post on Facebook, Twitter, YouTube, and others, using Canva and other mobile journalism techniques to record audio and create impactful visual images.
 - conduct successful outreach events.
 - optimise social media use for powerful message delivery.

Component 2: CTBTO Mentoring Programme

Impact

Creating a talent pipeline of 12 early-career female candidates for positions in non-proliferation and nuclear disarmament to strengthen the capabilities of the States Signatories to the CTBT to fulfil their verification responsibilities under the CTBT and to enable them to benefit fully from their participation in the CTBT regime.

Background

In 2022, CTBTO launched a tailored mentoring programme for 12 early-career women in STEM on the margins of CTBT's Anniversary and the planned Science and Diplomacy Symposium. CTBTO is dedicated to connecting early-career women in STEM with the PTS technical experts. Mentoring provides an opportunity for women to build networks, strengthen desired skill sets and gain clarity around their personal and professional goals. Mentoring is an opportunity for all involved - mentors and mentees – to learn and enhance their skills. The Preparatory Commission of the CTBTO recognizes, however, that to reach gender parity and to address existing inequalities, men play an important role. As such, the PTS mentors include both women and men.

This virtual Mentoring Programme for all early-career women in STEM (preference is given to candidates from Africa; Latin America and the Caribbean; the Middle East and South Asia; South-East Asia, the Pacific and the Far East) is one example of CTBTO's initiatives aimed at creating a talent pipeline supporting gender equality, diversity and the empowerment of the next generation.

As a result of the 2022 pilot version of the Mentoring Programme, mentees participated, among other things, in one-on-one mentoring sessions to monthly thematic seminars coupled with skill boosters and sessions on raising awareness of the CTBTO's mission and activities. One of their goals was also to formulate research papers to be presented at the 2023 Science and Technology Conference on 19-23 June. Mentees were also able to participate in the 2022 Science and Diplomacy Symposium.

Another initiative developed as part of this programme is providing these mentees with an advanced opportunity for their career path. One of the mentees was nominated by her Permanent Mission to participate in CTBTO capacity-building activities to train surrogate inspectors for the successive cycles of the Mentoring Programme, CTBTO aims at broadening the Observer status for the mentees in other CTBTO capacity-building activities.

Beyond the formal induction programme, CTBTO expects these women to become part of the talent pipeline for competitive and high-quality candidates for future technical positions in the Secretariat.

Benefits for mentors:

- sharing experiences and knowledge.
- practicing and reinforcing their skills.
- learning and growing professionally and personally.
- seeing different perspectives and learning from the experiences of others.
- making new connections across a wide network of professionals.
- contributing to an enabling work environment in and beyond CTBTO.
- gaining the satisfaction of adding to others' development and success, while possibly making a real difference in their mentee's life.

Benefits for mentees:

- sharing experiences, learning, and receiving tailored professional guidance.
- building confidence, developing skills, and strengthening competencies.
- increasing motivation.
- developing strategies for dealing with professional needs in a safe and supportive space.
- learning and growing professionally and personally.
- seeing different perspectives and learning from the experiences of others.
- encouraging greater self-efficacy.
- making new connections across a wide network of professionals.
- Benefits for the Commission and the countries:
 - facilitating the exchange of information on career opportunities and relevant events and promoting through dedicated support the submission of applications by the targeted audience for vacant positions.
 - creating a pool of potential technical experts contributing to the Organization.
 - ensuring that early career individuals may have access to meaningful job experience qualifying them to contribute to the mission of international organizations.
- strengthening an enabling work environment in and beyond the CTBTO.

Expected Outcome

- To create a pool of potential competent female candidates for early-career positions in non-proliferation and nuclear disarmament.
- To support early-career female professionals' that have an interest in CTBT.
- To raise awareness of CTBT verification regime.
- To identify and engage with women who are technical experts.
- To increase talent pool of experts (including from NDCs) who may consider applying for posts through the regular recruitment process.
- To improve reporting to the Working Group B (WGB) on Cross-Cutting Issues, covering the underrepresentation of women in WGB-related activities.

Expected Outputs

- Identification, development, and support for another cohort of 12 early-career women in STEM from underrepresented geographical regions who, with an improved understanding of the CTBT and its verification regime, may become candidates for participating in CTBTO held events and positions.
- Invitation to travel to Vienna and participate in the CTBTO's Shadowing Programme to get a better understanding of the Secretariat's, at the end of the Mentoring Programme. The mentees will present their progress, developed during the Mentoring Programme.
- Utilization of the LinkedIn platform to develop a space that encourages and facilitates the connection among Mentees and Mentors and help them stay informed of CTBTO career opportunities and activities.

Activities

- Career Workshop (Virtual) that includes 3 exercises (skill boosters).
 - Communication Workshop (Virtual) that includes 3 exercises (skill boosters).
 - Workshop from International Data Center (Virtual) that includes 3 exercises (skill boosters).
 - Workshop from International Monitoring System (Virtual), that includes 3 exercises (skill boosters).
 - Workshop from On-Site Inspection (Virtual) that includes 3 exercises (skill boosters).
 - In-person Shadowing Programme for mentees.
-

COUNCIL DECISION (CFSP) 2023/2065
of 25 September 2023
amending Decision (CFSP) 2021/710 appointing the European Union Special Representative for the
Middle East Peace Process

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 33 and Article 31(2) thereof,

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

Whereas:

- (1) On 29 April 2021, the Council adopted Decision (CFSP) 2021/710 ⁽¹⁾, appointing Mr Sven KOOPMANS as the European Union Special Representative (EUSR) for the Middle East Peace Process. The EUSR's mandate is to expire on 28 February 2025.
- (2) With a view to achieving the policy objective set out in Decision (CFSP) 2021/710, to work towards a just, lasting and comprehensive peace that should be achieved on the basis of a two-State solution, and in light of stepped up efforts with regional partners towards achieving that objective, additional staff should be recruited to the EUSR's team. The financial reference amount should therefore be adapted accordingly.
- (3) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Article 5(1) of Decision (CFSP) 2021/710 is replaced by the following:

'1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR for the period from 1 March 2023 to 28 February 2025 shall be EUR 289 782,33.'

Article 2

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

Done at Brussels, 25 September 2023.

For the Council
The President
H. GÓMEZ HERNÁNDEZ

⁽¹⁾ Council Decision (CFSP) 2021/710 of 29 April 2021 appointing the European Union Special Representative for the Middle East Peace Process (OJ L 147, 30.4.2021, p. 12).

COUNCIL DECISION (CFSP) 2023/2066**of 25 September 2023****amending Decision (CFSP) 2023/1599 on a European Union Security and Defence Initiative in support of West African countries of the Gulf of Guinea**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42(4) and 43(2) thereof,

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

Whereas:

- (1) On 29 June 2023, the Council approved a Crisis Management Concept for a possible security and defence partnership with West African countries of the Gulf of Guinea. That concept is based on an integrated approach for a security and defence partnership with Benin, Côte d'Ivoire, Ghana and Togo, including the establishment of a mission under the Common Security and Defence Policy (CSDP), namely the European Union Security and Defence Initiative in support of West African countries of the Gulf of Guinea (the 'Initiative'), complemented by the deployment of military advisors in Union delegations, in conjunction with assistance measures under the European Peace Facility for the provision of military equipment and in synergy with security-related projects.
- (2) On 3 August 2023, the Council adopted Decision (CFSP) 2023/1599 ⁽¹⁾, which established the Initiative in Benin and Ghana, based on invitations received from those countries.
- (3) By letter dated 17 July 2023, the Prime Minister of the Republic of Togo invited the Union to deploy the Initiative in its territory.
- (4) By letter dated 20 July 2023, the Prime Minister of the Republic of Côte d'Ivoire invited the Union to deploy the Initiative in its territory.
- (5) The Initiative should therefore also be established in Côte d'Ivoire and Togo.
- (6) Decision (CFSP) 2023/1599 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 1 of Decision (CFSP) 2023/1599 is replaced by the following:

'Article 1

Establishment

1. The Union shall conduct a Mission under the Common Security and Defence Policy (CSDP) with the strategic objective to assist the West African countries of the Gulf of Guinea in which that Mission is established in developing the adequate capabilities within their security and defence forces to contain and respond to the pressure exercised by terrorist armed groups.
2. The Mission referred to in paragraph 1 shall be named "European Union Security and Defence Initiative in support of West African countries of the Gulf of Guinea" (the "Initiative").
3. The Initiative is hereby established in Benin, Côte d'Ivoire, Ghana and Togo.'

⁽¹⁾ Council Decision (CFSP) 2023/1599 of 3 August 2023 on a European Union Security and Defence Initiative in support of West African countries of the Gulf of Guinea (OJ L 196, 4.8.2023, p. 25).

Article 2

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

It shall apply from 16 August 2023.

Done at Brussels, 25 September 2023.

