Official Journal of the European Union

L 119

English edition

Legislation

Volume 66

5 May 2023

Contents

[1] Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

([1]) Text with EEA relevance.

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2023/912

of 25 April 2023

on the conclusion, on behalf of the Union, of the Agreement between the European Union and the United States of America pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(6), second subparagraph, point (a)(v) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ([1]),

Whereas:

(1) In accordance with Council Decision (EU) 2022/1665 ([2]), the Agreement between the European Union and the United States of America pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union (the 'Agreement') was signed on behalf of the Union on 17 January 2023, subject to its conclusion at a later date.

(2) The objective of the Agreement is to provide for the apportionment of the tariff rate quotas included in the EU Schedule CLXXV of the General Agreement on Tariffs and Trade (GATT) 1994 as a consequence of the United Kingdom's withdrawal from the Union, pursuant to Article XXVIII of GATT 1994.

(3) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the United States of America pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union is hereby approved on behalf of the Union ([3]).

([1]) Consent of 15 March 2023 (not yet published in the Official Journal).

([2]) Council Decision (EU) 2022/1665 of 26 September 2022 on the signing, on behalf of the Union, of the Agreement between the European Union and the United States of America pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union (OJ L 251, 29.9.2022, p. 1).

([3]) See page 3 of this Official Journal.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 3(1) of the Agreement ([4]).

Article 3

This Decision shall enter into force on the day following that of its adoption.

Done at Luxembourg, 25 April 2023.

For the Council
The President
P. KULLGREN

([4]) 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 United States of America pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff-rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union

THE EUROPEAN UNION,

hereinafter referred to as "the Union",

and

THE UNITED STATES OF AMERICA,

hereinafter referred to as "the United States",

both hereinafter referred to as "the Parties",

HAVING REGARD to the negotiations which took place in accordance with Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on tariff-rate quotas included in the Union Tariff Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the Union as communicated to WTO Members in document G/SECRET/42/Add.2,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Tariff-rate quotas of the Union that no longer includes the United Kingdom

In respect of the tariff-rate quotas for which the United States has negotiating or consultation rights under Article XXVIII of the GATT 1994, the United States and the Union agree with the proposed tariff-rate quota quantity commitments set out in the attached Annex 1 to G/SECRET/42/Add.2 for the Union, subject to the following:

— Tariff-rate quota 005 (Meat of bovine animals/Edible offal of bovine animals): the Union volume of the United States/Canada country specific part shall be adjusted to 10 500 tonnes;

— Tariff-rate quota 015 (Meat of swine, fresh, chilled or frozen: cuts of domestic swine, fresh, chilled or frozen, with or without bone, excluding tenderloin presented separately): the Union volume of the *erga omnes* part shall be adjusted to 4 786 tonnes;

— Tariff-rate quota 017 (Meat of swine, fresh, chilled or frozen: boneless loins and hams of domestic swine, fresh, chilled or frozen pork): the Union volume of the *erga omnes* quota shall be adjusted to 5 720 tonnes;

— Tariff-rate quota 018 (Meat of swine, fresh, chilled or frozen: boneless loins and hams of domestic swine, fresh, chilled or frozen): the Union volume of the United States country specific quota shall be adjusted to 0 tonnes;

— Tariff-rate quota 030 (Skimmed-milk powder): the Union volume of the *erga omnes* quota shall be adjusted to 62 917 tonnes;

— Tariff-rate quota 044 (Potatoes, fresh or chilled, from 1 January to 15 May): the Union volume of the *erga omnes* quota shall be adjusted to 4 295 tonnes;

— Tariff-rate quota 045 (Tomatoes): the Union volume of the *erga omnes* quota shall be adjusted to 472 tonnes;

— Tariff-rate quota 047 (Carrots and turnips, fresh or chilled): the Union volume of the *erga omnes* quota shall be adjusted to 1 244 tonnes;

— Tariff-rate quota 048 (Cucumbers, fresh or chilled from 1 November to 15 May): the Union volume of the *erga omnes* quota shall be adjusted to 647 tonnes;

— Tariff-rate quota 051 (Dried onions): the Union volume of the *erga omnes* quota shall be adjusted to 9 770 tonnes;

— Tariff-rate quota 056 (Almonds): the Union volume of the *erga omnes* quota shall be adjusted to 86 223 tonnes;

— Tariff-rate quota 065 (Fresh sweet cherries, 21 May to 15 July): the Union volume of the *erga omnes* quota shall be adjusted to 151 tonnes;

— Tariff-rate quota 068 (Common wheat - medium and low quality): the Union volume of the United States country specific quota shall be adjusted to 572 000 tonnes;

— Tariff-rate quota 069 (Barley): the Union volume of the *erga omnes* quota shall be adjusted to 307 105 tonnes;

— Tariff-rate quota 071 (Maize): the Union volume of the *erga omnes* quota shall be adjusted to 276 440 tonnes;

— Tariff-rate quota 074 (Paddy rice): the Union volume of the *erga omnes* quota shall be adjusted to 7 tonnes;

— Tariff-rate quota 076 (Semi-milled or wholly milled rice): the U.S. sub-allocation of this quota administered internally under the relevant Union legislation shall be adjusted to 25 772 tonnes;

— Tariff-rate quota 077 (Semi-milled or wholly milled rice): the U.S. sub-allocation of this quota administered internally under the relevant Union legislation shall be adjusted to 1 910 tonnes;

— Tariff-rate quota 080 (Broken rice): the Union volume of the *erga omnes* quota shall be adjusted to 28 360 tonnes;

— Tariff-rate quota 110 (Fruit juices): the Union volume of the *erga omnes* quota shall be adjusted to 6 551 tonnes;

— Tariff-rate quota 111 (Grape juice): the Union volume of the *erga omnes* quota shall be adjusted to 2 525 tonnes;

— Tariff-rate quota 112 (Food preparations): the Union volume of the *erga omnes* quota shall be adjusted to 783 tonnes;

— Tariff-rate quota 113 (Food preparations): the Union volume of the United States country specific quota shall be adjusted to 1 286 tonnes;

— Tariff-rate quota 121 (Other preparations of a kind used in animal feeding: Containing no milk products or containing less than 10 % by weight of such products): the Union volume of the *erga omnes* quota shall be adjusted to 2 800 tonnes;

— Tariff-rate quota 122 (Other preparations of a kind used in animal feeding: Containing no milk products or containing less than 10 % by weight of such products): the Union volume of the *erga omnes* quota shall be adjusted to 2 700 tonnes;

— Tariff-rate quota 123 (Dog and cat food): the Union volume of the *erga omnes* quota shall be adjusted to 1 732 tonnes;

— Tariff-rate quota 011 (Processed shrimp of the species *Pandalus borealis*): the Union volume of the *erga omnes* quota shall be adjusted to 500 tonnes;

— Tariff-rate quota 013 (Plywood of coniferus species, without the addition of other substances: - of which the faces are not further prepared than the peeling process, of a thickness greater than 8,5 mm, or - sanded, of a thickness greater than 18,5 mm): the Union volume of the *erga omnes* quota shall be adjusted to 448 500 cubic m.

Furthermore, the United States and the Union agree on the following change to scheduled commitments to facilitate the usage of a tariff-rate quota:

— Tariff-rate quota 011 (Meat of bovine animals, frozen; edible offal of bovine animals, frozen): the Union shall adjust the ad valorem part of the in-quota duty from 20 % to 15 %.

ARTICLE 2

The Union's ongoing negotiations under Article XXVIII of the GATT 1994

1. The United States understands that the Union is continuing to conduct negotiations and consultations with other WTO Members holding negotiation or consultation rights under Article XXVIII of the GATT 1994 as a consequence of the United Kingdom's withdrawal from the Union as communicated to WTO Members in document G/SECRET/42/Add.2.

2. As a result of those negotiations and consultations, the Union may want to consider a possible change to the shares and quantities set out in the above list or those proposed by the Union in document G/SECRET/42/Add.2. In the event of such an intended change with regard to a prior Union tariff-rate quota commitment for which the United States has a negotiation or consultation right, the Union shall consult the United States with a view to seeking a mutually satisfactory outcome before proceeding to any such change, without prejudice to each party's rights under Article XXVIII of the GATT 1994.

ARTICLE 3

Final provisions

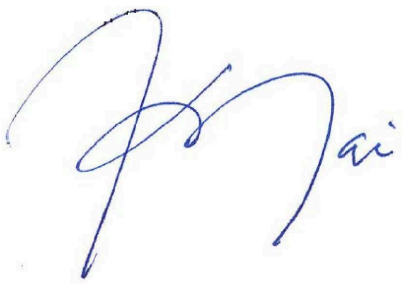
1. The Union and United States shall notify each other of the completion of their internal procedures for the entry into force of this Agreement. This Agreement shall enter into force on the date of the last notification.

2. This Agreement constitutes an international agreement between the Union and the United States, including for the purposes of Article XXVIII:3(a) and (b) of the GATT 1994.

DONE at Brussels on the seventeenth day of January in the year two thousand and twenty three, in duplicate in the English language.

For the European Union

For the United States of America



ANNEX TO THE AGREEMENT

G/SECRET/42/Add.2

List of tariff quotas to be modified in Schedule CLXXV – European Union

The proposed modifications are as follows:

It is proposed to apportion the TRQs between the European Union as composed following the withdrawal of the UK ("EU27") and the United Kingdom based on the trade flows under each TRQ for a representative period (2013-2015). The apportionment has been established according to the respective usage share (%) of the EU27 and the UK which has been applied to the whole scheduled TRQ volume. A consistent approach for all TRQs, including with respect to data and methodology, has been followed. The current concessions and the proposed apportionment for the EU27 are presented below.

1. Tariff quotas to be modified in Part I, Section I-B (Agricultural Products)

TRQ sequence number	Description of the TRQ	Unit	Other terms and conditions — Supplying country	Current concession in Schedule CLXXV (EU28)	Proposed concession for the EU27
001	Live bovine animals	head		710	710
002	Live bovine animals	head		711	711
003	Live bovine animals	head		24 070	24 070
004	Live sheep and goats, other than pure-bred breeding animals	t	FYROM	215	215
004	Live sheep and goats, other than pure-bred breeding animals	t	Other	105	105
004	Live sheep and goats, other than pure-bred breeding animals	t	*Erga omnes*	91	91
005	Meat of bovine animals, fresh, chilled or frozen Edible offal of bovine animals, fresh, chilled or frozen	t (product weight)	Argentina	17 000	16 936
005	Meat of bovine animals, fresh, chilled or frozen Edible offal of bovine animals, fresh, chilled or frozen	t (product weight)	Australia	7 150	2 481
005	Meat of bovine animals, fresh, chilled or frozen Edible offal of bovine animals, fresh, chilled or frozen	t (product weight)	Uruguay	2 300	2 022
005	Meat of bovine animals, fresh, chilled or frozen Edible offal of bovine animals, fresh, chilled or frozen	t (product weight)	USA/Canada	11 500	11 481
006	High quality meat of bovine animals, fresh, chilled or frozen	t	New Zealand	1 300	846
007	Boneless high quality meat of bovine animals, fresh or chilled Edible offal of bovine animals, fresh, chilled or frozen	t	Argentina	12 500	12 453
008	Boneless meat of bovine animals, fresh, chilled or frozen Edible offal of bovine animals, fresh, chilled or frozen	t	Brazil	10 000	8 951
009	Boneless meat of bovine animals, fresh, chilled or frozen Edible offal of bovine animals, fresh, chilled or frozen	t	Uruguay	4 076	3 584

TRQ sequence number	Description of the TRQ	Unit	Other terms and conditions — Supplying country	Current concession in Schedule CLXXV (EU28)	Proposed concession for the EU27
010	Meat of bovine animals, frozen Edible offal of bovine animals, frozen	t (boneless weight)		54 875	43 732
011	Meat of bovine animals, frozen Edible offal of bovine animals, frozen	t (bone-in weight)		63 703	19 676
012	Boneless buffalo meat, fresh, chilled or frozen	t (without bone)	Argentina	200	200
013	Boneless buffalo meat, frozen	t (without bone)	Australia	2 250	1 405
014	Meat of swine, fresh, chilled or frozen: — Carcasses and half-carcasses of domestic swine, fresh, chilled or frozen	t		15 067	15 067
015	Meat of swine, fresh, chilled or frozen: — Cuts of domestic swine, fresh, chilled or frozen, with or without bone, excluding tenderloin presented separately	t	Canada	4 624	4 623
015	Meat of swine, fresh, chilled or frozen: — Cuts of domestic swine, fresh, chilled or frozen, with or without bone, excluding tenderloin presented separately	t	*Erga omnes*	6 135	6 133
016	Meat of swine, fresh, chilled or frozen: — Loins of domestic swine and cuts thereof, with bone in, fresh or chilled — Bellies (streaky) of domestic swine and cuts thereof, frozen	t		7 000	7 000
017	Meat of swine, fresh, chilled or frozen: — Boneless loins and hams of domestic swine, fresh, chilled or frozen	t		35 265	12 680
018	Meat of swine, fresh, chilled or frozen: — Boneless loins and hams of domestic swine, fresh, chilled or frozen	t	USA	4 922	1 770
019	Meat of swine, fresh, chilled or frozen: — Tenderloins of domestic swine, fresh, chilled or frozen	t		5 000	3 780
020	Meat of sheep or goats, fresh, chilled or frozen	t (carcasse weight)	Argentina	23 000	17 006

TRQ sequence number	Description of the TRQ	Unit	Other terms and conditions — Supplying country	Current concession in Schedule CLXXV (EU28)	Proposed concession for the EU27
020	Meat of sheep or goats, fresh, chilled or frozen	t (carcasse weight)	Australia	19 186	3 837
020	Meat of sheep or goats, fresh, chilled or frozen	t (carcasse weight)	Chile	3 000	2 628
020	Meat of sheep or goats, fresh, chilled or frozen	t (carcasse weight)	Greenland	100	48
020	Meat of sheep or goats, fresh, chilled or frozen	t (carcasse weight)	Iceland	600	349
020	Meat of sheep or goats, fresh, chilled or frozen	t (carcasse weight)	New Zealand	228 389	114 184
020	Meat of sheep or goats, fresh, chilled or frozen	t (carcasse weight)	Uruguay	5 800	4 759
020	Meat of sheep or goats, fresh, chilled or frozen	t (carcasse weight)	Bosnia Herzegovina	850	410
020	Meat of sheep or goats, fresh, chilled or frozen	t (carcasse weight)	Other	200	200
020	Meat of sheep or goats, fresh, chilled or frozen	t (carcasse weight)	*Erga omnes*	200	178
021	Edible offal of bovine animals, frozen	t	Argentina	700	700
021	Edible offal of bovine animals, frozen	t	Other	800	800
022	Chicken carcasses, fresh, chilled or frozen	t		6 249	4 054
023	Meat and edible offal of poultry, fresh, chilled or frozen	t	USA	21 345	21 345
024	Chicken cuts, fresh, chilled or frozen	t		8 570	8 253
025	Boneless cuts of fowls of the species *Gallus domesticus*, frozen	t		2 705	2 427
026	Cuts of fowls of the species *Gallus domesticus*, frozen	t	Brazil	9 598	8 308
026	Cuts of fowls of the species *Gallus domesticus*, frozen	t	*Erga omnes*	15 500	13 471

TRQ sequence number	Description of the TRQ	Unit	Other terms and conditions — Supplying country	Current concession in Schedule CLXXV (EU28)	Proposed concession for the EU27
027	Turkey meat, fresh, chilled or frozen	t		1 781	1 781
028	Cuts of turkeys, frozen	t	Brazil	3 110	2 692
028	Cuts of turkeys, frozen	t	*Erga omnes*	4 985	4 253
029	Salted poultry meat	t	Brazil	170 807	129 930
029	Salted poultry meat	t	Thailand	92 610	68 385
029	Salted poultry meat	t	Other	828	824
030	Skimmed-milk powder	t		68 537	68 536
031	Butter and other fats and oils derived from milk	t (in butter equivalent)		11 360	11 360
032	Butter, at least six weeks old, of a fat content by weight of not less than 80 % but less than 85 % manufactured directly from milk or cream without the use of stored materials, in a single, self-contained and uninterrupted process. Butter, at least six weeks old, of a fat content by weight of not less than 80 % but less than 85 % manufactured directly from milk or cream without the use of stored materials, in a single, self-contained and uninterrupted process which may involve the cream passing through a stage where the butterfat is concentrated and/or fractionated (the process referred to as "Ammix" and "Spreadable").	t	New Zealand	74 693	47 177
033	Cheese and curd: — Pizza cheese, frozen, cut into pieces each weighing not more than 1 g, in containers with a net content of 5 kg or more, of a water content, by weight, of 52 % or more, and a fat content, by weight, in the dry matter of 38 % or more	t		5 360	5 360
034	Other cheeses	t		19 525	19 525
035	Cheese and curd: — Emmentaler, including processed Emmentaler	t		18 438	18 438
036	Cheese and curd: — Gruyère, Sbrinz, including processed Gruyère	t		5 413	5 413

TRQ sequence number	Description of the TRQ	Unit	Other terms and conditions — Supplying country	Current concession in Schedule CLXXV (EU28)	Proposed concession for the EU27
037	Cheese and curd: — Cheese for processing	t		20 007	11 741
038	Cheese for processing	t	Australia	500	500
038	Cheese for processing	t	New Zealand	4 000	1 670
039	Cheese and curd: — Cheddar	t		15 005	14 941
040	Cheddar	t	New Zealand	7 000	4 361
040	Cheddar	t	Australia	3 711	3 711
041	Cheddar	t	Canada	4 000	0
042	Poultry eggs for consumption, in shell	t		135 000	114 669
043	Eggs yolks Bird eggs, not in shell	t (shell egg equivalent)		7 000	7 000
044	Potatoes, fresh or chilled, from 1 January to 15 May	t		4 295	4 292
045	Tomatoes	t		472	464
046	Garlic	t	Argentina	19 147	19 147
046	Garlic	t	China	48 225	40 556
046	Garlic	t	Other	6 023	3 711
047	Carrots and turnips, fresh or chilled	t		1 244	1 192
048	Cucumbers, fresh or chilled, from 1 November to 15 May	t		1 134	500
049	Other vegetables, fresh or chilled (sweet peppers)	t		500	500
050	Mushrooms of the species *Agaricus*, prepared, preserved or provisionally preserved	t	China	1 450	1 450
050	Mushrooms of the species *Agaricus*, prepared, preserved or provisionally preserved	t	*Erga omnes*	33 980	33 980

TRQ sequence number	Description of the TRQ	Unit	Other terms and conditions — Supplying country	Current concession in Schedule CLXXV (EU28)	Proposed concession for the EU27
051	Dried onions	t		12 000	9 696
052	Manioc (casava)	t	Thailand	5 750 000	3 096 027
053	Manioc (casava) other than pellets of flour and meal Arrowroot, salep and similar roots and tubers with high starch content	t	China	350 000	275 805
053	Manioc (casava) other than pellets of flour and meal Arrowroot, salep and similar roots and tubers with high starch content	t	Indonesia	825 000	0
053	Manioc (casava) other than pellets of flour and meal Arrowroot, salep and similar roots and tubers with high starch content	t	Other WTO Members except Thailand, China and Indonesia	145 590	124 552
053	Manioc (casava) other than pellets of flour and meal Arrowroot, salep and similar roots and tubers with high starch content	t	Other non WTO Members	30 000	30 000
053	Manioc (casava) other than pellets of flour and meal Arrowroot, salep and similar roots and tubers with high starch content	t	Other non WTO Members	2 000	1 691
054	Sweet potatoes, other than for human consumption	t	China	600 000	252 641
055	Sweet potatoes, other than for human consumption	t	Other than China	5 000	4 985
056	Almonds, other than bitter	t		90 000	85 958
057	Sweet oranges, fresh	t		20 000	20 000
058	Other citrus hybrids	t		15 000	14 931
059	Lemons, from 15 January to 14 June	t		10 000	8 156

TRQ sequence number	Description of the TRQ	Unit	Other terms and conditions — Supplying country	Current concession in Schedule CLXXV (EU28)	Proposed concession for the EU27
060	Table grapes, fresh, from 21 July to 31 October	t		1 500	885
061	Apples, fresh, from 1 April to 31 July	t		696	666
062	Pears, fresh, other than perry pears in bulk, from 1 August to 31 December	t		1 000	810
063	Apricots, fresh, from 1 August to 31 May	t		500	74
064	Apricots, fresh, from 1 June to 31 July	t		2 500	1 387
065	Cherries, fresh, other than sour cherries, from 21 May to 15 July	t		800	105
066	Durum wheat	t		50 000	50 000
067	Quality wheat	t		300 000	300 000
068	Common wheat (medium and low quality)	t	USA	572 000	571 943
068	Common wheat (medium and low quality)	t	Canada	38 853	1 463
068	Common wheat (medium and low quality)	t	Other	2 371 600	2 285 665
068	Common wheat (medium and low quality)	t	*Erga omnes*	129 577	129 577
069	Barley	t		307 105	306 812
070	Malting barley	t		50 890	20 789
071	Maize	t		277 988	269 214
072	Maize	t		500 000	500 000
073	Maize	t		2 000 000	2 000 000
074	Paddy rice	t		7	5
075	Husked (brown) rice	t		1 634	1 416
076	Semi-milled or wholly milled rice	t		63 000	36 731
077	Semi-milled or wholly milled rice	t	Thailand	4 313	3 663

TRQ sequence number	Description of the TRQ	Unit	Other terms and conditions — Supplying country	Current concession in Schedule CLXXV (EU28)	Proposed concession for the EU27
077	Semi-milled or wholly milled rice	t	Other	9 187	6 859
078	Semi-milled or wholly milled rice	t	Thailand	1 200	1 019
078	Semi-milled or wholly milled rice	t	*Erga omnes*	25 516	22 442
079	Broken rice, intended for the production of foodstuffs of subheading 1901 10 00	t		1 000	1 000
080	Broken rice	t		31 788	26 581
081	Broken rice	t		100 000	93 709
082	Grain sorghum	t		300 000	300 000
083	Millet	t		1 300	888
084	Worked oats, other than kibbled	t		10 000	231
085	Manioc starch	t		8 000	6 632
086	Manioc starch	t		2 000	1 658
087	Sausages, dry or for spreading, uncooked Other sausages	t		3 002	164
088	Prepared turkey meat	t	Brazil	92 300	89 950
088	Prepared turkey meat	t	Other	11 596	11 301
089	Processed chicken meat, uncooked, containing 57 % or more by weight of poultry meat or offal	t	Brazil	15 800	10 969
089	Processed chicken meat, uncooked, containing 57 % or more by weight of poultry meat or offal	t	Other	340	236
090	Cooked meat of fowls of the species *Gallus domesticus*	t	Brazil	79 477	52 665
090	Cooked meat of fowls of the species *Gallus domesticus*	t	Thailand	160 033	109 441

TRQ sequence number	Description of the TRQ	Unit	Other terms and conditions — Supplying country	Current concession in Schedule CLXXV (EU28)	Proposed concession for the EU27
090	Cooked meat of fowls of the species *Gallus domesticus*	t	Other	11 443	8 471
091	Processed chicken meat, containing 25 % or more but less than 57 % by weight of poultry meat or offal	t	Brazil	62 905	59 699
091	Processed chicken meat, containing 25 % or more but less than 57 % by weight of poultry meat or offal	t	Thailand	14 000	8 019
091	Processed chicken meat, containing 25 % or more but less than 57 % by weight of poultry meat or offal	t	Other	2 800	1 669
092	Processed chicken meat, containing less than 25 % by weight of poultry meat or offal	t	Brazil	295	163
092	Processed chicken meat, containing less than 25 % by weight of poultry meat or offal	t	Thailand	2 100	1 162
092	Processed chicken meat, containing less than 25 % by weight of poultry meat or offal	t	Other	470	260
093	Processed duck, geese, guinea fowl meat, uncooked, containing 57 % or more by weight of poultry meat or offal	t	Thailand	10	0
094	Processed duck, geese, guinea fowl meat, cooked, containing 57 % or more by weight of poultry meat or offal	t	Thailand	13 500	8 572
094	Processed duck, geese, guinea fowl meat, cooked, containing 57 % or more by weight of poultry meat or offal	t	Other	220	159
095	Processed duck, geese, guinea fowl meat, cooked, containing 25 % or more but less than 57 % by weight of poultry meat or offal	t	Thailand	600	300
095	Processed duck, geese, guinea fowl meat, cooked, containing 25 % or more but less than 57 % by weight of poultry meat or offal	t	Other	148	0
096	Processed duck, geese, guinea fowl meat, cooked, containing less than 25 % by weight of poultry meat or offal	t	Thailand	600	278
096	Processed duck, geese, guinea fowl meat, cooked, containing less than 25 % by weight of poultry meat or offal	t	Other	125	58

