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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2022/2192 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 9 November 2022

laying down specific provisions for the 2014-2020 cooperation programmes supported by the European Neighbourhood Instrument and under the European territorial cooperation goal, following programme implementation disruption

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 178, Article 209(1) and Article 212(2) thereof,

Having regard to the proposal from the European Commission,

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

After consulting the European Economic and Social Committee,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) In its conclusions of 24 February 2022, the European Council condemned Russia's unprovoked and unjustified military aggression against Ukraine as well as the involvement of Belarus in that aggression. As a result of the aggression, the Commission has suspended the financing agreements for cooperation programmes between the Union and Russia or Belarus respectively, and, where relevant, the Member State hosting the managing authority of the programme concerned. Since the start of Russia's military aggression against Ukraine, the Union has imposed a series of new sanctions against Russia and Belarus.
- (2) The Russian military aggression has disrupted the implementation of thirteen cross-border cooperation programmes supported by the European Neighbourhood Instrument (ENI) established by Regulation (EU) No 232/2014 of the European Parliament and of the Council ⁽²⁾ between nine Member States hosting a programme's managing authority and Ukraine, the Republic of Moldova, Russia and Belarus.
- (3) The fraudulent nature of the August 2020 presidential elections in Belarus and the violent crackdown on peaceful protests already led to the recalibration of the Union's assistance to Belarus following the Council Conclusions of 12 October 2020.

⁽¹⁾ Position of the European Parliament of 20 October 2022 (not yet published in the Official Journal) and decision of the Council of 8 November 2022.

⁽²⁾ Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27).

- (4) As a result of the Russian military aggression against Ukraine, the Union and its eastern regions in particular, as well as the western parts of Ukraine and the Republic of Moldova are facing a substantial inflow of displaced persons. That inflow poses an additional challenge to the Member States and other countries bordering Ukraine, which could spread further to other Member States, especially at a time when their economies are still recovering from the impact of the COVID-19 pandemic.
- (5) Moreover, two transnational cooperation programmes supported by the ENI and the European Regional Development Fund (ERDF) under Regulation (EU) No 1299/2013 of the European Parliament and of the Council ⁽³⁾, namely the Interreg Baltic Sea Region Programme with the participation of Russia, and the Danube Transnational Programme with the participation of Ukraine and the Republic of Moldova, were considerably disrupted by the Russian military aggression against Ukraine or, with regard to the Republic of Moldova, by the flows of displaced persons from Ukraine resulting directly from that aggression.
- (6) Since the notifications of the suspension of the financing agreements for cooperation programmes with Russia and Belarus, any programme and project implementation with those countries is suspended. It is necessary to lay down specific rules on the continued implementation of the cooperation programmes supported by the ENI and the ERDF, even in the event of a termination of the respective financing agreement.
- (7) The implementation of cooperation programmes supported by the ENI is governed by Commission Implementing Regulation (EU) No 897/2014 ⁽⁴⁾. However, Implementing Regulation (EU) No 897/2014 cannot be amended as necessary, because its legal basis, Regulation (EU) No 232/2014 is no longer in force since 31 December 2020. Consequently, it is necessary to lay down specific provisions with regard to the continued implementation of the cooperation programmes concerned in a separate legal instrument.
- (8) The financing agreements for cooperation programmes with Ukraine and the Republic of Moldova are not suspended. However, the implementation of those programmes is considerably impacted by Russia's unprovoked and unjustified military aggression against Ukraine and a substantial flow of displaced persons from Ukraine towards the Republic of Moldova. In order to address the challenges for programme partners, programme authorities and project partners, it is necessary to lay down specific rules on the continued implementation of the cooperation programmes concerned.
- (9) With a view to alleviating the burden on public budgets arising from the need to respond to Russia's unprovoked and unjustified military aggression against Ukraine and to a substantial flow of displaced persons from Ukraine, the co-financing rule laid down in Implementing Regulation (EU) No 897/2014 should not apply for the Union contribution.
- (10) The modification of the co-financing rate should only require a notification of revised financial tables to the Commission and other procedural arrangements. It is necessary that the rules on adjustments and revisions of programmes be simplified for the programmes directly affected by the military aggression against Ukraine or by a substantial flow of displaced persons from Ukraine. Any potential consequential adjustments, including to the target values of indicators, should be allowed as part of a subsequent programme adjustment after the end of the accounting year.
- (11) Expenditure for projects addressing the migratory challenges as a result of the Russian military aggression against Ukraine should be eligible from the start date of that aggression on 24 February 2022.

⁽³⁾ Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal (OJ L 347, 20.12.2013, p. 259).

⁽⁴⁾ Commission Implementing Regulation (EU) No 897/2014 of 18 August 2014 laying down specific provisions for the implementation of cross-border cooperation programmes financed under Regulation (EU) No 232/2014 of the European Parliament and the Council establishing a European Neighbourhood Instrument (OJ L 244, 19.8.2014, p. 12).

- (12) Although the management of projects already selected by the Joint Monitoring Committee is the responsibility of the managing authority, under some programmes certain project amendments are to be approved by the Joint Monitoring Committee. In order to speed up the necessary changes, it is therefore necessary to establish that the responsibility for amending the documents setting out the conditions for support to projects affected by a programme implementation disruption in accordance with the national law of the managing authority lies only with the respective managing authority, without the prior approval of the Joint Monitoring Committee. It should be possible for such amendments to also cover, among others, the replacement of the lead beneficiary or any changes to the financing plan or to the execution deadlines. With regard to new projects, the managing authority should explicitly be allowed to sign contracts other than contracts for large infrastructure projects after 31 December 2022. However, all project activities financed by the programme should end by 31 December 2023.
- (13) The Russian military aggression against Ukraine has caused higher than expected inflation and an unexpected increase in supply and construction prices, which together affect the implementation of large infrastructure projects in the programmes concerned. In order to remedy that situation, the share of the Union contribution allocated to such projects should be allowed to exceed the ceiling set out in Implementing Regulation (EU) No 897/2014, namely 30 % at the closure of the programme, provided that the excess is only due to an unexpected increase in supply and construction prices.
- (14) Verifications carried out by the managing authority consist of administrative and on-the-spot project verifications. Due to programme implementation disruption, it could no longer be possible to carry out on-the-spot project verifications in Ukraine. Therefore, it is necessary to provide for the possibility to carry out only administrative verifications. In addition, where an infrastructure component of a project was destroyed before verifications could be carried out, it should be possible for the beneficiary to declare the related expenditure for clearance of accounts on the basis of a declaration of honour from the beneficiary stating that the project before its destruction corresponded to the content set out in invoices or documents of equivalent probative value.
- (15) Pursuant to Implementing Regulation (EU) No 897/2014, projects may receive financial contribution if they meet a set of detailed criteria. Due to programme implementation disruption, one or more of those criteria, in particular the requirement that the project has a clear cross-border or transnational cooperation impact, might not be fulfilled at the start of the disruption or at the closure of a given project. Furthermore, the basic condition to involve beneficiaries from at least one of the participating Member States and at least one of the participating partner countries might not be respected anymore. It is therefore necessary to determine whether expenditure can nevertheless be considered as eligible despite the fact that some conditions for financing might no longer be met due to programme implementation disruption.
- (16) As a result of programme implementation disruption, many projects will *de facto* not have a partner from a partner country. In order to make it possible for the beneficiaries in Member States to finalise their activities, it is appropriate to derogate exceptionally from the obligation for all projects to have at least one beneficiary from a partner country and for all activities to have genuine cross-border or transnational impact and benefits.
- (17) The obligations of a lead beneficiary cover all activities linked to project implementation. As a result of project implementation disruption, lead beneficiaries could be prevented from carrying out their obligations with regard to the partner country. The lead beneficiary's obligations should therefore be adapted and, where necessary, limited to project implementation with regard to the Member States. Lead beneficiaries should also be allowed to amend the written agreement with the other project partners and to suspend certain activities or the participation of certain partners. Finally, the obligation of lead beneficiaries to transfer payments received from the managing authority to other partners should be waived or at least adapted.
- (18) In order for the affected programmes to address the exceptional circumstances, it is necessary to allow projects addressing the migratory challenges to be selected without a prior call for proposals in exceptional and duly substantiated cases.

- (19) Following the suspension of the financing agreements with partner countries, payments related to the Russian or Belarusian participation have been suspended. Moreover, in Ukraine the extraordinary measures taken by the National Bank and the security situation resulting from the Russian military aggression against it inhibit the transfer of money abroad. It is therefore appropriate to allow for direct payment of the grants from the managing authority to the project beneficiaries in Member States and in partner countries whose financing agreements are not suspended.
- (20) Cooperation programmes supported by the ENI are required to set out the method of converting expenditure incurred in a currency other than the euro. That method is to apply throughout the programme duration. Due to the financial and economic consequences of the Russian military aggression against Ukraine, there are unexpected fluctuations of exchange rates. It is therefore necessary to provide for the possibility to change that method.
- (21) Due to programme implementation disruption, managing authorities could be unable to receive bank transfers from certain partner countries, resulting in the impossibility to recover debts from project beneficiaries located in such countries. In the case of a partner country which has transferred part of its national contribution to the managing authority, those amounts should be used to off-set such debts. In the case of other partner countries, recovery orders regarding irrecoverable debts should be waived or handled by the Commission.
- (22) In accordance with Regulation (EU) No 1299/2013, the applicable programme implementation conditions governing the financial management as well as the programming, monitoring, evaluation and control aspects of the participation of third countries, through a contribution of ENI resources to transnational cooperation programmes, are to be established in the relevant cooperation programme and also, where necessary, in the financing agreement between the Commission, the governments of the third countries concerned and the Member State hosting the managing authority of the relevant cooperation programme. Although the applicable programme implementation conditions governing such aspects could be adapted by an adjustment of the cooperation programme, it is necessary to provide for some derogations from certain provisions of Regulation (EU) No 1299/2013 in order to allow for the application of the provisions established for the cooperation programmes supported by the ENI also to the Interreg Baltic Sea Region Programme and the Danube Transnational Programme.
- (23) Since the objectives of this Regulation, namely to establish specific provisions regarding the implementation of the cooperation programmes affected by the Russian military aggression against Ukraine, cannot be sufficiently achieved by the Member States alone and can therefore, by reason of the scale and effects of the proposed action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.
- (24) The funding provided in the context of this Regulation is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 of the Treaty on the Functioning of the European Union (TFEU).
- (25) In view of the urgency to address the migratory challenges resulting from the Russian military aggression against Ukraine and the continued public health crisis stemming from the COVID-19 pandemic, it is considered to be appropriate to invoke the exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the TFEU and to the Treaty establishing the European Atomic Energy Community.
- (26) In order to allow Member States to adjust their programmes in time to benefit from the application of the option of no co-financing to the Union contribution for the accounting year 2021/2022, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down specific provisions for thirteen cross-border cooperation programmes governed by Regulation (EU) No 232/2014 and two transnational cooperation programmes governed by Regulation (EU) No 1299/2013 listed in the Annex to this Regulation with regard to programme implementation disruption following Russia's military aggression against Ukraine and the involvement of Belarus in that aggression.
2. Articles 3 to 14 of this Regulation apply to the cross-border cooperation programmes governed by Regulation (EU) No 232/2014, which are listed in part 1 of the Annex to this Regulation.
3. Article 15 of this Regulation applies to the transnational cooperation programmes governed by Regulation (EU) No 1299/2013, which are listed in part 2 of the Annex to this Regulation.

Article 2

Definitions

1. For the purposes of this Regulation, the following definitions apply:
 - (1) 'partner country' means any of the third countries participating in a cooperation programme listed in the Annex;
 - (2) 'programme implementation disruption' means problems with regard to the implementation of programmes as a result of either of the following situations or a combination of both:
 - (a) the suspension in part or in full or the termination of a financing agreement concluded with a partner country as a consequence of restrictive measures adopted in accordance with Article 215 TFEU;
 - (b) a military aggression against a partner country or substantial flows of displaced persons into such a country.
2. For the purposes of Articles 3 to 14 of this Regulation, the definitions set out in Article 2 of Implementing Regulation (EU) No 897/2014 shall also apply.

Article 3

Co-financing

In the situation referred to in Article 2(1), point (2)(b), no co-financing of the Union contribution from Member States or partner countries shall be required for expenditure incurred and paid and included in the annual accounts for the accounting years starting 1 July 2021, 1 July 2022 and 1 July 2023 respectively.

Article 4

Programming

1. The application of Article 3 shall not require a Commission decision approving a programme adjustment. The managing authority shall notify the revised financial tables to the Commission before the submission of the annual accounts for the accounting year 2021/2022 following the prior approval of the Joint Monitoring Committee.

2. Adjustments to the programme consisting of cumulative changes that do not exceed 30 % of the originally allocated Union contribution to each thematic objective or to technical assistance involving transfer between thematic objectives or from technical assistance to thematic objectives or involving transfer from thematic objectives to technical assistance shall be considered as non-substantial and may therefore be directly made by the managing authority, with the prior approval of the Joint Monitoring Committee. Such adjustments shall not require a Commission decision.

3. The cumulative changes referred to in paragraph 2 shall not require any further justification beyond invoking programme implementation disruption and shall, where possible, reflect the expected impact of the adjustments to the programme.

Article 5

Eligibility of expenditure for projects addressing the migratory challenges

Expenditure for projects addressing the migratory challenges as a result of programme implementation disruption shall be eligible as of 24 February 2022.

Article 6

Projects

1. Following the start of programme implementation disruption, the managing authority may amend the documents setting out the conditions for support to projects affected by that disruption in accordance with the national law of the managing authority and without the prior approval of the Joint Monitoring Committee.

Those amendments may also cover the replacement of the lead beneficiary or changes to the financing plan or to the execution deadlines.

2. The managing authority may sign contracts, other than contracts for large infrastructure projects, after 31 December 2022, provided all project activities financed by the programme end by 31 December 2023.

3. The share of the Union contribution allocated to large infrastructure projects may exceed 30 % at the closure of the programme, provided that the excess is only due to an unexpected increase in supply and construction prices following higher than expected inflation.

Article 7

Functioning of the managing authority

1. Verifications carried out by the managing authority may be limited to administrative verifications, where on-the-spot project verifications are not possible. Where it is not possible to carry out any verifications, the related expenditure shall not be declared for clearance of accounts.

2. Notwithstanding paragraph 1, where an infrastructure component of a project was destroyed before verifications could be carried out, the related expenditure may be declared for clearance of accounts on the basis of a declaration of honour from the beneficiary stating that before its destruction the project corresponded to the content set out in invoices or documents of equivalent probative value.

Article 8

Cross-border cooperation impact of projects

1. In the context of the implementation of projects affected by a programme implementation disruption, the cross-border cooperation impact and benefits of projects shall be assessed in three phases:

(a) a first phase up to the date on which the programme implementation disruption started;

- (b) a second phase as of the date referred to in point (a);
- (c) a third phase after the programme implementation disruption has ended.

With regard to the first and third phases, the indicators and related target values used for that assessment shall be those achieved by the beneficiaries in the Member States and in the partner countries, provided that the beneficiaries in the partner countries have been able to provide the relevant information to the managing authority.

With regard to the second phase, the indicators and related target values used for that assessment shall be those achieved by the beneficiaries in the Member States and in those partner countries whose financing agreements are not suspended and which are not in a situation under Article 2(1), point (2)(b).

2. The eligibility of expenditure in projects shall be assessed in accordance with paragraph 1, as regards the cross-border cooperation impact and benefits thereof.
3. In the situation referred to in Article 2(1), point (2)(b), projects including an infrastructure component located in a partner country shall not be required to repay the Union contribution where it is not possible to satisfy the obligation not to be subject to substantial changes within five years of the project closure or within the period of time set out in State aid rules.

Article 9

Participation in projects

1. As of the date on which the programme implementation disruption started, ongoing projects may continue even where none of the beneficiaries of a partner country facing a situation referred to in Article 2(1), point (2)(a) or (b) are able to participate.
2. As of the date on which the programme implementation disruption started, the Joint Monitoring Committee may select new projects even where no beneficiary of a partner country facing a situation referred to in Article 2(1), point (2)(a) or (b), is able to participate at the moment of selection.
3. As of the date on which the programme implementation disruption ends, the managing authority may amend the document setting out the conditions for support to projects in order to cover beneficiaries of a partner country included in the project application without the prior approval of the Joint Monitoring Committee.