For the Council
The President
H. GÓMEZ HERNÁNDEZ

COMMISSION IMPLEMENTING DECISION (EU) 2023/2067**of 26 September 2023****concerning certain interim emergency measures relating to sheep pox and goat pox in Bulgaria***(notified under document C(2023) 6575)***(Only the Bulgarian text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Article 259(2) thereof,

Whereas:

- (1) Sheep pox and goat pox is an infectious viral disease affecting caprine and ovine animals and can have a severe impact on the concerned animal population and the profitability of farming causing disturbance to movements of consignments of those animals and products thereof within the Union and exports to third countries.
- (2) In the event of an outbreak of sheep pox and goat pox in caprine or ovine animals, there is a serious risk of the spread of that disease to other establishments of caprine or ovine animals.
- (3) Commission Delegated Regulation (EU) 2020/687 ⁽²⁾ supplements the rules for the control of the listed diseases referred to in Article 9(1), points (a), (b) and (c), of Regulation (EU) 2016/429, and defined as category A, B and C diseases in Commission Implementing Regulation (EU) 2018/1882 ⁽³⁾. In particular, Articles 21 and 22 of Delegated Regulation (EU) 2020/687 provide for the establishment of a restricted zone in the event of an outbreak of a category A disease, including sheep pox and goat pox, and for certain measures to be applied therein. In addition, Article 21(1) of that Delegated Regulation provides that the restricted zone is to comprise a protection zone, a surveillance zone, and, if necessary, further restricted zones around or adjacent to the protection and surveillance zones.
- (4) Bulgaria has informed the Commission of the current sheep pox and goat pox situation on its territory, following an outbreak of that disease in caprine and ovine animals in the region of Burgas, which was confirmed on 16 September 2023, and, in accordance with Delegated Regulation (EU) 2020/687, it has established a restricted zone, which comprises protection and surveillance zones, where the general disease control measures laid down in Delegated Regulation (EU) 2020/687 are applied, as well as a further restricted zone where certain control measures are also applied in order to prevent the further spread of that disease.
- (5) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade by third countries, it is necessary to rapidly identify at Union level the restricted zone for sheep pox and goat pox, which comprises the protection and surveillance zones, as well as the further restricted zone, in Bulgaria in collaboration with that Member State.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council, as regards rules for the prevention and control of certain listed diseases (OJ L 174, 3.6.2020, p. 64).

⁽³⁾ Commission Implementing Regulation (EU) 2018/1882 of 3 December 2018 on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases (OJ L 308, 4.12.2018, p. 21).

- (6) Accordingly, the areas identified as protection, surveillance and further restricted zones in Bulgaria should be set out in the Annex to this Decision and the duration of that regionalisation fixed.
- (7) Given the urgency of the epidemiological situation in the Union as regards the spread of sheep pox and goat pox and the need to prevent the disease spreading from the affected establishment in Bulgaria to other parts of that Member State or to other Member States, it is appropriate that the measures laid down in this Implementing Decision apply as soon as possible.
- (8) Accordingly, pending the opinion of the Standing Committee on Plants, Animals, Food and Feed, the protection, surveillance and further restricted zones in Bulgaria should be established immediately and listed in the Annex to this Decision and the duration of that zoning fixed.
- (9) This Decision is to be reviewed at the next meeting of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Bulgaria shall ensure that:

- (a) restricted zones, which comprise protection and surveillance zones as well as a further restricted zone, are established immediately by the competent authority of that Member State in accordance with Article 21 of Delegated Regulation (EU) 2020/687, and under the conditions laid down in that Article;
- (b) the protection, surveillance and further restricted zones referred to in point (a) comprise at least the areas listed in the Annex to this Decision;
- (c) the measures in each restricted zone apply at least until the dates listed in the Annex to this Decision.

Article 2

1. Movements of sheep and goats from the further restricted zone to a destination outside that further restricted zone shall only be permitted if they are authorised by the competent authority and they comply with the conditions laid down in paragraphs 2, 3 and 4.
2. Movements of sheep and goats kept in the further restricted zone to a destination outside that further restricted zone may be authorised by the competent authority where such movements of sheep and goats are directly to a slaughterhouse located within the territory of Bulgaria for immediate slaughter.
3. The means of transport used for the movements of sheep and goats from the further restricted zone, referred to in paragraph 2, shall:
 - (a) comply with the requirements for the means of transport laid down in Article 24(1) of Delegated Regulation (EU) 2020/687;
 - (b) be cleaned and disinfected before any transport of animals under the control or supervision of the competent authority;
 - (c) be cleaned and disinfected in accordance with the requirements for the means of transport laid down in Article 24(2) of Delegated Regulation (EU) 2020/687 under the control or supervision of the competent authority;
 - (d) only include sheep and goats of the same health status kept in the same establishment;
 - (e) be sealed by the competent authority at the establishment of origin after the loading of the animals and unsealed by the competent authority at the slaughterhouse of destination.
4. The sheep and goats due for transport shall be subject to clinical inspection by the competent authority 24 hours or less before the date of transport.

Article 3

This Decision shall apply until 31 December 2023.

Article 4

This Decision is addressed to the Republic of Bulgaria.

Done at Brussels, 26 September 2023.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

A. Protection and surveillance zones established around confirmed outbreaks

Region and ADIS reference number of the outbreak	Areas established as protection and surveillance zones, part of the restricted zones in Bulgaria referred to in Article 1	Date until applicable
Region of Burgas <u>BG-CAPRIPOX-2023-00001</u>	<u>Protection zone:</u> Those parts of the region of Burgas, contained within a circle of a radius of 3 kilometres, centred on UTM 30, ETRS89 coordinates Lat. 42.11 37, Long. 27.1012 (2023/1)	10.10.2023
	<u>Surveillance zone:</u> Those parts of the region of Burgas, contained within a circle of a radius of 10 kilometres, centred on UTM 30, ETRS89 coordinates Lat. 42.11 37, Long. 27.1012 (2023/1)	19.10.2023
	<u>Surveillance zone:</u> Those parts of the region of Burgas, contained within a circle of a radius of 3 kilometres, centred on UTM 30, ETRS89 coordinates Lat. 42.11 37, Long. 27.1012 (2023/1)	11.10.2023 – 19.10.2023

B. Further restricted zone

Region	Areas established as further restricted zone in Bulgaria as referred to in Article 1	Date until applicable
Regions of Burgas, Haskovo and Yambol	A further restricted zone that comprises the following areas. In the region of Burgas the municipalities of: — Malko Tarnovo — Sredets — Tsarevo In the region of Haskovo the municipalities of: — Svilengrad — Topolovgrad In the region of Yambol the municipalities of: — Bolyarovo — Elhovo	30.11.2023

DECISION (EU) 2023/2068 OF THE EUROPEAN CENTRAL BANK

of 12 September 2023

amending Decision (EU) 2022/2278 on the approval of the volume of coin issuance in 2023 (ECB/2022/40) (ECB/2023/23)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(2) thereof,

Having regard to Decision (EU) 2015/2332 of the European Central Bank of 4 December 2015 on the procedural framework for the approval of the volume of euro coin issuance (ECB/2015/43) ⁽¹⁾ and in particular Article 3(7) thereof,

Whereas:

- (1) The European Central Bank (ECB) has the exclusive right since 1 January 1999 to approve the volume of coins issued by the Member States whose currency is the euro.
- (2) Based on the estimates of demand for euro coins in 2023 that the Member States whose currency is the euro submitted to the ECB, the ECB approved the total volume of euro coins intended for circulation and euro collector coins not intended for circulation in 2023 in Decision (EU) 2022/2278 of the European Central Bank (ECB/2022/40) ⁽²⁾.
- (3) Pursuant to Article 3 of Decision (EU) 2015/2332 (ECB/2015/43), Member States whose currency is the euro must notify the ECB if the actual demand for euro coins is likely to exceed the approved volume of coin issuance in a calendar year and, where the increased coin demand continues, must request ad hoc approval for an additional volume of coin issuance in that calendar year.
- (4) On 31 July 2023, the ECB received a request from the Oesterreichische Nationalbank on behalf of Austria to increase the volume of euro circulation coins that Austria may issue in 2023 by an additional volume of EUR 35,00 million, from EUR 81,00 million to EUR 116,00 million. The total volume of euro coins issuance for Austria in 2023 will accordingly rise to EUR 291,51 million, comprising EUR 116,00 million in circulation coins and EUR 175,51 million in collector coins. The request was made in response to the stronger euro coin demand in cash-intensive sectors, especially for high value euro coins, accompanied by ad hoc euro coin demand from wholesale banks active in Austria and increased cross-border coin demand from neighbouring countries.
- (5) Pursuant to Article 3(7) of Decision (EU) 2015/2332 (ECB/2015/43) the Executive Board must adopt an individual decision on the ad hoc approval request, when no modification to the ad hoc request is required.
- (6) Therefore, Decision (EU) 2022/2278 (ECB/2022/40) should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendments

The table in Article 2 of Decision (EU) 2022/2278 (ECB/2022/40) is amended as follows:

- (1) the row regarding Austria is replaced by the following:

Austria	116,00	175,51	291,51 ³
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⁽¹⁾ OJ L 328, 12.12.2015, p. 123.