TRQ sequence number	Description of the TRQ	Unit	Other terms and conditions — Supplying country	Current concession in Schedule CLXXV (EU28)	Proposed concession for the EU27
097	Prepared or preserved meat of domestic swine	t		6 161	6 161
098	Raw cane sugar, for refining	t	Australia	9 925	4 961
098	Raw cane sugar, for refining	t	Brazil	388 124	358 454
098	Raw cane sugar, for refining	t	Cuba	10 000	10 000
098	Raw cane sugar, for refining	t	*Erga omnes*	372 876	341 460
099	Cane or beet sugar	t (white sugar equivalent)	India	10 000	5 841
099	Cane or beet sugar	t (white sugar equivalent)	ACP countries	1 294 700	921 707
100	Chemically pure fructose	t		4 504	4 504
101	Chemically pure fructose	t		1 253	1 253
102	Confectionary	t		2 289	2 245
103	Chocolate	t		107	81
104	Chocolate	t		2 026	2 026
105	Food preparations with cereals	t		191	191
106	Pasta	t		532	497
107	Biscuits	t		409	409
108	Preserved pineapples, citrus fruit, pears, apricots, cherries, peaches and strawberries	t		2 838	2 820
109	Orange juice, frozen, of a density not exceeding 1,33 g/cm³ at 20° C	t		1 500	1 500
110	Fruit juices	t		7 044	6 436
111	Grape juice (including grape must):	t		14 029	0

TRQ sequence number	Description of the TRQ	Unit	Other terms and conditions — Supplying country	Current concession in Schedule CLXXV (EU28)	Proposed concession for the EU27
112	Food preparations	t		921	702
113	Food preparations	t	USA	1 550	831
114	Wine of fresh grapes (other than sparkling wine and quality wine produced in specified regions) in containers holding =< 2 L and of an alcoholic strength of =<13% vol	hl		40 000	4 689
115	Wine of fresh grapes (other than sparkling wine and quality wine produced in specified regions) in containers holding > 2 L and of an alcoholic strength of =< 13% vol	hl		20 000	15 647
116	Vermouth and other wine of fresh grapes, flavoured with plants or aromatic substances in containers holding > 2 L and of an alcoholic strength of =< 18% vol	hl		13 810	13 808
117	Bran, sharps and other residues whether or not in the form of pellets derived from the sifting, milling or other working of cereals	t		475 000	458 068
118	Corn gluten	t		10 000	10 000
119	Preparations consisting of a mixture of malt sprouts and of barley screenings before the malting process (possibly including other seeds) with barley cleanings after the malting process, and containing, by weight, 12,5 % or more of protein Preparations consisting of a mixture of malt sprouts and of barley screenings before the malting process (possibly including their seeds) with barley cleanings after the malting process, and containing, by weight, 12,5 % or more of protein and not more than 28 % of starch	t		20 000	20 000
120	Preparations consisting of a mixture of malt sprouts and of barley screenings before the malting process (possibly including other seeds) with barley cleanings after the malting process, and containing, by weight, 15,5 % or more of protein Preparations consisting of a mixture of malt sprouts and of barley screenings before the malting process (possibly including other seeds) with barley cleanings after the malting process, and containing, by weight, 15,5 % or more of protein and not more than 23 % of starch	t		100 000	100 000

TRQ sequence number	Description of the TRQ	Unit	Other terms and conditions — Supplying country	Current concession in Schedule CLXXV (EU28)	Proposed concession for the EU27
121	Other preparations of a kind used in animal feeding: Containing no milk products or containing less than 10 % by weight of such products	t		2 800	2 746
122	Other preparations of a kind used in animal feeding: Containing no milk products or containing less than 10 % by weight of such products	t		2 700	2 670
123	Dog and cat food	t		2 058	1 393
124	Egg albumin	t (shell egg equivalent)		15 500	15 500

2. Tariff quotas to be modified in Part I, Section II-B (other products)

TRQ sequence number	Description of the TRQ	Unit	Other terms and conditions - Supplying country	Current concession in Schedule CLXXV (EU28)	Proposed concession for the EU27
001	Tunas (of the genus *Thunnus*) and fish of the genus *Euthynnus*	t		17 250	17 221
002	Herring	t		34 000	31 888
003	Silver hake (*Merluccius bilinearis*)	t		2 000	1 999
004	Fish of the genus *Coregonus*	t		1 000	1 000
005	Fish of the genus *Allocyttus* and of the species *Pseudocyttus maculatus*	t		200	200
006	Cod of the species *Gadus morhua* and *Gadus ogac* Fish of the species *Boreogadus saida*	t		25 000	24 998
007	Prepared or preserved fish (excl. whole or in pieces): of sardines, bonito, mackerel of the species *Scomber scombrus* and *Scomber japonicas*, fish of the species *Orcynopsis unicolor*	t		865	631

TRQ sequence number	Description of the TRQ	Unit	Other terms and conditions - Supplying country	Current concession in Schedule CLXXV (EU28)	Proposed concession for the EU27
008	Prepared or preserved fish (excl. whole or in pieces): of sardines, bonito, mackerel of the species *Scomber scombrus* and *Scomber japonicas*, fish of the species *Orcynopsis unicolor*	t	Thailand	1 410	123
009	Prepared or preserved fish (excl. whole or in pieces): of tuna, skipjack or other fish of the genus *Euthynnus*	t		742	742
010	Prepared or preserved fish (excl. whole or in pieces): of tuna, skipjack or other fish of the genus *Euthynnus*	t	Thailand	1 816	1 816
011	Shrimps of the species *Pandalus borealis*, shelled, boiled, frozen, but not further prepared	t		500	474
012	Freshwater crayfish, cooked in dill, frozen	t		3 000	2 965
013	Plywood of coniferous species, without the addition of other substances: — of which the faces are not further prepared than the peeling process, of a thickness greater than 8,5 mm, or — sanded, of a thickness greater than 18,5 mm	cubic m		650 000	482 648
014	Unbleached flax yarn (other than tow yarn) measuring 333,3 decitex or more (not exceeding 30 metric number)	t		400	400
015	Similar glass small wares other than: glass beads, imitation pearls and imitation precious and semi-precious stones	t		52	52
016	Ferro-silicon	t		12 600	12 600
017	Ferro-silico-manganese	t		18 550	18 550
018	Ferro-chromium containing not more than 0,10 % by weight of carbon, and more than 30 % but not more than 90 % of chromium	t		2 950	2 804

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2023/913

of 4 May 2023

implementing Article 9 of Regulation (EC) No 1183/2005 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1183/2005 of 18 July 2005 concerning restrictive measures in view of the situation in the Democratic Republic of Congo ([1]), and in particular Article 9(5) thereof,

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

Whereas:

(1) On 18 July 2005, the Council adopted Regulation (EC) No 1183/2005.

(2) On 1 March 2023, the United Nations Security Council Committee established pursuant to United Nations Security Council Resolution 1533 (2004) updated the information relating to one person subject to restrictive measures.

(3) Annex I to Regulation (EC) No 1183/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1183/2005 is hereby 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*.

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

Done at Brussels, 4 May 2023.

For the Council
The President
J. BORRELL FONTELLES

([1]) OJ L 193, 23.7.2005, p. 1.

ANNEX

In Annex I to Regulation (EC) No 1183/2005, Part a) (List of persons referred to in Articles 2 and 2a), entry 30 is replaced by the following:

'30. Bosco TAGANDA

(*alias* a) Bosco Ntaganda, b) Bosco Ntagenda, c) General Taganda, d) Lydia (When he was part of APR), e) Terminator, f) Tango Romeo (Call sign), g) Romeo (Call sign), h) Major)

Address: Belgium (as of 14 December 2022).

Date of Birth: Between 1973 and 1974.

Place of Birth: Bigogwe, Rwanda.

Nationality: Democratic Republic of the Congo.

Date of UN designation: 1 November 2005 (amended on 13 Oct. 2016, 19 Aug. 2020, 1 Mar. 2023).

Other information: Born in Rwanda, he moved to Nyamitaba, Masisi territory, North Kivu, when he was a child. Nominated FARDC Brigadier-General by Presidential Decree on 11 December 2004, following Ituri peace agreements. Formerly Chief of Staff in CNDP and became CNDP military commander since the arrest of Laurent Nkunda in January 2009. Since January 2009, de facto Deputy Commander of consecutive anti-FDLR operations "Umoja Wetu", "Kimia II", and "Amani Leo" in North and South Kivu. Entered Rwanda in March 2013, and voluntarily surrender to ICC officials in Kigali on March 22. Transferred to the ICC in The Hague, Netherlands. On 9 June 2014, ICC confirmed 13 charges of war crimes and five charges of crimes against humanity against him; the trial started in September 2015. On 8 July 2019, the ICC found him guilty of 18 counts of war crimes and crimes against humanity, committed in Ituri in 2002-2003. On 7 November 2019, he was sentenced to a total of 30 years imprisonment. He has appealed both his conviction and sentence. On 30 March 2021, the ICC Appeals Chamber confirmed his conviction and sentence. On 14 December 2022, he was transferred to the territory of Belgium for enforcement of sentence. INTERPOL-UN Security Council Special Notice web link: https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Bosco Taganda was the UPC/L military commander, exercising influence over policies and maintaining command and control over the activities of UPC/L, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo. He was appointed General in the FARDC in December 2004, but refused to accept the promotion, therefore remaining outside of the FARDC. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri in 2002 and 2003, and 155 cases of direct and/or command responsibility for recruitment and use of children in North Kivu from 2002 to 2009. As CNDP Chief of Staff, he had direct and command responsibility for the massacre at Kiwanja in November 2008.

Born in Rwanda, he moved to Nyamitaba in Masisi territory of North Kivu province when he was a child. In June 2011, he resided in Goma and owned large farms in Ngungu area of Masisi territory in North Kivu province. He was nominated FARDC Brigadier-General by Presidential Decree on 11 December 2004, following Ituri peace agreements. He was Chief of Staff in the CNDP and then became the CNDP military commander after the arrest of Laurent Nkunda in January 2009. Starting in January 2009, he was de facto Deputy Commander of consecutive anti-FDLR operations Umoja Wetu, Kimia II, and Amani Leo in North and South Kivu provinces. He entered Rwanda in March 2013, voluntarily surrendered to ICC officials in Kigali on March 22 and was subsequently transferred to the ICC in The Hague, Netherlands. On 9 June 2014, the ICC confirmed 13 charges of war crimes and five charges of crimes against humanity against him. The trial started in September 2015.'.

COMMISSION IMPLEMENTING REGULATION (EU) 2023/914

of 20 April 2023

implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings and repealing Commission Regulation (EC) No 802/2004

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Article 57(2), point (a) of the Agreement on the European Economic Area in conjunction with Article 1 of Protocol 21 to that Agreement,

Having regard to Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings, ([1]) and in particular Article 23(1) thereof,

After consulting the Advisory Committee,

Whereas:

(1) Commission Regulation (EC) No 802/2004 of 7 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings ([2]) has been amended several times. Since further changes now need to be made, Regulation (EC) No 802/2004 should be repealed and replaced, in the interest of clarity.

(2) Regulation (EC) No 139/2004 is based on the principle of compulsory notification of concentrations before they are put into effect. Notification has important legal consequences which are favourable to the parties to the proposed concentration. However, failure to comply with the obligation to notify renders the parties liable to fines and may also entail civil law disadvantages for them. It is therefore necessary in the interests of legal certainty to define precisely the subject matter and content of the information to be provided in the notification.

(3) It is for the notifying parties to make a full and honest disclosure to the Commission of the facts and circumstances which are relevant for taking a decision on the notified concentration.

(4) Regulation (EC) No 139/2004 also allows the undertakings concerned to request, in a reasoned submission, prior to notification, that a concentration fulfilling the requirements of that Regulation be referred to the Commission by one or more Member States, or referred by the Commission to one or more Member States, as the case may be. It is important to provide the Commission and the competent authorities of the Member States concerned with sufficient information, in order to enable them to assess, within a short period of time, whether or not a referral ought to be made. To that end, the reasoned submission requesting the referral should contain certain specific information.

(5) In order to simplify and expedite examination of notifications, of reasoned submissions, and of the information regarding commitments, standardised forms should be used. Those forms are set out in the Annexes to this Regulation. The format of the Annexes to this Regulation may change and the corresponding forms may be replaced by electronic forms containing the same information requirements.

([1]) OJ L 24, 29.1.2004, p. 1.
([2]) OJ L 133, 30.4.2004, p. 1.

(6) Since notification sets in motion legal time-limits laid down in Regulation (EC) No 139/2004, the conditions governing such time-limits and the time when they become effective should also be determined.

(7) In the interest of legal certainty, rules should be laid down for calculating the time-limits provided for in Regulation (EC) No 139/2004. In particular, the beginning and end of time periods and the circumstances suspending the running of such periods should be determined, with due regard to the requirements resulting from the exceptionally tight legal timeframe available for the proceedings.

(8) The provisions relating to the Commission's proceedings under Regulation (EC) No 139/2004 should be framed in such a way as to safeguard fully the right to be heard and the rights of defence. For these purposes, the Commission should distinguish between the parties who notify the concentration, other parties involved in the proposed concentration, third parties and parties regarding whom the Commission intends to take a decision imposing a fine or periodic penalty payments.

(9) The Commission should give the notifying parties and other parties involved in the proposed concentration, if they so request, an opportunity to discuss the intended concentration informally and in strict confidence, before notification. In addition, the Commission should maintain close contact with those parties after notification, to the extent necessary to discuss with them any practical or legal problems which it discovers on a first examination of the case, with a view, if possible, to resolving such problems by mutual agreement.

(10) In accordance with the principle of respect for the rights of defence, the notifying parties should be given the opportunity to submit their comments on all the objections which the Commission proposes to take into account in its decisions. The other parties involved in the proposed concentration should also be informed of the Commission's objections and should be granted the opportunity to express their views.

(11) Third parties demonstrating a sufficient interest should also be given the opportunity to express their views, if they make a written application to that effect.

(12) The various persons entitled to submit comments should do so in writing, both in their own interests and in the interests of sound administration, without prejudice to their right to request an oral hearing, where appropriate, to supplement the written procedure. In urgent cases, however, the Commission should be able to proceed immediately to oral hearings of the notifying parties, of other parties involved or of third parties.

(13) It is necessary to lay down rules on the rights of persons who are to be heard, to what extent they should be granted access to the Commission's file and on what conditions they may be represented or assisted.

(14) When granting access to the file, the Commission should ensure the protection of business secrets and other confidential information. The Commission should be able to ask undertakings that have submitted documents or statements to identify confidential information.

(15) In order to enable the Commission to carry out a proper assessment of commitments offered by the notifying parties with a view to rendering a concentration compatible with the internal market, and to ensure due consultation with other parties involved, with third parties and with the authorities of the Member States as provided for in Regulation (EC) No 139/2004, the procedure and time-limits for submitting commitments should be laid down.

(16) Transmission of documents to and from the Commission should in principle take place through digital means, considering developments in information and communication technology and the environmental impact of such transmissions. This applies in particular to notifications, reasoned submissions, comments in response to objections that the Commission addresses to notifying parties, as well as commitments offered pursuant to Article 6(2) or Article 8(2) of Regulation (EC) No 139/2004,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE

Article 1

This Regulation shall apply to the control of concentrations conducted pursuant to Regulation (EC) No 139/2004.

CHAPTER II

NOTIFICATIONS AND OTHER SUBMISSIONS

Article 2

Persons entitled to submit notifications

1. Notifications shall be submitted by the persons or undertakings referred to in Article 4(2) of Regulation (EC) No 139/2004.

2. Where notifications are signed by authorised external representatives of persons or of undertakings, such representatives shall produce written proof that they are authorised to act.

Article 3

Submission of notifications

1. Notifications shall be submitted using the Form CO as set out in Annex I. Under the conditions set out in Annex II, notifications may be submitted using a Short Form CO as set out in that Annex. Joint notifications shall be submitted on a single form.

2. The forms referred to in paragraph 1 and all relevant supporting documents shall be submitted to the Commission in accordance with Article 22 and the instructions published by the Commission in the *Official Journal of the European Union*.

3. Notifications shall be drafted in one of the official languages of the Union. For the notifying parties, this language shall also be the language of the proceeding, as well as that of any subsequent proceedings relating to the same concentration. Supporting documents shall be submitted in their original language. Where the original language of a document is not one of the official languages of the Union, a translation into the language of the proceedings shall be attached.

4. Where notifications are made pursuant to Article 57 of the Agreement on the European Economic Area, they may also be submitted in one of the official languages of the EFTA States or the working language of the EFTA Surveillance Authority. If the language chosen for the notifications is not an official language of the Union, the notifying parties shall simultaneously supplement all documentation with a translation into an official language of the Union. The language which is chosen for the translation shall determine the language used by the Union as the language of the proceedings for the notifying parties.

Article 4

Information and documents to be provided

1. Notifications shall contain the information, including documents, required in the applicable forms set out in Annexes I and II. The information shall be correct and complete.

2. The Commission may, upon written request by the notifying parties, dispense with the obligation to provide any particular information in the notification, including documents, or with any other requirement specified in Annexes I and II where the Commission considers that compliance with those obligations or requirements is not necessary for the examination of the case.

3. The Commission shall without delay acknowledge in writing to the notifying parties or their representatives receipt of the notification and of any reply to a letter sent by the Commission pursuant to Article 5(2) and (3).

Article 5

Effective date of notification

1. Subject to paragraphs 2, 3 and 4, notifications shall become effective on the date on which they are received by the Commission.

2. Where the information, including documents, contained in the notification is incomplete in any material respect, the Commission shall inform the notifying parties or their representatives in writing without delay. In such cases, the notification shall become effective on the date on which the complete information is received by the Commission.

3. Material changes in the facts contained in the notification coming to light subsequent to the notification which the notifying parties know or ought to know, or any new information coming to light subsequent to the notification which the parties know or ought to know and which would have had to be notified if known at the time of notification, shall be communicated to the Commission without delay. In such cases, when these material changes or new information could have a significant effect on the appraisal of the concentration, the Commission may consider the notification as becoming effective on the date on which it receives the relevant information. The Commission shall inform the notifying parties or their representatives of this in writing and without delay.

4. For the purposes of this Article, incorrect or misleading information shall be considered to be incomplete information, without prejudice to Article 14(1) of Regulation (EC) No 139/2004.

5. Where the Commission publishes the fact of the notification pursuant to Article 4(3) of Regulation (EC) No 139/2004, it shall specify the date upon which the notification has been received. Where, further to the application of paragraphs 2, 3 and 4 of this Article, the effective date of notification is later than the date specified in that publication, the Commission shall issue a further publication in which it shall state the later date.

Article 6

Specific provisions relating to reasoned submissions, supplements and certifications

1. Reasoned submissions within the meaning of Article 4(4) and (5) of Regulation (EC) No 139/2004 shall contain the information, including documents, required in Annex III to this Regulation. The information submitted shall be correct and complete.

2. Article 2, Article 3(1), third sentence, Article 3(2), (3) and (4), Article 4, Article 5(1) to (4) and Article 22 of this Regulation shall apply *mutatis mutandis* to reasoned submissions within the meaning of Article 4(4) and (5) of Regulation (EC) No 139/2004.

3. Article 2, Article 3(1), third sentence, Article 3(2), (3) and (4), Article 4, Article 5(1) to (4) and Article 22 of this Regulation shall apply *mutatis mutandis* to supplements to notifications and certifications within the meaning of Article 10(5) of Regulation (EC) No 139/2004.

CHAPTER III

TIME-LIMITS

Article 7

Beginning of time periods

Time periods shall begin on the working day, as defined in Article 24 of this Regulation, following the event to which the relevant provision of Regulation (EC) No 139/2004 refers.

Article 8

Expiry of time periods

1. A time period calculated in working days shall expire at the end of its last working day.

2. A time period set by the Commission in terms of a calendar date shall expire at the end of that day.

Article 9

Suspension of time limit

1. The time limits referred to in Article 9(4) and Article 10(1) and (3) of Regulation (EC) No 139/2004 shall be suspended where the Commission has to take a decision pursuant to Article 11(3) or Article 13(4) of that Regulation, on any of the following grounds:

(a) information which the Commission has requested pursuant to Article 11(2) of Regulation (EC) No 139/2004 from one of the notifying parties or any other involved party, as defined in Article 11 of this Regulation, is not provided or not provided in full within the time limit fixed by the Commission;

(b) information which the Commission has requested pursuant to Article 11(2) of Regulation (EC) No 139/2004 from a third party is not provided or not provided in full within the time limit fixed by the Commission owing to circumstances for which one of the notifying parties or any other involved party, as defined in Article 11 of this Regulation, is responsible;

(c) one of the notifying parties or any other involved party, as defined in Article 11 of this Regulation, has refused to submit to an inspection deemed necessary by the Commission on the basis of Article 13(1) of Regulation (EC) No 139/2004 or to cooperate in the carrying out of such an inspection in accordance with Article 13(2) of that Regulation;

(d) the notifying parties have failed to inform the Commission of material changes in the facts contained in the notification, or of any new information of the kind referred to in Article 5(3) of this Regulation.

2. The time limits referred to in Article 9(4), Article 10(1) and (3) of Regulation (EC) No 139/2004 shall be suspended where the Commission has to take a decision pursuant to Article 11(3) of that Regulation, without proceeding first by way of simple request for information, owing to circumstances for which one of the undertakings involved in the concentration is responsible.

3. The time limits referred to in Article 9(4), Article 10(1) and (3) of Regulation (EC) No 139/2004 shall be suspended:

(a) in the cases referred to in paragraph 1, points (a) and (b), for the period between the expiry of the time limit set in the simple request for information, and the receipt of the complete and correct information required by decision or the moment when the Commission informs the notifying parties that, in light of the results of its ongoing investigation or market developments, the information requested is no longer necessary;

(b) in the cases referred to in paragraph 1, point (c), for the period between the unsuccessful attempt to carry out the inspection and the completion of the inspection ordered by decision or the moment when the Commission informs the notifying parties that, in light of the results of its ongoing investigation or market developments, the inspection ordered is no longer necessary;

(c) in the cases referred to in paragraph 1, point (d), for the period between the occurrence of the change in the facts referred to therein and the receipt of the complete and correct information;

(d) in the cases referred to in paragraph 2 for the period between the expiry of the time limit set in the decision and the receipt of the complete and correct information required by decision or the moment when the Commission informs the notifying parties that, in light of the results of its ongoing investigation or market developments, the information requested is no longer necessary.

4. The suspension of the time limit shall begin on the working day following the day on which the event causing the suspension occurred. It shall expire at the end of the day on which the reason for suspension is removed. Where such a day is not a working day, the suspension of the time-limit shall expire at the end of the following working day.

5. The Commission shall process within a reasonable time period all the data it has received in the framework of its investigation that could allow it to deem that information requested or an inspection ordered is no longer necessary, within the meaning of paragraph 3, points (a), (b), and (d).

Article 10

Compliance with time limits

1. The time limits referred to in Article 4(4), fourth subparagraph, Article 9(4), Article 10(1) and (3), and Article 22(3) of Regulation (EC) No 139/2004 shall be met where the Commission has taken the relevant decision before the end of the period.

2. The time limits referred to in Article 4(4), second subparagraph, Article 4(5), third subparagraph, Article 9(2), Article 22(1), second subparagraph, and 22(2), second subparagraph, of Regulation (EC) No 139/2004 shall be met by a Member State concerned where that Member State, before the end of the period, informs the Commission in writing or makes or joins the request in writing, as the case may be.

3. The time limit referred to in Article 9(6) of Regulation (EC) No 139/2004 shall be met where the competent authority of a Member State concerned informs the undertakings concerned in the manner set out in that provision before the end of the period.

CHAPTER IV

EXERCISE OF THE RIGHT TO BE HEARD AND HEARINGS

Article 11

Parties to be heard

For the purposes of the right to be heard pursuant to Article 18 of Regulation (EC) No 139/2004, the following parties are distinguished:

(a) notifying parties, that is, persons or undertakings submitting a notification pursuant to Article 4(2) of Regulation (EC) No 139/2004;

(b) other involved parties, that is, parties to the proposed concentration other than the notifying parties, such as the seller and the undertaking which is the target of the concentration;

(c) third persons, that is natural or legal persons, including customers, suppliers and competitors, provided they demonstrate a sufficient interest within the meaning of Article 18(4), second sentence, of Regulation (EC) No 139/2004, which is the case in particular:

i) for members of the administrative or management bodies of the undertakings concerned or the recognised representatives of their employees;

ii) for consumer associations, where the proposed concentration concerns products or services used by final consumers.

(d) parties regarding whom the Commission intends to take a decision pursuant to Article 14 or Article 15 of Regulation (EC) No 139/2004.

Article 12

Decisions on the suspension of concentrations

1. Where the Commission intends to take a decision pursuant to Article 7(3) of Regulation (EC) No 139/2004 which adversely affects one or more of the parties, it shall inform the notifying parties and other involved parties in writing of its objections and shall set a time limit within which they may make known their views in writing.

2. Where the Commission, pursuant to Article 18(2) of Regulation (EC) No 139/2004, has taken a decision referred to in paragraph 1 of this Article provisionally without having given the notifying parties and other involved parties the opportunity to make known their views, it shall without delay send them the text of the provisional decision and shall set a time limit within which they may make known their views in writing.