Article 10

Lead beneficiaries' obligations

1. Following the start of programme implementation disruption and for as long as such a disruption persists, the lead beneficiary in a Member State shall not be required to:
 - (a) assume responsibility for the non-implementation of the part of the project affected by the disruption;
 - (b) ensure that the expenditure presented by the beneficiaries affected by the disruption has been incurred for the purpose of implementing the project and corresponds to activities set out in the contract and agreed between all beneficiaries;
 - (c) verify that the expenditure presented by the beneficiaries affected by the disruption has been examined by an auditor or by a competent public officer.
2. Following the start of programme implementation disruption, the lead beneficiary in a Member State shall have the right to amend and adapt unilaterally the partnership agreement with the other beneficiaries.

That right shall include the possibility to suspend the activities of a beneficiary from a partner country in full or in part, for as long as the programme implementation disruption persists.

3. The lead beneficiary in a Member State may propose to the managing authority the necessary changes to be made to the project including the redistribution of project activities among the remaining beneficiaries.

4. Following the start of programme implementation disruption, the lead beneficiary in a Member State may request the managing authority not to receive the financial contribution for the implementation of project activities in full or in part.

The lead beneficiary in a Member State shall not be required to ensure that beneficiaries in partner countries receive the total amount of the grant as quickly as possible and in full.

5. In the situation referred to in Article 2(1), point (2)(b), the lead beneficiary in a Member State and the managing authority, in agreement with the audit authority, may verify and accept a payment request without a prior verification by an auditor or by a competent public officer of the expenditure declared by a beneficiary located in a partner country.

6. Paragraphs 1 to 5 of this Article shall also apply to lead beneficiaries in a partner country which is not in the situation referred to in Article 2(1), point (2)(a).

In addition, and for the duration of the programme implementation disruption, such a lead beneficiary may also request the managing authority to identify another beneficiary as lead beneficiary and to make direct payments to other beneficiaries of the project concerned.

Article 11

Direct award

Following the start of programme implementation disruption, and for the duration of the disruption, projects addressing migratory challenges as a result of military aggression against a participating country may be selected by the Joint Monitoring Committee without a prior call for proposals in exceptional and duly substantiated cases.

Article 12

Payments

Following the start of programme implementation disruption and without prejudice to Article 6(1), the managing authority may transfer a financial contribution for the implementation of the project activities directly to project beneficiaries other than the lead beneficiary.

Article 13

Use of the euro

The method chosen to convert expenditure incurred in a currency other than the euro into euro as set out in the programme, may be changed retroactively as of the start date of a programme implementation disruption, using the monthly accounting exchange rate of the Commission of one of the following months:

- (a) the month during which the expenditure was incurred;
- (b) the month during which the expenditure was submitted for examination by an auditor or by a competent public officer;
- (c) the month during which the expenditure was reported to the lead beneficiary.

*Article 14***Financial responsibilities, recoveries and repayment to the managing authority**

1. Following the start of programme implementation disruption and for the duration of the disruption, the managing authority shall be required to follow all the steps necessary for pursuing the recovery of amounts unduly paid from beneficiaries in partner countries or from lead beneficiaries in Member States or partner countries in accordance with the procedure set out in paragraphs 2 to 5.
2. The managing authority may decide to recover amounts unduly paid directly from a beneficiary in a Member State without prior recovery through the lead beneficiary in a partner country.
3. The managing authority shall prepare and send out recovery letters in order to recover amounts unduly paid.

However, in the case of a negative response or in the absence of a reaction from beneficiaries in partner countries or from the partner country in which the beneficiary is established, the managing authority shall not be required to pursue an administrative procedure or to attempt a recovery from a respective partner country or to launch a legal redress procedure in the partner country concerned.

The managing authority shall document its decision not to pursue a first attempt of recovery. That document shall be considered as sufficient proof of due diligence exercised by the managing authority.

4. Where the recovery relates to a claim against a beneficiary established in a partner country in the situation referred to in Article 2(1), point (2)(a), and whose co-financing is transferred to the managing authority, the managing authority may offset the claim to be recovered with the non-used funds previously transferred by the partner country to the managing authority.
5. Where the recovery relates to a claim against a beneficiary established in a partner country in the situation referred to in Article 2(1), point (2)(a), and where the managing authority is unable to offset that claim in accordance with paragraph 4 of this Article, the managing authority may request that the Commission takes over the task of recovering the amounts.

Where the beneficiary concerned is subject to an asset freeze or a prohibition to make funds or economic resources available to it, or for its benefit, either directly or indirectly, pursuant to restrictive measures adopted in accordance with Article 215 TFEU, the managing authority shall be obliged to request that the Commission takes over the task of recovering the amounts. The managing authority shall cede its rights vis-à-vis the beneficiary to the Commission to that end.

The managing authority shall inform the Joint Monitoring Committee about any recovery procedure taken over by the Commission.

*Article 15***Derogations from Regulation (EU) No 1299/2013 applicable to transnational programmes**

1. By way of derogation from Article 12(1) and (2) of Regulation (EU) No 1299/2013, the monitoring committee or a steering committee set up by the monitoring committee and acting under its responsibility may select new operations even without any beneficiary from a partner country facing a situation referred to in Article 2(1), point (2)(a) or (b) of this Regulation, provided that transnational impacts and benefits are identified.

The monitoring or steering committee may also select new projects even where no beneficiary of a partner country facing a situation referred to in Article 2(1), point (2)(a) or (b), is able to participate at the moment of the selection.

2. By way of derogation from Article 12(2) and (4) of Regulation (EU) No 1299/2013, ongoing operations may continue even where none of the beneficiaries from a partner country facing a situation referred to in Article 2(1), point (2)(a) or (b) of this Regulation, are able to participate in the project implementation.

In the context of the implementation of operations affected by a programme implementation disruption, the transnational cooperation impact and benefits thereof shall be assessed in accordance with Article 8(1) and (3) of this Regulation.

3. By way of derogation from Article 12(5) of Regulation (EU) No 1299/2013, the managing authority may amend the documents setting out the conditions for support of the operations affected by a programme implementation disruption in accordance with its national law.

Those amendments may also cover the replacement of the lead beneficiary or changes to the financing plan or to the execution deadlines.

As of the date when a programme implementation disruption ends, the managing authority may amend the document setting out the conditions for support of the operations in order to cover the beneficiaries of a partner country facing a situation referred to in Article 2(1), point (2)(a) or (b), included in the application document.

4. By way of derogation from Article 13(2) of Regulation (EU) No 1299/2013, Article 10 of this Regulation shall apply to the rights and obligations of the lead beneficiaries.

5. By way of derogation from Article 21(2) of Regulation (EU) No 1299/2013 and without prejudice to paragraph 3 of this Article, the certifying authority may make payments directly to beneficiaries other than the lead beneficiary.

6. By way of derogation from Article 23(4) of Regulation (EU) No 1299/2013, Article 7 of this Regulation shall apply to the management verifications carried out by the managing authority and the controllers.

7. By way of derogation from Article 27(2) and (3) of Regulation (EU) No 1299/2013, Article 14 of this Regulation shall apply as regards the recovery of amounts unduly paid and repayments to the managing authority.

8. By way of derogation from Article 28 of Regulation (EU) No 1299/2013, Article 13 of this Regulation shall apply as regards the method chosen to convert expenditure incurred in a currency other than the euro into euro.

9. The derogations provided for in paragraphs 1 to 8 shall apply as of the date when the transnational programmes concerned face a programme implementation disruption and for as long as that disruption persists.

Article 16

Entry into force

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

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

Done at Brussels, of 9 November 2022.

For the European Parliament
The President
R. METSOLA

For the Council
The President
Z. STANJURA

ANNEX

LIST OF CONCERNED 2014-2020 COOPERATION PROGRAMMES

PART 1

LIST OF CROSS-BORDER COOPERATION PROGRAMMES UNDER REGULATION (EU) No 232/2014

1. 2014TC16M5CB001 – ENI-CBC Kolarctic
2. 2014TC16M5CB002 – ENI-CBC Karelia-Russia
3. 2014TC16M5CB003 – ENI-CBC South East Finland-Russia
4. 2014TC16M5CB004 – ENI-CBC Estonia-Russia
5. 2014TC16M5CB005 – ENI-CBC Latvia-Russia
6. 2014TC16M5CB006 – ENI-CBC Lithuania-Russia
7. 2014TC16M5CB007 – ENI-CBC Poland-Russia
8. 2014TC16M5CB008 – ENI-CBC Latvia-Lithuania-Belarus
9. 2014TC16M5CB009 – ENI-CBC Poland-Belarus-Ukraine
10. 2014TC16M5CB010 – ENI-CBC Hungary-Slovakia-Romania-Ukraine
11. 2014TC16M5CB011 – ENI-CBC Romania-Moldova
12. 2014TC16M5CB012 – ENI-CBC Romania-Ukraine
13. 2014TC16M6CB001 – ENI-CBC Black Sea Basin

PART 2

LIST OF TRANSNATIONAL COOPERATION PROGRAMMES UNDER REGULATION (EU) No 1299/2013

1. 2014TC16M5TN001 – the Interreg Baltic Sea Region Programme
 2. 2014TC16M6TN001 – the Danube Transnational Programme
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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2022/2193

of 22 December 2021

on the signing and conclusion of the Agreement between the European Union and the Republic of Peru establishing a framework for the participation of the Republic of Peru in European Union crisis management operations

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 37 thereof, in conjunction with Article 218(5) and (6) of the Treaty on the Functioning of the European Union,

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

Whereas:

- (1) On 21 September 2020, the Council adopted a decision authorising the opening of negotiations for an agreement between the Union and the Republic of Peru establishing a framework for the latter's participation in Union crisis management operations.
- (2) The High Representative of the Union for Foreign Affairs and Security Policy, in accordance with Article 37 of the Treaty on European Union, subsequently negotiated the Agreement between the European Union and the Republic of Peru establishing a framework for the participation of the Republic of Peru in European Union crisis management operations ('the Agreement').
- (3) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Republic of Peru establishing a framework for the participation of the Republic of Peru in European Union crisis management operations is hereby approved on behalf of the Union ⁽¹⁾.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Union.

⁽¹⁾ See page 14 of this Official Journal.

Article 3

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 17(1) of the Agreement ^(?).

Article 4

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

Done at Brussels, 22 December 2021.

For the Council
The President
G. DOVŽAN

^(?) The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

**AGREEMENT BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF PERU ESTABLISHING A
FRAMEWORK FOR THE PARTICIPATION OF THE REPUBLIC OF PERU IN EUROPEAN UNION CRISIS
MANAGEMENT OPERATIONS**

THE EUROPEAN UNION (the "Union" or the "EU")

of the one part, and

THE REPUBLIC OF PERU ("Peru")

of the other part,

hereinafter jointly referred to as the "Parties",

ACKNOWLEDGING that in the framework of its common security and defence policy, the Union may decide to undertake crisis management operations which may include the tasks set out in Articles 42(1) and 43(1) of the Treaty on European Union ⁽¹⁾, as decided by the Council of the European Union (the "Council");

RECOGNISING the importance of world peace for the development of all States, and remaining committed to contributing towards maintaining peace and security in their respective neighbourhood and in the broader world, on the basis of the principles of the Charter of the United Nations;

CONSIDERING the commitment between the Parties to strengthen their cooperation in matters concerning security and defence, and recognising that the capabilities and abilities of the security forces of Peru could be used in EU crisis management operations;

DESIROUS of setting down general conditions regarding the participation of Peru in EU crisis management operations in an agreement establishing a framework for such possible future participation, rather than defining those conditions on a case-by-case basis for each operation concerned;

CONSIDERING that this Agreement should be without prejudice to the decision-making autonomy of the Union, and should not prejudice the case-by-case nature of the decision by Peru to participate in an EU crisis management operation;

WHEREAS the Union will decide whether third States will be invited to participate in an EU crisis management operation. Peru may accept the invitation by the Union and offer its contribution. In such a case, the Union will decide on the acceptance of the proposed contribution;

HAVE AGREED AS FOLLOWS:

SECTION I

GENERAL PROVISIONS

Article 1

Decisions relating to participation

1. Following the decision of the Union to invite Peru to participate in an EU crisis management operation, Peru shall, in the implementation of this Agreement, communicate the decision of its competent authority regarding its participation, including its proposed contribution, to the Union.

⁽¹⁾ Published on 30 March 2010 in the *Official Journal of the European Union*, C 83, Volume 53.

2. The Union shall provide Peru with an early indication of the likely contribution to the common costs of the operation as soon as possible with a view to assisting Peru in the formulation of its offer.
3. The assessment by the Union of the contribution proposed by Peru shall be conducted in consultation with the latter.
4. The Union shall communicate the outcome of its assessment and decision on the contribution proposed by Peru to Peru in writing, with a view to securing the participation of Peru, in accordance with this Agreement.
5. The contribution proposed by Peru pursuant to paragraph 1, and its acceptance by the Union pursuant to paragraph 4, shall constitute the basis for the application of this Agreement to each specific EU crisis management operation.
6. Peru may, on its own initiative or at the request of the Union, and following consultations between the Parties, withdraw wholly or in part, at any time, from participation in an EU crisis management operation.

Article 2

Framework

1. Peru shall associate itself with the relevant decision by which the Council decides that the Union will conduct a crisis management operation, and with any further decisions by which the Council decides to extend a crisis management operation, in accordance with this Agreement and any required implementing arrangements.
2. The contribution of Peru to an EU crisis management operation shall be without prejudice to the decision-making autonomy of the Union.

Article 3

Status of personnel and forces of Peru

1. The status of personnel seconded to an EU civilian crisis management operation and that of personnel and forces contributed to an EU military crisis management operation by Peru shall be governed by the relevant status of forces agreement or status of mission agreement, if such agreement is concluded, or by any other arrangement between the Union and the State(s) in which the operation is conducted. Peru shall be informed thereof.
2. The status of personnel contributed to headquarters or command elements located outside the State(s) in which the EU crisis management operation takes place shall be governed by arrangements between the headquarters and command elements concerned and the competent authorities of Peru.
3. Without prejudice to the status-of-forces agreement or status-of-mission agreement referred to in paragraph 1, Peru shall exercise jurisdiction over its personnel participating in the EU crisis management operation. Where the forces of Peru operate on board a vessel or aircraft of a Member State of the Union, that Member State may exercise jurisdiction subject to any existing or future agreements, and in accordance with its laws and regulations and with international law.
4. Peru shall be responsible for answering any claims linked to its participation in an EU crisis management operation from, or concerning, any of its personnel and shall be responsible for bringing any action, in particular legal or disciplinary, against any of its personnel in accordance with its laws and regulations.
5. The Parties agree to waive any and all claims, other than contractual claims, against each other for damage to, loss of or destruction of assets owned or operated by either Party, or injury to or death of personnel of either Party, arising out of the performance of their official duties in connection with activities under this Agreement, except in the case of gross negligence or wilful misconduct.

6. Peru undertakes to make a declaration as regards the waiver of claims against any State participating in an EU crisis management operation in which Peru participates, and to do so when signing this Agreement.
7. The Union undertakes to ensure that its Member States make a declaration as regards the waiver of claims for any future participation of Peru in an EU crisis management operation, and to do so when signing this Agreement.

Article 4

Classified information

1. Peru shall take appropriate measures to ensure that EU classified information is protected in accordance with the Council security rules for protecting EU classified information as contained in Council Decision 2013/488/EU^(?), and in accordance with further guidance issued by competent authorities, including the EU Operation Commander in the case of an EU military crisis management operation, or the EU Head of Mission in the case of an EU civilian crisis management operation.
2. Where the Parties conclude an agreement on security procedures for the exchange of classified information, that agreement shall apply in the context of an EU crisis management operation.

SECTION II

PROVISIONS ON PARTICIPATION IN EU CIVILIAN CRISIS MANAGEMENT OPERATIONS

Article 5

Personnel seconded to an EU civilian crisis management operation

1. Peru shall:
 - (a) ensure that its personnel seconded to an EU civilian crisis management operation undertake their mission in accordance with:
 - (i) the relevant Council decision and subsequent amendments thereto as referred to in Article 2(1);
 - (ii) the Operation Plan;
 - (iii) any applicable implementing arrangements;
 - (iv) any applicable policy for EU civilian crisis management operations;
 - (b) inform the EU Civilian Operation Commander in due time of any change to its contribution to the EU civilian crisis management operation.
2. Personnel seconded by Peru to an EU civilian crisis management operation shall undergo a medical examination, be vaccinated and be certified medically fit for duty by the competent authority of Peru, and shall produce a copy of that certification.
3. Personnel seconded by Peru shall carry out their duties and conduct themselves solely with the interests of the EU civilian crisis management operation in mind, while adhering to the highest standards of behaviour set out in the policies applicable to EU civilian crisis management operations.