⁽²⁾ Decision (EU) 2022/2278 of the European Central Bank of 8 November 2022 on the approval of the volume of coin issuance in 2023 (ECB/2022/40) (OJ L 300, 21.11.2022, p. 46).

(2) the row entitled 'Total' is replaced by the following:

Total	2 135,94	496,18	2 632,12'.
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Article 2

Taking effect

This Decision shall take effect on the day of its notification to the addressees.

Article 3

Addressees

This Decision is addressed to the Member States whose currency is the euro.

Done at Frankfurt am Main, 12 September 2023.

For the Governing Council of the ECB
The President of the ECB
Christine LAGARDE

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 2022/01 OF THE REGIONAL STEERING COMMITTEE OF THE TRANSPORT COMMUNITY

of 15 November 2022

on the revision of Annex I to the Treaty establishing the Transport Community [2023/2069]

THE REGIONAL STEERING COMMITTEE OF THE TRANSPORT COMMUNITY,

Having regard to the Treaty establishing the Transport Community, and in particular Article 20(3), point (a), thereof,

Whereas:

- (1) In accordance with Article 20(3), point (a), of the Treaty establishing the Transport Community ('TCT'), in respect of new legally binding European Union acts, the Regional Steering Committee of the Transport Community is to adopt, *inter alia*, decisions revising Annex I to the TCT to integrate those acts in the TCT.
- (2) Since the date of the TCT signature, Annex I has already been updated once, on 28 June 2021 ⁽¹⁾. Since this update, a significant number of new legal acts of the European Union has been adopted in areas covered by the TCT, whereas other legal acts have been repealed. Annex I should therefore be revised to reflect these changes.
- (3) For the sake of legal clarity and simplification, it is appropriate to replace Annex I to the TCT by the text in the Annex to this Decision. It should be noted that Annex I.1, including the maps of the indicative TEN-T extension to the Western Balkans core and comprehensive networks, remains materially unchanged.

HAS ADOPTED THIS DECISION:

Article 1

Annex I to the TCT is replaced by the text in the Annex to this Decision.

Article 2

This Decision shall enter into force on the date of signing.

Done in Brussels, on 15 November 2022.

For the Regional Steering Committee
The President
Emina MUJEVIC KARA

⁽¹⁾ Decision No 2021/05 of the Regional Steering Committee of the Transport Community on the revision of Annex I to the Treaty establishing the Transport Community.

ANNEX

'ANNEX I

RULES APPLICABLE TO THE TRANSPORT SECTOR AND RELATED ISSUES

ANNEX I.1

RULES APPLICABLE TO TRANSPORT INFRASTRUCTURE FORMING THE SOUTH EAST EUROPE CORE NETWORK

The 'Applicable provisions' of the following European Union acts shall be applicable in accordance with the Main Treaty and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to VI. Where necessary, specific adaptations for each individual act are set out hereinafter.

The following European Union acts refer to the latest version of such acts as last modified.

Regulatory area	Legislation
TEN-T development	Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1). Commission Delegated Regulation (EU) 2016/758 of 4 February 2016 amending Regulation (EU) No 1315/2013 of the European Parliament and of the Council as regards adapting Annex III thereto (OJ L 126, 14.5.2016, p. 3).
Alternative fuels infrastructure	Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1).

MAPS OF THE INDICATIVE TEN-T EXTENSION TO THE WESTERN BALKANS (CORE AND COMPREHENSIVE NETWORKS)



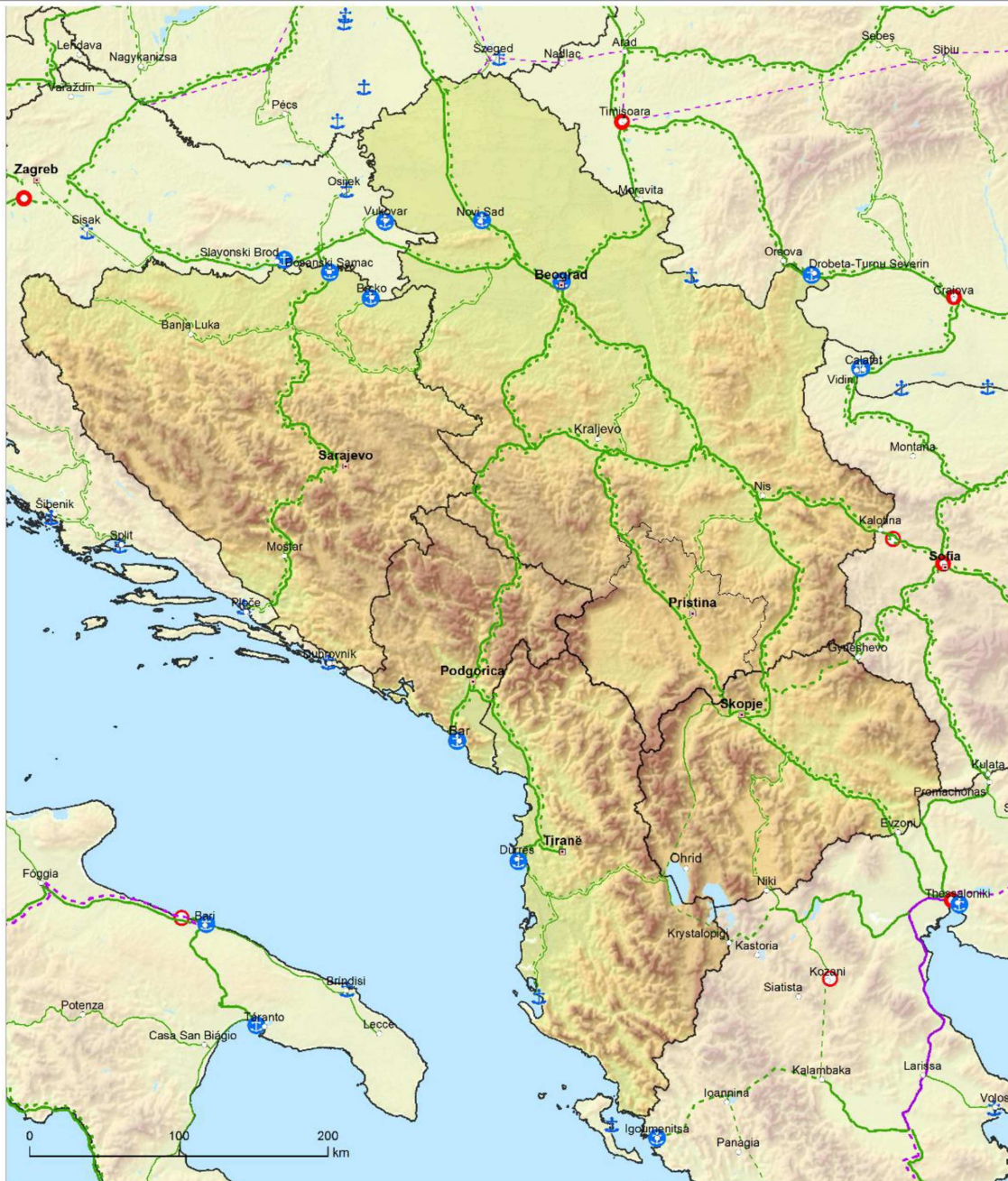
Indicative Extension to Neighbouring Countries
Comprehensive & Core Network: Inland waterways and ports
Western Balkans Region



Core	Comprehensive	Core
Inland Waterways / Completed	Ports	Ports
Inland Waterways / To be upgraded		
Inland Waterways / Planned		



Indicative Extension to Neighbouring Countries
 Comprehensive Network: Railways, ports and rail-road terminals (RRT)
 Core Network: Railways (freight), ports and rail-road terminals (RRT)
Western Balkans Region



Comprehensive Core		Comprehensive Core		Comprehensive Core	
	Conventional rail / Completed		High speed rail / Completed		Ports
	Conventional rail / To be upgraded		To be upgraded to high speed rail		RRT
	Conventional rail / Planned		High speed rail / Planned		



Indicative Extension to Neighbouring Countries
 Comprehensive Network: Railways and airports
 Core Network: Railways (passengers) and airports
Western Balkans Region



Comprehensive Core		Comprehensive Core		Comprehensive Core	
	Conventional rail / Completed		High speed rail / Completed		Airports
	Conventional rail / To be upgraded		To be upgraded to high speed rail		Airports
	Conventional rail / Planned		High speed rail / Planned		



Indicative Extension to Neighbouring Countries
Comprehensive & Core Network: Roads, ports, rail-road terminals and airports
Western Balkans Region



Comprehensive		Core		Comprehensive		Core	
Road / Completed	Road / To be upgraded	Road / Completed	Road / To be upgraded	Ports	Ports	Airports	Airports
Road / Planned	Road / Planned	RRT	RRT				

ANNEX I.2

RULES APPLICABLE TO RAIL TRANSPORT

The 'Applicable provisions' of the following European Union acts shall be applicable in accordance with the Main Treaty and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to VI. Where necessary, specific adaptations for each individual act are set out hereinafter.