Once the notifying parties and other involved parties have made known their views, the Commission shall take a final decision repealing, amending or confirming the provisional decision. Where notifying parties and other involved parties have not made known their views in writing within the time limit set, the Commission's provisional decision shall become final with the expiry of that period.

Article 13

Decisions on the substance of the case

1. Where the Commission intends to take a decision pursuant to Article 6(3) or Article 8(2) to (6) of Regulation (EC) No 139/2004, it shall, before consulting the Advisory Committee, hear the parties pursuant to Article 18(1) and (3) of that Regulation.

Article 12(2) of this Regulation shall apply *mutatis mutandis* where, in application of Article 18(2) of Regulation (EC) No 139/2004, the Commission has taken a decision pursuant to Article 8(5) of that Regulation provisionally.

2. The Commission shall address its objections in writing to the notifying parties in a statement of objections. Following the issuance of the statement of objections, the Commission may address one or more supplementary statement(s) of objections to the notifying parties, if the Commission wishes to raise new objections or modify the intrinsic nature of the objections that were previously raised.

The Commission shall, when giving notice of objections, set a time limit within which the notifying parties may inform the Commission of their comments in writing.

The Commission shall inform other involved parties in writing of the objections referred to in the first subparagraph and set a time limit within which those parties may inform the Commission of their comments in writing.

The Commission shall not be obliged to take into account comments received after the expiry of a time limit which it has set.

3. In their written comments, parties to whom the objections have been addressed or who have been informed of those objections may set out all relevant facts known to them, and shall attach any relevant documents as proof of the facts set out. They may also propose that the Commission hear persons who may corroborate those facts. They shall submit their comments to the Commission in accordance with Article 22 and the instructions published by the Commission in the *Official Journal of the European Union*. The Commission shall forward copies of such written comments without delay to the competent authorities of the Member States.

4. Following the issuance of a statement of objections, the Commission may address a letter of facts to the notifying parties, informing them of additional or new facts or evidence that the Commission wishes to use to corroborate objections already raised.

When sending a letter of facts, the Commission shall set a time limit within which the notifying parties may inform the Commission of their comments in writing.

5. Where the Commission intends to take a decision pursuant to Article 14 or Article 15 of Regulation (EC) No 139/2004, it shall, before consulting the Advisory Committee, hear the parties regarding whom the Commission intends to take such a decision, pursuant to Article 18(1) and (3) of that Regulation.

The procedure provided for in paragraph 2, first and second subparagraphs, and paragraphs 3 and 4 shall apply, *mutatis mutandis*.

Article 14

Oral hearings

1. Where the Commission intends to take a decision pursuant to Article 6(3) or Article 8(2) to (6) of Regulation (EC) No 139/2004, it shall afford the notifying parties who have so requested in their written comments the opportunity to develop their arguments at an oral hearing. It may also, at other stages in the proceedings, afford the notifying parties the opportunity of expressing their views orally.

2. Where the Commission intends to take a decision pursuant to Article 6(3) or Article 8(2) to (6) of Regulation (EC) No 139/2004, it shall also afford other involved parties who have so requested in their written comments the opportunity to develop their arguments in an oral hearing. It may also, at other stages in the proceedings, afford other involved parties the opportunity of expressing their views orally.

3. Where the Commission intends to take a decision pursuant to Article 14 or Article 15 of Regulation (EC) No 139/2004, it shall afford parties on whom it proposes to impose a fine or periodic penalty payment the opportunity to develop their arguments in an oral hearing, if so requested in their written comments. It may also, at other stages in the proceedings, afford such parties the opportunity of expressing their views orally.

Article 15

Conduct of oral hearings

1. Oral hearings shall be conducted by the Hearing Officer in full independence.

2. The Commission shall invite the persons to be heard to attend the oral hearing on such date as it shall determine.

3. The Commission shall invite the competent authorities of the Member States to take part in any oral hearing.

4. Persons invited to attend shall either appear in person or be represented by legal representatives or by representatives authorised by their constitution as appropriate. Undertakings and associations of undertakings may also be represented by a duly authorised agent appointed from among their permanent staff.

5. Persons heard by the Commission may be assisted by their lawyers or other qualified and duly authorised persons admitted by the Hearing Officer.

6. Oral hearings shall not be public. Each person may be heard separately or in the presence of other persons invited to attend, having regard to the legitimate interest of the undertakings in the protection of their business secrets and other confidential information.

7. The Hearing Officer may allow all parties within the meaning of Article 11, the Commission services and the competent authorities of the Member States to ask questions during the oral hearing.

8. The Hearing Officer may hold a preparatory meeting with the parties and the Commission services, so as to facilitate the efficient organisation of the oral hearing.

9. The statements made by each person heard shall be recorded. Upon request, the recording of the oral hearing shall be made available to the persons who attended that hearing. Regard shall be had to the legitimate interest of the undertakings in the protection of their business secrets and other confidential information.

Article 16

Hearing of third persons

1. If third persons apply to be heard, the Commission shall inform them in writing of the nature and subject matter of the proceedings and shall set a time limit within which they may make known their views.

2. Where a statement of objections or a supplementary statement of objections has been issued, the Commission may send to third persons a non-confidential version of that statement or inform them of the nature and subject matter of the proceedings by other appropriate means. For this purpose, the notifying parties shall identify any information which they consider confidential in the objections, pursuant to Article 18(3), second and third subparagraphs, within five working days from the receipt of the statement. The Commission shall provide the non-confidential version of the objections to third persons only to be used for the purposes of the relevant proceedings pursuant to Regulation (EC) No 139/2004. Third persons shall accept that use restriction prior to receipt of the non-confidential version of the objections.

Where a statement of objections has not been issued, the Commission shall be under no obligation to provide third persons referred to in paragraph 1 with any information beyond the nature and the subject matter of the proceedings.

3. The third persons referred to in paragraph 1 shall make known their views in writing within the time limit set. The Commission may, where appropriate, afford such third persons who have so requested in their written comments the opportunity to participate in a hearing. It may also in other cases afford such third persons the opportunity of expressing their views orally.

4. The Commission may invite any other natural or legal person to express its views, in writing as well as orally, including at an oral hearing.

CHAPTER V

ACCESS TO THE FILE AND TREATMENT OF CONFIDENTIAL INFORMATION

Article 17

Access to the file and use of documents

1. If so requested, the Commission shall grant access to the file to the parties to whom it has addressed a statement of objections, for the purpose of enabling them to exercise their rights of defence. Access shall be granted after the Commission gives notice of the statement of objections to the notifying parties.

2. The Commission shall, upon request, also give the other involved parties who have been informed of the objections access to the file in so far as this is necessary for the purposes of preparing their comments.

3. The right of access to the file shall not extend to:

(a) confidential information;

(b) internal documents of the Commission;

(c) internal documents of competent authorities of Member States;

(d) correspondence between the Commission and the competent authorities of Member States;

(e) correspondence between the competent authorities of Member States; and

(f) correspondence between the Commission and other competition authorities.

4. Documents obtained through access to the file pursuant to this Article may only be used for the purposes of the relevant proceedings pursuant to Regulation (EC) No 139/2004.

Article 18

Treatment of confidential information

1. Information, including documents, shall not be communicated or made accessible by the Commission in so far as:

(a) it contains business secrets or other confidential information; and

(b) the disclosure of the information is not considered necessary by the Commission for the purpose of the proceedings.

2. Persons, undertakings, or associations of undertakings who make known their views or comments pursuant to Articles 12, 13 and 16 of this Regulation, or supply information pursuant to Article 11 of Regulation (EC) No 139/2004, or subsequently submit further information to the Commission in the course of the same proceedings, shall clearly identify any material which they consider to be confidential, giving reasons, and provide a separate non-confidential version by the date set by the Commission.

3. Without prejudice to paragraph 2, the Commission may require persons referred to in Article 3 of Regulation (EC) No 139/2004, undertakings and associations of undertakings in all cases where they produce or have produced documents or statements pursuant to Regulation (EC) No 139/2004 to identify the documents or parts of documents which they consider to contain business secrets or other confidential information belonging to them and to identify the undertakings with regard to which such documents are to be considered confidential.

The Commission may also require persons referred to in Article 3 of Regulation (EC) No 139/2004, undertakings or associations of undertakings to identify any part of a statement of objections, case summary or a decision adopted by the Commission which in their view contains business secrets.

Where business secrets or other confidential information are identified, the persons, undertakings and associations of undertakings shall give reasons and provide a separate non-confidential version by the date set by the Commission.

4. If persons, undertakings or associations of undertakings fail to comply with paragraphs 2 or 3, the Commission may assume that the documents or statements concerned do not contain confidential information.

CHAPTER VI

COMMITMENTS OFFERED BY THE UNDERTAKINGS CONCERNED

Article 19

Time limits for submission of commitments

1. Commitments offered by the undertakings concerned pursuant to Article 6(2) of Regulation (EC) No 139/2004 shall be submitted to the Commission within 20 working days from the date of receipt of the notification.

2. Commitments offered by the undertakings concerned pursuant to Article 8(2) of Regulation (EC) No 139/2004 shall be submitted to the Commission within 65 working days from the date on which proceedings were initiated.

Where the undertakings concerned first offer commitments within less than 55 working days from the date on which proceedings were initiated but submit a modified version of the commitments 55 or more working days from that date, the modified commitments shall be deemed to be new commitments for the purpose of applying Article 10(3), second sentence, of Regulation (EC) No 139/2004.

Where pursuant to Article 10(3), second subparagraph, of Regulation (EC) No 139/2004 the period for the adoption of a decision pursuant to Article 8(1) to (3) is extended, the period of 65 working days for the submission of commitments shall automatically be extended by the same number of working days.

In exceptional circumstances, the Commission may accept to consider commitments offered after the expiry of the relevant time limit for their submission as prescribed in this Article. In deciding whether to accept to consider commitments offered in such circumstances, the Commission shall have particular regard to the need to comply with the requirements of Article 19(5) of Regulation (EC) No 139/2004.

3. Articles 7, 8 and 9 shall apply mutatis mutandis.

Article 20

Procedure for the submission of commitments

1. The commitments offered by the undertakings concerned pursuant to Article 6(2) or Article 8(2) of Regulation (EC) No 139/2004 shall be submitted to the Commission in accordance with Article 22 and the instructions published by the Commission in the *Official Journal of the European Union*. The Commission shall forward such commitments without delay to the competent authorities of the Member States.

2. In addition to the requirements set out in paragraph 1, the undertakings concerned shall, at the same time as offering commitments pursuant to Article 6(2) or Article 8(2) of Regulation (EC) No 139/2004, submit the information required by the Form RM as set out in Annex IV to this Regulation in accordance with Article 22 and the instructions published by the Commission in the *Official Journal of the European Union*. The information submitted shall be correct and complete.

Article 4 shall apply *mutatis mutandis* to the Form RM accompanying the commitments offered pursuant to Article 6(2) or Article 8(2) of Regulation (EC) No 139/2004.

3. When offering commitments pursuant to Article 6(2) or Article 8(2) of Regulation (EC) No 139/2004, the undertakings concerned shall at the same time clearly identify any information which they consider to be confidential, giving reasons, and shall provide a separate non-confidential version.

4. Commitments offered pursuant to Article 6(2) or Article 8(2) of Regulation (EC) No 139/2004 shall be signed by the notifying parties, as well as by any other involved parties on whom the commitments impose obligations.

5. A non-confidential version of the commitments shall be published on the website of the Commission's Directorate General for Competition without delay following the adoption of a decision pursuant to Article 6(2) or Article 8(2) of Regulation (EC) No 139/2004. To that effect, the notifying parties shall provide to the Commission a non-confidential version of the commitments within five working days from the adoption of the decision pursuant to Article 6(2) or Article 8(2) of Regulation (EC) No 139/2004.

Article 21

Trustees

1. The commitments offered by the undertakings concerned pursuant to Article 6(2) or Article 8(2) of Regulation (EC) No 139/2004 may include, at the own expense of the undertakings concerned, the appointment of one or more independent trustees to assist the Commission in overseeing the parties' compliance with the commitments or to implement the commitments. The trustees may be appointed by the parties, after the Commission's approval, or by the Commission. The trustees shall carry out their tasks under the supervision of the Commission.

2. The Commission may attach to its decision pursuant to Article 6(2) or 8(2) of Regulation (EC) No 139/2004 conditions or obligations related to the trustees referred to in paragraph 1.

CHAPTER VII

MISCELLANEOUS PROVISIONS

Article 22

Transmission and signature of documents

1. Transmission of documents to and from the Commission shall take place through digital means, save where the Commission exceptionally allows that other means identified in paragraph (6) and (7) may be used.

2. Where a signature is required, documents submitted through digital means must be signed using at least one Qualified Electronic Signature (QES) complying with the requirements set out in Regulation (EU) No 910/2014 (the "eIDAS Regulation") ([3]) and its future amendments.

3. Detailed technical specifications regarding the means of transmission and signature shall be published in the *Official Journal of the European Union* and shall be made available on the website of the Commission's Directorate General for Competition.

4. With the exception of the forms included in Annexes I, II, and III, all documents transmitted electronically to the Commission on a working day shall be deemed to have been received on the day they were sent, provided that an automated acknowledgement of receipt shows in its timestamp that they were received that day. The forms included in Annexes I, II, and III transmitted electronically to the Commission on a working day shall be deemed to have been received on the day they were sent, provided that an automated acknowledgement of receipt shows in its timestamp that they were received that day before or during the opening hours indicated on DG Competition's website. The forms included in Annexes I, II, and III transmitted electronically to the Commission on a working day after the opening hours indicated on DG Competition's website shall be deemed to have been received on the next working day. All documents transmitted electronically to the Commission outside a working day shall be deemed to have been received on the next working day.

([3]) Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

5. Documents transmitted electronically to the Commission shall not be deemed to be received if the documents or parts thereof :

(a) are unusable (corrupted);

(b) contain viruses, malware or other threats;

(c) contain electronic signatures the validity of which cannot be verified by the Commission.

In those cases, the Commission shall inform the sender without delay.

6. Documents transmitted to the Commission by registered post shall be deemed to have been received on the day of their arrival at the address published in the *Official Journal of the European Union*. This address shall be also indicated on the website of the Commission's Directorate General for Competition.

7. Documents transmitted to the Commission by means of hand delivery shall be deemed to have been received on the day of their arrival at the address published in the *Official Journal of the European Union*, as long as this is confirmed in an acknowledgment of receipt by the Commission. This address shall be also indicated on the website of the Commission's Directorate General for Competition.

Article 23

Setting of time limits

1. In setting the time limits referred to in Article 12(1) and (2), Article 13(2) and Article 16(1), the Commission shall have regard to the urgency of the case and the time required for the notifying parties, the other involved parties, or the third persons to prepare their views or comments. The Commission shall also take account of public holidays in the country where the notifying parties, the other involved parties, or the third persons are located.

2. Time limits shall be set in terms of a precise calendar date.

Article 24

Working days

The expression "working days" in Regulation (EC) No 139/2004 and in this Regulation means all days other than Saturdays, Sundays, and Commission holidays as published in the *Official Journal of the European Union* before the beginning of each year.

Article 25

Repeal and transitional provisions

1. Without prejudice to paragraph 2, Regulation (EC) No 802/2004 is repealed with effect from 1 September 2023.

References to the repealed Regulation shall be construed as references to this Regulation.

2. Regulation (EC) No 802/2004 shall continue to apply to any concentration falling within the scope of Regulation (EC) 139/2004 and notified on or before 31 August 2023.

Article 26

Entry into force

This Regulation shall enter into force on 1 September 2023.

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

Done at Brussels, 20 April 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

FORM RELATING TO THE NOTIFICATION OF A CONCENTRATION PURSUANT TO COUNCIL REGULATION (EC) No 139/2004

(FORM CO)

INTRODUCTION

A. The purpose of the Form CO

(1) This Form CO specifies the information that must be provided by notifying parties when submitting a notification to the European Commission of a proposed merger, acquisition or other concentration. The merger control system of the European Union is laid down in Council Regulation (EC) No 139/2004 ([1]) and in Commission Implementing Regulation (EU) 2023/914 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (the "Implementing Regulation") ([2]), to which this Form CO is annexed. Your attention is drawn to the corresponding provisions of the Agreement on the European Economic Area ([3]) ('EEA Agreement').

B. Pre-notification contacts and waiver requests

1. Types of information requested by the Form CO

(2) The Form CO requires the following information:

(a) basic information which is in principle necessary for the assessment of all concentrations (Sections 1-10);

(b) information on efficiencies (Section 11);

(c) information to be provided in cases involving joint ventures (Section 12).

(3) The information requested in Sections 1-10 must in principle be provided in all cases and is therefore a requirement for a complete notification. Section 11 requires information on efficiencies of the notified transaction which the notifying parties may submit if they wish the Commission to consider from the outset any efficiency claims. Section 12 must be provided in all cases involving joint ventures; in these cases, that information is a requirement for a complete notification.

2. Information that is not reasonably available

(4) In exceptional circumstances, specific pieces of information required by this Form CO may not be reasonably available to the notifying parties in part or in whole (e.g., because information on a target company is not available in case of a contested bid). In this case, the notifying parties may request the Commission to dispense with the obligation to provide the relevant information or with any other requirement in the Form CO related to that information. The request should be submitted in accordance with the instructions in section B.4.

([1]) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the 'Merger Regulation') (OJ L 24, 29.1.2004, p. 1).

([2]) See p. 22 of this Official Journal.

([3]) See in particular Article 57 of the Agreement on the European Economic Area ('EEA Agreement'), point 1 of Annex XIV to the EEA Agreement, Protocols 21 and 24 to the EEA Agreement (all available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A21994A0103%2801%29), as well as Protocol 4 to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice ('Surveillance and Court Agreement'), available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AJOL_1994_344_R_0001_003. Any reference to EFTA States must be understood to mean those EFTA States which are Contracting Parties to the EEA Agreement. As of 1 May 2004, these States are Iceland, Liechtenstein and Norway.

3. **Information that is not necessary for the Commission's examination of the case**

(5) Pursuant to Article 4(2) of the Implementing Regulation, the Commission may dispense with the obligation to provide any particular information in the Form CO, including documents, or with any other requirements where the Commission considers compliance with those obligations or requirements is not necessary for the examination of the case.

(6) Although necessary for the Commission's examination of certain cases, in other cases Article 4(2) of the Implementing Regulation would apply in particular to information referred to in sections 3.4, 3.5, 3.6, 3.7, 5.5 and 5.6 and Section 10 of this Form CO.

(7) In such circumstances, the notifying parties may request the Commission to dispense with the obligation to provide the relevant information or with any other requirement in the Form CO related to this information. This request should be submitted in accordance with the instructions laid down in section B.4.

4. **Pre-notification contacts and waiver requests**

(8) Notifying parties are invited to engage in pre-notification discussions in all normal cases on the basis of a draft Form CO. The possibility to engage in pre-notification contacts is a service offered by the Commission to notifying parties on a voluntary basis in order to prepare the formal merger review proceedings. As such, while not mandatory, pre-notification contacts are extremely valuable to both the notifying parties and the Commission in determining, among other things, the precise amount of information required in a Form CO and, in the majority of cases, will result in a significant reduction of the information required.

(9) In the course of pre-notification contacts, notifying parties may submit requests for waivers. The Commission will consider waiver requests provided that one of the following conditions is fulfilled:

(a) the notifying parties give adequate reasons why the relevant information is not reasonably available and provide best estimates for the missing data, identifying the sources for these estimates. Where possible, the notifying parties must indicate where any of the requested information that is unavailable could be obtained by the Commission or the relevant Member State(s) and EFTA State(s);

(b) the notifying parties give adequate reasons why the relevant information is not necessary for the examination of the case.

(10) Waiver requests should be made in the draft Form CO itself (at the beginning of the relevant Section or sub-Section). The Commission's Directorate-General for Competition ('DG Competition') will deal with waiver requests in the context of the review of the draft Form CO. DG Competition will normally require five working days before responding to a waiver request.

(11) For the avoidance of doubt, the fact that the Commission may have accepted that any particular information requested by this Form CO may be omitted from a notification made using the Form CO does not in any way prevent the Commission from requesting that information at any time during the proceedings, in particular through a request for information pursuant to Article 11 of the Merger Regulation.

(12) The notifying parties are referred to the 'Best Practices on the conduct of EC merger control proceedings' as published on DG Competition's website and updated from time to time, which provide guidance on pre-notification contacts and the preparation of notifications.

C. **The requirement for a correct and complete notification**

(13) As explained in section B.1., the information requested in Sections 1-10 must in principle be provided in all normal cases ([4]) and is therefore a requirement for a complete notification. All the required information must be supplied in the appropriate section of the Form CO and it must be correct and complete.

(14) In particular you should note that:

(a) in accordance with Article 10(1) of the Merger Regulation and Article 5(2) and (4) of the Implementing Regulation, the time limits laid down in the Merger Regulation with regard to the notification will not start until all the information that has to be supplied with the notification has been received by the Commission. This is to ensure that the Commission is able to assess the notified concentration within the strict time limits laid down in the Merger Regulation;

(b) the notifying party or parties must verify, in the course of preparing their notification, that contact names and numbers, and in particular e-mail addresses, provided to the Commission are accurate, relevant and up-to-date;

(c) in accordance with Article 5(4) of the Implementing Regulation, incorrect or misleading information in the notification will be considered to be incomplete information;

(d) requested contact details must be provided in the format prescribed by DG Competition on its website ([5]). For a proper investigatory process, it is essential that the contact details are accurate. To this end, please ensure that the email addresses provided are personalised and attributed to specific contact persons and that they are not general company mailboxes (e.g., info@, hello@). The Commission may declare the notification incomplete on the basis of inappropriate contact details;

(e) under Article 14(1), point (a), of the Merger Regulation, notifying parties who, either intentionally or negligently, supply incorrect or misleading information, may be liable to fines of up to 1 % of the aggregate turnover of the undertaking concerned. In addition, pursuant to Article 6(3), point (a), and Article 8(6), point (a), of the Merger Regulation the Commission may revoke its decision on the compatibility of a notified concentration where it is based on incorrect information for which one of the parties to the concentration is responsible.

D. **How to notify**

(15) The information requested by this Form CO is to be set out using the provided sections of the Form CO and paragraph numbers, contained therein, signing a declaration as provided in Section 13, and annexing supporting documentation. Where information required by one section partly (or wholly) overlaps with information required by another section, this same information should not be submitted twice though accurate cross-referencing should be used.

(16) The Form CO must be signed by persons authorised by law to act on behalf of each notifying party or by one or more authorised external representatives of the notifying party or parties. The corresponding power of attorney must be attached to the Form CO. ([6]) Technical specifications and instructions regarding notifications (including signatures) can be found in the *Official Journal of the European Union*.

(17) In completing Sections 6, 8, 9 and 10 of this Form CO, the notifying parties are invited to consider whether, for purposes of clarity, those sections are best presented in numerical order, or whether they can be grouped together for each individual affected market (or group of affected markets).

(18) For the sake of clarity, certain information may be put in annexes. However, it is essential that all key substantive pieces of information, and in particular market share information for the parties and their largest competitors, are presented in the body of Form CO. Annexes to this Form CO must only be used to supplement the information supplied in the Form CO itself.

([4]) And Section 12 in cases involving joint ventures.
([5]) Please see https://ec.europa.eu/competition-policy/mergers/practical-information_en.
([6]) See power of attorney template at https://ec.europa.eu/competition/mergers/legislation/power_of_attorney_template_en.docx.

(19) Supporting documents are to be submitted in their original language; where this is not an official language of the Union, they must be translated into the language of the proceeding (Article 3(4) of the Implementing Regulation).

(20) Supporting documents may be copies of the originals. In this case, the notifying party must confirm that they are true and complete.

E. **Confidentiality and Personal Data**

(21) Article 339 of the Treaty on the Functioning of the European Union and Article 17(2) of the Merger Regulation as well as the corresponding provisions of the EEA Agreement ([7]) require the Commission, the Member States, the EFTA Surveillance Authority and the EFTA States, their officials and other servants not to disclose information they have acquired through the application of the Regulation of the kind covered by the obligation of professional secrecy. The same principle must also apply to protect confidentiality between notifying parties.

(22) If you believe that your interests would be harmed if any of the information you are asked to supply were to be published or otherwise disclosed to other parties, you should submit this information separately with each page clearly marked 'Business Secrets'. You should also give reasons why this information should not be disclosed or published.

(23) In the case of mergers or joint acquisitions, or in other cases where the notification is completed by more than one of the parties, business secrets may be submitted under separate cover, and referred to in the notification as an annex. In order for a notification to be considered complete, all such annexes must be included in the notification.

(24) Any personal data submitted in this Form CO will be processed in compliance with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC. ([8])

F. **Definitions and instructions for the purposes of this Form CO**

(25) For the purposes of this Annex, the following definitions apply:

(a) 'Party/parties to the concentration' or 'party/parties': These terms relate to both the acquiring party/parties and the acquired party/parties, or the merging parties, including all undertakings in which a controlling interest is being acquired or which is the subject of a public bid. Unless otherwise specified, the terms 'notifying party/parties' and 'party/parties to the concentration' include all the undertakings which belong to the same groups as those parties.