^(?) Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting of EU classified information (OJ L 274, 15.10.2013, p. 1).

*Article 6***Chain of command**

1. All personnel participating in an EU civilian crisis management operation shall remain under the full command of their national authorities.
2. National authorities shall transfer operational control to the EU Civilian Operation Commander.
3. The EU Civilian Operation Commander shall assume responsibility and exercise command and control of the EU civilian crisis management operation at strategic level.
4. The EU Head of Mission shall assume responsibility and exercise command and control of the EU civilian crisis management operation at theatre level and assume its day-to-day-management.
5. Peru shall have the same rights and obligations in terms of day to day management of the operation as the Member States of the Union taking part in the operation, in accordance with the legal instruments referred to in Article 2(1).
6. The EU Head of Mission shall be responsible for disciplinary control over the personnel of the EU civilian crisis management operation. Where required, disciplinary action shall be taken by the national authority concerned.
7. A National Contingent Point of Contact ("NPOC") shall be appointed by Peru to represent its national contingent in the EU civilian crisis management operation. The NPOC shall report to the EU Head of Mission on national matters and shall be responsible for the day-to-day discipline of the contingent of Peru.
8. The decision to end the EU civilian crisis management operation shall be taken by the Union, following consultation with Peru if Peru is still contributing to that operation at the date of its termination.

*Article 7***Financial aspects**

1. Without prejudice to Article 8, Peru shall assume all the costs associated with its participation in an EU civilian crisis management operation apart from the running costs, as set out in the operational budget of the operation.
2. In the event of the death of, injury to, the loss of or damage to natural or legal persons from the State(s) in which the EU civilian crisis management operation is conducted, issues of possible liability and compensation by Peru shall be governed by the conditions set out in the applicable status-of-mission agreement referred to in Article 3(1) or any alternative applicable provisions.

*Article 8***Contribution to the operational budget**

1. Subject to paragraph 4 of this Article, where Peru has decided to participate in an EU civilian crisis management operation in accordance with Article 1(5), Peru shall contribute to the financing of the operational budget of the EU civilian crisis management operation concerned.
2. The contribution referred to in paragraph 1 shall be calculated on the basis of either of the following formulae, whichever produces the lower amount:
 - (a) the share of the reference amount for the operational budget which is in proportion to the ratio of Peru's gross national income (GNI) to the total GNIs of all States contributing to the operational budget of the operation; or

- (b) the share of the reference amount for the operational budget which is in proportion to the ratio of the number of personnel from Peru participating in the operation to the total number of personnel of all States participating in the operation.
3. Notwithstanding paragraphs 1 and 2, Peru shall not make any contribution towards the financing of per diem allowances paid to personnel of the Member States of the Union.
4. Notwithstanding paragraph 1, the Union shall, in principle, exempt Peru from financial contributions to a particular EU civilian crisis management operation where:
- (a) the Union considers that Peru provides a significant contribution which is essential for that operation; or
- (b) Peru has a GNI per capita which does not exceed that of any Member State of the Union.
5. Subject to paragraph 1, any arrangement on the payment of the contributions of Peru to the operational budget of an EU civilian crisis management operation shall be entered into between the competent authorities of the Parties and shall, inter alia, include provisions on:
- (a) the amount of the financial contribution concerned;
- (b) the arrangements for payment of the financial contribution; and
- (c) the auditing procedure.

SECTION III

PROVISIONS ON PARTICIPATION IN EU MILITARY CRISIS MANAGEMENT OPERATIONS

Article 9

Participation in an EU military crisis management operation

1. Peru shall:
- (a) ensure that its forces and personnel participating in an EU military crisis management operation undertake their mission in accordance with:
- (i) the relevant Council decision and subsequent amendments thereto as referred to in Article 2(1);
- (ii) the Operation Plan;
- (iii) any applicable implementing arrangements; and
- (iv) any applicable policy for EU military crisis management operations;
- (b) inform the EU Operation Commander in due time of any change to its participation in the EU military crisis management operation.
2. Personnel seconded by Peru shall carry out their duties and conduct themselves solely with the interests of the EU military crisis management operation in mind, while adhering to the highest standards of behaviour set out in the policies applicable to EU military crisis management operations.

Article 10

Chain of command

1. All forces and personnel participating in an EU military crisis management operation shall remain under the full command of their national authorities. Operational command shall be exercised by the Peruvian Armed Forces officer designated for that purpose.

2. National authorities shall transfer the operational control and the tactical command and/or tactical control of their forces, assets and personnel to the EU Operation Commander, who is entitled to delegate his authority.
3. Peru shall have the same rights and obligations in terms of the day-to-day management of the EU military crisis management operation as the Member States of the Union taking part in the operation, in accordance with the legal instruments referred to in Article 2(1).
4. The EU Operation Commander may, following consultations with Peru, at any time request the withdrawal of the contribution by Peru.
5. A senior military representative ("SMR") shall be appointed by Peru to represent its national contingent in the EU military crisis management operation. The SMR shall consult with the EU Force Commander on all matters affecting the operation and shall be responsible for the day-to-day discipline of the contingent of Peru.
6. The terms used in this Section III shall be applied in accordance with the European Union Military Committee's EUMC Glossary of Acronyms and Definitions – Revision 2019.

Article 11

Financial aspects

1. Without prejudice to Article 12, Peru shall assume all the costs associated with its participation in the EU military crisis management operation unless the costs are subject to common funding as provided for in the legal instruments referred to in Article 2(1), as well as in Council Decision (CFSP) 2021/509 ⁽³⁾.
2. In the event of the death of, injury to, the loss of or damage to natural or legal persons from the State(s) in which the EU military crisis management operation is conducted, issues of possible liability and compensation by Peru shall be governed by the conditions set out in the applicable status of forces agreement referred to in Article 3(1) or any applicable alternative provisions.

Article 12

Contribution to the common costs

1. Subject to paragraph 3 of this Article, where Peru has decided to participate in an EU military crisis management operation in accordance with Article 1(5), Peru shall contribute to the financing of the common costs of the EU military crisis management operation concerned.
2. The contribution referred to in paragraph 1 shall be calculated on the basis of either of the following formulae, whichever produces the lower amount:
 - (a) the share of the common costs which is in proportion to the ratio of Peru's GNI to the total GNIs of all States contributing to the common costs of the operation; or
 - (b) the share of the common costs which is in proportion to the ratio of the number of personnel from Peru participating in the operation to the total number of personnel of all States participating in the operation.

Where the formula under point (b) is used, and Peru contributes personnel to the Operation or Force Headquarters only, the ratio used shall be that of its personnel to the total number of the respective headquarters personnel. In other cases, the ratio shall be that of all personnel contributed by Peru to the total personnel of the operation.

⁽³⁾ 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).

3. Notwithstanding paragraph 1, the Union shall, in principle, exempt Peru from financial contributions to a particular EU military crisis management operation where:

- (a) the Union considers that Peru provides a significant contribution which is essential for this operation; or
- (b) Peru has a GNI per capita which does not exceed that of any Member State of the Union.

4. Subject to paragraph 1, any arrangements for the payment of the contributions of Peru to the common costs shall be entered into between the competent authorities of the Parties and shall, inter alia, include provisions on:

- (a) the amount of the financial contribution concerned;
- (b) the arrangements for payment of the financial contribution; and
- (c) the auditing procedure.

SECTION IV

FINAL PROVISIONS

Article 13

Arrangements to implement the Agreement

Without prejudice to Articles 8(5) and 12(4), any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the competent authorities of the Parties.

Article 14

Competent authorities

For the purposes of this Agreement, and unless otherwise notified to the Union, the competent authorities of Peru shall be the Ministry of Foreign Affairs.

Article 15

Non-compliance

Should either Party fail to comply with its obligations under this Agreement, the other Party shall have the right to terminate this Agreement by providing one month's written notice.

Article 16

Dispute settlement

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

Article 17

Entry into force, duration and termination

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal legal procedures necessary for the entry into force of this Agreement.
2. This Agreement shall be reviewed upon the request of either Party.

3. This Agreement may be amended on the basis of a mutual written agreement between the Parties. The amendments shall enter into force in accordance with the procedure laid down in paragraph 1.

4. This Agreement may be terminated by either Party by written notice of termination given to the other Party. Such termination shall take effect six months after receipt of notification by the other Party.

IN WITNESS WHEREOF, the undersigned, duly authorised to this effect, have signed this Agreement.

Done at Brussels, on 14 October 2022, in duplicate in the English and Spanish languages, both texts being equally authentic.

For the European Union
Josep BORRELL FONTELLES

For the Republic of Peru
César RODRIGO LANDA ARROYO

**DECLARATION BY THE MEMBER STATES OF THE UNION APPLYING A COUNCIL DECISION ON
AN EU CRISIS MANAGEMENT OPERATION IN WHICH THE REPUBLIC OF PERU PARTICIPATES,
REGARDING THE WAIVER OF CLAIMS**

”The Member States of the Union applying a Council decision on an EU crisis management operation in which Peru participates will endeavour, insofar as their internal legal systems so permit, to waive as far as possible any claims against Peru for injury to, or death of, their personnel or damage to, or loss of, any assets owned by them and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel, contributed by Peru to an EU crisis management operation, in the execution of their duties in connection with that operation, except in the case of gross negligence or wilful misconduct; or
 - arose from the use of any assets owned by Peru, provided that the assets were used in connection with the EU crisis management operation, except in the case of gross negligence or wilful misconduct by personnel contributed by Peru to that operation, using those assets.”.
-

**DECLARATION BY THE REPUBLIC OF PERU REGARDING THE WAIVER OF CLAIMS AGAINST
ANY STATE PARTICIPATING IN EU CRISIS MANAGEMENT OPERATIONS**

“Peru, having agreed to participate in an EU crisis management operation, will endeavour, insofar as its internal legal system so permits, to waive as far as possible any claims against any State participating in the EU crisis management operation for injury to, or death of, its personnel or damage to, or loss of, any assets owned by it and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel contributed by any State participating in the EU crisis management operation, in the execution of their duties in connection with that operation, except in the case of gross negligence or wilful misconduct; or
 - arose from the use of any assets owned by States participating in the EU crisis management operation, provided that the assets were used in connection with that operation, except in the case of gross negligence or wilful misconduct by EU crisis management operation personnel using those assets.”.
-

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2022/2194

of 10 November 2022

implementing Regulation (EU) 2017/2063 concerning restrictive measures in view of the situation in Venezuela

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) 2017/2063 of 13 November 2017 concerning restrictive measures in view of the situation in Venezuela ⁽¹⁾, and in particular Article 17(1) thereof,

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

Whereas:

- (1) On 13 November 2017, the Council adopted Regulation (EU) 2017/2063.
- (2) On 11 November 2021, the Council, considering the ongoing political, economic, social and humanitarian crisis in Venezuela and the persistent actions undermining democracy, the rule of law and respect for human rights, adopted Decision (CFSP) 2021/1965 ⁽²⁾ which renewed the restrictive measures in place until 14 November 2022, including all designations. On the same date, the Council adopted Implementing Regulation (EU) 2021/1959 ⁽³⁾ which amended the statement of reasons for 26 listed persons.
- (3) The Council has reviewed the restrictive measures in place in accordance with Article 17(4) of Regulation (EU) 2017/2063. Based on that review, the restrictive measures against all persons in the list set out therein should be maintained, and the statement of reasons for 17 persons should be updated.
- (4) These measures do not affect the general population and can be reversed in light of progress made towards the restoration of democracy, the rule of law and respect for human rights in Venezuela.
- (5) Annex IV to Regulation (EU) 2017/2063 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EU) 2017/2063 is amended as set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 295, 14.11.2017, p. 21.

⁽²⁾ Council Decision (CFSP) 2021/1965 of 11 November 2021 amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela (OJ L 400, 12.11.2021, p. 148).

⁽³⁾ Council Implementing Regulation (EU) 2021/1959 of 11 November 2021 implementing Regulation (EU) 2017/2063 concerning restrictive measures in view of the situation in Venezuela (OJ L 400, 12.11.2021, p. 1).

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

Done at Brussels, 10 November 2022.

For the Council
The President
M. BEK

ANNEX

In Annex IV to Regulation (EU) 2017/2063, the entries concerning the persons listed below are replaced by the following entries:

	Name	Identifying information	Reasons	Date of listing
3.	Tibisay LUCENA RAMÍREZ	Date of birth: 26 April 1959 Gender: female	Minister of University Education since October 2021. President of the National Electoral Council (Consejo Nacional Electoral or CNE) from April 2006 until June 2020. Her actions and policies have undermined democracy and the rule of law in Venezuela, including by failing to ensure that the CNE remains an impartial and independent institution in accordance with the Venezuelan Constitution, thereby facilitating the establishment of the Constituent Assembly and the re-election of Nicolás Maduro in May 2018 through presidential elections that were neither free nor fair.	22.1.2018
5.	Maikel José MORENO PÉREZ	Date of birth: 12 December 1965 Gender: male	Judge of the Criminal Appeal Chamber of the Supreme Court of Venezuela (Tribunal Supremo de Justicia (TSJ)). Former President and Vice President of the Supreme Court. In those roles, he has supported and facilitated the Government's actions and policies which have undermined democracy and the rule of law in Venezuela, and is responsible for actions and statements that have usurped the authority of the National Assembly, including the appointment of the National Electoral Council (CNE) in June 2020 and the suspension and replacement of the leadership of three opposition parties in June and July 2020.	22.1.2018
15.	Freddy Alirio BERNAL ROSALES	Date of birth: 16 June 1962 Place of birth: San Cristóbal, Táchira State, Venezuela Gender: male	Governor of Táchira State since winning the elections in November 2021. Former Head of the National Control Centre of the Committee for Local Supply and Production (CLAP) and former Protector of Táchira State. Also a Commissioner General of the Bolivarian National Intelligence Service (SEBIN). As Head of the CLAP and Protector of Táchira State he was able to call upon Special Forces (FAES) and to influence appointments of judges and prosecutors. Responsible for undermining democracy through manipulation of CLAP programme distributions amongst voters. Additionally, as Commissioner General of SEBIN he is responsible for SEBIN's activities which include serious human rights violations such as arbitrary detention.	25.6.2018
22.	Alexis Enrique ESCALONA MARRERO	Date of birth: 12 October 1962 Gender: male	Chief in Charge of the National Office Against Organized Crime and Terrorist Financing (ONDOFT) from January 2018 until May 2019. Retired Major General, former Vice Minister for prevention and public safety at the Ministry of the Interior (appointed in 2017 by President Maduro) and former National Commander of the National Anti-Extortion and Kidnapping Command (Comando Nacional Antiextorsión y Secuestro (CONAS)) (between 2014 and 2017). Responsible for serious human rights violations, including torture, the use of excessive force and the mistreatment of detainees by members of CONAS under his command. Also responsible for the repression of civil society by members of CONAS under his command.	27.9.2019

	Name	Identifying information	Reasons	Date of listing
27.	Gladys DEL VALLE REQUENA	Date of birth: 9 November 1952 Place of birth: Puerto Santo, Sucre, Venezuela ID number: V-4114842 Gender: female	Inspector General of the Courts since 27 April 2022. Former member of the non-democratically elected National Assembly and former member and the Second Vice-President of the non-recognised National Constituent Assembly (ANC). In her leading role in the non-recognised ANC, she has undermined democracy and the rule of law in Venezuela, including by signing the decree that stripped the president of the National Assembly of Venezuela, Juan Guaidó, of his parliamentary immunity.	29.6.2020
30.	Juan José MENDOZA JOVER	Date of birth: 11 March 1969 Place of birth: Trujillo, Venezuela Address: Arnaldo Gabaldón, Candelaria, Edo. Trujillo ID number: V-9499372 Gender: male	Former Second Vice-President of the Venezuelan Supreme Court (Tribunal Supremo de Justicia (TSJ)) and former President of the Constitutional Chamber of the Supreme Court (February 2017 – April 2022). His actions have undermined democracy and the rule of law in Venezuela, including by a number of judicial rulings in the past two years that have limited or undermined the constitutional powers of Venezuela's democratically-elected legislative body, the National Assembly.	29.6.2020
37.	Remigio CEBALLOS ICHASO	Date of birth: 1 May 1963 ID-number: V-6557495 Gender: male	Since August 2021, Minister of the Interior and Justice of Venezuela and Vice-President of the Government for Citizen Security. Former Commander of the Operational and Strategic Command of the Bolivarian National Armed Forces of Venezuela (Comando Estratégico Operacional Fuerzas Armadas Nacionales Bolivarianas (CEOFANB)), the highest organ in the Venezuelan Armed Forces (June 2017–July 2021). CEOFANB controls the Bolivarian National Armed Forces (FANB) and the Bolivarian National Guard. CEOFANB is also responsible for coordinating FANB interventions in demonstrations. In his position as Commander of CEOFANB, he was responsible for serious human rights violations, including the use of excessive force and inhuman and degrading treatment by officials of the FANB and by subordinate forces under his command, including the Bolivarian National Guard. Various sources, including the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, attribute human rights violations to FANB and the Bolivarian National Guard.	22.2.2021