The following European Union acts refer to the latest version of such acts as last modified.

Regulatory area	Legislation
Market access	<p>Regulation No 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79 (3) of the Treaty establishing the European Economic Community (OJ 52, 16.8.1960, p. 1121).</p> <p>Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32).</p> <p>Directive (EU) 2016/2370 of the European Parliament and of the Council of 14 December 2016 amending Directive 2012/34/EU as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure (OJ L 352, 23.12.2016, p. 1).</p> <p>Commission Delegated Decision (EU) 2017/2075 of 4 September 2017 replacing Annex VII to Directive 2012/34/EU of the European Parliament and of the Council establishing a single European railway area (OJ L 295, 14.11.2017, p. 69).</p> <p>Commission Implementing Regulation (EU) No 869/2014 of 11 August 2014 on new rail passenger services (OJ L 239, 12.8.2014, p. 1).</p> <p>Commission Implementing Regulation (EU) 2015/10 of 6 January 2015 on criteria for applicants for rail infrastructure capacity and repealing Implementing Regulation (EU) No 870/2014 (OJ L 3, 7.1.2015, p. 34).</p> <p>Commission Implementing Regulation (EU) 2015/171 of 4 February 2015 on certain aspects of the procedure of licensing railway undertakings (OJ L 29, 5.2.2015, p. 3).</p> <p>Commission Implementing Regulation (EU) 2015/429 of 13 March 2015 setting out the modalities to be followed for the application of the charging for the cost of noise effects (OJ L 70, 14.3.2015, p. 36).</p> <p>Commission Implementing Regulation (EU) 2015/909 of 12 June 2015 on the modalities for the calculation of the cost that is directly incurred as a result of operating the train service (OJ L 148, 13.6.2015, p. 17).</p> <p>Commission Implementing Regulation (EU) 2015/1100 of 7 July 2015 on the reporting obligations of the Member States in the framework of rail market monitoring (OJ L 181, 9.7.2015, p. 1).</p> <p>Commission Implementing Regulation (EU) 2016/545 of 7 April 2016 on procedures and criteria concerning framework agreements for the allocation of rail infrastructure capacity (OJ L 94, 8.4.2016, p. 1).</p> <p>Commission Implementing Regulation (EU) 2017/2177 of 22 November 2017 on access to service facilities and rail-related services (OJ L 307, 23.11.2017, p. 1).</p> <p>Commission Implementing Regulation (EU) 2018/1795 of 20 November 2018 laying down procedure and criteria for the application of the economic equilibrium test pursuant to Article 11 of Directive 2012/34/EU of the European Parliament and of the Council (OJ L 294, 21.11.2018, p. 5).</p>

	<p>Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight (OJ L 276, 20.10.2010, p. 22).</p> <p>Commission Implementing Decision (EU) 2018/500 of 22 March 2018 on the compliance of the proposal to establish the Alpine-Western Balkan rail freight corridor with Article 5 of Regulation (EU) No 913/2010 of the European Parliament and of the Council (OJ L 82, 26.3.2018, p. 13).</p> <p>Commission Implementing Decision (EU) 2018/491 of 21 March 2018 on the compliance of the joint proposal submitted by the Member States concerned for the extension of the North Sea Mediterranean rail freight corridor with Article 5 of Regulation (EU) No 913/2010 of the European Parliament and of the Council (OJ L 81, 23.3.2018, p. 23).</p> <p>Commission Implementing Decision (EU) 2018/300 of 11 January 2018 on the compliance of the joint proposal submitted by the Member States concerned for the extension of the Atlantic rail freight corridor with Article 5 of Regulation (EU) No 913/2010 of the European Parliament and of the Council (OJ L 56, 28.2.2018, p. 60).</p> <p>Commission Implementing Decision (EU) 2017/178 of 31 January 2017 amending Implementing Decision (EU) 2015/1111 on the compliance of the joint proposal of the Member States concerned to extend the North Sea-Baltic rail freight corridor with Article 5 of Regulation (EU) No 913/2010 of the European Parliament and of the Council concerning a European rail network for competitive freight (OJ L 28, 2.2.2017, p. 71).</p> <p>Commission Implementing Decision (EU) 2017/177 of 31 January 2017 on the compliance with Article 5 of Regulation (EU) No 913/2010 of the European Parliament and of the Council of the joint proposal to establish the 'Amber' rail freight corridor (OJ L 28, 2.2.2017, p. 69).</p> <p>Commission Implementing Decision (EU) 2015/1111 of 7 July 2015 on the compliance of the joint proposal submitted by the Member States concerned for the extension of the North Sea-Baltic rail freight corridor with Article 5 of Regulation (EU) No 913/2010 of the European Parliament and of the Council concerning a European rail network for competitive freight (OJ L 181, 9.7.2015, p. 82).</p> <p>Commission Delegated Regulation (EU) 2022/1036 of 29 June 2022 amending Regulation (EU) 2020/1429 of the European Parliament and of the Council, as regards the extension of the reference period (Text with EEA relevance) (OJ L 173, 30.6.2022, p. 50).</p>
Train driver licensing	<p>Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community (OJ L 315, 3.12.2007, p. 51).</p> <p>Commission Regulation (EU) 2019/554 of 5 April 2019 amending Annex VI to Directive 2007/59/EC of the European Parliament and of the Council on the certification of train drivers operating locomotives and trains on the railway system in the Community (OJ L 97, 8.4.2019, p. 1).</p> <p>Commission Regulation (EU) No 36/2010 of 3 December 2009 on Community models for train driving licences, complementary certificates, certified copies of complementary certificates and application forms for train driving licences, under Directive 2007/59/EC of the European Parliament and the Council (OJ L 13, 19.1.2010, p. 1).</p>

	<p>Commission Decision 2010/17/EC of 29 October 2009 on the adoption of basic parameters for registers of train driving licences and complementary certificates provided for under Directive 2007/59/EC of the European Parliament and of the Council (OJ L 8, 13.1.2010, p. 17).</p> <p>Commission Decision 2011/765/EU of 22 November 2011 on criteria for the recognition of training centres involved in the training of train drivers, on criteria for the recognition of examiners of train drivers and on criteria for the organisation of examinations in accordance with Directive 2007/59/EC of the European Parliament and of the Council (OJ L 314, 29.11.2011, p. 36).</p>
Interoperability	<p>Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).</p> <p>Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council (OJ L 90, 6.4.2018, p. 66).</p> <p>Commission Delegated Decision (EU) 2017/1474 of 8 June 2017 supplementing Directive (EU) 2016/797 of the European Parliament and of the Council with regard to specific objectives for the drafting, adoption and review of technical specifications for interoperability (OJ L 210, 15.8.2017, p. 5).</p> <p>Commission Implementing Decision (EU) 2018/1614 of 25 October 2018 laying down specifications for the vehicle registers referred to in Article 47 of Directive (EU) 2016/797 of the European Parliament and of the Council and amending and repealing Commission Decision 2007/756/EC (OJ L 268, 26.10.2018, p. 53).</p> <p>Commission Decision 2009/965/EC of 30 November 2009 on the reference document referred to in Article 27(4) of Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community (OJ L 341, 22.12.2009, p. 1).</p> <p>Commission Regulation (EU) No 1299/2014 of 18 November 2014 on the technical specifications for interoperability relating to the 'infrastructure' subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 1).</p> <p>Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 110).</p> <p>Commission Implementing Regulation (EU) 2019/772 of 16 May 2019 amending Regulation (EU) No 1300/2014 as regards inventory of assets with a view to identifying barriers to accessibility, providing information to users and monitoring and evaluating progress on accessibility (OJ L 139I, 27.5.2019, p. 1).</p> <p>Commission Regulation (EU) No 1301/2014 of 18 November 2014 on the technical specifications for interoperability relating to the 'energy' subsystem of the rail system in the Union (OJ L 356, 12.12.2014, p. 179).</p> <p>Commission Implementing Regulation (EU) 2018/868 of 13 June 2018 amending Regulation (EU) No 1301/2014 and Regulation (EU) No 1302/2014 as regards provisions on energy measuring system and data collecting system (OJ L 149, 14.6.2018, p. 16).</p>

Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the 'rolling stock — locomotives and passenger rolling stock' subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 228).