(b) 'Relevant product market': A relevant product market comprising all those products or services, or both, which are regarded as interchangeable or substitutable by the consumer, by reason of the products' or services' characteristics, their prices and their intended use. A relevant product market may in some cases be composed of a number of individual products or services, or both, which present largely identical physical or technical characteristics and are interchangeable. Factors relevant to the assessment of the relevant product market include the analysis of why the products or services in these markets are included and why others are excluded by using this definition, and having regard to, for example, substitutability of products and services, prices, cross-price elasticity of demand or other relevant factors (such as supply-side substitutability in appropriate cases).

([7]) See, in particular, Article 122 of the EEA Agreement, Article 9 of Protocol 24 to the EEA Agreement and Article 17(2) of Chapter XIII of Protocol 4 to the Surveillance and Court Agreement.

([8]) OJ L 295, 21.11.2018, p. 39. See also a privacy statement relating to Merger investigations at https://ec.europa.eu/competition-policy/index/privacy-policy-competition-investigations_en.

(c) 'Relevant geographic market': The relevant geographic market comprising the area in which the undertakings concerned are involved in the supply and demand of relevant products or services, in which the conditions of competition are sufficiently homogeneous and which can be distinguished from neighbouring geographic areas because, in particular, conditions of competition are appreciably different in those areas. Factors relevant to the assessment of the relevant geographic market include, inter alia, the nature and characteristics of the products or services concerned, the existence of entry barriers, consumer preferences, appreciable differences in the undertakings' market shares between neighbouring geographic areas or substantial price differences.

(d) 'Horizontal overlap': A concentration gives rise to horizontal overlaps when the parties to the concentration are engaged in business activities in the same relevant product and geographic market(s) (including the development of pipeline products ([9])). ([10])

(e) 'Non-horizontal relationship': A concentration gives rise to non-horizontal relationship when the activities of the parties to the concentration are in a relationship that is not a horizontal overlap.

(f) 'Vertical relationship': A concentration gives rise to vertical relationships when one or more of the parties to the concentration are engaged in business activities in a product market which is upstream or downstream from a product market in which any other party to the concentration is engaged (including the development of pipeline products). ([11])

(g) 'Affected markets': Affected markets are all relevant product and geographic markets, as well as plausible alternative relevant product and geographic markets, where the parties' activities overlap horizontally or are vertically related and which do not meet the conditions for review under point 5 of the Notice on Simplified Procedure ([12]) and do not benefit from the flexibility clauses of point 8 of the Notice on Simplified Procedure.

(26) The financial data requested in Section 4 must be provided in euro at the average exchange rates prevailing for the years or other periods in question.

G. **Description of quantitative economic data collected by the undertakings concerned**

(27) The information requested in sections 5.5 and 5.6 of this Form must be supplied for the Form CO to be considered complete.

(28) For further guidance, the parties to the concentration may refer to DG Competition's 'Best Practices for the submission of economic evidence and data collection in cases concerning the application of Articles 101 and 102 TFEU and in merger cases' as published on DG Competition's website and updated from time to time.

H. **International cooperation between the Commission and other competition authorities**

(29) The Commission encourages the parties to the concentration to facilitate international cooperation between the Commission and other competition authorities reviewing the same concentration. In the Commission's experience, good cooperation between the Commission and competition authorities in jurisdictions outside the EEA entails substantial benefits for the undertakings concerned.

([9]) Pipeline products are products likely to be brought to market in the short or medium term. "Pipeline products" also covers services.

([10]) Horizontal overlaps involving pipeline products include overlaps between pipeline products and overlaps between one or more marketed product(s) and one or more pipeline product(s).

([11]) Vertical relationships involving pipeline products include relationships between pipeline products and relationships between one or more marketed product(s) and one or more pipeline product(s).

([12]) Commission Notice on a simplified treatment of certain concentrations under Council Regulation (EC) No 139/2004 (OJ C 160, 5.5.2023, p. 1) (the 'Notice on Simplified Procedure').

(30) Furthermore, the Commission encourages the parties to the concentration to submit confidentiality waivers that would enable the Commission to share information with other competition authorities outside the EEA reviewing the same concentration. Each waiver facilitates joint discussion and analysis of a concentration as it allows the Commission to share relevant information with another competition authority reviewing the same concentration, including confidential business information obtained from the parties to the concentration. To this end, the Commission encourages the parties to the concentration to use the Commission's model waiver, which is published on DG Competition's website and updated from time to time.

SECTION 1

DESCRIPTION OF THE CONCENTRATION

1.1. Provide an executive summary of the concentration, specifying the parties to the concentration, the nature of the concentration (for example, merger, acquisition, or joint venture), the areas of activity of the parties to the concentration, the markets on which the concentration will have an impact (including the main affected markets ([13])), and the strategic and economic rationale for the concentration.

1.2. Provide a non-confidential summary (up to 500 words) of the information provided under Section 1.1, including: the way by which the concentration is accomplished (for example, by way of purchase of shares, public bid, contract etc.); the articles of the Merger Regulation pursuant to which the transaction qualifies as a concentration; the undertakings concerned. For each of the undertakings concerned provide: Full name, country of incorporation, ultimately controlling entity, short description of activities and geographic areas of activity. For newly created JVs provide intended activities and geographic areas of activity. It is intended that this summary will be published on DG Competition's website upon notification. The summary must be drafted so that it contains no confidential information or business secrets.

Example (please delete for notification)

This notification concerns the following undertakings:

[Full name of Company A] ([Short name of company A], [Country of origin of Company A]), controlled by [Company X]

[Full name of Company B] ([Short name of company B], [Country of origin of Company B]), controlled by [Company Y]

[Company A] acquires within the meaning of Article 3(1), point (b) of the Merger Regulation sole control of (the whole/part) of [Company B] OR

[Company A] enters into a full merger within the meaning of Article 3(1), point (a) of the Merger Regulation with [Company B] OR

[Company A] and [Company B] acquire within the meaning of Article 3(1), point (b) and Article 3(4) of the Merger Regulation joint control of [Company C].

The concentration is accomplished by [Means of implementing the concentration, e.g. way of purchase of shares/assets, etc].

The business activities of the undertakings concerned are:

a. *for [Company A]: [Brief description of activity, e.g., diversified chemicals with primary activities in agricultural sciences, performance plastics and chemicals, and hydrocarbon and energy products and services].*

b. *for [Company B]: [Brief description of activity, e.g., silicone-based technology and innovation with primary activities in development and production of polymers and other materials based on silicone chemistry].*

([13]) See Section 6 for more information on how to identify affected markets.

SECTION 2

INFORMATION ABOUT THE PARTIES

2.1. Information about the parties to the concentration ([14])

For each of the parties to the concentration provide:

2.1.1. the name of the undertaking;

2.1.2. whether the undertaking is a notifying party or not;

2.1.3. the name, address, telephone number and e-mail address of, and position held by, the appropriate contact person; the address given must be an address for service to which documents and, in particular, Commission decisions and other procedural documents may be notified, and the contact person given must be deemed to be authorised to accept service;

2.1.4. if one or more authorised external representatives of the undertaking are appointed, the representative or representatives to which documents and, in particular, Commission decisions and other procedural documents may be notified:

2.1.4.1. the name, address, telephone number and e-mail address of, and position held by, each representative; and

2.1.4.2. the original power of attorney (for the notifying party or parties).

2.2. Nature of the parties' business

For each of the parties to the concentration, describe the nature of the undertaking's business.

SECTION 3

DETAILS OF THE CONCENTRATION, OWNERSHIP AND CONTROL ([15])

The information sought in this section may be illustrated by the use of organisation charts or diagrams to show the structure of ownership and control of the parties to the concentration before and after completion of the concentration.

3.1. Describe the nature of the concentration being notified by reference to the relevant criteria of the Merger Regulation and the Commission Consolidated Jurisdictional Notice ([16]):

3.1.1. Identify the undertakings or persons solely or jointly controlling each of the parties to the concentration, directly or indirectly, and describe the structure of ownership and control of each of them before the completion of the concentration.

3.1.2. Explain whether the proposed concentration is one of the following:

(a) a full merger;

(b) an acquisition of sole or joint control;

(c) a contract or other means of conferring direct or indirect control within the meaning of Article 3(2) of the Merger Regulation;

(d) the acquisition of joint control in a full-function joint venture within the meaning of Article 3(4) of the Merger Regulation, and, if so, the reasons why the joint venture is considered to be full-function ([17]).

([14]) This includes the target company in the case of a contested bid, in which case the details should be completed as far as is possible.

([15]) See Article 3(3) to (5) and Article 5(4) of the Merger Regulation.

([16]) See Commission Consolidated Jurisdictional Notice under Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings, (OJ C 95, 16.4.2008, p. 1), available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52008XC0416%2808%29 ("Commission Consolidated Jurisdictional Notice").

([17]) See Section B IV of the Consolidated Jurisdictional Notice.

3.1.3. Explain how the concentration will be implemented (for example by conclusion of an agreement, by the launch of a public bid, etc.).

3.1.4. By reference to Article 4(1) of the Merger Regulation explain which of the following have taken place at the time of notification

(a) an agreement has been concluded;

(b) a controlling interest has been acquired;

(c) a public bid or the intention to launch a public bid has been announced;

(d) the parties to the concentration have demonstrated a good faith intention to conclude an agreement.

3.1.5. Indicate the expected date of any major events designed to bring about the completion of the concentration;

3.1.6. Explain the structure of ownership and control of each of the parties to the concentration after the completion of the concentration.

3.2. Describe the economic rationale of the concentration.

3.3. State the value of the transaction (the purchase price or the value of all the assets involved, as the case may be; specify whether this is in the form of equity, cash, or other assets).

3.4. Describe any financial or other support received from public authorities by any of the parties to the concentration and the nature and amount of that support. In this context:

3.4.1. indicate whether any of the parties to the concentration has been the beneficiary of aid that is or has been subject to Union State aid proceedings.

3.4.2. indicate if you have filed or intend to file a notification under Article 20 of Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market (OJ L 330, 23.12.2022 , p. 1-45).

3.5. Provide a list of all the jurisdictions outside the EEA where the concentration has been or will be notified (before or after the completion of the concentration) and/or is under investigation under merger control rules. For each jurisdiction, indicate the (actual or expected) date of notification and, where applicable, identify the stage of the investigation.

3.6. For the parties to the concentration, provide a list of all other undertakings which are active in affected markets and in which the undertakings, or persons, of the group hold individually or collectively 10 % or more of the voting rights, issued share capital or other securities, identifying the holder and stating the percentage held.

3.7. Describe whether one or more competitors of the parties hold a significant non-controlling shareholding (i.e. above 10%) in any of the parties to the concentration. Indicate the percentage and the rights attached to the shareholding. Provide details of acquisitions made during the last three years by the groups identified in Section 2.1 of undertakings active in affected markets.

SECTION 4

TURNOVER

For each of the parties to the concentration provide the following data for the last financial year ([18]):

4.1 . worldwide turnover;

([18]) On the calculation of turnover see Commission Consolidated Jurisdictional Notice.

4.2. EU-wide turnover;

4.3. EEA-wide turnover (EU and EFTA);

4.4. turnover in each Member State (indicate the Member State, if any, in which more than two-thirds of EU-wide turnover is achieved);

4.5. EFTA-wide turnover;

4.6. turnover in each EFTA State (indicate the EFTA State, if any, in which more than two-thirds of EFTA-wide turnover is achieved; also indicate whether the combined turnover of the undertakings concerned in the territory of the EFTA States equals 25 % or more of their total turnover in the EEA territory).

Turnover data must be provided by filling in the Commission's template table available on DG Competition's website.

SECTION 5

SUPPORTING DOCUMENTATION AND DATA

The notifying parties must provide the following:

5.1. copies of the final or most recent versions of all documents bringing about the concentration, whether by agreement between the parties to the concentration, acquisition of a controlling interest or a public bid;

5.2. in case of a public bid, a copy of the offer document. If the offer document is unavailable at the time of notification, a copy of the most recent document demonstrating the intention to launch a public bid must be provided, and a copy of the offer document must be submitted as soon as possible and not later than when it is posted to shareholders;

5.3. an indication of the webpage, if any, at which the most recent annual reports and accounts of the parties to the concentration are available, or if no such webpage exists, copies of the most recent annual reports and accounts of the parties to the concentration;

5.4. copies of the following documents prepared by or for or received by any member(s) of the board of management, the board of directors, or the supervisory board, depending on the corporate governance structure, or the other person(s) exercising similar functions (or to whom such functions have been delegated or entrusted), or the shareholders' meeting:

(a) minutes of the meetings of the board of management, of the board of directors, of the supervisory board and/or of the shareholders' meeting at which the transaction has been discussed, or excerpts of those minutes relating to the discussion of the transaction;

(b) analyses, reports, studies, surveys, presentations and any comparable documents for the purpose of assessing or analysing the concentration with respect to its rationale (including documents where the transaction is discussed in relation to potential alternative acquisitions), market shares, competitive conditions, competitors (actual and potential), potential for sales growth or expansion into other product or geographic markets, and/or general market conditions;

(c) analyses, reports, studies, surveys and any comparable documents from the last two years for the purpose of assessing any of the affected markets ([19]) with respect to market shares, competitive conditions, competitors (actual and potential) and/or potential for sales growth or expansion into other product or geographic markets.

Provide a list of the documents mentioned in this section 5.4, indicating for each document the date of preparation and the name and title of the addressee(s).

([19]) See Section 6 for more information on how to identify affected markets.

5.5. data that each of the parties to the concentration collects and stores in the ordinary course of its business operations and which could be useful for a quantitative economic analysis. The data description should include, in particular, information about:

(a) the type of such data (information on sales or bids, profit margins, procurement process details, etc.);

(b) the level of disaggregation (per country, per product, per customer, per contract, etc.);

(c) the time period for which the data are available and the format;

(d) the source of the data (for example, Customer Relationship Management (CRM) software, or dataset purchased from external providers, etc.).

5.6. a description of the usage in the normal course of business of the data provided in section 5.5. In particular, describe if relevant, the internal datasets produced based on the above data, as well as the type of internal reporting products and analysis, such as business strategy, marketing plans, investment plans, market intelligence and competitors' monitoring (e.g., comparison between the products/services and pipeline products of one party to the concentration and those of its main competitors or between those of the parties to the concentration; competitors' strategy and positioning; or SWOT ([20]) analyses).

SECTION 6

MARKET DEFINITIONS

The relevant product and geographic markets serve to identify the scope within which the market power of the new entity resulting from the concentration must be assessed ([21]). When presenting relevant product and geographic markets, the notifying parties must submit, in addition to any product and geographic market definitions they consider relevant, all plausible alternative product and geographic market definitions. Plausible alternative product and geographic market definitions can be identified on the basis of previous Commission decisions and judgments of the Union Courts and (in particular where there are no Commission or Court precedents) by reference to industry reports, market studies and the notifying parties' internal documents.

6.1. Please discuss all plausible relevant market definitions where the proposed concentration could give rise to affected markets. Please explain how the notifying parties consider that the relevant product and geographic markets should be defined.

6.2. Taking into account all the plausible relevant market definitions discussed, please identify each affected market ([22]) and provide summary information on the activities of the parties to the concentration in each plausible relevant market. Please add to the tables as many rows as required to cover all the plausible markets that you consider:

Summary of Affected Markets Horizontal Overlaps		
Product market definition	Geographic market definition	Combined market share [Identify year] [Identify metric]

([20]) SWOT refers to 'Strengths, Weaknesses, Opportunities and Threats' analysis. Any other method to depict the competitive landscape of a given product/innovation area falls under the requested data as well.

([21]) See Commission Notice on the definition of the relevant market for the purposes of Community competition law, (OJ C 372, 9.12.1997, p. 5).

([22]) During pre-notification contacts, notifying parties shall disclose information relating to all potentially affected markets even if they ultimately consider that these markets are not affected, and notwithstanding that the notifying parties may take a particular view in relation to the issue of market definition.

Summary of Affected Markets
Vertical Relationships

Upstream market			Downstream market		
Product market definition	Geographic market definition	Combined market share [Identify year][Identify metric]	Product market definition	Geographic market definition	Combined market share [Identify year] [Identify metric]

6.3. Describe the product and geographic scope of all plausible alternative market definitions (where such markets include the whole or a part of the EEA) other than the affected markets identified in Section 6.2., in which the notified concentration may have a significant impact, for example, where:

(a) any of the parties to the concentration has a market share larger than 25 % and any other party to the concentration is a potential competitor in that market. A party may be considered a potential competitor, in particular, where it has plans to enter a market, or has developed or pursued such plans in the past three years;

(b) any of the parties to the concentration is present in a product market, which is a neighbouring market closely related to a product market in which any other party to the concentration is engaged, and the individual or combined market shares of the parties in any one of these markets is 30% or more. Product markets are closely related neighbouring markets when the products are complementary to each other ([23]) or when they belong to a range of products that is generally purchased by the same set of customers for the same end use ([24]).

In order to enable the Commission to consider, from the outset, the competitive impact of the proposed concentration in the markets identified under Section 6, notifying parties are invited to submit the information under Sections 8 to 10 of this Form CO also in relation to those markets.

SECTION 7

INFORMATION ON MARKETS FALLING UNDER POINT 8 OF THE NOTICE ON SIMPLIFIED PROCEDURE

For markets falling under point 8 of the Notice on Simplified Procedure, in principle only section 7 needs to be filled in. However, where any of the circumstances listed in Section II.C of the Notice on Simplified Procedure are present, the flexibility clause will normally not be applied ([25]). In this case, Sections 6, 8, 9 and 10 of this Form should be completed.

7.1. For each market falling under point 8 of the Notice on Simplified Procedure, tick the relevant boxes below. ([26])

☐ Under all plausible market definitions, (i) the parties' combined market share is 20% or higher but remains below 25% on any relevant market where the parties' activities overlap and (ii) none of the special circumstances described in section II.C of the Notice on Simplified Procedure are present.

([23]) Products (or services) are complementary when, for example, the use (or consumption) of one product essentially implies the use (or consumption) of the other product, such as for staple machines and staples, and printers and printer cartridges.

([24]) Examples of products belonging to such a range would be whisky and gin sold to bars and restaurants, and different materials for packaging a certain category of goods sold to producers of such goods.

([25]) Notice on Simplified Procedure, point 11.

([26]) Please complete only one table for all markets falling under point 8 of the Notice on Simplified Procedure, ticking (all) the relevant boxes.

☐	Under all plausible market definitions, the parties' combined market share is 20% or higher but remains below 25% on any relevant market where the parties' activities overlap, and although one or several of the special circumstances described in section II.C of the Notice on Simplified Procedure are present, the case does not raise any competition concerns for the reasons explained in sub-Section 7.4.
☐	None of the circumstances described in section II.C of the Notice on Simplified Procedure are present and the individual and combined market shares of all the parties to the concentration that are engaged in business activities in a market which is upstream or downstream from a market in which any other party to the concentration is engaged (vertical relationships) meet at least one of the following conditions: ☐ are 30% or higher but remain below 35 % in the upstream and downstream markets, ☐ are lower than 50 % in one market while the individual and combined market shares of all the parties to the concentration in all the other vertically related markets are lower than 10%.
☐	One or several of the circumstances described in section II.C of the Notice on Simplified Procedure are present, the case does not raise any competition concerns for the reasons explained in Section 7.4 and the individual and combined market shares of all the parties to the concentration that are engaged in vertical relationships meet at least one of the following conditions: ☐ are 30% or higher but remain below 35 % in the upstream and downstream markets, ☐ are lower than 50 % in one market while the individual and combined market shares of all the parties to the concentration in all the other vertically related markets are lower than 10%.

7.2. Complete the table below if the concentration leads to horizontal overlaps that fall under point 8 of the Notice on Simplified Procedure. You should replicate the table as many times as required to cover all the plausible markets that you considered:

Horizontal overlaps – Market shares										
Precedents (please include a reference to relevant paragraphs)	Plausible product market considered	Plausible geographic market considered	Supplier	Year X -2		Year X -1		Year X	
				Value	Volume	Value	Volume	Value	Volume
			Undertaking concerned 1	**%**	**%**	**%**	**%**	**%**	**%**
			Undertaking concerned 2	**%**	**%**	**%**	**%**	**%**	**%**
			Undertaking concerned 3	**%**	**%**	**%**	**%**	**%**	**%**
			Combined	**%**	**%**	**%**	**%**	**%**	**%**
			Competitor 1	**Do not complete.**				**%**	**%**
			Competitor 2					**%**	**%**
			Competitor 3					**%**	**%**
			Others					**%**	**%**
			Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**
			Market size	**EUR**		**EUR**		**EUR**	

Describe the activities of the parties in this market:

Provide further details here (in particular if there are no precedents, you should provide the parties' views on product/geographic market definition):

Metrics, sources and methodology followed for market share calculation. If value and volume are not the most common metrics for market share calculation in the relevant markets, you should provide market shares based on alternative metrics and explain.

Provide the contact details of Competitor 1, Competitor 2, and Competitor 3 in the prescribed format.

7.3. Complete the table below if the concentration leads to vertical relationships that fall under point 8 of the Notice on Simplified Procedure. You should replicate the table as many times as required to cover all the plausible markets that you considered: ([27])

([27]) For example, if regarding the vertical relationship between upstream market U and downstream market D, you considered the plausible upstream market definitions U1 and U2, you should include two tables: one including information on U1 and D and one including information on U2 and D.

Vertical relationships – Market shares										
UPSTREAM										
Precedents (include a reference to relevant paragraphs)	Plausible product market considered	Plausible geographic market considered	Supplier	Year X -2		Year X -1		Year X		
				Value	Volume	Value	Volume	Value	Volume	
			Undertaking concerned 1	%	%	%	%	%	%	
			Undertaking concerned 2	%	%	%	%	%	%	
			Undertaking concerned 3	%	%	%	%	%	%	
			Combined	%	%	%	%	%	%	
			Competitor 1	**Do not complete.**				%	%	
			Competitor 2					%	%	
			Competitor 3					%	%	
			Others					%	%	
			Total	100%	100%	100%	100%	100%	100%	
			Market size	EUR		EUR		EUR		

Describe the activities of the parties in this market:

Provide further details here (in particular if there are no precedents, you should provide the parties' views on product/geographic market definition):

Metrics, sources and methodology followed for market share calculation. If value and volume are not the most common metrics for market share calculation in the relevant markets, you should provide market shares based on alternative metrics and explain.

Provide the contact details of Competitor 1, Competitor 2, and Competitor 3 in the prescribed format.

DOWNSTREAM										
Precedents (include a reference to relevant paragraphs)	Plausible product market considered	Plausible geographic market considered	Supplier	Year X -2		Year X -1		Year X	
				Value	Volume	Value	Volume	Value	Volume
			Undertaking concerned 1	%	%	%	%	%	%
			Undertaking concerned 2	%	%	%	%	%	%
			Undertaking concerned 3	%	%	%	%	%	%
			Combined	%	%	%	%	%	%
			Competitor 1	**Do not complete.**				%	%
			Competitor 2					%	%
			Competitor 3					%	%
			Others					%	%
			Total					100%	100%
			Market size	EUR		EUR		EUR	

Describe the activities of the parties in this market:

Provide further details here (in particular if there are no precedents, you should provide the parties' views on product/geographic market definition):

Metrics, sources and methodology followed for market share calculation. If value and volume are not the most common metrics for market share calculation in the relevant markets, you should provide market shares based on alternative metrics and explain.

Provide the contact details of Competitor 1, Competitor 2, and Competitor 3 in the prescribed format.

7.4. **Safeguards and exclusions.**

Please complete this information regarding the markets identified in Sections 7.2 and 7.3 ([28]).

Any of the parties to the concentration has significant non-controlling shareholdings (i.e. above 10%) or cross-directorships in companies active in the same markets as any of the other parties or in vertically related markets (e.g. the acquiring company has a non-controlling minority shareholding or common directors in a company active in the same market as the target company).	☐ Yes ☐ No
One or more of the parties' competitors have a significant non-controlling shareholding (i.e. above 10%) in any of the undertakings concerned. If yes: Indicate the shareholding%: Indicate the rights attached to the shareholding:	☐ Yes ☐ No
The parties are active in closely related neighbouring markets and any of the parties individually holds a market share of 30% or more in any of these markets under any plausible market definition.	☐ Yes ☐ No
There remain fewer than three competitors with market shares above 5% in any of the markets giving raise to horizontal overlaps or vertical relationships under any plausible market definition.	☐ Yes ☐ No
The relevant market share thresholds are exceeded in terms of capacity under any plausible market definition ([29]).	☐ Yes ☐ No
The parties (or one of them) are recent entrants in the overlapping markets (i.e. entered the market in the last three years).	☐ Yes ☐ No
The parties are important innovators in the overlapping markets.	☐ Yes ☐ No
The parties have brought to the market an important pipeline product within the last 5 years.	☐ Yes ☐ No
The concentration gives rise to pipeline-to-pipeline or pipeline-to-marketed product overlaps	☐ Yes ☐ No
One of the parties has plans to expand in product markets and/or geographic markets in which another party to the concentration is active or which are in a vertical relation with markets in which another party to the concentration is active. Explain the products or services concerned by such plans and their timing: ***[open text]***	☐ Yes ☐ No
In production chains with more than two levels, individual or combined market shares of the parties are 30% or higher in any of the levels of the value chain (in terms of value, volume or capacity).	☐ Yes ☐ No
If you answered "yes" to any of the questions above, explain why in your view the market concerned does not give rise to competition concerns and provide all relevant details: *[open text]*	

([28]) Complete only one table for all markets falling under point 8 of the Notice on Simplified Procedure for which none of the safeguards/exclusions apply (i.e., the answer to all questions in Section 7.4 is "No"). For each market falling under point 8 of the Notice on Simplified Procedure for which the answer to at least one question is "Yes", you should provide a separate table.