	Name	Identifying information	Reasons	Date of listing
38.	Omar José PRIETO FERNÁNDEZ	Date of birth: 25 May 1969 ID number: V-9761075 Gender: male	Former Governor of Zulia State (2017 - 2021). In this position he has undermined democracy and the rule of law in Zulia State. He was sworn in by the non-recognised National Constituent Assembly (ANC), after the legitimate winner of the election refused to be sworn in by the ANC. Omar José Prieto Fernández actively promoted the non-democratic elections for the National Assembly which took place on 6 December 2020. Moreover, in Zulia State he threatened opposition leaders with 'house visits' and stated to declare Zulia State independent should an interim government lead by Juan Guaidó assume power.	22.2.2021
42.	Lourdes Benicia SUÁREZ ANDERSON	Date of birth: 7 March 1965 Gender: female	Judge of the Constitutional Chamber of the Supreme Court (Tribunal Supremo de Justicia (TSJ)) since December 2005 and Vice President of the Constitutional Chamber since April 2022. Former President of the Constitutional Chamber and former first Vice-President of the Supreme Court. As a member of the Constitutional Chamber of the Supreme Court, she is responsible for actions, statements and rulings that have usurped the constitutional powers of the National Assembly and undermined the opposition's electoral rights including the unilateral appointment by the Supreme Court of the National Electoral Council (Consejo Nacional Electoral (CNE)) in June 2020 and the suspension and unilateral replacement of the leadership of three of the main democratic opposition parties in June and July 2020, as well as the extension of the ruling on Acción Democrática for one more year in May 2021. Her actions have therefore undermined democracy and the rule of law in Venezuela, and she has supported and facilitated the undermining of democracy and the rule of law by the executive branch.	22.2.2021
44.	René Alberto DEGRAVES ALMARZA	Gender: male	Substitute judge of the Constitutional Chamber of the Supreme Court (Tribunal Supremo de Justicia (TSJ)) since April 2022. Former judge of the Constitutional Chamber of the Supreme Court. As a member of the Constitutional Chamber of the Supreme Court, he has been responsible for actions, statements and rulings that have usurped the constitutional powers of the National Assembly and undermined the opposition's electoral rights including the unilateral appointment by the Supreme Court of the National Electoral Council (Consejo Nacional Electoral (CNE)) in June 2020 and the suspension and unilateral replacement of the leadership of three of the main democratic opposition parties in June and July 2020, as well as the extension of the ruling on Acción Democrática for one more year in May 2021. His actions have therefore undermined democracy and the rule of law in Venezuela, and he has supported and facilitated the undermining of democracy and the rule of law by the executive branch.	22.2.2021

	Name	Identifying information	Reasons	Date of listing
45.	Arcadio DELGADO ROSALES	Date of birth: 23 September 1954 Gender: male	Former judge and Vice-President of the Constitutional Chamber of the Supreme Court (Tribunal Supremo de Justicia (TSJ)). As a member of the Constitutional Chamber of the Supreme Court, he has been responsible for actions, statements and rulings that have usurped the constitutional powers of the National Assembly and undermined the opposition's electoral rights, including the unilateral appointment by the Supreme Court of the National Electoral Council (Consejo Nacional Electoral (CNE)) in June 2020 and the suspension and unilateral replacement of the leadership of three of the main democratic opposition parties in June and July 2020, as well as the extension of the ruling on Acción Democrática for one more year in May 2021. His actions have therefore undermined democracy and the rule of law in Venezuela, and he has supported and facilitated the undermining of democracy and the rule of law by the executive branch.	22.2.2021
46.	Carmen Auxiliadora ZULETA DE MERCHÁN	Date of birth: 13 December 1947 Gender: female	Former judge of the Constitutional Chamber of the Supreme Court (Tribunal Supremo de Justicia (TSJ)). As a member of the Constitutional Chamber of the Supreme Court, she has been responsible for actions, statements and rulings that have usurped the constitutional powers of the National Assembly and undermined the opposition's electoral rights including the unilateral appointment by the Supreme Court of the National Electoral Council (Consejo Nacional Electoral (CNE)) in June 2020 and the suspension and unilateral replacement of the leadership of three of the main democratic opposition parties in June and July 2020, as well as the extension of the ruling on Acción Democrática for one more year in May 2021. Her actions have therefore undermined democracy and the rule of law in Venezuela, and she has supported and facilitated the undermining of democracy and the rule of law by the executive branch.	22.2.2021
47.	Indira Maira ALFONZO IZAGUIRRE	Date of birth: 29 April 1968 Place of birth: La Guaira, La Guaira State, Venezuela ID-number: V-6978710 Gender: female	Former President of the Electoral Chamber of the Supreme Court (Tribunal Supremo de Justicia (TSJ)). Former chairwoman of the National Electoral Council (Consejo Nacional Electoral (CNE)), appointed on 13 June 2020. Former member of the Electoral Chamber and Plenary Chamber of the Supreme Court, Second Vice-Chairwoman of the Supreme Court from 2015 until 24 February 2017, Vice-Chairwoman of the Supreme Court from 24 February 2017 until 12 June 2020. As a member of the Electoral Chamber of the Supreme Court, Indira Maira Alfonzo Izaguirre is responsible for the actions taken against the then newly elected National Assembly in December 2015, resulting in the impossibility for the National Assembly to exert its legislative power. Moreover, she accepted her appointment as the chairwoman of the CNE in June 2020 by the Supreme Court although this prerogative belongs to the National Assembly. In that role she prepared and supervised the non-democratic elections of the National Assembly held on 6 December 2020 and participated in the change of 30 June 2020 to the electoral norms for those elections, without formally leaving the Supreme Court (temporary permit to integrate the CNE). After the renewal of the CNE in May 2021, she returned to the Supreme Court. Her actions have therefore undermined democracy and the rule of law in Venezuela.	22.2.2021

	Name	Identifying information	Reasons	Date of listing
48.	Leonardo Enrique MORALES POLEO	Gender: male	Former Vice-President of the National Electoral Council (Consejo Nacional Electoral (CNE)) and President of the Political Participation and Financing Commission (August 2020–May 2021). Leonardo Enrique Morales Poleo was appointed Vice-President of the CNE and President of the Political Participation and Financing Commission on 7 August 2020 by the Supreme Court (Tribunal Supremo de Justicia (TSJ)) although this prerogative belongs to the National Assembly. Moreover, just prior to his appointment he served in the Advanced Progressive Party (Avanzada progresista). As member (rector) and Vice-President of the CNE, he fully took part in the decision-making process of the CNE. He supported and facilitated the supervision of the electoral process that led to the non-democratic elections of the National Assembly on 6 December 2020. His actions have therefore further undermined democracy and the rule of law in Venezuela. Leonardo Enrique Morales Poleo accepted to be appointed to the CNE and remained in his position as Vice-President of the CNE while democracy was severely undermined in Venezuela.	22.2.2021
49.	Tania D'AMELIO CARDIET	Date of birth: 5 December 1971 Place of birth: Italy Nationality: Venezuelan ID-number: V-11691429 Gender: female	Judge of the Constitutional Chamber of the Supreme Court (Tribunal Supremo de Justicia (TSJ)) since April 2022. Former member (rector) of the National Electoral Council (Consejo Nacional Electoral (CNE)) for the period 2016-2023. Former Member (rector) of the CNE for the period 2010-2016. Tania d'Amelio Cardiet, as rector of the CNE since 2010, contributed directly by her activity in her functions to the undermining of democracy and the rule of law in Venezuela, including by preparing the non-democratic 2020 National Assembly elections, participating in the change of 30 June 2020 to the electoral norms for those elections, and participating in the organisation and execution of the 2018 presidential elections. Moreover, Tania d'Amelio Cardiet accepted her 2016 appointment at the CNE by the Supreme Court, although this prerogative belongs to the National Assembly.	22.2.2021
52.	Jesús Emilio VÁSQUEZ QUINTERO	ID-number: V-7422049 Gender: male	President of the Court Martial and the Military Criminal Judicial Circuit since 17 September 2021. Division General since 5 July 2019 and former Attorney General of the Military Prosecutor's Office (December 2017 - 17 September 2021). As Attorney General of the Military Prosecutor's Office, responsible for undermining democracy and the rule of law in Venezuela. The Military Prosecutor's Office has been linked to internal judicial prosecution in the Armed Forces, and failures to investigate incidents, including the case of the death of Captain Acosta in 2019. Moreover, military justice is being applied to civilians.	22.2.2021

	Name	Identifying information	Reasons	Date of listing
54.	Manuel Eduardo PÉREZ URDANETA	Date of birth: 29 December 1960 or 26 May 1962 Place of birth: Cagua, State of Aragua ID-number: V-6357038 Passport number: 001234503 (expired 2012) Gender: male	Former Deputy Minister of the Interior and Justice. Within the Venezuelan Ministry of the Interior and Justice, Brigadier General Manuel Eduardo Pérez Urdaneta ranked as one of five Deputy Ministers. His portfolio encompassed Preventive Security and Public Safety (Viceministro de prevención y Seguridad Ciudadana). Before that, Brigadier General Pérez served as Director of the Bolivarian National Police. In that role he was responsible for serious human rights violations, including the use of severe physical force against peaceful protesters, committed by officials of the Bolivarian National Police under his authority.	22.2.2021'.

COMMISSION REGULATION (EU) 2022/2195**of 10 November 2022****amending Regulation (EC) No 1223/2009 of the European Parliament and of the Council as regards the use of Butylated Hydroxytoluene, Acid Yellow 3, Homosalate and HAA299 in cosmetic products and correcting that Regulation as regards the use of Resorcinol in cosmetic products****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products ⁽¹⁾, and in particular Article 31(1) thereof,

Whereas:

- (1) The substance '2,6-Di-Tert-Butyl-4-Methylphenol' (CAS No 128-37-0), which has been assigned the name Butylated Hydroxytoluene under the International Nomenclature of Cosmetic Ingredients (INCI), is currently not regulated under Regulation (EC) No 1223/2009. Butylated Hydroxytoluene is a synthetic antioxidant that helps maintain the properties and performance of products when exposed to air and is widely used in cosmetics.
- (2) In light of concerns related to potential endocrine disrupting properties of Butylated Hydroxytoluene, the Commission launched a public call for data in 2019. The industry submitted scientific evidence to demonstrate the safety of Butylated Hydroxytoluene when used in cosmetic products. The Commission requested the Scientific Committee for Consumer Safety (SCCS) to carry out a safety assessment of Butylated Hydroxytoluene in view of the information provided.
- (3) The SCCS concluded in its opinion of 2 December 2021 ⁽²⁾ that Butylated Hydroxytoluene is safe as an ingredient up to a maximum concentration of 0,001 % in mouthwash, 0,1 % in toothpaste and 0,8 % in other leave-on and rinse-off products, when those product categories are used individually or together.
- (4) In light of the SCCS opinion, it can be concluded that there is a potential risk to human health arising from the use of Butylated Hydroxytoluene in mouthwash, toothpaste and other leave-on and rinse off products when the concentration of that substance exceeds certain levels. Therefore, the use of Butylated Hydroxytoluene in those products should be restricted to a maximum concentration of 0,001 %, 0,1 % and 0,8 % respectively.
- (5) The substance '1H-Indene-1,3(2H)-dione, 2-(2-quinoliny)-, sulfonated, sodium salts' (CAS No 8004-92-0), which has been assigned the INCI name Acid Yellow 3, is currently listed under entry 82 of Annex IV to Regulation (EC) No 1223/2009 and is therefore allowed for use as a colorant in cosmetic products without any maximum concentration.

⁽¹⁾ OJ L 342, 22.12.2009, p. 59.

⁽²⁾ SCCS (Scientific Committee on Consumer Safety), scientific opinion on Butylated Hydroxytoluene (BHT), preliminary version of 27 September 2021, final version of 2 December 2021, SCCS/1636/21, https://ec.europa.eu/health/publications/butylated-hydroxytoluene-bht_en

- (6) Based on data provided by the industry on the use of Acid Yellow 3 in non-oxidative hair colouring products, the SCCS concluded in its opinion of 23 July 2021 ⁽³⁾ that Acid Yellow 3 is safe when used in such products at on-head concentrations of up to 0,5 %.
- (7) In light of the SCCS opinion, it can be concluded that there is a potential risk to human health arising from the use of Acid Yellow 3 in non-oxidative hair colouring products when the concentration of that substance exceeds a certain level. Therefore, the use of Acid Yellow 3 in those products should be restricted to a maximum concentration of 0,5 %.
- (8) The substance 'Benzoic acid, 2-hydroxy-, 3,3,5-trimethylcyclohexyl ester' (CAS No 118-56-9), which has been assigned the INCI name Homosalate, is listed under entry 3 of Annex VI to Regulation (EC) No 1223/2009 and is therefore allowed for use as a UV filter in cosmetic products with a maximum concentration of 10 % in ready for use preparation.
- (9) In light of concerns related to potential endocrine disrupting properties of Homosalate, the Commission launched a public call for data in 2019. The industry submitted scientific evidence to demonstrate the safety of Homosalate when used in cosmetic products. The Commission requested the SCCS to carry out a safety assessment of Homosalate in view of the information provided.
- (10) The SCCS concluded in its opinion of 24-25 June 2021 ⁽⁴⁾ that Homosalate is not safe when used as a UV-filter in cosmetic products at concentrations of up to 10 %. The SCCS found that the use of Homosalate as a UV filter in cosmetic products is safe for the consumer only up to a maximum concentration of 0,5 % in the final product.
- (11) On 30 July 2021, to ensure broad availability of UV-filters and consequently adequate sun protection for consumers, industry submitted a re-calculation of the margin of safety based only on the use of Homosalate in face products (face cream and pump-spray products). On the basis of the information provided by industry, and considering the concerns related to potential endocrine disrupting properties of Homosalate, the SCCS issued scientific advice on 2 December 2021 ⁽⁵⁾, where it concluded that Homosalate is safe as a UV-filter at concentrations up to 7,34 % when used in face products in the form of cream and pump spray. Therefore, the use of Homosalate should be restricted to face products (non-spray and pump spray products) only, up to a maximum concentration of 7,34 %. The combined use of Homosalate up to 0,5 % in all cosmetic products and up to 7,34 % in face products is not considered safe by the SCCS since the margin of safety of such combined use is below 100.
- (12) In light of the SCCS scientific advice, it can be concluded that there is a potential risk to human health arising from the use of Homosalate as a UV filter in cosmetic products in the concentration currently allowed. Therefore, the use of Homosalate should be restricted to face products (non-spray and pump spray products) only up to a maximum concentration of 7,34 %.
- (13) The substance '1,1'-(1,4-piperazinediyl)bis[1-[2-[4-(diethylamino)-2-hydroxybenzoyl]phenyl]-methanone', which has been assigned the INCI name Bis-(Diethylaminohydroxybenzoyl Benzoyl) Piperazine (HAA299), is a cosmetic ingredient with the reported functions of a UV-filter. HAA299 is currently not regulated under Regulation (EC) No 1223/2009.