Commission Regulation (EU) No 1303/2014 of 18 November 2014 concerning the technical specification for interoperability relating to 'safety in railway tunnels' of the rail system of the European Union (OJ L 356, 12.12.2014, p. 394).

Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem 'rolling stock — noise' amending Decision 2008/232/EC and repealing Decision 2011/229/EU (OJ L 356, 12.12.2014, p. 421).

Commission Implementing Regulation (EU) 2019/774 of 16 May 2019 amending Regulation (EU) No 1304/2014 as regards application of the technical specification for interoperability relating to the subsystem 'rolling stock — noise' to the existing freight wagons (OJ L 139I, 27.5.2019, p. 89).

Commission Regulation (EU) No 1305/2014 of 11 December 2014 on the technical specification for interoperability relating to the telematics applications for freight subsystem of the rail system in the European Union and repealing the Regulation (EC) No 62/2006 (OJ L 356, 12.12.2014, p. 438).

Commission Implementing Regulation (EU) 2018/278 of 23 February 2018 amending the Annex to Regulation (EU) No 1305/2014 as regards the structure of the messages, data and message model, Wagon and Intermodal Unit Operating Database, and to adopt an IT standard for the communication layer of the Common Interface (OJ L 54, 24.2.2018, p. 11).

Commission Implementing Regulation (EU) 2019/778 of 16 May 2019 amending Regulation (EU) No 1305/2014 as regards Change Control Management (OJ L 139I, 27.5.2019, p. 356).

Commission Implementing Regulation (EU) 2021/541 of 26 March 2021 amending Regulation (EU) No 1305/2014 as regard the simplification and improvement of data calculation and exchange and the update of the Change Control Management process (OJ L 108, 29.3.2021, p. 19–56).

Commission Implementing Decision 2011/665/EU of 4 October 2011 on the European register of authorised types of railway vehicles (OJ L 64, 8.10.2011, p. 32).

Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the register of railway infrastructure and repealing Implementing Decision 2014/880/EU (OJ L 139I, 27.5.2019, p. 312).

Commission Decision 2012/757/EU of 14 November 2012 concerning the technical specification for interoperability relating to the 'operation and traffic management' subsystem of the rail system in the European Union and amending Decision 2007/756/EC (OJ L 345, 15.12.2012, p. 1).

Commission Implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU (OJ L 139I, 27.5.2019, p. 5)

Commission Implementing Regulation (EU) 2021/2238 of 15 December 2021 amending Implementing Regulation (EU) 2019/773 as regards the phasing out of specific cases for rear end signal (OJ L 450, 16.12.2021, p. 57).

	<p>Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system (OJ L 123, 12.5.2011, p. 11).</p> <p>Commission Implementing Regulation (EU) 2019/250 of 12 February 2019 on the templates for 'EC' declarations and certificates for railway interoperability constituents and subsystems, on the model of declaration of conformity to an authorised railway vehicle type and on the 'EC' verification procedures for subsystems in accordance with Directive (EU) 2016/797 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 201/2011 (OJ L 42, 13.2.2019, p. 9)</p> <p>Commission Regulation (EU) 2016/919 of 27 May 2016 on the technical specification for interoperability relating to the 'control-command and signalling' subsystems of the rail system in the European Union (OJ L 158, 15.6.2016, p. 1).</p> <p>Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem 'rolling stock — freight wagons' of the rail system in the European Union and repealing Decision 2006/861/EC (OJ L 104, 12.4.2013, p. 1).</p> <p>Commission Decision 2010/713/EU of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council (OJ L 319, 4.12.2010, p. 1).</p> <p>Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 amending Commission Regulations (EU) No 321/2013, (EU) No 1299/2014, (EU) No 1301/2014, (EU) No 1302/2014, (EU) No 1303/2014 and (EU) 2016/919 and Commission Implementing Decision 2011/665/EU as regards the alignment with Directive (EU) 2016/797 of the European Parliament and of the Council and the implementation of specific objectives set out in Commission Delegated Decision (EU) 2017/1474 (OJ L 139I, 27.5.2019, p. 108).</p> <p>Commission Implementing Regulation (EU) 2020/387 of 9 March 2020 amending Regulations (EU) No 321/2013, (EU) No 1302/2014 and (EU) 2016/919 as regards the extension of the area of use and transition phases (OJ L 73, 10.3.2020, p. 6).</p> <p>Commission Implementing Regulation (EU) 2020/424 of 19 March 2020 on submitting information to the Commission as regards non-application of technical specifications for interoperability in accordance with Directive (EU) 2016/797 (OJ L 84, 20.3.2020, p. 20).</p>
European Union Agency for Railways	<p>Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (OJ L 138, 26.5.2016, p. 1).</p> <p>Commission Implementing Regulation (EU) 2018/867 of 13 June 2018 laying down the rules of procedure of the Board(s) of Appeal of the European Union Agency for Railways (OJ L 149, 14.6.2018, p. 3).</p> <p>Commission Implementing Regulation (EU) 2018/764 of 2 May 2018 on the fees and charges payable to the European Union Agency for Railways and their conditions of payment (OJ L 129, 25.5.2018, p. 68).</p> <p>Commission Implementing Regulation (EU) 2021/1903 of 29 October 2021 amending Implementing Regulation (EU) 2018/764 on the fees and charges payable to the European Union Agency for Railways and their conditions of payment (OJ L 387, 3.11.2021, p. 126)</p>

Railway safety	<p>Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102).</p> <p>Regulation (EU) 2020/1530 of the European Parliament and of the Council of 21 October 2020 amending Directive (EU) 2016/798, as regards the application of railway safety and interoperability rules within the Channel Fixed Link (OJ L 352, 22.10.2020, p. 1)</p> <p>Commission implementing Regulation (EU) 2018/763 of 9 April 2018 establishing practical arrangements for issuing single safety certificates to railway undertakings pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council, and repealing Commission Regulation (EC) No 653/2007 (OJ L 129, 25.5.2018, p. 49).</p> <p>Commission implementing Regulation (EU) 2019/779 of 16 May 2019 laying down detailed provisions on a system of certification of entities in charge of maintenance of vehicles pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 445/2011 (OJ L 139I, 27.5.2019, p. 360).</p> <p>Commission Regulation (EU) No 1158/2010 of 9 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates (OJ L 326, 10.12.2010, p. 11).</p> <p>Commission delegated Regulation (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulations (EU) No 1158/2010 and (EU) No 1169/2010 (OJ L 129, 25.5.2018, p. 26).</p> <p>Commission Regulation (EU) No 1169/2010 of 10 December 2010 on a common safety method for assessing conformity with the requirements for obtaining a railway safety authorisation (OJ L 327, 11.12.2010, p. 13). Commission Regulation (EU) No 1078/2012 of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance (OJ L 320, 17.11.2012, p. 8).</p> <p>Commission delegated Regulation (EU) 2018/761 of 16 February 2018 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 1077/2012 (OJ L 129, 25.5.2018, p. 16).</p> <p>Commission Decision 2009/460/EC of 5 June 2009 on the adoption of a common safety method for assessment of achievement of safety targets, as referred to in Article 6 of Directive 2004/49/EC of the European Parliament and of the Council (OJ L 150, 13.6.2009, p. 11).</p> <p>Commission recommendation (EU) 2019/780 of 16 May 2019 on practical arrangements for issuing safety authorisations to infrastructure managers (OJ L 139I, 27.5.2019, p. 390).</p>
Inland transport of dangerous goods	<p>Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).</p>
Transportable pressure equipment	<p>Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1).</p>

Social field - working time / hours	<p>Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).</p> <p>Council Directive 2005/47/EC of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector - Agreement concluded by the European Transport Workers' Federation (ETF) and the Community of European Railways (CER) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services (OJ L 195, 27.7.2005 p. 15).</p>
Passenger rights	<p>Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).</p> <p>Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (OJ L 172, 17.5.2021, p. 1–52), applicable as of 7 June 2023.</p>
Electronic freight transport information	<p>Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33).</p>

ANNEX I.3

RULES APPLICABLE TO ROAD TRANSPORT

The 'Applicable provisions' of the following European Union acts shall be applicable in accordance with the Main Treaty and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to VI. Where necessary, specific adaptations for each individual act are set out hereinafter.

The following European Union acts refer to the latest version of such acts as last modified.