([29]) If this metric is not relevant for the markets where the concentration gives rise to a horizontal overlap or a vertical relationship between the parties' activities, please indicate "No".

SECTION 8

MARKET INFORMATION

8.1. With regard to each affected market, provide the following information for each of the last three years:

8.1.1. for each of the parties to the concentration, the nature of the undertaking's business, the main subsidiaries active and/or brands, product names and/or trademarks used in each of these markets;

8.1.2. an estimate of the total size of the market in terms of sales value (in euro) and volume (units) ([30]). You should indicate the basis and sources for the calculations and provide documents where available to confirm those calculations;

8.1.3. for each of the parties to the concentration, the sales in value and volume, as well as an estimate of the market shares;

8.1.4. an estimate of the market share in value (and where appropriate, volume) of all competitors (including importers) having at least 5 % of the relevant market under consideration. You should identify the sources used to calculate those market shares and provide documents where available to confirm the calculation;

8.1.5. an estimate of the total capacity in the relevant markets. You should indicate what proportion of this capacity has been accounted for over the last three years by each of the parties to the concentration, and what their respective rates of capacity utilisation have been. If applicable, you should identify the location and capacity of the manufacturing facilities of each of the parties to the concentration in affected markets;

8.1.6. information on pipeline products of the parties and their competitors (including the stage of their development, an estimate of the projected sales and market shares of the parties to the concentration over the next three to five years).

Information on horizontal overlaps and vertical relationships involving pipeline products

8.2. With regard to each plausible relevant product and geographic market definition, where there is a horizontal overlap or a vertical relationship involving (i) one or more marketed products of one or several of the party(ies) to the concentration and one or more pipeline products of other parties to the concentration ([31]) or (ii) pipeline products of the parties to the concentration, you should provide the information included in the tables below:

([30]) The value and volume of a market must reflect output less exports plus imports for the geographic areas under consideration.

([31]) This section does not need to be completed if you have disclosed this information in section 8.1.6 with regard to the same pipeline products.

Horizontal overlaps involving pipeline products											
Precedents (include a reference to relevant paragraphs)	Plausible product market considered	Plausible geographic market considered	Supplier	Year X -2 ([32])		Year X -1		Year X		Pipeline products ([33]) (Provide name)
				Value	Volume	Value	Volume	Value	Volume	
			Undertaking concerned 1	%	%	%	%	%	%	
			Undertaking concerned 2	%	%	%	%	%	%	
			Undertaking concerned 3	%	%	%	%	%	%	
			Combined	%	%	%	%	%	%	
			Competitor 1	%	%	%	%	%	%	
			Competitor 2	%	%	%	%	%	%	
			Competitor 3	%	%	%	%	%	%	
			Others	%	%	%	%	%	%	
			Total	100%	100%	100%	100%	100%	100%	**Do not complete.**
			Market size	EUR		EUR		EUR		

Describe the activities of the parties in this market:

Provide further details here (in particular if there are no precedents, you should provide the parties' views on product/geographic market definition):

Metrics, sources and methodology followed for market share calculation. If value and volume are not the most common metrics for market share calculation in the relevant markets, you should provide market shares based on alternative metrics and explain.

Provide information on pipeline products of the parties and their competitors (including the stage of their development, an estimate of the projected sales and market shares of the parties to the concentration over the next three to five years).

Provide the contact details of Competitor 1, Competitor 2, and Competitor 3 in the prescribed format.

([32]) Provide market shares if one or more of the parties have marketed products.

([33]) Provide market shares for competitors with marketed products. If there are no marketed products, please provide at least three competitors developing competing products.

Vertical Relationships Involving Pipeline Products											
UPSTREAM											
Precedents (please include a reference to relevant paragraphs)	Plausible product market considered	Plausible geographic market considered	Supplier	Year X -2 ([34])		Year X -1		Year X		Pipeline Products (Provide Name) ([35])
				Value	Volume	Value	Volume	Value	Volume	
			Undertaking concerned 1	%	%	%	%	%	%	
			Undertaking concerned 2	%	%	%	%	%	%	
			Undertaking concerned 3	%	%	%	%	%	%	
			Combined	%	%	%	%	%	%	
			Competitor 1	%	%	%	%	%	%	
			Competitor 2	%	%	%	%	%	%	
			Competitor 3	%	%	%	%	%	%	
			Others	%	%	%	%	%	%	
			Total	100%	100%	100%	100%	100%	100%	**Do not complete.**
			Market size	EUR		EUR		EUR		

Describe the activities of the parties in this market:

Provide further details here (in particular if there are no precedents, you should provide the parties' views on product/geographic market definition)]:

Metrics, sources and methodology followed for market share calculation. If value and volume are not the most common metrics for market share calculation in the relevant markets, you should provide market shares based on alternative metrics and explain.

Please provide information on pipeline products of the parties and their competitors (including the stage of their development, an estimate of the projected sales and market shares of the parties to the concentration over the next three to five years).

Provide the contact details of Competitor 1, Competitor 2, and Competitor 3 in the prescribed format.

([34]) Provide market shares if one or more of the parties have marketed products.
([35]) Provide market shares for competitors with marketed products. If there are no marketed products, please list at least three competitors developing competing products.

DOWNSTREAM

Precedents (please include a reference to relevant paragraphs)	Plausible product market considered)	Plausible geographic market considered	Supplier	Year X -2 ([36])		Year X -1		Year X		Pipeline Products (Provide Name) ([37])
				Value	Volume	Value	Volume	Value	Volume	
			Undertaking concerned 1	%	%	%	%	%	%	
			Undertaking concerned 2	%	%	%	%	%	%	
			Undertaking concerned 3	%	%	%	%	%	%	
			Combined	%	%	%	%	%	%	
			Competitor 1	%	%	%	%	%	%	
			Competitor 2	%	%	%	%	%	%	
			Competitor 3	%	%	%	%	%	%	
			Others	%	%	%	%	%	%	
			Total	100%	100%	100%	100%	100%	100%	**Do not complete.**
			Market size	EUR		EUR		EUR		

Describe the activities of the parties in this market:

Provide further details here (in particular if there are no precedents, you should provide the parties' views on product/geographic market definition)]:

Metrics, sources and methodology followed for market share calculation. If value and volume are not the most common metrics for market share calculation in the relevant markets, you should provide market shares based on alternative metrics and explain.

Provide information on pipeline products of the parties and their competitors (including the stage of their development, an estimate of the projected sales and market shares of the parties to the concentration over the next three to five years).

Provide the contact details of Competitor 1, Competitor 2, and Competitor 3 in the prescribed format.

([36]) Provide market shares if one or more of the parties have marketed products.

([37]) Provide market shares for competitors with marketed products. If there are no marketed products, please list at least three competitors developing competing products.

SECTION 9

STRUCTURE OF SUPPLY

9.1. Provide a brief explanation of the structure of supply in each of the affected markets. Specify in particular:

(a) how these markets function;

(b) the manner in which the parties to the concentration and their largest competitors produce and sell the products and/or services (for example, whether parties to the concentration and their largest competitors manufacture and sell locally);

(c) the manner in which the parties to the concentration price the products and/or services;

(d) the nature and extent of vertical integration of each of the parties to the concentration compared with their largest competitors.

Structure of demand

9.2. Provide a brief explanation of the structure of demand in each affected market, specifying, in particular:

(a) the phases of the markets in terms of, for example, take-off, expansion, maturity and decline, and a forecast of the growth rate of demand;

(b) the importance of customer preferences, for example in terms of brand loyalty, the provision of pre- and after-sales services, the provision of a full range of products, or network effects;

(c) the role of switching costs (in terms of time and expense) for customers when changing from one supplier to another for both the following:

(i) existing products;

(ii) new products replacing existing products (including the normal time horizon of customer contracts);

(d) the degree of concentration or dispersion of customers;

(e) the way customers purchase the products or services in question, in particular whether they use procurement techniques such as requests for proposal and bidding procedures.

SECTION 10

PRODUCT DIFFERENTIATION AND CLOSENESS OF COMPETITION

10.1. Provide a brief explanation of the degree of product differentiation in each affected market, specifying, in particular:

(a) the role and importance of product differentiation in terms of quality ('vertical differentiation') and other product characteristics ('horizontal' and 'spatial differentiation');

(b) any segmentation of customers into different groups with a description of the 'typical customer' for each group;

(c) for horizontal overlaps, the rivalry between the parties to the concentration in general, as well as the closeness of substitution between the products of the parties to the concentration, including for each of the customer groups and 'typical customers' identified in response to the question in point (b).

Distribution systems and service networks

10.2. Provide a brief description of:

(a) the distribution systems prevailing in the market and their importance, and to what extent distribution is performed by third parties and/or undertakings belonging to the same group as the parties, as well as the importance of exclusive distribution contracts and other types of long-term contracts;

(b) the service networks (for example, maintenance and repair) prevailing and their importance in these markets. To what extent are such services performed by third parties and/or undertakings belonging to the same group as the parties?

Market entry and exit

10.3. Over the last five years, indicate whether there has been any significant entry into any affected market. If this is the case, identify such entrants and provide an estimate of the current market share of each such entrant.

10.4. Indicate whether in your view there are undertakings (including those at present operating only outside the EU or the EEA) that are likely to enter any affected market. If so, explain why such entry is likely and provide an estimate of the time within which such entry is likely to occur.

10.5. Provide a brief description of the main factors influencing entry into each of the affected markets, examining entry from both a geographical and product viewpoint. In doing so, you should take account of the following where appropriate:

(a) the total costs of entry (R & D, production, establishing distribution systems, promotion, advertising, servicing, and so forth) on a scale equivalent to a significant viable competitor, indicating the market share of such a competitor;

(b) any legal or regulatory barriers to entry, such as government authorisation or standard setting in any form;

(c) any barriers to access to customers, such as those resulting from product certification procedures, or the importance of reputation and a proven track record;

(d) any need and possibility to obtain access to patents, know-how and other intellectual property rights in these markets;

(e) the extent to which each of the parties to the concentration are holders, licensees or licensors of patents, know-how and other rights in the relevant markets;

(f) the importance of economies of scale and scope and of network effects for the production or distribution of products and/or services in the affected markets;

(g) access to sources of supply, such as availability of raw materials and necessary infrastructure.

10.6. Explain whether any of the parties to the concentration, or any of the competitors, have pipeline products ([38]), or plans to expand production or sales capacity in any of the affected markets. If so, provide an estimate of the projected sales and market shares of the parties to the concentration over the next three to five years.

10.7. Indicate whether there has been any exit from any affected market over the last five years. If so, identify the firm having exited the market and provide an estimate of its market share in the year prior to the exit.

([38]) With reference to your reply to Sections 8.1.6 and 8.2 above.

Research and development

10.8. Give an account for the affected markets of the importance of research and development in firms' ability to compete in the long term. Explain the nature of the research and development in affected markets carried out by the parties to the concentration. In so doing, you should take account of the following, where appropriate:

(a) trends and intensities of research and development in those markets and for the parties to the concentration. Research and development intensity can be illustrated by research and development expenditure; number of employees dedicated to research and development (in terms of full time employees equivalents); number and importance of research and development facilities; or number of patents filed during the last three years;

(b) the course of technological development for those markets over an appropriate time period (including the frequency of introduction of new products and/or services, developments in products and/or services, production processes, distribution systems);

(c) the research planning and priorities that the parties to the concentration have over the next three years.

Contact details

10.9. Provide the name, address, telephone number, and e-mail address of the head of the legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive) for ([39]):

(a) the competitors identified under section 8.1.4;

(b) each of the parties' top ten customers in each of the affected markets;

(c) the recent entrants identified under section 10.3; and

(d) the potential entrants identified under section 10.4.

Contact details must be provided using the Commission's template available on DG Competition's website.

10.10. Provide the name, address, telephone number, and e-mail address of one or more representatives of the main trade unions and/or worker associations that exist in the parties to the concentration. Contact details must be provided using the Commission's template available on DG Competition's website.

SECTION 11

EFFICIENCIES

Should you wish the Commission specifically to consider from the outset ([40]) whether efficiency gains generated by the concentration are likely to enhance the ability and incentive of the new entity to act pro-competitively for the benefit of consumers, provide a description of, and supporting documents relating to, each efficiency (including cost savings, new product introductions, and service or product improvements) that the parties anticipate will result from the proposed concentration relating to any relevant product ([41]).

([39]) The Commission may at any time, including for a complete notification of a concentration based on this Form CO, request a higher number of contact details for each of the categories of market participants identified in this Form CO and request contact details for other categories of market participants, for example suppliers.

([40]) Not providing the requested information on efficiencies at the notification stage does not preclude providing the information at a later stage. However, the earlier the information is provided, the better the Commission can verify the efficiency claims.

([41]) For further guidance on the assessment of efficiencies, see the Commission's Guidelines on the assessment of horizontal mergers under the Council Regulation on the control of concentrations between undertakings, (OJ C 31, 5.2.2004, p. 5), available at https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A52004XC0205%2802%29.

For each claimed efficiency, provide the following information:

(a) a detailed explanation of how the proposed concentration would allow the new entity to achieve the efficiency. Specify the steps that the parties anticipate taking to achieve the efficiency, the risks involved in achieving the efficiency, and the time and costs required to achieve it;

(b) where reasonably possible, a quantification of the efficiency and a detailed explanation of how the quantification was calculated. Where relevant, also provide an estimate of the significance of efficiencies related to new product introductions or quality improvements. For efficiencies that involve cost savings, state separately the one-time fixed cost savings, recurring fixed cost savings, and variable cost savings (in EUR per unit and EUR per year);

(c) the extent to which customers are likely to benefit from the efficiency and a detailed explanation of how this conclusion is arrived at;

(d) the reason why the party or parties could not achieve the efficiency to a similar extent by means other than through the concentration proposed, and in a manner that is not likely to raise competition concerns.

SECTION 12

COOPERATIVE EFFECTS OF A JOINT VENTURE

In the case of a joint venture, for the purpose of Article 2(4) of the Merger Regulation, answer the following questions:

(a) Do two or more parents retain to a significant extent activities in the same market as the joint venture or in a market which is upstream or downstream from that of the joint venture or in a neighbouring market closely related to this market?

If the answer is affirmative, indicate for each of the markets referred to here:

i) The turnover of each parent company in the preceding financial year;

ii) the economic significance of the activities of the joint venture in relation to this turnover;

iii) the market share of each parent.

(b) If the answer to point (a) is affirmative and in your view the creation of the joint venture does not lead to coordination between independent undertakings that restricts competition within the meaning of Article 101(1) TFEU, and, where applicable, the corresponding provisions of the EEA Agreement ([42]), give your reasons.

(c) Without prejudice to the answers to points (a) and (b) and in order to ensure that a complete assessment of the case can be made by the Commission, if you consider that the conditions of Article 101(3) TFEU and, where applicable, the corresponding provisions of the EEA Agreement ([43]) apply, explain why this is the case. Under Article 101(3) TFEU, the provisions of Article 101(1) TFEU may be declared inapplicable if the operation:

i) contributes to improving the production or distribution of goods, or to promoting technical or economic progress;

ii) allows consumers a fair share of the resulting benefit;

iii) does not impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives; and

iv) does not afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

([42]) See Article 53(1) of the EEA Agreement.
([43]) See Article 53(3) of the EEA Agreement.

SECTION 13

DECLARATION

The notification must conclude with the following declaration which is to be signed by or on behalf of all the notifying parties:

'*The notifying party or parties declare that, to the best of their knowledge and belief, the information given in this notification is true, correct, and complete, that true and complete copies of documents required by Form CO have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere. They are aware of the provisions of Article 14(1), point (a) of the Merger Regulation.*'

For digitally signed forms, the following fields are for information purposes only. They should correspond to the metadata of the corresponding electronic signature(s).

Date:

[signatory 1]	[signatory 2 if applicable]
Name:	Name:
Organisation:	Organisation:
Position:	Position:
Address:	Address:
Phone number:	Phone number:
E-mail:	E-mail:
["e-signed" / signature]	["e-signed" / signature]

ANNEX II

SHORT FORM CO FOR THE NOTIFICATION OF A CONCENTRATION PURSUANT TO REGULATION (EC) No 139/2004

(SHORT FORM CO)

1. Introduction

(1) The Short Form CO specifies the information that must be provided by the notifying parties when submitting a notification to the European Commission of certain proposed concentrations that are eligible for review under the simplified procedure.

(2) In completing this Short Form CO, your attention is drawn to Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings ([1]) (the 'Merger Regulation') and Commission Implementing Regulation (EU) 2023/914 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (the "Implementing Regulation"), ([2]) to which this Short Form CO is annexed. Your attention is also drawn to the Commission's Notice on Simplified Procedure for treatment of certain concentrations. ([3])

(3) As a general rule, the Short Form CO may be used for the purpose of notifying concentrations where one of the following conditions are met:

(a) two or more undertakings acquire joint control of a joint venture, provided that the joint venture has no current turnover within the territory of the European Economic Area (EEA) ([4]), and the undertakings concerned have not planned to transfer any assets within the EEA to the joint venture at the time of notification; ([5])

(b) two or more undertakings acquire joint control of a joint venture, provided that the joint venture has negligible activities in the EEA. This refers to concentrations where all of the following conditions are fulfilled: ([6])

i) the annual current turnover of the joint venture and/or the turnover of the contributed activities as well as the expected annual turnover is less than EUR 100 million in the EEA;

ii) the total value of asset transfers to the joint venture in the EEA planned at the time of notification is less than EUR 100 million;

(c) two or more undertakings merge, or one or more undertakings acquire sole or joint control of another undertaking, provided that none of the parties to the concentration are engaged in business activities in the same product and geographic market, or in a relevant product market which is upstream or downstream from a product market in which any other party to the concentration is engaged; ([7])

(d) two or more undertakings merge or one or more undertakings acquire sole or joint control of another undertaking and the conditions set out below are fulfilled under all plausible market definitions: ([8])

i) the combined market share of all the parties to the concentration that are engaged in business activities in the same product and geographic market (horizontal overlap) meets at least one of the following conditions:

(aa) it is lower than 20 %;

([1]) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the 'Merger Regulation') (OJ L 24, 29.1.2004, p. 1).
([2]) See page 22 of this Official Journal.
([3]) Commission Notice on a simplified treatment of certain concentrations under Council Regulation (EC) No 139/2004 (OJ C 160, 5.5.2023, p. 1) (the 'Notice on Simplified Procedure').
([4]) The term "current turnover" refers to turnover generated by the joint venture at the time of notification. The turnover of the joint venture can be determined according to the most recent audited accounts of the parent companies, or the joint venture itself, depending on the availability of separate accounts for the resources combined in the joint venture.
([5]) Notice on Simplified Procedure, point 5(a).
([6]) Notice on Simplified Procedure, point 5(b).
([7]) See Notice on Simplified Procedure, point 5(c).
([8]) See Notice on Simplified Procedure, point 5(d).

(bb) it is lower than 50 % and the increment (delta) of the Herfindahl-Hirschman Index ('HHI') resulting from the concentration on this market is below 150;

ii) the individual and/or combined market shares of all the parties to the concentration that are engaged in business activities in a product market which is upstream or downstream from a product market in which any other party to the concentration is engaged (vertical relationship) meet at least one of the following conditions:

(aa) they are lower than 30 % on the upstream and the downstream markets;

(bb) they are lower than 30 % on the upstream market and parties to the concentration active in the downstream market hold a purchasing share of less than 30 % regarding upstream inputs;

(cc) they are lower than 50 % on both the upstream and downstream markets, the increment (delta) of the Herfindahl-Hirschman Index (HHI) resulting from the concentration is below 150 on both the upstream and downstream markets, and the smaller undertaking in terms of market share is the same in the upstream and downstream markets;

(e) a party is to acquire sole control of an undertaking over which it already has joint control. ([9])

(4) In addition, at the request of the notifying parties, the Commission may review under the simplified procedure and on the basis of a Short Form CO concentrations whereby two or more undertakings merge, or one or more undertakings acquire sole or joint control of another undertaking, provided that both the conditions set out below are fulfilled under all plausible market definitions ([10]):

(a) the combined market share of all the parties to the concentration whose activities give rise to a horizontal overlap remains below 25 %;

(b) the individual and combined market shares of all the parties to the concentration that are engaged in a vertical relationship meet at least one of the following conditions:

i) they are lower than 35 % in the upstream and downstream markets;

ii) they are lower than 50 % in one market while the individual and combined market shares of all the parties to the concentration in all the other vertically related markets are less than 10 %.

(5) In addition, at the request of the notifying parties, the Commission may review under the simplified procedure and on the basis of a Short Form CO concentrations whereby two or more undertakings acquire joint control of a joint venture, provided that: ([11])

(a) the annual current turnover of the joint venture, and/or the turnover of the contributed activities is less than EUR 150 million in the EEA; and

(b) the total value of asset transfers to the joint venture in the EEA planned at the time of notification is less than EUR 150 million.

(6) The Commission may always require a Form CO where it appears that the conditions for using the Short Form CO are not met, or, exceptionally where they are met, but the Commission determines, nonetheless, that a notification under Form CO is necessary for an adequate investigation of possible competition concerns.

([9]) See Notice on Simplified Procedure, point 5(e).
([10]) See Notice on Simplified Procedure, point 8.
([11]) See Notice on Simplified Procedure, point 9.

2. How to complete and submit the Short Form CO

(7) In the case of a merger within the meaning of Article 3(1), point (a), of the Merger Regulation or an acquisition of joint control within the meaning of Article 3(1), point (b), of the Merger Regulation, the Short Form CO must be completed jointly by the parties to the merger or by those acquiring joint control. In the case of an acquisition of sole control within the meaning of Article 3(1), point (b), of the Merger Regulation, the Short Form CO must be completed by the acquirer. In the case of a public bid to acquire an undertaking, the Short Form CO must be completed by the bidder.

(8) Different sections of the Short Form CO must be completed, depending on characteristics of the concentration and the reasons why the concentration qualifies for simplified treatment: ([12])

(a) Sections 1, 2, 3, 4, 5, 6, 7, 13, 14, 15, and 16 must be completed in all cases;

(b) Section 8 must be completed if the concentration gives rise to horizontal overlaps between the parties' activities;

(c) Sections 9 and/or 10 must be completed if the concentration gives rise to vertical relationships between the parties' activities;

(d) Section 11 must be completed in all cases, except for concentrations falling under point 5(a) or 5(c) of the Notice on Simplified Procedure;

(e) Section 12 must be completed in the case of a joint venture.

(9) Before formally submitting a notification under the simplified procedure, and regardless of the simplified category in which the concentration falls, the notifying parties must submit in all cases a case team allocation request. The request must indicate the type of transaction, the category of simplified case under which it falls and the expected date of notification. ([13]) The notifying parties are invited to notify certain categories of simplified cases directly with no or very short pre-notification contacts. ([14]) In those cases, the case team allocation request must be submitted at least one week before their expected date of notification. In cases giving rise to horizontal overlaps or non-horizontal relationships between the activities of the parties to the concentration, pre-notification contacts should be initiated by submitting the case team allocation request at least two weeks before the expected date of notification.

(10) Any personal data submitted in the Short Form CO will be processed in compliance with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC. ([15])

(11) The Short Form CO must be signed by persons authorised by law to act on behalf of each notifying party or by one or more authorised external representatives of the notifying party or parties. The corresponding power of attorney documents must be attached to the Short Form CO. ([16]) The technical specifications and instructions for signatures will be published from time to time in the *Official Journal of the European Union*.

([12]) See Notice on Simplified Procedure, point 9.
([13]) The case team allocation request can be found at: https://ec.europa.eu/competition-policy/mergers/practical-information_en.
([14]) In particular, transactions falling under point 5(a) and 5(c) of the Notice on Simplified Procedure (see Notice on Simplified Procedure, point 27).
([15]) OJ L 295, 21.11.2018, p. 39EUR-Lex - 32018R1725 - EN - EUR-Lex (europa.eu).
([16]) See power of attorney document template at https://ec.europa.eu/competition/mergers/legislation/power_of_attorney_template_en.docx.