⁽³⁾ SCCS (Scientific Committee on Consumer Safety), Opinion on Acid Yellow 3 – C054 (CAS No 8004-92-0, EC No 305-897-5), final version of 23 July 2021, SCCS/1631/21, https://ec.europa.eu/health/publications/acid-yellow-3-c054-cas-no-8004-92-0-ec-no-305-897-5-submission-ii_en

⁽⁴⁾ SCCS (Scientific Committee on Consumer Safety), Opinion on Homosalate, (CAS No 118-56-9, EC No 204-260-8), preliminary version of 27-28 October 2020, final version of 24-25 June 2021, SCCS/1622/20, https://ec.europa.eu/health/publications/homosalate_en

⁽⁵⁾ SCCS (Scientific Committee on Consumer Safety), Scientific Advice on the safety of Homosalate (CAS No 118-56-9, EC No 204-260-8) as a UV-filter in cosmetic products, final version of 2 December 2021, SCCS/1638/21, https://ec.europa.eu/health/system/files/2021-12/sccs_o_260.pdf

- (14) In 2009, the Commission received a dossier from the industry to support the safe use of HAA299 (micronised and non-micronised) in cosmetic products, which was further substantiated with additional information in 2012. SCCS concluded in an opinion of 23 September 2014 ⁽⁶⁾ that the use of HAA299 in non-nano form (micronised or non-micronised, with median particle size distribution around 134 nm or larger) at a concentration up to 10 % as a UV-filter in cosmetic products does not pose a risk of systemic toxicity in humans. In addition, the SCCS stated that its opinion did not cover the safety evaluation of HAA299 which is composed of nano particles.
- (15) In view of that opinion on the non-nano form of HAA299, the industry submitted in September 2020 additional data and requested an assessment of the safety of HAA299 in nano form intended to be used as a UV-filter up to a maximum concentration of 10 %.
- (16) The SCCS concluded in its opinion of 26 and 27 October 2021 ⁽⁷⁾ that HAA299 in nano form, as covered within the provided characteristics (minimum purity equal to or above 97 %, median particle size in terms of particle number equal to or above 50 nm), is safe when used as a UV-filter in dermally applied cosmetic products up to a maximum concentration of 10 %. Considering the inflammatory effects on the lung after acute inhalation exposure to products containing HAA299 (nano), the SCCS did not recommend the use of HAA299 (nano) in applications that could lead to exposure of the consumer's lungs via inhalation.
- (17) The SCCS finally concluded that it had not been provided with any data that would merit a revision of its previous opinion and that HAA299 therefore can be considered safe both in its non-nano and in its nano form, when used as a UV-filter in cosmetic products up to a maximum concentration of 10 %. The SCCS also considers that the combined maximum concentration of non-nano and nano forms of HAA299 should not exceed 10 % in a cosmetic product.
- (18) In light of the SCCS opinion, it can be concluded that there is a potential risk to human health arising from the use of HAA299 as a UV-filter in cosmetic products when the concentration of that substance exceeds a certain level. Therefore, the use of HAA299 in those products should be restricted to a maximum concentration of 10 %. With regard to HAA 299 (nano), a condition should be introduced regarding its use in applications that may lead to exposure of the lungs.
- (19) Regulation (EC) No 1223/2009 should therefore be amended and corrected accordingly.
- (20) The industry should be allowed reasonable periods of time to adapt to the new requirements, including by making the necessary adjustments to product formulations in order to ensure that only cosmetic products complying with the new requirements are placed on the market. The industry should also be allowed a reasonable period of time to withdraw cosmetic products which do not comply with those requirements. As regards the new restrictions for Homosalate, the reformulation of products containing that UV filter is technically challenging and it is necessary to measure the efficacy of the sun protection factor of the reformulated products. Therefore, longer transition periods should be allowed for the industry to ensure compliance of products containing Homosalate with the new restrictions.
- (21) The substance '1,3-benzenediol' (CAS No 108-46-3), which has been assigned the INCI name Resorcinol, is currently listed under entry 22 of Annex III to Regulation (EC) No 1223/2009 as allowed for use in oxidative hair dye products, products intended for colouring eyelashes and hair lotions and shampoos with certain restrictions. With regard to oxidative hair dye products, the label is to contain the following warning: 'Do not use to dye eyelashes or eyebrows'.

⁽⁶⁾ SCCS (Scientific Committee on Consumer Safety), Opinion on the safety of 2-(4-(2-(4-Diethylamino-2-hydroxy-benzoyl)-benzoyl)-piperazine-1-carbonyl)-phenyl)-(4-diethylamino-2-hydroxyphenyl)-methanone, HAA299 as UV filter in sunscreen products, 18 June 2014, SCCS/1533/14, revision of 23 September 2014.

⁽⁷⁾ SCCS (Scientific Committee on Consumer Safety), Opinion on HAA299 (nano), preliminary opinion 22 July 2021, final opinion of 26-27 October 2021, SCCS/1634/2021, https://ec.europa.eu/health/publications/haa299-nano_en

- (22) According to the definition of the term 'hair product' in Regulation (EC) No 1223/2009, which became applicable on 11 July 2013, a hair product means a cosmetic product that is intended to be applied on the hair of head or face, except eye lashes. The exclusion of eyelashes was motivated by the fact that the level of risk is different when cosmetic products are applied on the hair on the head and on eyelashes respectively.
- (23) Entry 22 in Annex III to Regulation (EC) No 1223/2009 was amended by Commission Regulation (EU) No 1197/2013⁽⁸⁾ to allow professional use of Resorcinol in products intended for colouring eyelashes. At that time, the warning concerning the use for eyebrows should have been deleted, since the use of Resorcinol in products intended for colouring eyebrows, considering the new definition, was allowed as included in the product type 'oxidative hair dye products'. That error should be corrected.
- (24) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments

Annexes III and VI to Regulation (EC) No 1223/2009 are amended in accordance with the Annex to this Regulation.

Article 2

Correction

In Annex III to Regulation (EC) No 1223/2009, in the row for entry 22, column i, point (a), the last sentence is replaced by the following:

'Do not use to dye eyelashes.'

Article 3

Entry into force

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

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

Done at Brussels, 10 November 2022.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁸⁾ Commission Regulation (EU) No 1197/2013 of 25 November 2013 amending Annex III to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products (OJ L 315, 26.11.2013, p. 34).

ANNEX

Regulation (EC) No 1223/2009 is amended as follows:

(1) in Annex III, the following entries are added:

Reference number	Substance identification				Restrictions			Wordings of conditions of use and warnings
	Chemical name/INN	Name of Common Ingredients Glossary	CAS number	EC number	Product type, body parts	Maximum concentration in ready use preparation	Other	
a	b	c	d	e	f	g	h	i
325	2,6-Di-Tert-Butyl-4-Methylphenol *	Butylated Hydroxytoluene	128-37-0	204-881-4	a) Mouthwash b) Toothpaste c) Other leave-on and rinse-off products	a) 0,001 % b) 0,1 % c) 0,8 %		
326	1H-Indene-1,3(2H)-dione, 2-(2-quinolinyl)-, sulfonated, sodium salts (CI 47005) **, ***	Acid Yellow 3	8004-92-0	305-897-5	Non-oxidative hair dye products	0,5 %		

* From 1 July 2023 cosmetic products containing that substance and not complying with the restrictions shall not be placed on the Union market. From 1 January 2024 cosmetic products containing that substance and not complying with the restrictions shall not be made available on the Union market.

** From 1 July 2023 non-oxidative hair dye products containing that substance and not complying with the restrictions shall not be placed on the Union market. From 1 January 2024 non-oxidative hair dye products containing that substance and not complying with the restrictions shall not be made available on the Union market.

*** For use as a colorant, see Annex IV, entry No 82.;

(2) Annex VI is amended as follows:

(a) entry 3 is replaced by the following:

Reference number	Substance identification				Conditions			Wordings of conditions of use and warnings
	Chemical name/INN	Name of Common Ingredients Glossary	CAS number	EC number	Product type, body parts	Maximum concentration in ready use preparation	Other	
a	b	c	d	e	f	g	h	i
'3	Benzoic acid, 2- hydroxy-, 3,3,5-trimethylcyclohexyl ester/ Homosalate *	Homosalate	118-56-9	204-260-8	Face products with the exception of propellant spray products	7,34 %		

* From 1 January 2025 cosmetic products containing that substance and not complying with the conditions shall not be placed on the Union market. From 1 July 2025 cosmetic products containing that substance and not complying with the conditions shall not be made available on the Union market.;

(b) the following entries are added:

Reference number	Substance identification				Conditions			Wordings of conditions of use and warnings
	Chemical name/INN	Name of Common Ingredients Glossary	CAS number	EC number	Product type, body parts	Maximum concentration in ready use preparation	Other	
a	b	c	d	e	f	g	h	i
'33	1,1'-(1,4-piperazinediyl) bis [1-[2-[4-(diethylamino)-2-hydroxybenzoyl] phenyl]-methanone	Bis-(Diethylaminohydroxy-benzoyl Benzoyl) Piperazine	919803-06-8	485-100-6		10 % *		

34	1,1'-(1,4-piperazinediyl) bis [1-[2-[4-(diethylamino)-2-hydroxybenzoyl]phenyl]-methanone	Bis-(Diethylaminohydroxybenzoyl Benzoyl) Piperazine (nano)	919803-06-8	485-100-6		10 % *	<p>Only nanomaterials having the following characteristics are allowed:</p> <ul style="list-style-type: none"> — Purity ≥ 97 % — Median particle size D50 (50 % of the number below this diameter): ≥ 50 nm of number size distribution. <p>Not to be used in applications that may lead to exposure of the end user's lungs by inhalation.</p>	
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* In case of combined use of Bis-(Diethylaminohydroxybenzoyl Benzoyl) Piperazine and Bis-(Diethylaminohydroxybenzoyl Benzoyl) Piperazine (nano), the sum shall not exceed 10 %.

DECISIONS

COUNCIL DECISION (EU) 2022/2196

of 8 November 2022

appointing a member, proposed by the Federal Republic of Germany, of the European Economic and Social Committee

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 302 thereof,

Having regard to Council Decision (EU) 2019/853 of 21 May 2019 determining the composition of the European Economic and Social Committee ⁽¹⁾,

Having regard to the proposal of the German Government,

After consulting the European Commission,

Whereas:

- (1) Pursuant to Article 300(2) of the Treaty, the Economic and Social Committee is to consist of representatives of organisations of employers, of the employed, and of other parties representative of civil society, notably in socioeconomic, civic, professional and cultural areas.
- (2) On 2 October 2020, the Council adopted Decision (EU) 2020/1392 ⁽²⁾, appointing the members of the European Economic and Social Committee for the period from 21 September 2020 to 20 September 2025.
- (3) A member's seat on the European Economic and Social Committee has become vacant following the resignation of Mr Norbert KLUGE.
- (4) The German Government has proposed Ms Maxi Catharina LEUCHTERS, *Referatsleiterin für Unternehmensrecht und Corporate Governance, Institut für Mitbestimmung und Unternehmensführung (I.M.U.) der Hans-Böckler-Stiftung* (Head of Unit for Corporate Law and Corporate Governance, Institute for Codetermination and Corporate Governance (I.M.U.) of the Hans-Böckler-Foundation), as a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2025,

HAS ADOPTED THIS DECISION:

Article 1

Ms Maxi Catharina LEUCHTERS, *Referatsleiterin für Unternehmensrecht und Corporate Governance, Institut für Mitbestimmung und Unternehmensführung (I.M.U.) der Hans-Böckler-Stiftung* (Head of Unit for Corporate Law and Corporate Governance, Institute for Codetermination and Corporate Governance (I.M.U.) of the Hans-Böckler-Foundation), is hereby appointed as a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2025.

⁽¹⁾ OJ L 139, 27.5.2019, p. 15.

⁽²⁾ Council Decision (EU) 2020/1392 of 2 October 2020 appointing the members of the European Economic and Social Committee for the period from 21 September 2020 to 20 September 2025, and repealing and replacing the Council Decision appointing the members of the European Economic and Social Committee for the period 21 September 2020 to 20 September 2025 adopted on 18 September 2020 (OJ L 322, 5.10.2020, p. 1).

Article 2

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

Done at Brussels, 8 November 2022.

For the Council
The President
Z. STANJURA

COUNCIL DECISION (EU) 2022/2197
of 8 November 2022

on the position to be taken on behalf of the European Union within the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, as regards the technical and procedural specifications of the use of the Internal Market Information System (IMI) by the United Kingdom and the amount and modalities of the financial contribution to be made by the United Kingdom to the general budget of the Union in respect of the cost generated by its use of IMI

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) As set out in Article 6(1), point (a), of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ⁽¹⁾ ('the Trade and Cooperation Agreement'), an operator established in the other Party is to submit a posting declaration to the competent authorities of the Party or, in the case of the Union, of the Member State to which the driver is posted, using from 2 February 2022 a multilingual standard form of the public interface connected to the Internal Market Information system (IMI) established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council ⁽²⁾. A competent authority can be any body established at either national, regional or local level and registered in IMI with specific responsibilities relating to the application of certain legal provisions.
- (2) As set out in Article 6(1), point (c), second subparagraph, of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement, IMI also allows requests to be made for the assistance of the competent authorities of the Party of establishment or, in the case of the Union, the Member State of establishment, if the operator fails to submit the requested documentation within 8 weeks from the date of the request.
- (3) It is possible for third countries to use IMI if the conditions laid down in Article 23 of Regulation (EU) No 1024/2012 are met, and provided that the third country which is given access to IMI participates in the operating costs of IMI.
- (4) As set out in Article 7(5) of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement, the Specialised Committee on Road Transport is to set the technical and procedural specifications of the use of IMI by the United Kingdom. Those specifications are necessary in order to allow the connection of operators and competent authorities to IMI, and thereby allow the operators to submit their posting declarations and competent authorities to take part in the administrative cooperation described in recitals 1 and 2. The Union has implemented those specifications by means of Commission Implementing Regulation (EU) 2021/2179 ⁽³⁾.

⁽¹⁾ OJ L 149, 30.4.2021, p. 10.

⁽²⁾ Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2021/2179 of 9 December 2021 on the functionalities of the public interface connected to the Internal Market Information System for posting drivers in the road transport sector (OJ L 443, 10.12.2021, p. 68).

- (5) As set out in Article 7(6) of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement, each Party is to participate in the operating costs of IMI. The Specialised Committee on Road Transport is to determine the costs to be borne by each Party. It is therefore necessary to determine the amount and the modalities of the financial contribution to be made by the United Kingdom to the general budget of the Union in respect of the cost generated by its use of IMI. The financial contribution will consist of two parts: annual maintenance costs (annual contribution) and development costs (one-off payment).
- (6) It is therefore appropriate to establish the position to be taken on the Union's behalf in the Specialised Committee on Road Transport with regard to the technical and procedural specifications of the use of IMI by the United Kingdom and the amount and modalities of the financial contribution to be made by the United Kingdom to the general budget of the Union in respect of the cost generated by its use of IMI.
- (7) In order to allow for the prompt application of the measures provided for in this Decision, this Decision should enter into force on the date of its adoption,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Specialised Committee on Road Transport, established by Article 8(1), point (o) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ('Specialised Committee on Road Transport'), as regards the technical and procedural specifications of the use of the Internal Market Information System (IMI) by the United Kingdom and the amount and modalities of the financial contribution to be made by the United Kingdom to the general budget of the Union in respect of the cost generated by its use of IMI is set out in the draft Decision of the Specialised Committee on Road Transport attached to this Decision.

Article 2

The Decision of the Specialised Committee on Road Transport shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Brussels, 8 November 2022.

For the Council
The President
Z. STANJURA

DRAFT

DECISION NO .../2022 OF THE SPECIALISED COMMITTEE ON ROAD TRANSPORT ESTABLISHED BY THE TRADE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, OF THE ONE PART, AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE OTHER PART**of ...**

on the technical and procedural specifications of the use of the Internal Market Information System (IMI) by the United Kingdom, the participation of the United Kingdom in the administrative cooperation under Article 6 of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement and the amount and modalities of the financial contribution to be made by the United Kingdom to the general budget of the Union in respect of the cost generated by its use of IMI

THE SPECIALISED COMMITTEE ON ROAD TRANSPORT,

Having regard to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ⁽¹⁾ ('the Trade and Cooperation Agreement'), and in particular Article 7(5) and (6) of Section 2 of Part A of Annex 31 thereto,

Whereas:

- (1) As set out in Article 6(1), point (a), of Section 2 of Part A to Annex 31 to the Trade and Cooperation Agreement, an operator established in the other Party is to submit a posting declaration to the competent authorities of the Party or, in the case of the Union, of the Member State to which the driver is posted, using from 2 February 2022 a multilingual standard form of the public interface connected to the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council ⁽²⁾. A competent authority can be any body established at either national, regional or local level and registered in IMI with specific responsibilities relating to the application of certain legal provisions.
- (2) As set out in Article 6(1), point (c), second subparagraph, of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement, IMI also allows requests to be made for the assistance of the competent authorities of the Party of establishment or, in the case of the Union, the Member State of establishment, if the operator fails to submit the requested documentation within eight weeks from the date of the request.
- (3) It is possible for third countries to use IMI if the conditions laid down in Article 23 of Regulation (EU) No 1024/2012 are met, and provided that the third country which is given access to IMI participates in the operating costs of IMI.
- (4) As set out in Article 7(5) of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement, the Specialised Committee on Road Transport is to set the technical and procedural specifications of the use of IMI by the United Kingdom. Those specifications are necessary in order to allow the connection of operators and competent authorities to IMI, and thereby allow the operators to submit their posting declarations and competent authorities to take part in the administrative cooperation described in recitals 1 and 2. The Union has implemented those specifications by means of Commission Implementing Regulation (EU) 2021/2179 ⁽³⁾.