Regulatory area	Legislation
Road charging infrastructure -annual vehicle taxes	Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187, 20.7.1999, p. 42).
Admission to the occupation of road operator	<p>Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).</p> <p>Regulation (EU) 2020/1055 of the European Parliament and of the Council of 15 July 2020 amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector (OJ L 249, 31.7.2020, p. 17).</p>
Social provisions - driving time and rest periods	<p>Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).</p> <p>Commission Delegated Regulation (EU) 2022/1012 of 7 April 2022 supplementing Regulation (EC) No 561/2006 of the European Parliament and of the Council with regard to the establishment of standards detailing the level of service and security of safe and secure parking areas and to the procedures for their certification (OJ L 170, 28.6.2022, p.27).</p> <p>Commission Regulation (EU) No 581/2010 of 1 July 2010 on the maximum periods for the downloading of relevant data from vehicle units and from driver cards (OJ L 168, 2.7.2010, p. 16).</p> <p>Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs (OJ L 249, 31.7.2020, p. 1).</p>
Tachograph	<p>Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).</p> <p>Commission Implementing Regulation (EU) 2016/68 of 21 January 2016 on common procedures and specifications necessary for the interconnection of electronic registers of driver cards (OJ L 15, 22.1.2016, p. 51).</p>

	<p>Commission Implementing Regulation (EU) 2016/799 of 18 March 2016 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components (OJ L 139, 26.5.2016, p. 1).</p> <p>Commission Implementing Regulation (EU) 2021/1228 of 16 July 2021 amending Implementing Regulation (EU) 2016/799 as regards the requirements for the construction, testing, installation, operation and repair of smart tachographs and their components (OJ L 273, 30.7.2021, p. 1–140).</p> <p>Commission Implementing Regulation (EU) 2018/502 of 28 February 2018 amending Implementing Regulation (EU) 2016/799 laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components (OJ L 85, 28.3.2018, p. 1).</p> <p>Council Regulation (EEC) No 3821/85 on recording equipment in road transport (OJ L 370, 31.12.1985, p. 8).</p> <p>(See however Article 46 of Regulation (EU) No 165/2014).</p> <p>Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs (OJ L 249, 31.7.2020, p. 1).</p>
Enforcement of social legislation	<p>Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35) as amended by:</p> <p>Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012 (OJ L 249, 31.7.2020, p. 49).</p>
Form of attestation of activities	<p>Commission Decision 2007/230/EC of 12 April 2007 on a form concerning social legislation relating to road transport activities (OJ L 99, 14.4.2007, p. 14).</p>
Working time	<p>Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities</p> <p>(OJ L 80, 23.3.2002, p. 35).</p>
Transportable pressure equipment	<p>Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1).</p>

Roadworthiness	<p>Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L 127, 29.4.2014, p. 51).</p> <p>Commission Delegated Directive (EU) 2021/1717 of 9 July 2021 amending Directive 2014/45/EU of the European Parliament and of the Council as regards the updating of certain vehicle category designations and the addition of eCall to the list of test items, methods, reasons for failure and assessment of deficiencies in Annex I and Annex III to that Directive (OJ L 342, 27.9.2021, p. 48–51).</p> <p>Commission Implementing Regulation (EU) 2019/621 of 17 April 2019 on the technical information necessary for roadworthiness testing of the items to be tested, on the use of the recommended test methods, and establishing detailed rules concerning the data format and the procedures for accessing the relevant technical information (OJ L 108, 23.4.2019, p. 5–28).</p>
Roadside inspection	<p>Directive 2014/47/EU of the European Parliament and of the Council of 3 April 2014 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC (OJ L 127, 29.4.2014, p. 134).</p> <p>Commission Delegated Directive (EU) 2021/1716 of 29 June 2021 amending Directive 2014/47/EU of the European Parliament and of the Council as regards modifications to the vehicle category designations stemming from amendments to the type-approval legislation (OJ L 342, 27.9.2021, p. 45–47).</p> <p>Commission Implementing Regulation (EU) 2017/2205 of 29 November 2017 on detailed rules concerning the procedures for the notification of commercial vehicles with major or dangerous deficiencies identified during a technical roadside inspection (OJ L 314, 30.11.2017, p. 3–11).</p>
Speed limitation devices	<p>Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27).</p>
Safety belts	<p>Council Directive 91/671/EEC of 16 December 1991 relating to the compulsory use of safety belts and child-restraint systems in vehicles (OJ L 373, 31.12.1991, p. 26).</p>
Mirrors	<p>Directive 2007/38/EC of the European Parliament and of the Council of 11 July 2007 on the retrofitting of mirrors to heavy goods vehicles registered in the Community (OJ L 184, 14.7.2007, p. 25).</p>
Registration documents	<p>Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).</p> <p>Council Directive 2006/103/EC of 20 November 2006 adapting certain Directives in the field of transport policy, by reason of the accession of Bulgaria and Romania (OJ L 363, 20.12.2006, p. 344).</p>

Training of drivers	<p>Directive 2003/59/EC of the Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).</p> <p>Directive (EU) 2018/645 of the European Parliament and of the Council of 18 April 2018 amending Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers and Directive 2006/126/EC on driving licences (OJ L 112, 2.5.2018, p. 29)</p>
Driving licence	<p>Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (OJ L 403, 30.12.2006, p. 18).</p> <p>Commission Regulation (EU) No 383/2012 of 4 May 2012 laying down technical requirements with regard to driving licences which include a storage medium (microchip) (OJ L 120, 5.5.2012, p. 1).</p>
Cross-border exchange of information	<p>Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences (OJ L 68, 13.3.2015, p. 9).</p>
Inland transport of dangerous goods	<p>Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).</p>
Checks on transport of dangerous goods	<p>Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road (OJ L 249, 17.10.1995, p. 35).</p>
Tunnels	<p>Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the trans-European road network (OJ L 167, 30.4.2004, p. 39).</p>
Road infrastructure safety management	<p>Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59).</p>
Dimensions and weight of vehicles	<p>Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235, 17.9.1996, p. 59).</p> <p>Decision (EU) 2019/984 of the European Parliament and of the Council of 5 June 2019 amending Council Directive 96/53/EC as regards the time limit for the implementation of the special rules regarding maximum length for cabs delivering improved aerodynamic performance, energy efficiency and safety performance (OJ L 164, 20.6.2019, p. 30–31).</p> <p>Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO2 emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC (OJ L 198, 25.7.2019, p. 202–24) (as regards the amendment of Council Directive 96/53/EC only).</p>

Passenger rights	Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).
Clean vehicles and/or alternative fuels infrastructure	<p>Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of clean road transport vehicles in support of low-emission mobility (OJ L 120, 15.5.2009, p. 5).</p> <p>Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1).</p>
Intelligent Transport Systems	<p>Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).</p> <p>Commission Implementing Decision 2011/453/EU of 13 July 2011 adopting guidelines for reporting by the Member States under Directive 2010/40/EU of the European Parliament and of the Council (OJ L 193, 23.7.2011, p. 48).</p> <p>Commission Implementing Decision (EU) 2016/209 of 12 February 2016 on a standardisation request to the European standardisation organisations as regards Intelligent Transport Systems (ITS) in urban areas in support of Directive 2010/40/EU of the European Parliament and of the Council on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 39, 16.2.2016, p. 48).</p> <p>Commission Delegated Regulation (EU) No 305/2013 of 26 November 2012 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the harmonised provision for an interoperable EU-wide eCall (OJ L 91, 3.4.2013, p. 1).</p> <p>Commission Delegated Regulation (EU) No 885/2013 of 15 May 2013 supplementing ITS Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of information services for safe and secure parking places for trucks and commercial vehicles (OJ L 247, 18.9.2013, p. 1).</p> <p>Commission Delegated Regulation (EU) No 886/2013 of 15 May 2013 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users (OJ L 247, 18.9.2013, p. 6).</p> <p>Commission Delegated Regulation (EU) 2015/962 of 18 December 2014 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services (OJ L 157, 23.6.2015, p. 21).</p> <p>Decision No 585/2014/EU of the European Parliament and of the Council of 15 May 2014 on the deployment of the interoperable EU-wide eCall service (OJ L 164, 3.6.2014, p. 6).</p>

Road toll systems	<p>Directive (EU) 2019/520 of the European Parliament and of the Council of 19 March 2019 on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (OJ L 91, 29.3.2019, p. 45).</p> <p>Commission Delegated Regulation (EU) 2020/203 of 28 November 2019 on classification of vehicles, obligations of European Electronic Toll Service users, requirements for interoperability constituents and minimum eligibility criteria for notified bodies (OJ L 43, 17.2.2020, p. 41–48).</p> <p>Commission Implementing Regulation (EU) 2020/204 of 28 November 2019 on detailed obligations of European Electronic Toll Service providers, minimum content of the European Electronic Toll Service domain statement, electronic interfaces, requirements for interoperability constituents and repealing Decision 2009/750/EC (OJ L 43, 17.2.2020, p. 49–62).</p>
Type approval	<p>Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).</p> <p>Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1).</p> <p>Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52).</p>
Electronic freight transport information	<p>Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33). (to the extent relevant for acts falling within the scope of this Annex) ⁽¹⁾</p>

⁽¹⁾ On scope, see Article 2 of Regulation (EU) 2020/1056. Directive 92/106/EEC and Regulation (EC) No 1072/2009 are not listed in this annex. The extent to which Regulation (EU) 2020/1056 covers aspects linked to those acts it is not relevant.