3. Definitions for the purposes of this Short Form CO

(12) For the purposes of this Short Form, the following definitions apply:

(a) 'Party/parties to the concentration' or 'party/parties: both the acquiring party/parties and the acquired party/parties, or the merging parties, including all undertakings in which a controlling interest is being acquired or which is the subject of a public bid. Unless otherwise specified, the terms 'notifying party/parties' and 'party/parties to the concentration' include all the undertakings which belong to the same groups as those parties.

(b) 'Year': calendar year, unless otherwise stated. All information requested in the Short Form CO must, unless otherwise specified, relate to the year preceding that of the notification.

4. Requirement for a correct and complete notification

(13) All information required by the Short Form CO must be correct and complete. The information required must be supplied in the appropriate Section of the Short Form CO. Each party completing the notification is responsible for the accuracy of the information it provides. In particular, you should note that:

(a) Under Article 10(1) of the Merger Regulation and Article 5(2) and (4) of the Implementing Regulation, the time limits laid down in the Merger Regulation with regard to the notification will not start until all the information that must be supplied with the notification has been received by the Commission. This requirement ensures that the Commission is able to assess the notified concentration within the strict time limits provided by the Merger Regulation. If a notification is incomplete, the Commission will inform the notifying parties or their representatives in writing and without delay.

(b) The notifying party/parties must check, when preparing their notification, that contact names, numbers and in particular email addresses, sent to the Commission are accurate, relevant and up-to-date.

(c) In accordance with Article 5(4) of the Implementing Regulation, incorrect or misleading information in the notification will be considered to be incomplete information.

(d) Requested contact details must be provided in the format prescribed by the Directorate-General for Competition ('DG Competition') on its website. ([17]) For a proper investigatory process, it is essential that the contact details are accurate. To this end, you must ensure that the email addresses provided are personalised and attributed to specific contact persons and that they are not general company mailboxes (e.g., info@, hello@). The Commission may declare the notification incomplete based on inappropriate contact details.

(e) Under Article 14(1), point (a) of the Merger Regulation, notifying parties who, either intentionally or negligently, supply incorrect or misleading information, may be liable to fines of up to 1% of the aggregate turnover of the undertaking concerned. In addition, under Article 6(3), point (a), and Article 8(6), point (a), of the Merger Regulation, the Commission may revoke its decision on the compatibility of a concentration when that decision is based on incorrect information for which one of the parties to the concentration is responsible.

(f) You can write to the Commission asking it to accept the notification as complete despite the failure to provide information required by the Short Form CO, if the information is not reasonably available to you in part or in whole (for example because information on a target was unavailable during a contested bid). The Commission will consider such a request, if you give reasons why the information was unavailable, and provide your best estimates for the missing data together with the sources for those estimates. Where possible, you should indicate where the Commission could obtain the requested information that is unavailable to you.

([17]) See https://ec.europa.eu/competition-policy/mergers/practical-information_en.

(g) Under Article 4(2) of the Implementing Regulation, the Commission may dispense with the obligation to provide any particular information in the notification where the Commission considers that compliance with those obligations or requirements is not necessary for the examination of the case. Therefore, you may, in pre-notification, submit a written request asking the Commission to waive your obligation to provide certain information that you consider unnecessary for the Commission to examine the case. Such waiver requests should be sent at the same time as the draft Short Form CO in pre-notification. Waiver requests should be made in a separate email addressed to the responsible case team. The Commission will consider waiver requests as long as they sufficiently justify why the information in question is not necessary to examine the case. In accordance with DG Competition's 'Best Practices on the conduct of EC merger control proceedings', DG Competition would normally require five working days before responding to waiver requests. For the avoidance of doubt, you should note that just because the Commission may have accepted that certain information requested by Short Form CO was not necessary to complete the notification of a concentration, does not prevent the Commission from requesting that information at any time (before or after the notification), for example through a request for information under Article 11 of the Merger Regulation.

5. **Reversion to the normal procedure and notification under Form CO**

(14) In assessing whether a concentration can be notified under the simplified procedure using the Short Form CO, the Commission will ensure that all relevant circumstances are sufficiently clearly established. In this respect, the responsibility to provide correct and complete information rests with the notifying parties.

(15) If, after the concentration has been notified, the Commission considers that the case is not appropriate for notification under the simplified procedure, the Commission may require full, or where appropriate, partial, notification under the Form CO. This may be the case any of the following circumstances:

(a) it appears that the conditions for using the Short Form CO are not met;

(b) despite the conditions for using the Short Form CO being met, a full or partial notification under the Form CO is needed for an appropriate investigation of possible competition concerns or to establish that the transaction is a concentration within the meaning of Article 3 of the Merger Regulation;

(c) the Short Form CO contains incorrect or misleading information;

(d) a Member State or an EFTA State expresses substantiated competition concerns about the notified concentration within 15 working days of receipt of the copy of the Short Form CO;

(e) a third party expresses substantiated competition concerns within the time limit laid down by the Commission for third-party comments.

(16) In such cases, the notification may be treated as being incomplete in a material respect within the meaning of Article 5(2) of Implementing Regulation. The Commission will inform the notifying parties or their representatives of this in writing and without delay. The notification will only become effective on the date that all information required is received.

6. **Confidentiality**

(17) Article 339 of the Treaty on the Functioning of the European Union and Article 17(2) of the Merger Regulation as well as the corresponding provisions of the EEA Agreement require the Commission, the Member States, the EFTA Surveillance Authority and the EFTA States, their officials and other servants not to disclose information they have acquired through the application of that Regulation of the kind covered by the obligation of professional secrecy. The same principle must also apply to protect confidentiality between notifying parties.

(18) If you believe that your interests would be harmed if any of the information you are asked to supply were to be published or otherwise disclosed to other parties, you should submit this information separately with each page clearly marked 'Business Secrets'. You should also give reasons why this information should not be disclosed or published.

(19) In the case of mergers or joint acquisitions, or in other cases where the notification is completed by more than one of the parties, business secrets may be submitted under separate cover, and referred to in the notification as an annex. All such annexes must be attached to the notification so that it can be considered complete.

SECTION 1

GENERAL CASE INFORMATION

(*)**Case number:** **M.**	(*)**Case name:**	**Language:**
(*) to be completed with information provided by the Merger Registry		

Unless otherwise specified, references to Articles in the tables below should be read as references to the Articles of the Merger Regulation.

Notification under simplified treatment: yes	Merger Regulation
Jurisdiction: ☐ Article 1(2) ☐ Article 1(3) ☐ Article 4(5) ☐ Article 22	Notification basis: ☐ Article 4(1) ☐ Article 4(4) ☐ Article 4(5) ☐ Article 22
Concentration : ☐ Merger [Article 3(1), point (a)] ([18]) ☐ Acquisition of sole control [Article 3(1), point (b)] ☐ Acquisition of joint control [Article 3(1), point (b)] ([19]) ☐ Acquisition of joint control of a greenfield joint venture [Article 3(4)] ([20]) ☐ Acquisition of joint control in any other scenario (i.e. at least one previously controlling shareholder remaining) [Article 3(1), point (b) and 3(4)] ([21])	Category of case in accordance with the Notice on Simplified Procedure: ☐ Point 5(a) of the Notice on Simplified Procedure ☐ Point 5(e) of the Notice on Simplified Procedure ☐ Point 5(b) of the Notice on Simplified Procedure ☐ Point 5(c) of the Notice on Simplified Procedure ☐ Point 8 of the Notice on Simplified Procedure ☐ Point 5(d) of the Notice on Simplified Procedure ☐ Point 9 of the Notice on Simplified Procedure

([18]) A merger occurs when two or more independent undertakings amalgamate into a new undertaking and cease to exist as separate legal entities. See points 9 and 10 of the Commission Consolidated Jurisdictional Notice under Regulation (EC) No 139/2004 on the control of concentrations between undertakings ("Commission Consolidated Jurisdictional Notice") (OJ C 95, 16.04.2008, p. 1), available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52008XC0416%2808%29 for further information and guidance on jurisdictional aspects.

([19]) This scenario refers to acquisitions of joint control over target companies which were not previously controlled by any of the parties acquiring joint control (i.e. acquisition of control over an undertaking from an unrelated third party). See in particular Commission Consolidated Jurisdictional Notice, point 91.

([20]) This category refers to the creation of a greenfield joint venture to which the parent companies do not transfer an existing economic activity (i.e. a subsidiary or business with a market presence) or transfer only assets which do not constitute a business in themselves.

([21]) These cases include, among other things, (i) the creation of new full-function joint ventures when one or more parent companies transfer an existing business or economic activity and (ii) the entry or replacement of controlling shareholders of a joint venture. See in particular Commission Consolidated Jurisdictional Notice, point 92.

Notification linked to a previous case (linked operation/parallel transaction/case aborted or withdrawn)? YES ☐ NO ☐ If yes, provide case number:	Notification linked with a consultation on the same concentration? YES ☐ NO ☐ If yes, provide consultation number:
Means of implementing the concentration: ☐ Public bid announced on [DATE]. ☐ Purchase of shares ☐ Purchase of assets ☐ Purchase of securities ☐ Management contract or any other contractual means ☐ Purchase of shares in a newly created undertaking constituting a joint venture	Value of the concentration in EUR:
Seat of the companies involved in the concentration: ☐ Within the same Member State ☐ Within the same third country ☐ In different Member States ☐ In different third countries	

SECTION 2

COMPANIES INVOLVED IN THE CONCENTRATION AND THEIR TURNOVER

Undertakings concerned ([22])	Category ([23])	Controlled by	Brief description of the business activities of the undertaking concerned

You should provide a chart of the structure of ownership and control of each of the undertakings concerned before and after the completion of the concentration:

([22]) For a definition of undertakings concerned, please see Commission Consolidated Jurisdictional Notice, points 129-153.
([23]) NP (Notifying Party) or Other.

Undertakings concerned	Country of origin	Role ([24])	Turnover (in million EUR) ([25])		Year of turnover ([26])
			World-wide	EU-wide	
Combined turnover of all undertakings concerned					

☐ Each of the undertakings concerned does not achieve more than two-thirds of its aggregate Union-wide turnover within one and the same Member State.

If the merger is notified on the basis of Article 1(3) of the Merger Regulation, you should also fill in the following table. You should include information on all the Member States that fulfil the criteria laid down in Article 1(3), points (b) and (c) and add rows to the table, if needed:

Name of relevant Member State for the purposes of Article 1(3) point (b) and (c) of the Merger Regulation	Combined turnover of all undertakings concerned in this Member State (in million EUR)	Name of relevant undertakings concerned for the purposes of Article 1(3), point (c) of the Merger Regulation	Turnover of the undertaking concerned in this Member State (in EUR million)

☐ Each of the undertakings concerned does not achieve more than two-thirds of its aggregate Union-wide turnover within one and the same Member State.

([24]) A = Acquirer in the case of acquisition of sole or joint control (if more than one, define A1, A2, etc.).
T = Target in the case of acquisition of sole control (if more than one, define T1, T2, etc.).
JV = Joint venture in the case of acquisition of joint control (if more than one, define JV1, JV2, etc.).
MP = Merging Party in the case of a merger (if more than one, define MP1, MP2, etc.).

([25]) The turnover information must be provided in euro at the average exchange rates prevailing for the years or other periods in question.

([26]) If the fiscal year does not fall together with the calendar year, indicate the end of the fiscal year in full date format (dd/mm/yyyy).

Turnover in the territory of EFTA States ([27])	
The combined turnover of the undertakings concerned in the territory of the EFTA States equals 25% or more of their total turnover in the territory of the European Economic Area (EEA).	YES ☐ NO ☐
Each of at least two of the undertakings concerned has a turnover exceeding EUR 250 million in the territory of the EFTA States.	YES ☐ NO ☐
The proposed concentration could be a candidate for referral to an EFTA State because it gives rise to affected market(s), within the territory of any of the EFTA States that presents all the characteristics of a distinct market.	YES ☐ NO ☐

SECTION 3

NAME OF THE PRODUCT(S) CONCERNED ([28]) ACCORDING TO NACE ([29])

Name of product(s)	NACE

SECTION 4

SUMMARY DESCRIPTION OF THE CONCENTRATION

Provide a non-confidential summary (up to 250 words) of the information provided under Section 1.1, including: the way by which the concentration is accomplished (for example, by way of purchase of shares, public bid, contract etc.); the articles of the Merger Regulation pursuant to which the transaction qualifies as a concentration; the undertakings concerned. For each of the undertakings concerned provide: Full name, country of incorporation, ultimately controlling entity, short description of activities and geographic areas of activity. For newly created JVs provide intended activities and geographic areas of activity. It is intended that this summary will be published on DG Competition's website upon notification. The summary must be drafted so that it contains no confidential information or business secrets.)

([27]) The EFTA States include Iceland, Liechtenstein and Norway.

([28]) You should include only the NACE codes of the products that lead to any horizontal overlaps and/or non-horizontal relationships. For cases without horizontal overlaps or non-horizontal relationships, you should include the NACE codes of the main products of the target.

([29]) Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains, (OJ L 393, 30.12.2006, p. 1), available at EUR-Lex - 32006R1893 - EN - EUR-Lex (europa.eu).

Example (please delete for notification)

This notification concerns the following undertakings:

[Full name of Company A] ([Short name of company A], [Country of origin of Company A], controlled by [Company X]

[Full name of Company B] ([Short name of company B], [Country of origin of Company B], controlled by [Company Y]

[Company A] acquires, within the meaning of Article 3(1), point (b) of the Merger Regulation sole control of (the whole/part) of [Company B] OR

[Company A] enters into a full merger within the meaning of Article 3(1), point (a) of the Merger Regulation, with [Company B] OR

[Company A] and [Company B] acquire, within the meaning of Article 3(1), point (b) and Article 3(4) of the Merger Regulation, joint control of [Company C].

The concentration is accomplished by [Means of implementing the concentration, e.g. way of purchase of shares/assets, etc.)].

The business activities of the undertakings concerned are:

a. *for [Company A]: [Brief description of activity, e.g., diversified chemicals with primary activities in agricultural sciences, performance plastics and chemicals, and hydrocarbon and energy products and services].*

b. *for [Company B]: [Brief description of activity, e.g., silicone-based technology and innovation with primary activities in development and production of polymers and other materials based on silicone chemistry].*

SECTION 5

RATIONALE OF THE CONCENTRATION AND TIMING

5.1. **Rationale of the concentration** You should provide a summary description of rationale for the proposed concentration.	
5.2. **Timing** You should provide a summary description of the timing of the proposed concentration (including a legally binding date for closing, if applicable).	

5.3. **Complement your answer with any additional information you wish to submit to the Commission.**

SECTION 6

JURISDICTION ([30])

6.1. **Brief description of the concentration and change of control (up to 250 words)**

Example 1 (please delete for notification)

Pursuant to a share sale and purchase agreement signed on X.X.XX, [Company A] will acquire shares representing 75% of the total voting rights of [Company B]. The remaining 25% of [Company B] voting rights will be held by [the Minority Shareholder M]. As decisions in relation to [Company B]'s commercial strategy will be adopted by simple majority, [Company A] holding a majority of shares and votes will exercise decisive influence over [Company B]. [Company B] will therefore be solely controlled by [Company A].

Example 2 (please delete for notification)

Pursuant to a share sale and purchase agreement signed on X.X.XX, [Company A] will acquire shares representing 40% of the total voting rights of [Company B]. The remaining 60% of [Company B]'s voting rights will be held by [Company C]. The board will be composed of seven members, and [Company A] will appoint three of them. [Company A] will have veto rights on the appointment of senior management, the budget, and the business plan. [Company B] will therefore be jointly controlled by [Company A] and [Company C].

6.2. **Acquisition of control**

□ **Acquisition of sole control**

The acquirer acquires sole control over the target(s) within the meaning of Article 3(2) of the Merger Regulation. You should specify the means of the acquisition of sole control by ticking the relevant boxes:

□	[Undertaking 1] acquires positive sole control, i.e. majority of the voting rights over the target(s) (de jure sole control)
□	[Undertaking 1] acquires negative sole control over the target(s), i.e. the possibility to exercise sole veto rights on strategic decisions (de jure sole control). You should explain what those strategic decisions are:
□	[Undertaking 1] acquires de facto sole control over the target(s) with its [you should indicate exact shareholding and voting rights] % as it is highly likely to achieve a majority at (the target's) shareholders' meetings. You should also indicate if any of the following elements are present in the concentration: □ The voting patterns of the shareholder meetings of the target(s) in the past five years are the following: [you should provide information on the attendance rate at these meetings for each year]. With its shareholding, [Undertaking 1] would have had a majority at the shareholder meetings of years [you should indicate which meetings]. □ The remaining shares are widely dispersed. □ Other important shareholders have structural, economic or family links with [Undertaking 1]. You should explain those links: […]. □ Other shareholders have purely financial interest in (the target).

([30]) You should refer to the Commission Consolidated Jurisdictional Notice.

☐ **Acquisition of joint control**

☐ [Undertaking 1], [Undertaking 2] and [Undertaking 3] (add others as necessary) acquire joint control over the target(s) within the meaning of Article 3(2) of the Merger Regulation through equality in voting rights or appointment to decision-making bodies or veto rights (points 64-73 of the Commission Consolidated Jurisdictional Notice).			
	Acquirers		
	Undertaking 1	**Undertaking 2**	**Undertaking 3**
Share-holding in the joint venture (%)			
Voting rights (%)			
Number of representatives appointed in target's decision-making body [31] **/ total number of members of decision-making body**			
Management body representative has casting vote (yes/no)	☐ **Yes** ☐ **No**	☐ **Yes** ☐ **No**	☐ **Yes** ☐ **No**
Veto rights on appointment of senior management (yes/no)	☐ **Yes** ☐ **No**	☐ **Yes** ☐ **No**	☐ **Yes** ☐ **No**
Veto rights on adoption of business plan (yes/no)	☐ **Yes** ☐ **No**	☐ **Yes** ☐ **No**	☐ **Yes** ☐ **No**
	If Yes, please provide a copy of the most recent business plan(s) of the target.		
Veto rights on adoption of budget (yes/no)	☐ **Yes** ☐ **No**	☐ **Yes** ☐ **No**	☐ **Yes** ☐ **No**
Veto rights on investment	☐ **Yes** ☐ **No** **Indicate in the cell below the level of investments and their frequency in the specific sector.**	☐ **Yes** ☐ **No** **Indicate in the cell below the level of investments and their frequency in the specific sector.**	☐ **Yes** ☐ **No** **Indicate in the cell below the level of investments and their frequency in the specific sector.**
Other market-specific rights	☐ **Yes** ☐ **No** **Indicate in the cell below which veto rights.**	☐ **Yes** ☐ **No** **Indicate in the cell below which veto rights.**	☐ **Yes** ☐ **No** **Indicate in the cell below which veto rights.**

[31] You should complete taking into account the decision-making body that takes strategic decisions of the nature described in Commission Consolidated Jurisdictional Notice, Sections 3.1 and 3.2.

☐ [Undertaking 1], [Undertaking 2] and [Undertaking 3] (add others as necessary) acquire joint control over the target(s) within the meaning of Article 3(2) of the Merger Regulation by other means (see points 74-80 of the Commission Consolidated Jurisdictional Notice), in particular: ☐ [Undertaking 1], [Undertaking 2] and [Undertaking 3] (add others as necessary) acquire joint control over the target(s) by means of a pooling agreement, a holding company or any other legal mean. ☐ [Undertaking 1], [Undertaking 2] and [Undertaking 3] (add others as necessary) acquire de facto joint control over the target(s) on the basis of a strong commonality of interests. You should explain such commonality of interests: […]

6.3. **Full-functionality (to be filled in only if the concentration falls under Article 3(4) or 3(1), point (b) in combination with 3(4) of the Merger Regulation)**

☐ The joint venture is full function within the meaning of Article 3(4) of the Merger Regulation because the joint venture performs on a lasting basis all the functions of an autonomous economic entity). More specifically:
☐ The joint venture will have sufficient resources to operate independently on the market, notably a dedicated management, sufficient financial resources, staff, and assets.
☐ The joint venture will have its own access to or presence on the market independent from its parent companies.
☐ The joint venture will achieve more than 50% of its sales to third parties on a lasting basis (i.e., beyond an initial period of three years). OR ☐ The joint venture is intended to make more than 50% of its sales to the parent companies beyond an initial period, but these will be made based on market conditions, including on the same terms and conditions as sales to third parties.
☐ The joint venture is intended to operate on a lasting basis as it is not set up for a short limited duration and the duration of its activities will be [indicate the duration]. ☐ There are no third party or external decisions pending that are of essential core importance for the launch of the joint venture's business operations.
☐ Other: [explain]

6.4. **Complement your answer with any additional information you wish to submit to the Commission.**

SECTION 7

CATEGORY OF SIMPLIFIED TREATMENT (BY REFERENCE TO THE RELEVANT POINTS IN THE NOTICE ON SIMPLIFIED PROCEDURE)

(a) **Point 5(a) of the Notice on Simplified Procedure** ☐

☐ The joint venture is not active within the territory of the European Economic Area (EEA):
☐ The joint venture has no current (i.e. at the time of notification) or expected (over the next three years following notification) turnover within the EEA.

☐ The parent companies of the joint venture have not planned any asset transfers to the joint venture within the EEA at the time of notification ([32]).
If the concentration fulfils the criteria in point 5(a) of the Notice on Simplified Procedure, Sections 8, 9 and 11 below do not need to be completed.

AND/OR

(b) **Point 5(b) of the Notice on Simplified Procedure** ☐

☐ The joint venture has negligible current or expected activities within the EEA:
☐ The annual current turnover of the joint venture and/or the turnover of the contributed activities ([33]) at the time of notification as well as the annual turnover expected over the three years following notification is less than EUR 100 million within the EEA.
☐ The total value of the asset transfers to the joint venture planned at the time of notification ([34]) is less than EUR 100 million within the EEA.

AND/OR

(c) **Point 5(c) of the Notice on Simplified Procedure** ([35]) ☐

☐ None of the parties to the concentration are active in the same product and geographic market.
☐ None of the parties to the concentration are active in markets upstream or downstream of each other.
If the concentration fulfils the criteria of point 5(c) of the Notice on Simplified Procedure, Sections 8, 9 and 11 below do not need to be completed.

AND/OR

(d) **Point 5(d) of the Notice on Simplified Procedure** ☐

☐ Two or more undertakings merge, or one or more undertakings acquire sole or joint control of another undertaking and the conditions set out in points 5(d)(i) and 5(d)(ii) of the Notice on Simplified Procedure are fulfilled under all plausible market definitions ([36]).

([32]) Any asset planned to be transferred to the joint venture at the time of notification should be considered, regardless of the date in which these assets will actually be transferred to the joint venture.

([33]) The expression 'and/or' refers to the variety of situations covered. These include:

— in the case of a joint acquisition of a target company, the turnover to be taken into account is the turnover of this target (the joint venture);

— in the case of the creation of a joint venture to which the parent companies contribute their activities, the turnover to be taken into account is that of the contributed activities;

— in the case of entry of a new controlling party into an existing joint venture, the turnover of the joint venture and the turnover of the activities contributed by the new parent company (if any) must be taken into account.

([34]) Any asset planned to be transferred to the joint venture at the time of notification should be considered, regardless of the date in which these assets will actually be transferred to the joint venture.

([35]) The two boxes need be ticked for this category to apply.

([36]) The thresholds for horizontal overlaps and vertical relationships apply to any plausible alternative product and geographic market definition that may have to be considered in a given case. It is important that the underlying market definitions set out in the notification are precise enough to justify the assessment that these thresholds are not met, and that all plausible alternative market definitions that may have to be considered are mentioned (including geographic markets narrower than national).

☐ The combined market shares of all the parties to the concentration that are engaged in business activities in the same product and geographic market (horizontal overlaps) meet at least one of the following conditions: ☐ are lower than 20%; ☐ are lower than 50% and the increment (delta) of the Herfindahl-Hirschman Index (HHI) resulting from the concentration on these markets is below 150 ([37]).
☐ The individual and combined market shares of all the parties to the concentration that are engaged in business activities in a product market which is upstream or downstream from a product market in which any other party to the concentration is engaged (vertical relationships) meet at least one of the following conditions: ☐ are lower than 30% upstream and downstream; ☐ are lower than 30% in the upstream market and the purchasing share of the downstream entity of the upstream input is lower than 30%; ☐ are lower than 50% on both the upstream and downstream markets, the increment (delta) of the HHI resulting from the concentration is below 150 on both the upstream and downstream markets and the smaller undertaking in terms of market shares is the same in the upstream and downstream markets ([38]).

AND/OR

(e) **Point 5(e) of the Notice on Simplified Procedure** ☐

☐ The notifying party acquires sole control of an undertaking over which it already has joint control.

AND/OR

(f) **Point 8 of the Notice on Simplified Procedure (flexibility cause)** ☐

☐ Under all plausible market definitions, (i) the parties' combined market shares remain below 25% on any relevant market where the parties' activities overlap and (ii) none of the special circumstances described in section II.C of the Notice on Simplified Procedure are present.
☐ Under all plausible market definitions, the parties' combined market shares remain below 25% on any relevant market where the parties' activities overlap, and although one or several of the special circumstances described in section II.C of the Notice on Simplified Procedure are present, the case does not raise any competition concerns for the reasons explained in Section 11.