⁽¹⁾ OJ EU L 149, 30.4.2021, p. 10.

⁽²⁾ Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ EU L 316, 14.11.2012, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2021/2179 of 9 December 2021 on the functionalities of the public interface connected to the Internal Market Information System for posting drivers in the road transport sector (OJ EU L 443, 10.12.2021, p. 68).

- (5) As set out in Article 7(6) of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement, each Party is to participate in the operating costs of IMI. The Specialised Committee on Road Transport is to determine the costs to be borne by each Party. It is therefore necessary to determine the amount and the modalities of the financial contribution to be made by the United Kingdom to the general budget of the Union in respect of the cost generated by its use of IMI. The financial contribution will consist of two parts: annual maintenance costs (annual contribution) and development costs (one-off payment),

HAS ADOPTED THIS DECISION:

Article 1

General functionalities

1. The Union shall ensure that the multilingual public interface connected to IMI provides, in particular, for the following technical functionalities to United Kingdom operators:

- (a) creating an account for secure access to the operator's reserved area;
- (b) ensuring appropriate logging of user activity;
- (c) recording in the account the details of the operator, the authorised users, the transport manager and the posted drivers;
- (d) managing of the posting declarations:
 - (i) recording the information referred to in Article 6(1), point (a), of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement;
 - (ii) submitting a posting declaration containing the information referred to in point (i), covering a minimum period of one day up to a maximum period of six months;
 - (iii) amending the information in the posting declaration in order to keep it up-to-date;
 - (iv) downloading the copy of a posting declaration in electronic form and in a format that allows for printing;
 - (v) renewing the posting declaration;
 - (vi) withdrawing the posting declaration;
- (e) receiving and responding to requests for documentation pursuant to Article 6(1), point (c), of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement;
- (f) accessing and viewing any documents provided by the competent authorities of the State of establishment;
- (g) communicating with the competent authorities of the State where the posting took place;
- (h) being informed of the closure of the request by the competent authorities of the host State.

2. The Union shall ensure that the multilingual public interface connected to IMI also provides the technical functionalities allowing one or more competent authorities of the United Kingdom to:

- (a) receive posting declarations;
- (b) request documents under the procedure set out in Article 6(1), point (c), of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement;
- (c) enter the final outcome of the assessment of compliance of the operator with the posting rules into the system, and close the request in IMI.

3. The competent authorities of the United Kingdom shall be any body established at either national, regional or local level and registered in IMI with specific responsibilities relating to the application of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement. The competent authorities of the United Kingdom shall be registered in IMI by the United Kingdom IMI contact point referred to in Article 4(2) of this Decision.

4. The Union shall be entitled to stop the access of the United Kingdom to IMI if the United Kingdom ceases to meet the conditions set out in Article 23(1), point (c), of Regulation (EU) No 1024/2012.

Article 2

Functionalities relating to requests for documents

1. The public interface shall allow a competent authority of the State where the posting took place to request the operator to send documents set out in Article 6(1), point (c), first subparagraph, of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement for a period covering up to the preceding 12 months from the date of the request. The public interface connected to IMI shall allow the operator to provide the requested documents in one or more stages.
2. In the event that the operator is requested to provide one or more additional documents that were not included in the request referred to in paragraph 1, the public interface shall calculate the eight-week time period for providing documents from the date of request for the additional document(s).
3. The public interface shall allow for the operator to be informed in cases where the host State asks for the assistance of the State of establishment.
4. Any document uploaded by the competent authority of the State of establishment, following a request for assistance made by the competent authority of the host State, pursuant to Article 6(1), point (c), second subparagraph, of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement, shall be visible in the operator's account.
5. The public interface shall allow the operator to be notified of the closure of the request for documents with an indication of the final outcome, once the requested documents have been checked by the competent authorities.
6. Requests for documents that have not been closed by the requesting competent authority of the host State shall be automatically closed 24 months after the date of the request.

Article 3

Functionalities relating to the retention of data

1. The public interface connected to IMI shall allow for the deletion of all data stored in that public interface and the operators' accounts when those data are no longer needed for the purposes for which they were collected and processed. The public interface shall allow for the sending of a reminder to the operator to review and delete, when necessary, the driver's personal data.
2. The public interface shall allow for the automatic deletion of the posting declarations, which have been submitted through that public interface after the 24-month period referred to in Article 6(5) of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement.
3. Where documents have been submitted by the operator as part of a request for documents, the requested documents shall remain available for no longer than necessary for the purposes for which they were collected and no longer than 12 months after the closure of the request.

Article 4

The use of IMI

1. The United Kingdom shall use IMI established by the IMI Regulation for exchanges of information, including of personal data, with the competent authorities.

2. The United Kingdom shall appoint an IMI contact point for the purposes of the administrative cooperation set out in Article 2 and inform the Commission and the Specialised Committee on Road Transport thereof.

Article 5

Amount and modalities of the United Kingdom's financial contribution

1. The United Kingdom shall contribute annually to the operational and maintenance costs of IMI. The annual contribution shall apply as of the date of entry into force of this Decision. For the first year it shall be paid within 20 days from the date of the entry into force of this Decision. For the following years it shall be paid by 31 December of the preceding year. The amount of the contribution for the first year shall be fixed at EUR 86 204 and shall be revised according to the development of the European Consumer Price Index (HICP) every year thereafter. The European Commission shall communicate the revised amount to the United Kingdom in writing.

2. The United Kingdom shall contribute to the overall development costs of the public interface connected to IMI. This contribution shall be provided once and is a fixed amount of EUR 232 835. The one-off development cost shall be paid within 20 days from the date of the entry into force of this Decision.

3. The contributions referred to in paragraphs 1 and 2 shall be paid in euros into the euro-denominated bank account of the Commission indicated in the debit note.

4. In case of a substantial change to the overall cost of IMI, due to technological adaptations or for other reasons, the Specialised Committee on Road Transport shall adopt a new decision on the United Kingdom's financial contribution, at the request of one of the Co-chairs of the Committee.

Article 6

Entry into force

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

Done at ...,

*For the Specialised Committee on Road Transport
The Co-chairs*

COUNCIL DECISION (EU) 2022/2198**of 8 November 2022****on the suspension in whole of the application of the Agreement between the European Union and the Republic of Vanuatu on the short-stay visa waiver**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), point (a), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Union and the Republic of Vanuatu on the short-stay visa waiver ⁽¹⁾ (the 'Agreement') was signed on and provisionally applied from 28 May 2015 ⁽²⁾, in order to facilitate travel to the Union for citizens of Vanuatu and travel to Vanuatu for citizens of the Union.
- (2) The Agreement is based on the Contracting Parties' common desire to encourage people-to-people contacts, boost tourism and invigorate business between the Union and Vanuatu.
- (3) Under Article 8(4) of the Agreement, either party may suspend in whole or in part the Agreement, in particular for reasons of public policy and the protection of national security. The decision on suspension is to be notified to the other party no later than two months before its planned entry into force. Should the reasons for that suspension cease to exist, the party that has suspended the Agreement is to inform the other party immediately and to lift the suspension.
- (4) Vanuatu operates investor citizenship schemes, whereby it has granted Vanuatu nationality to nationals of other countries with no previous connection to Vanuatu, issuing positive decisions on the vast majority of applications. On the basis of the information provided by Vanuatu's Passport Office on 14 June 2021, by March 2021, it issued over 10 500 passports, with an extremely low rejection rate. That situation raises doubts as to the reliability of the security and due diligence screening carried out by the Vanuatu authorities.
- (5) Furthermore, the countries of origin of successful applicants for Vanuatu nationality include several countries whose nationals are required to possess visas when crossing the external borders of the Union.
- (6) In exchanges between the Commission and Vanuatu's authorities in October 2017, November 2019, June 2020 and March 2021, the Commission expressed serious concerns regarding Vanuatu's investor citizenship schemes, in particular the granting of citizenship to persons listed in Interpol databases, the absence of physical presence or residence requirements, the schemes' short processing periods and the lack of systematic exchange of information with applicants' countries of origin or of previous main residence, and warned the Government of Vanuatu of the possibility of the visa requirement being reinstated should those concerns not be addressed. The explanations provided by Vanuatu were not sufficient to alleviate those concerns.

⁽¹⁾ OJ L 173, 3.7.2015, p. 48.

⁽²⁾ Council Decision (EU) 2015/1035 of 7 May 2015 on the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union and the Republic of Vanuatu on the short-stay visa waiver (OJ L 173, 3.7.2015, p. 46).

- (7) Consequently, the application of the Agreement was partially suspended by Council Decision (EU) 2022/366 ⁽³⁾. The suspension is limited to ordinary passports issued by Vanuatu as from 25 May 2015, when the number of successful applicants under Vanuatu's investor citizenship schemes started to increase significantly.
- (8) Whilst Decision (EU) 2022/366 partially suspended the Agreement, it was also necessary to provide for suspension at the level of Union law. Therefore, based on Regulation (EU) 2018/1806 of the European Parliament and of the Council ⁽⁴⁾, on 27 April 2022 the Commission adopted Implementing Regulation (EU) 2022/693 ⁽⁵⁾ temporary suspending the exemption from the visa requirement for nationals of Vanuatu holding ordinary passports issued by Vanuatu as from 25 May 2015 for a period of nine months, applicable from 4 May 2022 to 3 February 2023.
- (9) Following the entry into force of the temporary suspension of the exemption from the visa requirement, in accordance with Regulation (EU) 2018/1806 the Commission has launched an enhanced dialogue with Vanuatu with a view to remedying the circumstances that gave rise to that suspension.
- (10) Although the enhanced dialogue with Vanuatu commenced on 12 May 2022, subsequently Vanuatu has not engaged in any meaningful way. During the nine-month period set down by Implementing Regulation (EU) 2022/693, it has therefore not been possible to remedy the circumstances which gave rise to the temporary suspension of the exemption from the visa requirement.
- (11) The investor citizenship schemes operated by Vanuatu continue to represent an increased risk to the internal security of the Member States and a circumvention of the Union short-stay visa procedure and of the assessment of security and migratory risks it entails. In the absence of engagement by Vanuatu as regards remedying those circumstances, Decision (EU) 2022/366 should therefore be repealed and the application of the Agreement in whole as regards all nationals of Vanuatu should be suspended.
- (12) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽⁶⁾. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The application of the Agreement between the European Union and the Republic of Vanuatu on the short-stay visa waiver (the 'Agreement') is suspended in whole as regards nationals of Vanuatu, as from 4 February 2023.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 8(4) of the Agreement.

Article 3

Decision (EU) 2022/366 is repealed with effect from 4 February 2023.

⁽³⁾ Council Decision (EU) 2022/366 of 3 March 2022 on the partial suspension of the application of the Agreement between the European Union and the Republic of Vanuatu on the short-stay visa waiver (OJ L 69, 4.3.2022, p. 105).

⁽⁴⁾ Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 303, 28.11.2018, p. 39).

⁽⁵⁾ Commission Implementing Regulation (EU) 2022/693 of 27 April 2022 on the temporary suspension of the visa exemption for nationals of Vanuatu (OJ L 129, 3.5.2022, p. 18).

⁽⁶⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

Article 4

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

Done at Brussels, 8 November 2022.

For the Council
The President
Z. STANJURA

COUNCIL DECISION (EU) 2022/2199**of 8 November 2022****on the position to be taken on behalf of the European Union within the Regional Steering Committee of the Transport Community as regards the adoption of the budget of the Transport Community for 2023**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 and Article 100(2), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Treaty establishing the Transport Community ⁽¹⁾ (TCT) was signed by the Union in accordance with Council Decision (EU) 2017/1937 ⁽²⁾. On 4 March 2019 it was approved on behalf of the Union by means of Council Decision (EU) 2019/392 ⁽³⁾. It entered into force on 1 May 2019.
- (2) Pursuant to Article 35 TCT, the Regional Steering Committee of the Transport Community ('the Steering Committee') is to adopt the budget of the Transport Community every year. Article 35 TCT also empowers the Steering Committee to adopt decisions specifying the procedure for the implementation of the budget.
- (3) The Steering Committee is to adopt a decision on the budget of the Transport Community for 2023 during its last meeting in 2022.
- (4) The proposed budget of the Transport Community for 2023 is needed for the proper functioning of the bodies of the Transport Community. It covers the costs of human resources, travel, IT equipment and software, as well as operational expenditure such as studies, capacity-building, technical assistance and the organisation of conferences and meetings.
- (5) It is appropriate to establish the position to be taken on the Union's behalf within the Steering Committee concerning the decision on the adoption of the budget of the Transport Community for the year 2023, as such a decision, which is necessary for the functioning of the Permanent Secretariat of the Transport Community, will be binding on the Union.
- (6) The position of the Union within the Steering Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union within the Regional Steering Committee of the Transport Community ('the Steering Committee') as regards the adoption of the budget of the Transport Community for the year 2023 shall be based on the draft decision of the Steering Committee attached to this Decision.

Article 2

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

⁽¹⁾ OJ L 278, 27.10.2017, p. 3.

⁽²⁾ Council Decision (EU) 2017/1937 of 11 July 2017 on the signing, on behalf of the European Union, and provisional application of the Treaty establishing the Transport Community (OJ L 278, 27.10.2017, p. 1).

⁽³⁾ Council Decision (EU) 2019/392 of 4 March 2019 on the conclusion, on behalf of the European Union, of the Treaty establishing the Transport Community (OJ L 71, 13.3.2019, p. 1).

Done at Brussels, 8 November 2022.

For the Council
The President
Z. STANJURA

DRAFT
**DECISION No ... /2022 OF THE REGIONAL STEERING COMMITTEE OF THE TRANSPORT
COMMUNITY**
of ...
on the adoption of the budget of the Transport Community for the year 2023

THE REGIONAL STEERING COMMITTEE OF THE TRANSPORT COMMUNITY,

Having regard to the Treaty establishing the Transport Community ⁽¹⁾, and in particular Article 24(1) and Article 35 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The budget of the Transport Community for the year of 2023, attached to this Decision, is hereby adopted.

Article 2

1. In accordance with Article 10(1) of the financial rules and auditing procedures applicable to the Transport Community, appropriations of a given budget line of the 2023 budget may be used for purposes the budget attributes to another budget line, within the total limit of 10 % of the appropriations of the former budget line. This shall not apply to the budget line regarding the human resources budget.

2. Appropriations carried over in order to meet obligations signed at the end of 2022, as specified in the budget attached, shall not be eligible for the use referred to in paragraph 1. They shall not be taken into account for determining the maximum amount corresponding to the limit of 10 % referred to therein.

Article 3

Appropriations which have not been committed at the end of the financial year 2022 shall be cancelled and paid back to the Parties in accordance with the percentages established in Annex V of the Treaty establishing the Transport Community and the actual contributions paid.

Done in ..., on ...

*For the Regional Steering Committee
of the Transport Community
The President*

⁽¹⁾ OJ EU L 278, 27.10.2017, p. 3.

BUDGET OF THE TRANSPORT COMMUNITY FOR THE YEAR 2023

Budget line	Amount (EUR)
1. Permanent Secretariat	
1.1. Human Resources	1 502 097
1.2. Travel costs	119 220
1.3. Office costs, equipment and software	64 150
1.4. Other costs and services, including: — Outsourced and other services (Audit, Visibility, Staff training, Bank charges) — Meeting & Conference costs — Information Technology and Communication costs — Recruitment costs	543 117
1.5. Studies, technical Assistance for supporting the implementation of EU Acquis and Action Plans ⁽¹⁾	730 000
— Of which fresh credits	510 000
— Of which carried-over budget appropriations corresponding to obligations signed at the end of 2022 for which payments are due in 2023	220 000
2. Ministerial Council	
2.1. Meeting & Conference costs	28 000
3. Regional Steering Committee	
3.1. Meeting & Conference costs	18 560
4. Technical Committees	
4.1. Meeting & Conference costs	177 300
5. Social Forum	
5.1. Meeting & Conference costs	10 800
6. Budget Committee	
6.1. Meeting & Conference costs	5 720
Total fresh credits (excluding Budget Reserve)	2 978 964
Budget Reserve (approx. 3 % of fresh credits)	81 036
Total fresh credits	3 060 000
Total carry overs from 2022	220 000
Grand total	3 280 000
EU contribution (80 % of fresh credits)	2 448 000
South East European Parties' contribution (20 % of fresh credits: Annex V to the Treaty establishing the Transport Community provides the distribution per country)	612 000

⁽¹⁾ The total amount shall be determined upon conclusion of procurement procedures and service contracts signed during Q3 of 2022.