ANNEX I.4

RULES APPLICABLE TO MARITIME TRANSPORT

The 'Applicable provisions' of the following European Union acts shall be applicable in accordance with the Main Treaty and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to VI. Where necessary, specific adaptations for each individual act are set out hereinafter.

The following European Union acts refer to the latest version of such acts as last modified.

Regulatory area	Legislation
Maritime policy	Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).
Access to the market	<p>Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage) (OJ L 364, 12.12.1992, p. 7).</p> <p>Council Regulation (EEC) No 4055/86 of 22 December 1986 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries (OJ L 378, 31.12.1986, p. 1).</p> <p>Regulation (EC) No 789/2004 of the European Parliament and of the Council of 21 April 2004 on the transfer of cargo and passenger ships between registers within the Community and repealing Council Regulation (EEC) No 613/91 (OJ L 138, 30.4.2004, p. 19).</p> <p>Council Regulation (EEC) No 4058/86 of 22 December 1986 concerning coordinated action to safeguard free access to cargoes in ocean trades (OJ L 378, 31.12.1986, p. 21).</p>
International relations	Council Regulation (EEC) No 4057/86 of 22 December 1986 on unfair pricing practices in maritime transport (OJ L 378, 31.12.1986, p. 14).
International agreements	<p>Council Decision 2012/22/EU of 12 December 2011 concerning the accession of the European Union to the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, with the exception of Articles 10 and 11 thereof (OJ L 8, 12.1.2012, p. 1).</p> <p>Council Decision 2012/23/EU of 12 December 2011 concerning the accession of the European Union to the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, as regards Articles 10 and 11 thereof (OJ L 8, 12.1.2012, p. 13).</p>
Ship inspection and survey organisations - recognised organisations	<p>Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (OJ L 131, 28.5.2009, p. 47).</p> <p>Commission Decision 2009/491/EC of 16 June 2009 on criteria to be followed in order to decide when the performance of an organisation acting on behalf of a flag State can be considered an unacceptable threat to safety and the environment (OJ L 162, 25.6.2009, p. 6).</p>

	<p>Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (OJ L 131, 28.5.2009, p. 11).</p> <p>Commission Regulation (EU) No 788/2014 of 18 July 2014 laying down detailed rules for the imposition of fines and periodic penalty payments and the withdrawal of recognition of ship inspection and survey organisations pursuant to Articles 6 and 7 of Regulation (EC) No 391/2009 of the European Parliament and of the Council (OJ L 214, 19.7.2014, p. 12).</p>
Flag State	Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements (OJ L 131, 28.5.2009, p. 132).
Port State control	Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).
Vessel traffic monitoring	Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).
International Safety Management Code	Regulation (EC) 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 (OJ L 64, 4.3.2006, p. 1).
Reporting formalities	Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC (OJ L 283, 29.10.2010, p. 1).
Marine equipment	<p>Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).</p> <p>Commission Implementing Regulation (EU) 2022/1157 of 4 July 2022 laying down rules for the application of Directive 2014/90/EU of the European Parliament and of the Council, as regards design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2021/1158 (Text with EEA relevance) (OJ L 180, 6.7.2022, p.1).</p>
Passenger ships	<p>Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships (OJ L 123, 17.5.2003, p. 22).</p> <p>Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents (OJ L 131, 28.5.2009, p. 24).</p> <p>Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (OJ L 188, 2.7.1998, p. 35).</p> <p>Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (OJ L 163, 25.6.2009, p. 1).</p> <p>Directive (EU) 2017/2110 of the European Parliament and of the Council of 15 November 2017 on a system of inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service and amending Directive 2009/16/EC and repealing Council Directive 1999/35/EC (OJ L 315, 30.11.2017, p. 61).</p>

Safety of fishing vessels	Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over (OJ L 34, 9.2.1998, p. 1).
Oil tankers	Regulation (EU) No 530/2012 of the European Parliament and of the Council of 13 June 2012 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers (OJ L 172, 30.6.2012, p. 3).
Bulk carriers	Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers (OJ L 13, 16.1.2002, p. 9).
Accident investigation	<p>Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council (OJ L 131, 28.5.2009, p. 114).</p> <p>Commission Implementing Regulation (EU) No 651/2011 of 5 July 2011 adopting the rules of procedure of the permanent cooperation framework established by Member States in cooperation with the Commission pursuant to Article 10 of Directive 2009/18/EC of the European Parliament and of the Council (OJ L 177, 6.7.2011, p. 18).</p> <p>Commission Regulation (EU) No 1286/2011 of 9 December 2011 adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council (OJ L 328, 10.12.2011, p. 36).</p>
Insurance	Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims (OJ L 131, 28.5.2009, p. 128).
Ship-source pollution	Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences (OJ L 255, 30.9.2005, p. 11).
Ship-generated waste	Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (OJ L 151, 7.6.2019, p.116).
Organotin compounds	Regulation (EC) No 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships (OJ L 115, 9.5.2003, p. 1).
Maritime security	<p>Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.4.2004, p. 6).</p> <p>Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security (OJ L 310, 25.11.2005, p. 28).</p> <p>Commission Regulation (EC) No 324/2008 of 9 April 2008 laying down revised procedures for conducting Commission inspections in the field of maritime security (OJ L 98, 10.4.2008, p. 5).</p>

Training of seafarers	Directive (EU) 2022/993 of the European Parliament and of the Council of 8 June 2022 on the minimum level of training of seafarers (codification) (Text with EEA relevance), OJ L 169, 27.6.2022, p. 45.
Social aspects	<p>Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006 (OJ L 329, 10.12.2013, p. 1).</p> <p>Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) (OJ L 167, 2.7.1999, p. 33).</p> <p>Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports (OJ L 14, 20.1.2000, p. 29).</p> <p>Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC (OJ L 124, 20.5.2009, p. 30).</p> <p>Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels (OJ L 113, 30.4.1992, p. 19).</p>
Passenger rights	Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1).
Transportable pressure equipment	Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1).
European Maritime Safety Agency	Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1).
Committee on Safe Seas and the Prevention of Pollution from Ships	Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships (OJ L 324, 29.11.2002, p. 1).
Port Services	Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports (OJ L 57, 3.3.2017, p. 1).
Maritime Single Window	Regulation (EU) 2019/1239 of the European Parliament and of the Council of 20 June 2019 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU (OJ L 198, 25.7.2019, p. 64).

Environment	<p data-bbox="507 282 1410 365">Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels (OJ L 132, 21.5.2016, p. 58).</p> <p data-bbox="507 389 1410 474">Commission Implementing Decision (EU) 2015/253 of 16 February 2015 laying down the rules concerning the sampling and reporting under Council Directive 1999/32/EC as regards the sulphur content of marine fuels (OJ L 41, 17.2.2015, p. 55)</p>
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ANNEX I.5

RULES APPLICABLE TO INLAND WATERWAY TRANSPORT

The 'Applicable provisions' of the following European Union acts shall be applicable in accordance with the Main Treaty and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to VI. Where necessary, specific adaptations for each individual act are set out hereinafter.

The following European Union acts refer to the latest version of such acts as last modified.

Regulatory area	Legislation
Access to the market	<p>Council Regulation (EC) No 1356/96 of 8 July 1996 on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such transport services (OJ L 175, 13.7.1996, p. 7).</p> <p>Council Regulation (EEC) No 3921/91 of 16 December 1991 laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State (OJ L 373, 31.12.1991, p. 1).</p> <p>Council Regulation (EC) No 718/1999 of 29 March 1999 on a Community fleet capacity policy to promote inland waterway transport (OJ L 90, 2.4.1999, p. 1).</p> <p>Council Directive 96/75/EC of 19 November 1996 on the systems of chartering and pricing in national and international inland waterway transport in the Community (OJ L 304, 27.11.1996, p. 12).</p> <p>Council Regulation (EEC) No 2919/85 of 17 October 1985 laying down the conditions for access to the arrangements under the Revised Convention for the navigation of the Rhine relating to vessels belonging to the Rhine Navigation (OJ L 280, 22.10.1985, p. 4).</p>
Access to the profession	<p>Council Directive No 87/540/EEC of 9 November 1987 on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation (OJ L 322, 12.11.1987, p. 20).</p> <p>Directive (EU) 2017/2397 of the European Parliament and of the Council of 12 December 2017 on the recognition of professional qualifications in inland navigation and repealing Council Directives 91/672/EEC and 96/50/EC (OJ L 345, 27.12.2017, p. 53).</p> <p>Directive (EU) 2021/1233 of the European Parliament and of the Council of 14 July 2021 amending Directive (EU) 2017/2397 as regards the transitional measures for the recognition of third-country certificates (OJ L 274, 30.7.2021, p. 52–54).</p> <p>Commission Delegated Regulation (EU) 2022/184 of 22 November 2021 amending Annex IV to Directive (EU) 2017/2397 of the European Parliament and of the Council (OJ L 30, 11.2.2022, p. 3–4).</p> <p>Commission Delegated Directive (EU) 2020/12 of 2 August 2019 supplementing Directive (EU) 2017/2397 of the European Parliament and of the Council as regards the standards for competences and corresponding knowledge and skills, for the practical examinations, for the approval of simulators and for medical fitness (OJ L 6, 10.1.2020, p. 15).</p> <p>Commission Delegated Regulation (EU) 2020/473 of 20 January 2020 supplementing Directive (EU) 2017/2397 of the European Parliament and of the Council with regard to the standards for databases for the Union certificates of qualification, service record books and logbooks (OJ L 100, 1.4.2020, p. 1).</p>