([37]) The HHI is calculated by summing the squares of the individual market shares of all the firms in the market: see Commission Guidelines on the assessment of horizontal mergers under the Council Regulation on the control of concentrations between undertakings (OJ C 31, 5.2.2004, p. 5, point 16), available at https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A52004XC0205%2802%29. However, in order to calculate the HHI delta resulting from the concentration, it is sufficient to subtract from the square of the sum of the market shares of the parties to the concentration (in other words, the square of the merged entity's market share post-concentration) the sum of the squares of the parties' individual market shares (since the market shares of all other competitors in the market remain unchanged and thus do not influence the result of the equation).

([38]) This category aims to capture small increments to a pre-existing vertical integration. For example, Company A, active in an upstream and a downstream market (with a share of 45 % in each) acquires Company B active in the same upstream and downstream markets (with a share of 0.5 % in each). This category does not capture situations in which the bulk of the vertical integration results from the transaction, even if the combined market shares are below 50 % and the HHI delta is below 150. For example, this category does not capture the following situation: Company A, active upstream with a market share of 45 % and downstream with a market share of 0.5 % acquires company B active upstream with a market share of 0.5% and downstream with a market share of 45 %.

☐	None of the circumstances described in section II.C on Simplified Procedure are present and the individual and combined market shares of all the parties to the concentration that are engaged in business activities in a market which is upstream or downstream from a market in which any other party to the concentration is engaged (vertical relationships) meet at least one of the following conditions: ☐ are lower than 35% in the upstream and downstream markets; ☐ are lower than 50% in one market while the individual and combined market shares of all the parties to the concentration in all the other vertically related markets are lower than 10%.
☐	One or several of the circumstances described in section II.C of the Notice on Simplified Procedure are present, the case does not raise any competition concerns for the reasons explained in Section 11 and the individual and combined market shares of all the parties to the concentration that are engaged in vertical relationships meet at least one of the following conditions: ☐ are lower than 35% in the upstream and downstream markets; ☐ are lower than 50% in one market while the individual and combined market shares of all the parties to the concentration in all the other vertically related markets are lower than 10%.

AND/OR

(g) **Point 9 of the Notice on Simplified Procedure (flexibility cause)** ☐

☐	The annual current turnover of the joint venture and/or the turnover of the contributed activities ([39]) at the time of notification is more than EUR 100 million, but less than EUR 150 million within the EEA.
☐	The total value of asset transfers to the joint venture planned at the time of notification is more than EUR 100 million, but less than EUR 150 million within the EEA. ([40])
☐	If the joint venture is active in the EEA and the concentration gives rise to horizontal overlaps and/or vertical relationships, you should complete respectively Section 8 and/or 9.

Complement your answer with any additional information you wish to submit to the Commission.

SECTION 8

HORIZONTAL OVERLAPS

8.1. **You should complete the table below if the concentration leads to horizontal overlaps, including overlaps between (i) pipeline products** ([41]) **and marketed products or (ii) pipeline products (i.e. pipeline to pipeline overlaps).** ([42]) **You should replicate the table as many times as required to cover all the plausible markets that you considered:**

([39]) See Footnote 31.
([40]) See Footnote 32.
([41]) Pipeline products are products likely to be brought to market in the short or medium term. "Pipeline products" also covers services.
([42]) In case of horizontal overlaps involving pipeline products, you should provide shares for the marketed products that compete in the plausible relevant market.

Horizontal overlaps – market shares and pipeline products											
Precedents (include a reference to the relevant paragraphs)	Plausible product market considered	Plausible geographic market considered	Supplier	Year X -2		Year X -1		Year X		Pipeline products ([43]) (Name)
				Value	Volume	Value	Volume	Value	Volume	
			Undertaking concerned 1	%	%	%	%	%	%	
			Undertaking concerned 2	%	%	%	%	%	%	
			Undertaking concerned 3	%	%	%	%	%	%	
			Combined	**%**	**%**	**%**	**%**	**%**	**%**	
			Competitor 1	**Do not complete**				%	%	
			Competitor 2					%	%	
			Competitor 3					%	%	
			Others					%	%	
			Total	100%	100%	100%	100%	100%	100%	**Do not complete.**
			Market size	EUR		EUR		EUR		

Describe the parties' activities in this market:

Provide further details here (in particular if there are no precedents, you should provide the parties' views on product/geographic market definition)]:

Metrics, sources and methodology followed for market share calculation. If value and volume are not the most common metrics for market share calculation in the relevant markets, you should provide market shares based on alternative metrics and explain:

If the case falls under point 5(d) (i) (bb) of the Notice on Simplified Procedure, you should provide delta HHI:

Provide information on the parties' pipeline products and their competitors (including the stage of their development):

Provide the contact details of Competitor 1, Competitor 2, and Competitor 3 in the prescribed format:

([43]) You should provide market shares for the parties and/or the competitors who offer marketed products. If there are no marketed products, you should identify at least three competitors developing rival pipeline products.

8.2. **Complement your answer with any additional information you wish to submit to the Commission.**

SECTION 9

VERTICAL RELATIONSHIPS

9.1. **You should complete the table below if the concentration leads to vertical relationships,** [44] **including between (i) pipeline products and marketed products or (ii) pipeline products (i.e. pipeline to pipeline vertical relations). You should replicate the table as many times as required to cover all the plausible markets that you considered:** [45]

[44] Excluding vertical relationships falling under point 5(d)(ii)(bb) of the Notice on Simplified Procedure. For these vertical relationships, you should complete Section 10 below.

[45] For example, if regarding the vertical relationship between upstream market U and downstream market D, you considered the plausible upstream market definitions U1 an U2, you should include two tables: (i) information on U1 and D, and (ii) information on U2 and D.

Vertical relationships – market shares and pipeline products											
UPSTREAM											
Precedents (include a reference to the relevant paragraphs)	Plausible product market considered	Plausible geographic market considered	Supplier	Year X -2		Year X -1		Year X		Pipeline products (Name) ([46])
				Value	Volume	Value	Volume	Value	Volume	
			Undertaking concerned 1	%	%	%	%	%	%	
			Undertaking concerned 2	%	%	%	%	%	%	
			Undertaking concerned 3	%	%	%	%	%	%	
			Combined	**%**	**%**	**%**	**%**	**%**	**%**	
			Competitor 1	**Do not complete.**				%	%	
			Competitor 2					%	%	
			Competitor 3					%	%	
			Others					%	%	
			Total	100%	100%	100%	100%	100%	100%	**Do not complete.**
			Market size	EUR		EUR		EUR		

Describe the parties' activities in this market:

Provide further details here (in particular if there are no precedents, you should provide the parties' views on product/geographic market definition)]:

Metrics, sources and methodology followed for market share calculation. If value and volume are not the most common metrics for market share calculation in the relevant markets, you should provide market shares based on alternative metrics and explain:

If the case falls under point 5(d)(ii)(cc) of the Notice on Simplified Procedure, you should provide delta HHI (value and volume for three years):

Provide information on the parties' pipeline products and their competitors (including the stage of their development):

Provide the contact details of Competitor 1, Competitor 2, and Competitor 3 in the prescribed format:

([46]) You should provide market shares for the parties and/or the competitors who offer marketed products. If there are no marketed products, you should identify at least three competitors developing rival pipeline products.

DOWNSTREAM											
Precedents (include a reference to relevant paragraphs)	Plausible product market considered)	Plausible geographic market considered	Supplier	Year X -2		Year X -1		Year X		Pipeline products (Name) ([47])
				Value	Volume	Value	Volume	Value	Volume	
			Undertaking concerned 1	**%**	**%**	**%**	%	%	%	
			Undertaking concerned 2	**%**	**%**	**%**	%	%	%	
			Undertaking concerned 3	**%**	**%**	**%**	%	%	%	
			Combined	**%**	**%**	**%**	**%**	**%**	**%**	
			Competitor 1	**Do not complete.**				%	%	
			Competitor 2					%	%	
			Competitor 3					%	%	
			Others					%	%	
			Total	100%	100%	100%	100%	100%	100%	**Do not complete.**
			Size of the market	EUR		EUR		EUR		

Describe the parties activities in this market:

Provide further details here (in particular if there are no precedents, you should provide the parties' views on product/geographic market definition)]:

Metrics, sources and methodology followed for market share calculation. If value and volume are not the most common metrics for market share calculation in the relevant markets, you should provide market shares based on alternative metrics and explain:

If the case falls under point 5(d)(ii)(cc) of the Notice on Simplified Procedure, you should provide delta HHI (value and volume for three years):

Provide information on the parties' pipeline products and their competitors (including the stage of their development):

Provide contact details of Competitor 1, Competitor 2, and Competitor 3 in the prescribed format:

([47]) You should provide market shares for the parties and/or the competitors who offer marketed products. If there are no marketed products, you should identify at least three competitors developing rival pipeline products.

9.2. **Complement your answer with any additional information you wish to submit to the Commission.**

SECTION 10

VERTICAL RELATIONSHIPS FALLING UNDER POINT 5(D)(II)(BB) OF THE NOTICE ON SIMPLIFIED PROCEDURE

10.1. **You should complete the tables below if the concentration leads to vertical relationships falling under point 5(d)(ii)(bb) of the Notice on Simplified Procedure, including between (i) pipeline products and marketed products or (ii) pipeline products (i.e. pipeline to pipeline vertical relations). You should replicate the table as many times as required to cover all the plausible markets that you consider** ([48]):

([48]) For example, if regarding the vertical relationship between upstream market U and downstream market D, you considered the plausible upstream market definitions U1 an U2, you should include two tables: (i) information on U1 and D, and (ii) information on U2 and D.

Vertical relationships under point 5(d)(ii)(bb) of the Notice on Simplified Procedure– market shares and pipeline products																
UPSTREAM																
Precedents (include a reference to relevant paragraphs)	Plausible product market considered	Plausible geographic market considered	Supply of products in upstream markets (Market shares)							Purchasing of products in upstream markets (Purchasing shares)						
			Entity	Year X -2		Year X -1		Year X		Pipeline products (Name) [49]	Year X -2		Year X -1		Year X	
				Value	Volume	Value	Volume	Value	Volume		Value	Volume	Value	Volume	Value	Volume
			Undertaking concerned 1	%	%	%	%	%	%							
			Undertaking concerned 2	%	%	%	%	%	%							
			Undertaking concerned 3	%	%	%	%	%	%							
			Combined	**%**	**%**	**%**	**%**	**%**	**%**							
			Competitor 1	**Do not complete**				%	%		**Do not complete**					
			Competitor 2					%	%							
			Competitor 3					%	%							
			Others					%	%							
			Total	100%	100%	100%	100%	100%	100%	**Do not complete**	**Do not complete**					
			Market size	EUR		EUR		EUR			**Do not complete**					

[49] You should provide market shares for the parties and/or the competitors who offer marketed products. If there are no marketed products, you should identify at least three competitors developing rival pipeline products.

Describe the parties' activities in this market:

Provide further details here (in particular if there are no precedents, please provide the parties' views on product/geographic market definition):

Metrics, sources and methodology followed for market share calculation. If value and volume are not the most common metrics for market share calculation in the relevant markets, you should provide market shares based on alternative metrics and explain:

Provide information on the parties' pipeline products and their competitors (including the stage of their development):

Explain whether one or more of the undertakings concerned purchased the upstream input product from one or more other undertakings concerned in Year X; Year X-1; or Year X-2, indicating the percentage of those purchases for the total purchases of the undertaking concerned:

Provide contact details of Competitor 1, Competitor 2, and Competitor 3 in the prescribed format:

DOWNSTREAM

Precedents (include a reference to relevant paragraphs)	Plausible product market considered	Plausible geographic market considered	Supplier	Year X -2		Year X -1		Year X		Pipeline products (Name) ([50])
				Value	Volume	Value	Volume	Value	Volume	
			Undertaking concerned 1	%	%	%	%	%	%	
			Undertaking concerned 2	%	%	%	%	%	%	
			Undertaking concerned 3	%	%	%	%	%	%	
			Combined	**%**	**%**	**%**	**%**	**%**	**%**	
			Competitor 1	**Do not complete.**				%	%	
			Competitor 2					%	%	
			Competitor 3					%	%	
			Others					%	%	
			Total	100%	100%	100%	100%	100%	100%	**Do not complete.**
			Size of the market	EUR		EUR		EUR		

([50]) You should provide market shares for the parties and/or the competitors who offer marketed products. If there are no marketed products, you should identify at least three competitors developing rival pipeline products.

Describe the parties' activities in this market:
Provide further details here (in particular if there are no precedents, you should provide the parties' views on product/geographic market definition)]:
Metrics, sources and methodology followed for market share calculation. If value and volume are not the most common metrics for market share calculation in the relevant markets, you should provide market shares based on alternative metrics and explain:
Provide information on parties' pipeline products and their competitors, including the stage of their development:
Provide contact details of Competitor 1, Competitor 2, and Competitor 3 in the prescribed format:
Estimate what percentage of total demand for the upstream input is represented by the downstream market in Year X, X-1, and X-2. You should also identify the different industries, sectors, and end-applications where the upstream input can be used other than the downstream market, including the percentage of total demand for the upstream product of each industry, sector and/or end-application. If this information is not available for all the market, you should indicate the proportion of sales made by the party active in the upstream market to its 10 main customers (including the other parties, if applicable):

10.2. **Complement your answer with any additional information you wish to submit to the Commission.**

SECTION 11

SAFEGUARDS AND EXCLUSIONS ([51])

Any of the parties to the concentration has significant non-controlling shareholdings (i.e. above 10%) or cross-directorships in companies active in the same markets as any of the other parties or in vertically related markets (e.g. the acquiring undertaking has a non-controlling minority shareholding or common directors in an undertaking active in the same market as the target).	☐ Yes ☐ No
One or more of the parties' competitors have a significant non-controlling shareholding (i.e. above 10%) in any of the undertakings concerned. If yes: indicate the shareholding %: indicate the rights attached to the shareholding:	☐ Yes ☐ No
The parties are active in closely neighbouring markets and any of the Parties individually holds a market share of 30% or more in any of these markets under any plausible market definition	☐ Yes ☐ No
There will remain fewer than three competitors with market shares above 5% in any of the markets giving raise to horizontal overlaps or vertical relationships under any plausible market definition.	☐ Yes ☐ No
The relevant market share thresholds are exceeded in terms of capacity under any plausible market definition ([52]).	☐ Yes ☐ No
The parties (or one of them) are recent entrants in the overlapping markets (i.e. entered the market in the last three years)	☐ Yes ☐ No
The parties are important innovators in the overlapping markets.	☐ Yes ☐ No
The parties have brought to the market an important pipeline product within the last 5 years.	☐ Yes ☐ No
The concentration gives raise to pipeline-to-pipeline or pipeline-to-marketed product overlaps.	☐ Yes ☐ No
One of the parties has plans to expand in product markets and/or geographic markets in which the other party is active or which are in a vertical relation with products in which the other party is active. Explain the products or services concerned by such plans and their timing: ***[open text].***	☐ Yes ☐ No
In production chains with more than two levels, individual or combined market shares of the parties are 30% or higher in any of the levels of the value chain (in terms of value, volume or capacity).	☐ Yes ☐ No

([51]) Complete only one table for all markets falling under any of the categories of the Notice on Simplified Procedure for which none of the safeguards/exclusions apply (i.e., the answer to all questions in Section 11 is "No"). For each market falling under any of the categories of the Notice on Simplified Procedure for which the answer to at least one question is "Yes", you should provide a separate table.

([52]) If this metric is relevant for the markets where the concentration gives rise to a horizontal overlap or a vertical relationship between the parties' activities.

The annual turnover of the joint venture is expected to significantly surpass EUR 100 million in the EEA within the following 3 years.	☐ Yes ☐ No
The annual turnover of the joint venture is expected to significantly surpass EUR 150 million in the EEA within the following 3 years. If the annual turnover of the joint venture is expected to surpass EUR 100 million in the EEA within the following 3 years, please provide the expected turnover for the next 3 years: ***[open text].***	☐ Yes ☐ No
If you answered "yes" to any of the questions above, explain why you think that the case should be treated under the Simplified Procedure Notice and provide all relevant details: ***[open text].***	

SECTION 12

COOPERATIVE EFFECTS OF A JOINT VENTURE

12.1. **Do two or more parents retain activities in the same market as the joint venture or in a market that is upstream or downstream from that of the joint venture or in a neighbouring market closely related to this market?**			☐ Yes	☐ No
Parent	Market	Turnover	Market share	
Joint venture	Market	Turnover	Market share	

12.2. **Explain if the criteria laid down in Articles 101(1) and 101(3) of the Treaty on the Functioning of the European Union and, where applicable the corresponding provisions of the EEA Agreement, are met in this case.**

12.3. **Complement your answer with any additional information you wish to submit to the Commission.**

SECTION 13

CONTACT DETAILS

Notifying party	Notifying party 2 (if applicable)
Name	Name
Address	Address
Phone number	Phone number
Email	Email
Website	Website
Target	Phone number
Name	Email
Address	Website
Authorised representative of notifying party	Authorised representative of notifying party 2
Name	Name
Organisation	Organisation
Address	Address

Phone number	Phone number
Email	Email

SECTION 14

ANNEXES

☐	Documents bringing about the concentration	Provisions establishing change in control:
		Provisions establishing full functionality:
☐	Original power of attorney document(s) (from the notifying party or parties)	
☐	Turnover data – EEA breakdown	
☐	Market shares methodology	
☐	Only in cases where the concentration gives rise to one or more horizontal overlaps and/or vertical links in the EEA, you should provide: — Copies of all presentations prepared by or for or received by any members of the board of management, or the board of directors, or the supervisory board, in the light of the corporate governance structure, or the other person(s) exercising similar functions (or to whom such functions have been delegated or entrusted), or the shareholders' meeting to analyse the notified concentration. — An indication of the internet address, if any, where the most recent annual reports and accounts of all the parties to the concentration are available, or if no such internet address exists, copies of the most recent annual reports and accounts of the parties to the concentration.	
☐	Other Annexes	Describe

SECTION 15

OTHER NOTIFICATIONS

15.1. **Is the concentration notifiable in other jurisdictions?**

☐ Yes

☐ No

If yes, list them here:

15.2. **Indicate if you have filed or intend to file a notification under Article 20 of Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market (OJ L 330, 23.12.2022 , p. 1-45).**

SECTION 16

DECLARATION

☐ The notifying party or parties declare that, to the best of their knowledge and belief, the information included in this form is true, correct, and complete, that true and complete copies of relevant documents have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere.

☐ The notifying party or parties are aware of Article 14(1), point (a), Merger Regulation.

For digitally signed forms, the following fields are for information only. They should correspond to the metadata of the corresponding electronic signature(s).

Date:

[signatory 1] Name: Organisation: Position: Address: Phone number: Email: ['e-signed' / signature]	[signatory 2, if applicable] Name: Organisation: Position: Address: Phone number: Email: ['e-signed' / signature]

ANNEX III

FORM RELATING TO REASONED SUBMISSIONS PURSUANT TO ARTICLES 4(4) AND 4(5) OF COUNCIL REGULATION (EC) No 139/2004

(FORM RS)

INTRODUCTION

A. **The purpose of the Form RS**

(1) This Form RS specifies the information that must be provided when making a reasoned submission for a pre-notification referral under Article 4(4) or (5) of Regulation (EC) No 139/2004 ([1]) ("Merger Regulation"). The merger control system of the European Union is laid down in the Merger Regulation and in Commission Implementing Regulation (EU) 2023/914 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (the "Implementing Regulation") ([2]) to which this Form RS is annexed. Your attention is drawn to the corresponding provisions of the Agreement on the European Economic Area ([3]) ('EEA Agreement').

B. **Contacts prior to submission of the Form RS and waiver requests**

(2) The information requested in this Form RS must in principle be provided in all cases and is therefore a requirement for a complete pre-notification referral request.

1. **Information that is not reasonably available**

(3) In exceptional circumstances, specific elements required by this Form RS may not be reasonably available to the submitting parties in part or in whole (e.g., because information on a target company is not available in case of a contested bid). In that case, the submitting parties may request the Commission to dispense with the obligation to provide the relevant information or with any other requirement in the Form RS related to this information. This request should be submitted in accordance with the instructions set out in point B.3.

2. **Information that is not necessary for the Commission's examination of the case**

(4) Pursuant to Articles 4(2) and 6(2) of the Implementing Regulation, the Commission may dispense with the obligation to provide any particular information in the Form RS, including documents, or with any other requirements, where the Commission considers compliance with those obligations or requirements is not necessary for the examination of the case. In that case, the submitting parties may request the Commission to dispense with the obligation to provide the relevant information or with any other requirement in the Form RS related to this information. This request should be submitted in accordance with the instructions set out in point B.3.

3. **Prior contacts and waiver requests**

(5) Parties that are entitled to submit a Form RS are invited to engage in contacts with the Commission prior to the submission. Parties should engage in such contacts on the basis of a draft Form RS. The possibility to engage in prior contacts is a service offered by the Commission to submitting parties on a voluntary basis in order to prepare

([1]) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the "Merger Regulation") (OJ L 24, 29.1.2004, p. 1).

([2]) OJ L 119, 5.5.2023, p. 22.

([3]) See in particular Article 57 of the EEA Agreement, point 1 of Annex XIV to the EEA Agreement, Protocols 21 and 24 to the EEA Agreement (all available at EUR-Lex - 21994A0103(74) - EN - EUR-Lex (europa.eu)) , as well as Protocol 4 to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice (hereinafter 'Surveillance and Court Agreement'), available at EUR-Lex - JOL_1994_344_R_0001_003 - EN - EUR-Lex (europa.eu) . Any reference to EFTA States must be understood to mean those EFTA States which are Contracting Parties to the EEA Agreement. As of 1 May 2004, those States are Iceland, Liechtenstein and Norway.

the formal submission of this Form RS. As such, while not mandatory, prior contacts are extremely valuable to both the submitting parties and the Commission in determining, among other things, the precise amount of information required in a Form RS and, in the majority of cases, will result in a significant reduction of the information required.

(6) In the course of prior contacts, submitting parties may make requests for waivers. The Commission will consider waiver requests provided one of the following conditions is fulfilled:

(a) the submitting parties give adequate reasons why the relevant information is not reasonably available and provide best estimates for the missing data, identifying the sources for those estimates. Where possible, the submitting parties must indicate where any of the requested information that is unavailable could be obtained by the Commission or the relevant Member State(s) and EFTA State(s);

(b) the submitting parties give adequate reasons why the relevant information is not necessary for the examination of the Form RS.

(7) Waiver requests should be submitted at the same time as the draft Form RS. Waiver requests should be made in the text of the draft Form RS itself (at the beginning of the relevant section or sub-section). The Commission will deal with waiver requests in the context of the review of the draft Form RS. The Commission will normally require five working days before responding to a waiver request. Where a waiver request is submitted with the justification that information is not necessary for the examination of the Form RS, the Commission may consult with the relevant Member State(s) or EFTA State authority(-ies) before deciding to accept the request.

(8) For the avoidance of doubt, the fact that the Commission may have accepted that any particular information requested by this Form RS is not necessary for the examination of the pre-notification referral request does not in any way prevent the Commission from requesting that information at any time during the proceedings, in particular through a request for information pursuant to Article 11 of the Merger Regulation.

(9) The submitting parties may refer to the 'Best Practices on the conduct of EC merger control proceedings' of the Commission's Directorate-General for Competition ('DG Competition') as published on DG Competition's website and updated from time to time, which provide guidance on pre-notification contacts and the preparation of pre-notification referral requests.

C. **The requirement for correct and complete reasoned submission**

(10) The information requested in this Form RS must in principle be provided in all cases and is therefore a requirement for a complete pre-notification referral request. All information must be supplied in the appropriate section of this Form RS and it must be correct and complete.

(11) In particular you should note that:

(a) in accordance with Article 4(4) and (5) of the Merger Regulation and Article 5(2) and (4), and Article 6(2) of the Implementing Regulation, the time-limits laid down in the Merger Regulation with regard to the Form RS will not start until all the information that has to be supplied with the submission has been received by the Commission. This is to ensure that the Commission is able to assess the pre-notification referral request within the strict time-limits laid down in the Merger Regulation.

(b) in accordance with Article 4(4) of the Merger Regulation, the decision whether or not to refer a case in whole or in part to a Member State or an EFTA State will normally be taken on the basis of the information contained in the Form RS, without further investigation efforts being undertaken by the Commission. In accordance with Article 4(5) of the Merger Regulation, the position of a Member State or an EFTA State regarding the referral of a case to the Commission will normally be taken on the basis of the information contained in the Form RS, without further investigation efforts being undertaken by the authorities involved;

(c) the submitting parties must therefore verify, in the course of preparing their reasoned submission, that all information and arguments relied upon are sufficiently supported by independent sources;

(d) in accordance with Articles 5(4) and 6(2) of the Implementing Regulation, incorrect or misleading information in the reasoned submission will be considered to be incomplete information;

(e) under Article 14(1), point (a), of the Merger Regulation, parties making a reasoned submission who, either intentionally or negligently, provide incorrect or misleading information, may be liable to fines of up to 1% of the aggregate turnover of the undertaking concerned ([4]).