COUNCIL DECISION (EU) 2022/2200**of 8 November 2022**

on the position to be taken on behalf of the European Union in the World Forum for Harmonization of Vehicle Regulations of the United Nations Economic Commission for Europe on proposals for modifications to UN regulations Nos 0, 13, 24, 34, 43, 48, 67, 83, 90, 118, 125, 127, 129, 149, 151, 158, 159, 161, 162 and 163, on a proposal for a new UN regulation on Vulnerable Road Users in Front and Side Close Proximity, on a proposal for a new UN Regulation on the Approval of Motor Vehicles with Regard to their Direct Vision, and on a proposal for an amendment to M.R.1

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 97/836/EC ⁽¹⁾, the Union acceded to the Agreement of the United Nations Economic Commission for Europe ('UNECE') concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions (the 'Revised 1958 Agreement'). The Revised 1958 Agreement entered into force on 24 March 1998.
- (2) By Council Decision 2000/125/EC ⁽²⁾, the Union acceded to the Agreement concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles (the 'Parallel Agreement'). The Parallel Agreement entered into force on 15 February 2000.
- (3) Regulation (EU) 2018/858 of the European Parliament and of the Council ⁽³⁾ lays down the administrative provisions and technical requirements for type-approval and the placing on the market of all new vehicles, systems, components and separate technical units. That Regulation incorporates regulations adopted under the Revised 1958 Agreement ('UN regulations') in the EU type-approval system, either as requirements for type-approval or as alternatives to Union legislation.
- (4) Pursuant to Article 1 of the Revised 1958 Agreement and Article 6 of the Parallel Agreement, the UNECE World Forum for Harmonization of Vehicle Regulations ('UNECE WP.29') may adopt proposals for modifications to UN regulations, UN global technical regulations ('UN GTRs') and UN resolutions, and proposals for new UN regulations, UN GTRs and UN resolutions on the approval of vehicles. Moreover, pursuant to those provisions, UNECE WP.29 may adopt proposals for authorisations to develop amendments to UN GTRs or to develop new UN GTRs, and may adopt proposals for the extension of mandates for UN GTRs.

⁽¹⁾ Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement') (OJ L 346, 17.12.1997, p. 78).

⁽²⁾ Council Decision 2000/125/EC of 31 January 2000 concerning the conclusion of the Agreement concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles ('Parallel Agreement') (OJ L 35, 10.2.2000, p. 12).

⁽³⁾ 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).

- (5) UNECE WP.29, during the 188th session of the World Forum to be held from 14 to 16 November 2022, may adopt: proposals for modifications to UN regulations Nos 0, 13, 24, 34, 43, 48, 67, 83, 90, 118, 125, 127, 129, 149, 151, 158, 159, 161, 162 and 163; a proposal for a new UN regulation on vulnerable road users in front and side close proximity; a proposal for a new UN regulation on the approval of motor vehicles with regard to their direct vision; and a proposal for an amendment to UN mutual resolution No 1.
- (6) The UN regulations will be binding on the Union. Together with the UN resolution, they will decisively influence the content of Union law in the field of vehicle type-approval. Therefore, it is appropriate to establish the position to be taken on the Union's behalf in UNECE WP.29 on the adoption of those proposals.
- (7) To reflect experience and technical developments, the requirements for certain aspects or features covered by UN regulations Nos 0, 13, 24, 34, 43, 48, 67, 83, 90, 118, 125, 127, 129, 149, 151, 158, 159, 161, 162, 163 and UN mutual resolution No 1 need to be amended or supplemented.
- (8) To reflect technical progress, improve vehicle safety and reduce the vulnerability of road users, a new UN regulation on vulnerable road users in front and side close proximity and a new UN regulation on the approval of motor vehicles with regard to their direct vision need to be adopted,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the 188th session of the UNECE World Forum for Harmonization of Vehicle Regulations to be held from 14 to 16 November 2022 shall be to vote in favour of the proposals listed in the Annex to this Decision.

Article 2

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

Done at Brussels, 8 November 2022.

For the Council
The President
Z. STANJURA

ANNEX

Regulation No	Agenda item title	Document reference (1)
0	Proposal for the 05 Series of amendments to UN Regulation No 0 (International Whole Vehicle Type Approval) (ECE/TRANS/WP.29/1166, para. 107, based on WP.29-187-20)	ECE/TRANS/WP.29/2022/111
13	Proposal for Supplement 20 to the 11 series of amendments to UN Regulation No 13 (Heavy Vehicle Braking) (ECE/TRANS/WP.29/GRVA/13, based on ECE/TRANS/WP.29/GRVA/2022/11, as amended by GRVA-13-22/Rev.1)	ECE/TRANS/WP.29/2022/137
13	Proposal for Supplement 2 to the 12 series of amendments to UN Regulation No 13 (Heavy Vehicle Braking) (ECE/TRANS/WP.29/GRVA/13, based on ECE/TRANS/WP.29/GRVA/2022/11, as amended by GRVA-13-22/Rev.1)	ECE/TRANS/WP.29/2022/138
24	Proposal for Supplement 9 to the 03 series of amendments to UN Regulation No 24 (Visible pollutants, measurement of power of C.I. engines (Diesel smoke)) (ECE/TRANS/WP.29/GRPE/86/Rev.1, para. 41, based on ECE/TRANS/WP.29/GRPE/2022/22, as amended during the session by Annex VII)	ECE/TRANS/WP.29/2022/133/Rev.1
34	Proposal for the 04 series of amendments to UN Regulation No 34 (Prevention of fire risk) (ECE/TRANS/WP.29/GRSG/102, para. 33, based on ECE/TRANS/WP.29/GRSG/2021/19/Rev.1, as amended by para. 33 of the report)	ECE/TRANS/WP.29/2022/116
34	Proposal for Supplement 3 to the 03 series of amendments to UN Regulation No 34 (Prevention of fire risk) (ECE/TRANS/WP.29/GRSG/102, para. 32, based on ECE/TRANS/WP.29/GRSG/2022/19, not amended)	ECE/TRANS/WP.29/2022/117
43	Proposal for Supplement 10 to the 01 series of amendments to UN Regulation No 43 (Safety glazing) (ECE/TRANS/WP.29/GRSG/102, para. 12, based on ECE/TRANS/WP.29/GRSG/2022/3 and ECE/TRANS/WP.29/GRSG/2022/4, not amended)	ECE/TRANS/WP.29/2022/118
48	Proposal for Supplement 17 to the 06 series of amendments to UN Regulation No 48 (Installation of lighting and light-signalling devices) (ECE/TRANS/WP.29/GRE/86, para. 18, based on ECE/TRANS/WP.29/GRE/2022/5, as amended by GRE-86-05-Rev.2)	ECE/TRANS/WP.29/2022/112
48	Proposal for Supplement 4 to the 07 series of amendments to UN Regulation No 48 (Installation of lighting and light-signalling devices) (ECE/TRANS/WP.29/GRE/86, para. 18, based on ECE/TRANS/WP.29/GRE/2022/5, as amended by GRE-86-05-Rev.2)	ECE/TRANS/WP.29/2022/113

Regulation No	Agenda item title	Document reference (1)
48	Proposal for Supplement 2 to the 08 series of amendments to UN Regulation No 48 (Installation of lighting and light-signalling devices) (ECE/TRANS/WP.29/GRE/86, para. 18, based on ECE/TRANS/WP.29/GRE/2022/5, as amended by GRE-86-05-Rev.2)	ECE/TRANS/WP.29/2022/114
67	Proposal for Supplement 2 to the 03 series of amendments to UN Regulation No 67 (LPG vehicles) (ECE/TRANS/WP.29/GRSG/102, para. 35, based on ECE/TRANS/WP.29/GRSG/2022/11, not amended)	ECE/TRANS/WP.29/2022/119
67	Proposal for Supplement 1 to the 04 series of amendments to UN Regulation No 67 (LPG vehicles) (ECE/TRANS/WP.29/GRSG/102, para. 35, based on ECE/TRANS/WP.29/GRSG/2022/11, not amended)	ECE/TRANS/WP.29/2022/120
83	Proposal for Supplement 16 to the 05 series of amendments to UN Regulation No 83 (Emissions of M1 and N1 vehicles) (ECE/TRANS/WP.29/GRPE/86/Rev.1, para. 21, based on ECE/TRANS/WP.29/GRPE/2022/10 and ECE/TRANS/WP.29/GRPE/2022/13 and GRPE-86-12, as amended by Annex IV)	ECE/TRANS/WP.29/2022/134
83	Proposal for Supplement 18 to the 06 series of amendments to UN Regulation No 83 (Emissions of M1 and N1 vehicles) (ECE/TRANS/WP.29/GRPE/86/Rev.1, para. 22, based on ECE/TRANS/WP.29/GRPE/2022/10 and ECE/TRANS/WP.29/GRPE/2022/13, GRPE86-12 and GRPE-86-24-Rev.1, as amended by Annex V)	ECE/TRANS/WP.29/2022/135
83	Proposal for Supplement 15 to the 07 series of amendments to UN Regulation No 83 (Emissions of M1 and N1 vehicles) (ECE/TRANS/WP.29/GRPE/86/Rev.1, para. 23, based on ECE/TRANS/WP.29/GRPE/2022/10 and ECE/TRANS/WP.29/GRPE/2022/13, GRPE86-12 and GRPE-86-24-Rev.1, as amended by Annex VI)	ECE/TRANS/WP.29/2022/136
90	Proposal for Supplement 10 to the 02 series of amendments to UN Regulation No 90 (Replacement braking parts) (based on GRVA-14-17)	ECE/TRANS/WP.29/2022/148
118	Proposal for Supplement 1 to the 04 series of amendments to UN Regulation No 118 (Burning behaviour of materials) (ECE/TRANS/WP.29/GRSG/102, para. 8, based on ECE/TRANS/WP.29/GRSG/2022/2, not amended)	ECE/TRANS/WP.29/2022/121
125	Proposal for Supplement 2 to the 02 series of amendments to UN Regulation No 125 (Forward field of vision of drivers) (ECE/TRANS/WP.29/GRSG/102, para. 49, based on GRSG-123-05)	ECE/TRANS/WP.29/2022/122

Regulation No	Agenda item title	Document reference (1)
127	Proposal for the 04 series of amendments to UN Regulation No 127 (Pedestrian safety) (ECE/TRANS/WP.29/GRSP/71, para. 22, based on ECE/TRANS/WP.29/GRSP/2022/4, as amended by Annex II to the report)	ECE/TRANS/WP.29/2022/129
127	Proposal for Supplement 1 to the 03 series of amendments to UN Regulation No 127 (Pedestrian safety) (ECE/TRANS/WP.29/GRSP/71, para. 21, based on GRSP-71-04, as reproduced in Annex II to the report)	ECE/TRANS/WP.29/2022/130
129	Proposal for Supplement 8 to the 03 series of amendments to UN Regulation No 129 (Enhanced Child Restraint systems) (ECE/TRANS/WP.29/GRSP/71, para. 25, based on ECE/TRANS/WP.29/GRSP/2022/7, as amended by Annex III to the report, ECE/TRANS/WP.29/GRSP/2022/8 and ECE/TRANS/WP.29/GRSP/2022/9, both not amended)	ECE/TRANS/WP.29/2022/128
129	Proposal for Supplement 9 to the 01 series of amendments to UN Regulation No 129 (Enhanced Child Restraint systems) (ECE/TRANS/WP.29/GRSP/71, para. 25, based on ECE/TRANS/WP.29/GRSP/2022/5, not amended)	ECE/TRANS/WP.29/2022/131
129	Proposal for Supplement 8 to the 02 series of amendments to UN Regulation No 129 (Enhanced Child Restraint systems) (ECE/TRANS/WP.29/GRSP/71, para. 25, based on ECE/TRANS/WP.29/GRSP/2022/6, not amended)	ECE/TRANS/WP.29/2022/132
149	Proposal for Supplement 6 to the 00 series of amendments to UN Regulation No 149 (Road illumination devices) (ECE/TRANS/WP.29/GRE/86, para. 12, based on ECE/TRANS/WP.29/GRE/2022/8)	ECE/TRANS/WP.29/2022/115
151	Proposal for Supplement 4 to the original version of UN Regulation No 151 (Blind Spot Information Systems) (ECE/TRANS/WP.29/GRSG/102, para. 18, based on GRSG-2022-9, as amended by Annex III to the report)	ECE/TRANS/WP.29/2022/147
158	Proposal for Supplement 2 to the original version of UN Regulation No 158 (Reversing motion) (ECE/TRANS/WP.29/GRSG/102, para. 20, based on ECE/TRANS/WP.29/GRSG/2022/10, as amended by Annex IV to the report)	ECE/TRANS/WP.29/2022/123/Rev. 1
159	Proposal for part I of Supplement 2 to the original version of UN Regulation No 159 (Moving off information system) (ECE/TRANS/WP.29/GRSG/102, para. 23, based on GRSG-123-11-Rev.1, as reproduced in Annex V to the report)	ECE/TRANS/WP.29/2022/124

Regulation No	Agenda item title	Document reference ⁽¹⁾
159	Proposal for part II of Supplement 2 to the original version of UN Regulation No 159 (Moving off information system) (ECE/TRANS/WP.29/GRSG/102, para. 23, based on GRSG-123-32, as reproduced in Annex V to the report)	ECE/TRANS/WP.29/2022/125
161	Proposal for Supplement 3 to the original version of UN Regulation No 161 (Devices against Unauthorized Use) (ECE/TRANS/WP.29/GRSG/102, para. 43, based on GRSG-2022-14, as amended by para. 43)	ECE/TRANS/WP.29/2022/146
162	Proposal for Supplement 4 to the original version of UN Regulation No 162 (Immobilizers) (ECE/TRANS/WP.29/GRSG/102, para. 46, based on ECE/TRANS/WP.29/GRSG/2022/15, not amended)	ECE/TRANS/WP.29/2022/126/Rev.1
163	Proposal for Supplement 2 to the original version of UN Regulation No 163 (Vehicle Alarm Systems) (ECE/TRANS/WP.29/GRSG/102, para. 48, based on ECE/TRANS/WP.29/GRSG/2022/16, not amended)	ECE/TRANS/WP.29/2022/127
New Regulation	Proposal for new UN Regulation on Vulnerable Road Users in Front and Side Close Proximity (ECE/TRANS/WP.29/GRSG/102, para. 25, based on ECE/TRANS/WP.29/GRSG/2022/6, as amended by Annex VI to the report)	ECE/TRANS/WP.29/2022/139
New Regulation	Proposal for new UN Regulation on the Approval of Motor Vehicles with Regard to their Direct Vision (ECE/TRANS/WP.29/GRSG/102, para. 28, based on ECE/TRANS/WP.29/GRSG/2022/7, as amended by Annex VII to the report and ECE/TRANS/WP.29/GRSG/2022/30)	ECE/TRANS/WP.29/2022/140/Rev.1

⁽¹⁾ All documents referred to in the table are available at: (WP.29) World Forum for the Harmonization of Regulations (188th session) | UNECE.