	<p>Commission Implementing Regulation (EU) 2020/182 of 14 January 2020 on models in the field of professional qualifications in inland navigation (OJ L 38, 11.2.2020, p.1).</p>
Safety / technical requirements	<p>Directive 2009/100/EC of the European Parliament and of the Council of 16 September 2009 on reciprocal recognition of navigability licences for inland waterway vessels (OJ L 259, 2.10.2009, p. 8).</p> <p>Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC (OJ L 252, 16.9.2016, p. 118).</p> <p>Commission Delegated Regulation (EU) 2021/1308 of 28 April 2021 amending Annexes I and II to Directive (EU) 2016/1629 of the European Parliament and of the Council as regards modifying the list of Union inland waterways and the minimum technical requirements applicable to craft C/2021/2853 (OJ L 284, 9.8.2021, p. 1–13).</p> <p>Commission Delegated Directive (EU) 2018/970 of 18 April 2018 amending Annexes II, III and V to Directive (EU) 2016/1629 of the European Parliament and of the Council laying down technical requirements for inland waterway vessels (OJ L 174, 10.7.2018, p. 15).</p> <p>Commission Delegated Regulation (EU) 2020/474 of 20 January 2020 on the European Hull Data Base (OJ L 100, 1.4.2020, p. 12).</p> <p>Commission Implementing Decision (EU) 2020/1122 of 28 July 2020 on the recognition of DNV GL AS as a classification society for inland waterway vessels in accordance with Directive (EU) 2016/1629 of the European Parliament and of the Council (OJ L 245, 30.7.2020, p. 15).</p> <p>Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1).</p>
Inland transport of dangerous goods	<p>Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).</p>
River information services	<p>Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community (OJ L 255, 30.9.2005, p. 152).</p> <p>Commission Implementing Regulation (EU) No 909/2013 of 10 September 2013 on the technical specifications for the electronic chart display and information system for inland navigation (Inland ECDIS) referred to in Directive 2005/44/EC of the European Parliament and of the Council (OJ L 258, 28.9.2013, p. 1).</p> <p>Commission Regulation (EC) No 416/2007 of 22 March 2007 concerning the technical specifications for Notices to Skippers as referred to in Article 5 of Directive 2005/44/EC of the European Parliament and of the Council on harmonised river information services (RIS) on inland waterways in the Community (OJ L 105, 23.4.2007, p. 88).</p> <p>Commission Regulation (EC) No 414/2007 of 13 March 2007 concerning the technical guidelines for the planning, implementation and operational use of river information services (RIS) referred to in Article 5 of Directive 2005/44/EC of the European Parliament and of the Council on harmonised river information services (RIS) on inland waterways in the Community (OJ L 105, 23.4.2007, p. 1).</p>

	<p>Commission Implementing Regulation (EU) 2018/2032 of 20 November 2018 amending Commission Regulation (EC) No 416/2007 concerning the technical specifications for Notices to Skippers (OJ L 332, 28.12.2018, p. 1).</p> <p>Commission Implementing Regulation (EU) 2018/1973 of 7 December 2018 amending Implementing Regulation (EU) No 909/2013 on the technical specifications for the electronic chart display and information system for inland navigation (Inland ECDIS) referred to in Directive 2005/44/EC of the European Parliament and of the Council (OJ L 324, 19.12.2018, p. 1).</p> <p>Commission Implementing Regulation (EU) 2019/838 of 20 February 2019 on technical specifications for vessel tracking and tracing systems and repealing Regulation (EC) No 415/2007 (OJ L 138, 24.5.2019, p. 31).</p> <p>Commission Implementing Regulation (EU) 2019/1744 of 17 September 2019 on technical specifications for electronic ship reporting in inland navigation and repealing Regulation (EU) No 164/2010 (OJ L 273, 25.10.2019, p. 1).</p>
Environment (air quality) and Climate change	<p>Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specifications of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (OJ L 140, 5.6.2009, p. 88).</p> <p>Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ L 252, 16.9.2016, p. 53).</p>
Passenger rights	<p>Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1).</p>
Electronic freight transport information	<p>Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33).</p>
Working time	<p>Council Directive 2014/112/EU of 19 December 2014 implementing the European Agreement concerning certain aspects of the organisation of working time in inland waterway transport, concluded by the European Barge Union (EBU), the European Skippers Organisation (ESO) and the European Transport Workers' Federation (ETF) (OJ L 367, 23.12.2014, p. 86).</p>

ANNEX I.6

ENVIRONMENT RULES APPLICABLE TO THE TRANSPORT SECTOR

The 'Applicable provisions' of the following European Union acts shall be applicable in accordance with the Main Treaty and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to VI. Where necessary, specific adaptations for each individual act are set out hereinafter.

The following European Union acts refer to the latest version of such acts as last modified.

Regulatory area	Legislation
Assessment of effects	<p>Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU.</p> <p>(OJ L 26, 28.1.2012, p. 1)</p> <p>and the Convention on Environmental Impact Assessment in a Transboundary Context of 1991 (Espoo Convention).</p> <p>All projects listed in Annex I of the Environmental Impact Assessment (EIA) Directive falling under the scope of the Treaty shall be subject to an environmental impact assessment in line with EU EIA provisions. All projects listed in Annex II of the EIA Directive falling under the scope of the Treaty shall be subject to a determination whether these should be made subject to an environmental impact assessment in line with EU EIA provisions. In addition, transboundary aspects should be addressed in line with the requirements of the Espoo Convention.</p> <p>Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment</p> <p>(OJ L 197, 21.7.2001, p. 30)</p> <p>and the Protocol on strategic Environmental Assessment to the Espoo Convention (SEA protocol).</p> <p>All plans and programmes in the field of Transport shall, where applicable, be subject to an environmental assessment in line with the provisions of the Strategic Environmental Assessment (SEA) Directive and the SEA Protocol to the Espoo Convention. If the implementation of a plan or programme is likely to have significant transboundary environmental effects, or where a Party likely to be significantly affected so requests, transboundary consultation should take place as per the provisions of the SEA Protocol (Article 10) and/or the SEA Directive (Article 7).</p>
Conservation	<p>Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).</p> <p>If a project is likely to affect sites of nature conservation importance, an appropriate nature conservation assessment shall be made, equivalent to that provided for in Article 6 of Directive 92/43/EEC.</p> <p>Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, (OJ L 20, 26.1.2010, p. 7).</p>

Fuels, air quality and climate change	<p>Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, p. 58).</p> <p>Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels (OJ L 132, 21.5.2016, p. 58).</p>
Water policy	<p>Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).</p> <p>All transport projects on navigation falling under the scope of this Treaty should be developed and implemented in line with Article 4(7) of Directive 2000/60/EC.</p> <p>All transport projects on navigation falling under the scope of this Treaty should, where applicable, be carried out in line with the Joint Statement on Inland Navigation and Environmental Sustainability in the Danube River Basin as endorsed by the International Commission for the Protection of the Danube river (ICPDR), Danube Commission and Sava Commission.</p>
Noise	<p>Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise - Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise, (OJ L 189, 18.7.2002, p. 12)</p>

ANNEX I.7

PUBLIC PROCUREMENT RULES APPLICABLE TO TRANSPORT SECTOR

The 'Applicable provisions' of the following European Union acts shall be applicable in accordance with the Main Treaty and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to VI. Where necessary, specific adaptations for each individual act are set out hereinafter.

The following European Union acts refer to the latest version of such acts as last modified.

Regulatory area	Legislation
Review procedures	<p>Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts (OJ L 395, 30.12.1989, p. 33).</p> <p>Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ L 76, 23.3.1992, p. 14).</p>
Procurement procedures	<p>Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).</p> <p>Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).</p> <p>Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).</p> <p>Commission Implementing Regulation (EU) 2019/1780 of 23 September 2019 establishing standard forms for the publication of notices in the field of public procurement and repealing Implementing Regulation (EU) 2015/1986 (eForms) (OJ L 272, 25.10.2019, p. 7–73).</p>
Public services	<p>Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (OJ L 315, 3.12.2007, p. 1).</p> <p>Regulation (EU) 2016/2338 of the European Parliament and of the Council of 14 December 2016 amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail (OJ L 354, 23.12.2016, p. 22).</p>

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