Miscellaneous	Agenda item title	Document reference
Mutual Resolution	Proposal for Amendment 3, Addendum 1 to Mutual Resolution No 1 (M.R.1) (ECE/TRANS/WP.29/GRSP/71, para. 33, based on ECE/TRANS/WP.29/GRSP/2022/10, not amended)	ECE/TRANS/WP.29/2022/141
Technical regulations to be listed in the Compendium of Candidates for UN GTRs	Listing Number 11: United States of America Environmental Protection Agency and the Department of Transportation Programmes for Light-duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards	ECE/TRANS/WP.29/2022/142

Miscellaneous	Agenda item title	Document reference
Technical regulations to be listed in the Compendium of Candidates for UN GTRs	Listing Number 12: United States of America Environmental Protection Agency and National Highway Traffic Safety Administration, Department of Transportation Programmes for Greenhouse Gas Emission Standards and Fuel Efficiency Standards for Medium and Heavy-Duty Engines and Vehicles	ECE/TRANS/WP.29/2022/143
Technical regulations to be listed in the Compendium of Candidates for UN GTRs	Listing Number 13: United States of America Environmental Protection Agency and National Highway Traffic Safety Administration, Department of Transportation, Program for Revisions and Additions to the Motor Vehicle Fuel Economy Label: New Fuel Economy and Environment Labels for a New Generation of Vehicles	ECE/TRANS/WP.29/2022/144

COUNCIL DECISION (CFSP) 2022/2201
of 10 November 2022
amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in
Venezuela

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 13 November 2017, the Council adopted Decision (CFSP) 2017/2074 ⁽¹⁾, concerning restrictive measures in view of the situation in Venezuela.
- (2) On 11 November 2021, the Council, considering the ongoing political, economic, social and humanitarian crisis in Venezuela and the persistent actions undermining democracy, the rule of law and respect for human rights, adopted Decision (CFSP) 2021/1965 ⁽²⁾ which renewed the restrictive measures in place until 14 November 2022, including all designations.
- (3) The Council has reviewed the restrictive measures in place in accordance with Article 13 of Decision (CFSP) 2017/2074. Based on that review, the restrictive measures, including all designations, should be renewed until 14 November 2023, and the statement of reasons for 17 persons should be updated.
- (4) These measures do not affect the general population and can be reversed in light of progress made towards the restoration of democracy, the rule of law and respect for human rights in Venezuela.
- (5) Decision (CFSP) 2017/2074 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2017/2074 is amended as follows:

- (1) the first paragraph of Article 13 is replaced by the following:
‘This Decision shall apply until 14 November 2023.’;
- (2) Annex I is amended as set out in the Annex to this Decision.

Article 2

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

⁽¹⁾ Council Decision (CFSP) 2017/2074 of 13 November 2017 concerning restrictive measures in view of the situation in Venezuela (OJ L 295, 14.11.2017, p. 60).

⁽²⁾ Council Decision (CFSP) 2021/1965 of 11 November 2021 amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela (OJ L 400, 12.11.2021, p. 148).

Done at Brussels, 10 November 2022.

For the Council
The President
M. BEK

ANNEX

In Annex I to Decision (CFSP) 2017/2074, the entries concerning the persons listed below are replaced by the following entries:

	Name	Identifying information	Reasons	Date of listing
3.	Tibisay LUCENA RAMÍREZ	Date of birth: 26 April 1959 Gender: female	Minister of University Education since October 2021. President of the National Electoral Council (Consejo Nacional Electoral or CNE) from April 2006 until June 2020. Her actions and policies have undermined democracy and the rule of law in Venezuela, including by failing to ensure that the CNE remains an impartial and independent institution in accordance with the Venezuelan Constitution, thereby facilitating the establishment of the Constituent Assembly and the re-election of Nicolás Maduro in May 2018 through presidential elections that were neither free nor fair.	22.1.2018
5.	Maikel José MORENO PÉREZ	Date of birth: 12 December 1965 Gender: male	Judge of the Criminal Appeal Chamber of the Supreme Court of Venezuela (Tribunal Supremo de Justicia (TSJ)). Former President and Vice President of the Supreme Court. In those roles, he has supported and facilitated the Government's actions and policies which have undermined democracy and the rule of law in Venezuela, and is responsible for actions and statements that have usurped the authority of the National Assembly, including the appointment of the National Electoral Council (CNE) in June 2020 and the suspension and replacement of the leadership of three opposition parties in June and July 2020.	22.1.2018
15.	Freddy Alirio BERNAL ROSALES	Date of birth: 16 June 1962 Place of birth: San Cristóbal, Táchira State, Venezuela Gender: male	Governor of Táchira State since winning the elections in November 2021. Former Head of the National Control Centre of the Committee for Local Supply and Production (CLAP) and former Protector of Táchira State. Also a Commissioner General of the Bolivarian National Intelligence Service (SEBIN). As Head of the CLAP and Protector of Táchira State he was able to call upon Special Forces (FAES) and to influence appointments of judges and prosecutors. Responsible for undermining democracy through manipulation of CLAP programme distributions amongst voters. Additionally, as Commissioner General of SEBIN he is responsible for SEBIN's activities which include serious human rights violations such as arbitrary detention.	25.6.2018

	Name	Identifying information	Reasons	Date of listing
22.	Alexis Enrique ESCALONA MARRERO	Date of birth: 12 October 1962 Gender: male	Chief in Charge of the National Office Against Organized Crime and Terrorist Financing (ONDOFT) from January 2018 until May 2019. Retired Major General, former Vice Minister for prevention and public safety at the Ministry of the Interior (appointed in 2017 by President Maduro) and former National Commander of the National Anti-Extortion and Kidnapping Command (Comando Nacional Antiextorsión y Secuestro (CONAS)) (between 2014 and 2017). Responsible for serious human rights violations, including torture, the use of excessive force and the mistreatment of detainees by members of CONAS under his command. Also responsible for the repression of civil society by members of CONAS under his command.	27.9.2019
27.	Gladys DEL VALLE REQUENA	Date of birth: 9 November 1952 Place of birth: Puerto Santo, Sucre, Venezuela ID number: V-4114842 Gender: female	Inspector General of the Courts since 27 April 2022. Former member of the non-democratically elected National Assembly and former member and the Second Vice-President of the non-recognised National Constituent Assembly (ANC). In her leading role in the non-recognised ANC, she has undermined democracy and the rule of law in Venezuela, including by signing the decree that stripped the president of the National Assembly of Venezuela, Juan Guaidó, of his parliamentary immunity.	29.6.2020
30.	Juan José MENDOZA JOVER	Date of birth: 11 March 1969 Place of birth: Trujillo, Venezuela Address: Arnoldo Gabaldón, Candelaria, Edo. Trujillo ID number: V-9499372 Gender: male	Former Second Vice-President of the Venezuelan Supreme Court (Tribunal Supremo de Justicia (TSJ)) and former President of the Constitutional Chamber of the Supreme Court (February 2017 – April 2022). His actions have undermined democracy and the rule of law in Venezuela, including by a number of judicial rulings in the past two years that have limited or undermined the constitutional powers of Venezuela's democratically-elected legislative body, the National Assembly.	29.6.2020

	Name	Identifying information	Reasons	Date of listing
37.	Remigio CEBALLOS ICHASO	Date of birth: 1 May 1963 ID-number: V-6557495 Gender: male	Since August 2021, Minister of the Interior and Justice of Venezuela and Vice-President of the Government for Citizen Security. Former Commander of the Operational and Strategic Command of the Bolivarian National Armed Forces of Venezuela (Comando Estratégico Operacional Fuerzas Armadas Nacionales Bolivarianas (CEOFANB)), the highest organ in the Venezuelan Armed Forces (FANB) and the Bolivarian National Guard. CEOFANB is also responsible for coordinating FANB interventions in demonstrations. In his position as Commander of CEOFANB, he was responsible for serious human rights violations, including the use of excessive force and inhuman and degrading treatment by officials of the FANB and by subordinate forces under his command, including the Bolivarian National Guard. Various sources, including the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, attribute human rights violations to FANB and the Bolivarian National Guard.	22.2.2021
38.	Omar José PRIETO FERNÁNDEZ	Date of birth: 25 May 1969 ID number: V-9761075 Gender: male	Former Governor of Zulia State (2017 - 2021). In this position he has undermined democracy and the rule of law in Zulia State. He was sworn in by the non-recognised National Constituent Assembly (ANC), after the legitimate winner of the election refused to be sworn in by the ANC. Omar José Prieto Fernández actively promoted the non-democratic elections for the National Assembly which took place on 6 December 2020. Moreover, in Zulia State he threatened opposition leaders with 'house visits' and stated to declare Zulia State independent should an interim government lead by Juan Guaidó assume power.	22.2.2021
42.	Lourdes Benicia SUÁREZ ANDERSON	Date of birth: 7 March 1965 Gender: female	Judge of the Constitutional Chamber of the Supreme Court (Tribunal Supremo de Justicia (TSJ)) since December 2005 and Vice President of the Constitutional Chamber since April 2022. Former President of the Constitutional Chamber and former first Vice-President of the Supreme Court. As a member of the Constitutional Chamber of the Supreme Court, she is responsible for actions, statements and rulings that have usurped the constitutional powers of the National Assembly and undermined the opposition's electoral rights including the unilateral appointment by the Supreme Court of the National Electoral Council (Consejo Nacional Electoral (CNE)) in June 2020 and the suspension and unilateral replacement of the leadership of three of the main democratic opposition parties in June and July 2020, as well as the extension of the ruling on Acción Democrática for one more year in May 2021. Her actions have therefore undermined democracy and the rule of law in Venezuela, and she has supported and facilitated the undermining of democracy and the rule of law by the executive branch.	22.2.2021

	Name	Identifying information	Reasons	Date of listing
44.	René Alberto DEGRAVES ALMARZA	Gender: male	Substitute judge of the Constitutional Chamber of the Supreme Court (Tribunal Supremo de Justicia (TSJ)) since April 2022. Former judge of the Constitutional Chamber of the Supreme Court. As a member of the Constitutional Chamber of the Supreme Court, he has been responsible for actions, statements and rulings that have usurped the constitutional powers of the National Assembly and undermined the opposition's electoral rights including the unilateral appointment by the Supreme Court of the National Electoral Council (Consejo Nacional Electoral (CNE)) in June 2020 and the suspension and unilateral replacement of the leadership of three of the main democratic opposition parties in June and July 2020, as well as the extension of the ruling on Acción Democrática for one more year in May 2021. His actions have therefore undermined democracy and the rule of law in Venezuela, and he has supported and facilitated the undermining of democracy and the rule of law by the executive branch.	22.2.2021
45.	Arcadio DELGADO ROSALES	Date of birth: 23 September 1954 Gender: male	Former judge and Vice-President of the Constitutional Chamber of the Supreme Court (Tribunal Supremo de Justicia (TSJ)). As a member of the Constitutional Chamber of the Supreme Court, he has been responsible for actions, statements and rulings that have usurped the constitutional powers of the National Assembly and undermined the opposition's electoral rights, including the unilateral appointment by the Supreme Court of the National Electoral Council (Consejo Nacional Electoral (CNE)) in June 2020 and the suspension and unilateral replacement of the leadership of three of the main democratic opposition parties in June and July 2020, as well as the extension of the ruling on Acción Democrática for one more year in May 2021. His actions have therefore undermined democracy and the rule of law in Venezuela, and he has supported and facilitated the undermining of democracy and the rule of law by the executive branch.	22.2.2021
46.	Carmen Auxiliadora ZULETA DE MERCHÁN	Date of birth: 13 December 1947 Gender: female	Former judge of the Constitutional Chamber of the Supreme Court (Tribunal Supremo de Justicia (TSJ)). As a member of the Constitutional Chamber of the Supreme Court, she has been responsible for actions, statements and rulings that have usurped the constitutional powers of the National Assembly and undermined the opposition's electoral rights including the unilateral appointment by the Supreme Court of the National Electoral Council (Consejo Nacional Electoral (CNE)) in June 2020 and the suspension and unilateral replacement of the leadership of three of the main democratic opposition parties in June and July 2020, as well as the extension of the ruling on Acción Democrática for one more year in May 2021. Her actions have therefore undermined democracy and the rule of law in Venezuela, and she has supported and facilitated the undermining of democracy and the rule of law by the executive branch.	22.2.2021

	Name	Identifying information	Reasons	Date of listing
47.	Indira Maira ALFONZO IZAGUIRRE	Date of birth: 29 April 1968 Place of birth: La Guaira, La Guaira State, Venezuela ID-number: V-6978710 Gender: female	Former President of the Electoral Chamber of the Supreme Court (Tribunal Supremo de Justicia (TSJ)). Former chairwoman of the National Electoral Council (Consejo Nacional Electoral (CNE)), appointed on 13 June 2020. Former member of the Electoral Chamber and Plenary Chamber of the Supreme Court, Second Vice-Chairwoman of the Supreme Court from 2015 until 24 February 2017, Vice-Chairwoman of the Supreme Court from 24 February 2017 until 12 June 2020. As a member of the Electoral Chamber of the Supreme Court, Indira Maira Alfonzo Izaguirre is responsible for the actions taken against the then newly elected National Assembly in December 2015, resulting in the impossibility for the National Assembly to exert its legislative power. Moreover, she accepted her appointment as the chairwoman of the CNE in June 2020 by the Supreme Court although this prerogative belongs to the National Assembly. In that role she prepared and supervised the non-democratic elections of the National Assembly held on 6 December 2020 and participated in the change of 30 June 2020 to the electoral norms for those elections, without formally leaving the Supreme Court (temporary permit to integrate the CNE). After the renewal of the CNE in May 2021, she returned to the Supreme Court. Her actions have therefore undermined democracy and the rule of law in Venezuela.	22.2.2021
48.	Leonardo Enrique MORALES POLEO	Gender: male	Former Vice-President of the National Electoral Council (Consejo Nacional Electoral (CNE)) and President of the Political Participation and Financing Commission (August 2020–May 2021). Leonardo Enrique Morales Poleo was appointed Vice-President of the CNE and President of the Political Participation and Financing Commission on 7 August 2020 by the Supreme Court (Tribunal Supremo de Justicia (TSJ)) although this prerogative belongs to the National Assembly. Moreover, just prior to his appointment he served in the Advanced Progressive Party (Avanzada progresista). As member (rector) and Vice-President of the CNE, he fully took part in the decision-making process of the CNE. He supported and facilitated the supervision of the electoral process that led to the non-democratic elections of the National Assembly on 6 December 2020. His actions have therefore further undermined democracy and the rule of law in Venezuela. Leonardo Enrique Morales Poleo accepted to be appointed to the CNE and remained in his position as Vice-President of the CNE while democracy was severely undermined in Venezuela.	22.2.2021

	Name	Identifying information	Reasons	Date of listing
49.	Tania D'AMELIO CARDIET	Date of birth: 5 December 1971 Place of birth: Italy Nationality: Venezuelan ID-number: V-11691429 Gender: female	Judge of the Constitutional Chamber of the Supreme Court (Tribunal Supremo de Justicia (TSJ)) since April 2022. Former member (rector) of the National Electoral Council (Consejo Nacional Electoral (CNE)) for the period 2016-2023. Former Member (rector) of the CNE for the period 2010-2016. Tania d'Amelio Cardiet, as rector of the CNE since 2010, contributed directly by her activity in her functions to the undermining of democracy and the rule of law in Venezuela, including by preparing the non-democratic 2020 National Assembly elections, participating in the change of 30 June 2020 to the electoral norms for those elections, and participating in the organisation and execution of the 2018 presidential elections. Moreover, Tania d'Amelio Cardiet accepted her 2016 appointment at the CNE by the Supreme Court, although this prerogative belongs to the National Assembly.	22.2.2021
52.	Jesús Emilio VÁSQUEZ QUINTERO	ID-number: V-7422049 Gender: male	President of the Court Martial and the Military Criminal Judicial Circuit since 17 September 2021. Division General since 5 July 2019 and former Attorney General of the Military Prosecutor's Office (December 2017 - 17 September 2021). As Attorney General of the Military Prosecutor's Office, responsible for undermining democracy and the rule of law in Venezuela. The Military Prosecutor's Office has been linked to internal judicial prosecution in the Armed Forces, and failures to investigate incidents, including the case of the death of Captain Acosta in 2019. Moreover, military justice is being applied to civilians.	22.2.2021
54.	Manuel Eduardo PÉREZ URDANETA	Date of birth: 29 December 1960 or 26 May 1962 Place of birth: Cagua, State of Aragua ID-number: V-6357038 Passport number: 001234503 (expired 2012) Gender: male	Former Deputy Minister of the Interior and Justice. Within the Venezuelan Ministry of the Interior and Justice, Brigadier General Manuel Eduardo Pérez Urdaneta ranked as one of five Deputy Ministers. His portfolio encompassed Preventive Security and Public Safety (Viceministro de prevención y Seguridad Ciudadana). Before that, Brigadier General Pérez served as Director of the Bolivarian National Police. In that role he was responsible for serious human rights violations, including the use of severe physical force against peaceful protesters, committed by officials of the Bolivarian National Police under his authority.	22.2.2021'

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