D. **How to make a reasoned submission**

(12) The reasoned submission must be completed in one of the official languages of the Union. This language will thereafter be the language of the proceedings for all submitting parties.

(13) In order to facilitate the treatment of the Form RS by Member State authorities and EFTA State authorities, submitting parties are strongly encouraged to provide the Commission with a translation of their reasoned submission in a language or languages which will be understood by all addressees of the information. As regards requests for referral to (a) Member State(s) or (an) EFTA State(s), the submitting parties are strongly encouraged to include a copy of the request in the language(s) of the Member State(s) and EFTA State(s) to which referral is being requested.

(14) The information requested by this Form RS is to be set out using the sections and paragraph numbers signing a declaration as provided in Section 6, and annexing supporting documentation. Where information required by one section partly (or wholly) overlaps with information required by another section, this same information should not be submitted twice though accurate cross-referencing should be used.

(15) The Form RS must be signed by persons authorised by law to act on behalf of each of the submitting party or parties or by one or more authorised external representatives of the submitting party or parties. Technical specifications and instructions regarding reasoned submissions (including signatures) can be found in the *Official Journal of the European Union*.

(16) For the sake of clarity, certain information may be put in annexes. However, it is essential that all key substantive pieces of information are presented in the body of the Form RS. Annexes to this Form RS must only be used to supplement the information supplied in the Form RS itself.

(17) Supporting documents are to be submitted in their original language; where this is not an official language of the Union, they must be translated into the language of the proceeding (Articles 3(4) and 6(2) of the Implementing Regulation).

(18) Supporting documents may be copies of the originals. In this case, the submitting party must confirm that they are true and complete.

([4]) In case submitting parties provide incorrect or misleading information in the Form RS, the Commission can also take the courses of action described in Commission Notice on case referral in respect of concentrations ('Referral Notice') (OJ C 56, 5.3.2005, p. 2), point 60, available at EUR-Lex - 52005XC0305(01) - EN - EUR-Lex (europa.eu).

E. **Confidentiality and Personal Data**

(19) Article 339 of the Treaty on the Functioning of the European Union and Article 17(2) of the Merger Regulation as well as the corresponding provisions of the EEA Agreement ([5]) require the Commission, the Member States, the EFTA Surveillance Authority and the EFTA States, their officials and other servants not to disclose information they have acquired through the application of that Regulation of the kind covered by the obligation of professional secrecy. The same principle must also apply to protect confidentiality between submitting parties.

(20) If you believe that your interests would be harmed if any of the information supplied were to be published or otherwise disclosed to other parties, you should submit this information separately with each page clearly marked 'Business Secrets'. You should also give reasons why this information should not be disclosed or published.

(21) In the case of mergers or joint acquisitions, or in other cases where the reasoned submission is completed by more than one of the parties, business secrets may be submitted in separate annexes, and referred to in the submission as an annex. In order for the submission to be considered complete, all such annexes must be included in the reasoned submission.

(22) Any personal data submitted in this Form RS will be processed in compliance with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC. ([6])

F. **Definitions and instructions for the purposes of this Form RS**

(23) For the purposes of this Form, the following definitions apply:

(a) 'Party/parties to the concentration' or 'party/parties': These terms relate to both the acquiring party/parties and the acquired party/parties, or the merging parties, including all undertakings in which a controlling interest is being acquired or which is the subject of a public bid. Unless otherwise specified, the terms 'notifying party/parties' and 'party/parties to the concentration' include all the undertakings which belong to the same groups as those parties.

(b) 'Relevant product market': A relevant product market comprising all those products or services, or both, which are regarded as interchangeable or substitutable by the consumer, by reason of the products' or services' characteristics, their prices and their intended use. A relevant product market may in some cases be composed of a number of individual products or services, or both, which present largely identical physical or technical characteristics and are interchangeable. Factors relevant to the assessment of the relevant product market include the analysis of why the products or services in these markets are included and why others are excluded by using this definition, and having regard to, for example, substitutability of products and services, prices, cross-price elasticity of demand or other relevant factors (such as supply-side substitutability in appropriate cases).

(c) 'Relevant geographic market': The relevant geographic market comprising the area in which the undertakings concerned are involved in the supply and demand of relevant products or services, in which the conditions of competition are sufficiently homogeneous and which can be distinguished from neighbouring geographic areas because, in particular, conditions of competition are appreciably different in those areas. Factors relevant to the assessment of the relevant geographic market include, inter alia, the nature and characteristics of the products or services concerned, the existence of entry barriers, consumer preferences, appreciable differences in the undertakings' market shares between neighbouring geographic areas or substantial price differences.

([5]) See, in particular, Article 122 of the EEA Agreement, Article 9 of Protocol 24 to the EEA Agreement and Article 17(2) of Chapter XIII of Protocol 4 to the Surveillance and Court Agreement.

([6]) OJ L 295, 21.11.2018, p. 39. See also a privacy statement relating to Merger investigations at https://ec.europa.eu/competition-policy/index/privacy-policy-competition-investigations_en.

(d) 'Horizontal overlap': A concentration gives rise to horizontal overlaps when the parties to the concentration are engaged in business activities in the same relevant product and geographic market(s) (including the development of pipeline products ([7])). ([8])

(e) 'Non-horizontal relationship': A concentration gives rise to non-horizontal relationship when the activities of the parties to the concentration are in a relationship that is not a horizontal overlap.

(f) 'Vertical relationship': A concentration gives rise to vertical relationships when one or more of the parties to the concentration are engaged in business activities in a product market which is upstream or downstream from a product market in which any other party to the concentration is engaged (including the development of pipeline products). ([9])

(g) 'Affected markets': Affected markets are all relevant product and geographic markets, as well as plausible alternative relevant product and geographic markets where the parties' activities overlap horizontally or are vertically related and which do not meet the conditions for review under point 5 of the Notice on Simplified Procedure ([10]) and do not benefit from the flexibility clauses of point 8 of the Notice on Simplified Procedure.

(h) 'Year' means calendar year, unless otherwise stated. All information requested in this Form RS relates, unless otherwise specified, to the year preceding that of the reasoned submission.

(24) The financial data requested in this Form RS must be provided in euro at the average exchange rates prevailing for the years or other periods in question.

G. **International cooperation between the Commission and other competition authorities**

(25) The Commission encourages the parties to the concentration to facilitate the international cooperation between the Commission and other competition authorities reviewing the same concentration. In the Commission's experience, good cooperation between the Commission and competition authorities in jurisdictions outside the EEA entails substantial benefits for the undertakings concerned. To that end, the Commission encourages submitting parties to submit together with this Form RS a list of those jurisdictions outside the EEA where the concentration is subject to regulatory clearance under merger control rules before or after its completion.

(26) Furthermore, the Commission encourages the parties to the concentration to submit waivers of confidentiality that would enable the Commission to share information with other competition authorities outside the EEA reviewing the same concentration. Each waiver facilitates joint discussion and analysis of a concentration as it allows the Commission to share relevant information with another competition authority reviewing the same concentration, including confidential business information obtained from the parties to the concentration. To that end, the Commission encourages the parties to the concentration to use the Commission's model waiver, which is published on DG Competition's website and updated from time to time.

SECTION 1

1.1. Background information

1.1.1. Provide an executive summary of the concentration, specifying the parties to the concentration, the nature of the concentration (for example, merger, acquisition, or joint venture), the areas of activity of the parties to the concentration, the markets on which the concentration will have an impact (including the main affected markets), and the strategic and economic rationale for the concentration.

([7]) Pipeline products are products likely to be brought to market in the short or medium term. "Pipeline products" also covers services.

([8]) Horizontal overlaps involving pipeline products include overlaps between pipeline products and overlaps between one or more marketed product(s) and one or more pipeline product(s).

([9]) Vertical relationships involving pipeline products include relationships between pipeline products and relationships between one or more marketed product(s) and one or more pipeline product(s).

([10]) Commission Notice on a simplified treatment of certain concentrations under Council Regulation (EC) No 139/2004 (OJ C 160, 5.5.2023, p. 1) (the 'Notice on Simplified Procedure').

1.1.2. Indicate whether the reasoned submission is made under Article 4(4) or (5) of the Merger Regulation, pursuant to the corresponding provisions of the EEA Agreement, or both.

1.2. Information on submitting party (or parties) and other parties to the concentration ([11])

For each party making the reasoned submission as well as for each other party to the concentration, you should provide:

1.2.1. the name of the undertaking;

1.2.2. the name, address, telephone number and e-mail address of, and position held by, the appropriate contact person; the address given must be an address for service to which documents and, in particular, Commission decisions and other procedural documents may be notified, and the contact person given shall be deemed to be authorised to accept service;

1.2.3. if one or more authorised external representatives of the undertaking are appointed, to which documents and, in particular, Commission decisions and other procedural documents may be notified:

1.2.3.1. the name, address, telephone number and e-mail address of, and position held by, each representative; and

1.2.3.2. the original power of attorney document(s) (for the notifying party or parties). ([12])

SECTION 2

GENERAL BACKGROUND AND DETAILS OF THE CONCENTRATION

The information sought in this section may be illustrated by the use of organization charts or diagrams to show the structure of ownership and control of the parties to the concentration before and after completion of the concentration.

2.1. Describe the nature of the concentration being notified by reference to the relevant criteria of the Merger Regulation and the Commission Consolidated Jurisdictional Notice ([13]):

2.1.1. identify the undertakings or persons solely or jointly controlling each of the undertakings concerned, directly or indirectly, and describe the structure of ownership and control of each of the undertakings concerned before the completion of the concentration;

2.1.2. explain whether the proposed concentration is one of the following:

(a) a full merger;

(b) an acquisition of sole or joint control;

(c) a contract or other means of conferring direct or indirect control within the meaning of Article 3(2) of the Merger Regulation;

(d) the acquisition of joint control in a full-function joint venture within the meaning of Article 3(4) of the Merger Regulation, and if so, the reasons why the joint venture is considered to be full-function ([14]);

2.1.3. explain how the concentration will be implemented (for example by the conclusion of an agreement, by the launch of a public bid, etc.);

2.1.4. by reference to Article 4(1) of the Merger Regulation explain whether whether at the time of notification, any of the following has occurred:

(a) an agreement has been concluded;

([11]) This includes the target company in the case of a contested bid, in which case the details should be completed as far as is possible.

([12]) See power of attorney document template at https://ec.europa.eu/competition/mergers/legislation/power_of_attorney_template_en.docx.

([13]) Commission Consolidated Jurisdictional Notice under Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings ("Commission Consolidated Jurisdictional Notice"), (OJ C 95, 16.4.2008, p. 1), available at EUR-Lex - 52008XC0416(08) - EN - EUR-Lex (europa.eu).

([14]) See Section B IV of the Commission Consolidated Jurisdictional Notice.

(b) a controlling interest has been acquired;

(c) a public bid or the intention to launch a public bid has been announced;

(d) the undertakings concerned have demonstrated a good faith intention to conclude an agreement;

2.1.5. indicate the expected date of any major events designed to bring about the completion of the concentration;

2.1.6. explain the structure of ownership and control of each of the undertakings concerned after the completion of the concentration.

2.2. Describe the economic rationale of the concentration.

2.3. State the value of the concentration [the purchase price (or the value of all the assets involved as the case may be); specify whether this is in the form of equity, cash, or other assets].

2.4. Provide sufficient financial or other data to show whether the concentration meets or does not meet the jurisdictional thresholds set out in Article 1 of the Merger Regulation by submitting the following information for each of the undertakings concerned by the concentration for the last financial year ([15]):

2.4.1. worldwide turnover;

2.4.2. –EU-wide turnover;

2.4.3. EEA-wide turnover (EU and EFTA);

2.4.4. turnover in each Member State (indicate the Member State, if any, in which more than two-thirds of EU-wide turnover is achieved);

2.4.5. EFTA-wide turnover;

2.4.6. turnover in each EFTA State (indicate the EFTA State, if any, in which more than two-thirds of EFTA-wide turnover is achieved; also indicate whether the combined turnover of the undertakings concerned in the territory of the EFTA States equals 25 % or more of their total turnover in the EEA territory).

Turnover data must be provided by filling in the Commission's template table available on DG Competition's website.

SECTION 3

MARKET DEFINITIONS

The relevant product and geographic markets serve to identify the scope within which the market power of the new entity resulting from the concentration must be assessed ([16]). When presenting relevant product and geographic markets, the submitting parties must submit, in addition to any product and geographic market definitions they consider relevant, all plausible alternative product and geographic market definitions. Plausible alternative product and geographic market definitions can be identified on the basis of previous Commission decisions and judgments of the Union Courts and (in particular where there are no Commission or Court precedents) by reference to industry reports, market studies and the submitting parties' internal documents.

3.1. Please discuss all plausible relevant market definitions where the proposed concentration could give rise to affected markets. Please explain how the submitting parties consider that the relevant product and geographic markets should be defined.

([15]) On the concepts of 'undertaking concerned' and the calculation of turnover, see Commission Consolidated Jurisdictional Notice.

([16]) See Commission Notice on the definition of the relevant market for the purposes of Community competition law, (OJ C 372, 9.12.1997, p. 5).

3.2. Taking into account all the plausible relevant market definitions discussed, you should identify each affected market ([17]) and provide summary information on the activities of the parties to the concentration in each plausible relevant market. Please add to the tables as many rows as required to cover all the plausible markets that you consider:

Summary of Affected Markets
Horizontal Overlaps

Product market definition	Geographic market definition	Combined market share [Identify year] [Identify metric]

Summary of Affected Markets
Vertical Relationships

Upstream			**Downstream**		
Product market definition	Geographic market definition	Combined market share [Identify year] [Identify metric]	Product market definition	Geographic market definition	Combined market share [Identify year] [Identify metric]

SECTION 4

INFORMATION ON AFFECTED MARKETS

With regard to each affected market, you should provide all the following information for the last year:

4.1. for each of the parties to the concentration, the nature of the undertaking's business, the main subsidiaries active, brands, product names, and trademarks, , used in each of those markets;

4.2. an estimate of the total size of the market in terms of sales value (in euro) and volume (units) ([18]). You should indicate the basis and sources for the calculations and provide documents where available to confirm those calculations;

4.3. for each of the parties to the concentration, the sales in value and volume, as well as an estimate of the market shares;

4.4. an estimate of the market share in value (and where appropriate volume) of the three largest competitors (indicating the basis for the estimates);

4.5. if the concentration is a joint venture, indicate whether two or more parents retain to a significant extent activities in the same market as the joint venture or in a market which is downstream or upstream from that of the joint venture ([19]) .

([17]) During pre-notification contacts, submitting parties shall disclose information relating to all potentially affected markets even if they ultimately consider that these markets are not affected and notwithstanding that the submitting parties may take a particular view in relation to the issue of market definition.

([18]) The value and volume of a market must reflect output less exports plus imports for the geographic areas under consideration.

([19]) For market definitions refer to Section 3.

SECTION 5

DETAILS OF THE REFERRAL REQUEST AND REASONS WHY THE CASE SHOULD BE REFERRED

5.1. With regard to referrals made pursuant to Article 4(4) of the Merger Regulation and referrals made pursuant to the relevant provisions of the EEA Agreement:

5.1.1. identify the Member State(s) and EFTA State(s) which should in your view examine the concentration in accordance with Article 4(4) of the Merger Regulation indicating whether or not you have made informal contact with this Member State(s) and EFTA State(s);

5.1.2. specify whether you are requesting referral of the whole or part of the case. If you are requesting referral of part of the case, specify clearly the part or parts of the case for which you request the referral. If you are requesting referral of the whole of the case, you must confirm that there are no affected markets outside the territory of the Member State(s) and EFTA State(s) to which you request the referral to be made;

5.1.3. if the proposed concentration does not give rise to affected markets within the meaning of this Form RS, please explain ([20]):

(a) in which market(s) the concentration could significantly affect competition within a Member State and how;

(b) why each of the markets identified in response to the question set out in point (a) presents all the characteristics of a distinct market.

5.1.4. In the event a Member State and/or EFTA State becomes competent to review the whole or part of the case following a referral pursuant to Article 4(4) of the Merger Regulation, do you consent to the information contained in this Form RS being relied upon by the Member State(s) and/or EFTA State(s) in question for the purpose of its/their national proceedings regarding (part of) this case? Please reply only with a "Yes" or a "No".

5.2. With regard to referrals made pursuant to Article 4(5) of the Merger Regulation and referrals made pursuant to the relevant provisions of the EEA Agreement:

5.2.1. for each Member State and EFTA State, specify whether the concentration is capable of being reviewed under its national competition law. This information must be provided by completing the Commission's template table available on DG Competition's website. For each Member State and EFTA State, you must indicate "Yes" (if the concentration is capable of being reviewed under national competition law) or "No" (if it is not);

5.2.2. for each Member State and EFTA State where you completed "Yes" in the table referred to in point 5.2.1, provide sufficient financial or other data to show that the concentration meets the relevant jurisdictional criteria under the applicable national law;

5.2.3. explain why the case should be examined by the Commission if ([21]):

(a) the proposed concentration gives rise to affected markets (within the meaning of this Form RS) that are national in scope in less than three Member States;

(b) the proposed concentration does not give rise to affected markets (within the meaning of this Form RS).

SECTION 6

DECLARATION

The reasoned submission must conclude with the following declaration which is to be signed by or on behalf of all the submitting parties:

'The submitting party or parties declare that, following careful verification, the information given in this reasoned submission is to the best of their knowledge and belief true, correct, and complete, that true and complete copies of documents required by Form RS have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere. They are aware of the provisions of Article 14(1), point (a), of the Merger Regulation .'

([20]) For guiding principles of case referrals, see Referral Notice, point 17 and fn. 21.
([21]) For guiding principles of case referrals, see Referral Notice, point 28.

For digitally signed forms, the following fields are for information purposes only. They should correspond to the metadata of the corresponding electronic signature(s).

Date:

[signatory 1]	[signatory 2 if applicable]
Name:	Name:
Organisation:	Organisation:
Position:	Position:
Address:	Address:
Phone number:	Phone number:
E-mail:	E-mail:
[“e-signed” / signature]	[“e-signed” / signature]

ANNEX IV

FORM RELATING TO THE INFORMATION CONCERNING COMMITMENTS SUBMITTED PURSUANT TO ARTICLE 6(2) AND ARTICLE 8(2) OF COUNCIL REGULATION (EC) No 139/2004

(FORM RM)

INTRODUCTION

(1) This form specifies the information and documents to be submitted by the undertakings concerned when offering commitments pursuant to Article 6(2) or Article 8(2) of Regulation (EC) No 139/2004. ([1]) The information requested is necessary to allow the Commission to examine whether the commitments are capable of rendering the concentration compatible with the internal market by preventing a significant impediment to effective competition. The level of information required will vary depending on the type and structure of the remedy proposed. For example, carve-out remedies will typically require more detailed information than divestitures of stand-alone businesses.

(2) The information requested in the Form RM must be supplied in the appropriate section of the Form RM and must be correct and complete.

(3) In accordance with Articles 5(4) and 6(2) of the Commission Implementing Regulation (EU) 2023/914 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (the "Implementing Regulation"), ([2]) incorrect or misleading information in the Form RM will be considered to be incomplete information.

(4) Under Article 14(1), point (a), of the Merger Regulation, parties making a submission who, either intentionally or negligently, provide incorrect or misleading information, may be liable to fines of up to 1% of the aggregate turnover of the undertaking concerned.

(5) Pursuant to Article 6(3), point (a), and Article 8(6), point (a), of the Merger Regulation the Commission may revoke its decision on the compatibility of a notified concentration where it is based on incorrect information for which one of the parties to the concentration is responsible.

(6) Pursuant to Articles 4(2) and 20(2) of the Implementing Regulation the Commission may dispense with the obligation to provide any particular information in the Form RM, including documents, or with any other requirements where the Commission considers compliance with those obligations or requirements is not necessary for the examination of the case. In that case, the submitting parties may request the Commission to dispense with the obligation to provide the relevant information or with any other requirement in the Form RM related to this information. The Commission is available to discuss such requests with the parties upfront.

Any personal data submitted in this Form RM will be processed in compliance with Regulation (EU) 2018/1725 of the European Parliament and of the Council. ([3])

The Form RM must be signed by persons authorised by law to act on behalf of each notifying party and/or on behalf of any other party signing the commitments or by one or more authorised external representatives of the notifying party or parties and/or any other party signing the commitments. Technical specifications and instructions regarding signatures can be found in the *Official Journal of the European Union*.

([1]) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the "Merger Regulation") (OJ L 24, 29.1.2004, p. 1), available at EUR-Lex - 32004R0139 - EN - EUR-Lex (europa.eu).

([2]) See page 22 of this Official Journal.

([3]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39), available at EUR-Lex - 32018R1725 - EN - EUR-Lex (europa.eu). See also a privacy statement relating to Merger investigations at https://ec.europa.eu/competition-policy/index/privacy-policy-competition-investigations_en.

SECTION 1

SUMMARY OF THE COMMITMENTS

1. Provide a non-confidential summary of the nature and scope of the commitments offered. The Commission may use this summary for the market test with third parties of the commitments offered.

SECTION 2

SUITABILITY TO REMOVE COMPETITION CONCERNS

2. Provide information showing the suitability of the commitments offered to remove the significant impediment of effective competition identified by the Commission.

SECTION 3

DEVIATION FROM MODEL TEXTS

3. Provide an annex identifying any deviations of the commitments offered from the up-to-date model commitments text as published in DG COMP website.

SECTION 4

INFORMATION ON A BUSINESS TO BE DIVESTED

4. Where the commitments offered consist in the divestiture of a business, provide the following information and documents.

General information on the business to be divested

The following information should be provided regarding all aspects of the current (i.e., pre-divestment) operation of the business to be divested and any changes already planned for the future.

4.1. Describe the legal structure of the business to be divested and provide the organigram of the company explaining where the business to be divested is integrated. Describe the entities belonging to the business to be divested, specifying their registered place of business and place of management, the general organisational structure and any other relevant information relating to the administrative structure of the business to be divested. If the business to be divested consists in a carve-out, all this information should also be provided for the entire business from which the business to be divested would be carved out.

4.2. State whether there are and describe any legal obstacles for the transfer of the business to be divested or the assets, including third party rights and administrative approvals required.

4.3. Describe the entire value chain of the products produced or services provided by the business to be divested, including the location of the relevant facilities. List and describe the products manufactured or services provided, in particular their technical and other characteristics, the brands involved, the turnover generated with each of those products or services, and any innovations or research and development activities or pipeline products or new products ready for launch and services planned. If the business to be divested consists in a carve-out, all this information should also be provided for the entire business from which the business to be divested would be carved out.

4.4. Describe the level at which the essential functions of the business to be divested (for example, research and development, production, marketing and sales, logistics, relations with customers, relations with suppliers, IT systems) are operated if they are not carried out on the level of the business to be divested. The description should contain the role performed by those other levels, the relations with the business to be divested and the resources (such as personnel, assets, financial resources) involved in the function.

4.5. Describe in detail the links between the business to be divested and other entities controlled by any of parties to the concentration (irrespective of the direction of the link), such as:

(a) supply, production, distribution, service, research and development or other contracts;

(b) shared tangible or intangible assets;

(c) shared or seconded personnel;

(d) shared IT systems or other systems;

(e) shared customers.

4.6. Describe in general terms all relevant tangible and intangible assets used or owned by the business to be divested, including, in any case, IP rights and brands. If the business to be divested consists in a carve-out, all this information should also be provided for the entire business from which the business to be divested would be carved out.

4.7. Submit an organisational chart identifying the number of personnel currently working in each of the functions of the business to be divested and a list of those employees who are indispensable for the operation of the business to be divested, describing their functions. If the business to be divested consists in a carve-out, all this information should also be provided for the entire business from which the business to be divested would be carved out.

4.8. Describe the customers of the business to be divested, including a list of customers, a description of the corresponding records available, and provide the total turnover generated by the business to be divested with each of these customers (in EUR and as percentage of the total turnover of business to be divested). If the business to be divested consists in a carve-out, all this information should also be provided on the entire business from which the business to be divested would be carved out.

4.9. Provide all relevant financial data for the business to be divested, including the turnover and the EBITDA achieved in the last three financial years, and the forecast for the next two financial years. If available, provide the current business or strategic plan for the business to be divested, including any forecasts that may be available. If the business to be divested consists in a carve-out, all the information should also be provided for the entire business from which the business to be divested would be carved out.

4.10. Identify and describe any changes that have occurred in the last two years, in the organisation of the business to be divested or in the links with other undertakings controlled by the parties. If the business to be divested consists in a carve-out, all the information should also be provided for the entire business from which the business to be divested would be carved out.

4.11. Identify and describe any changes, planned for the next two years, in the organisation of the business to be divested or in the links with other undertakings controlled by the parties. If the business to be divested consists in a carve-out, all this information should also be provided for the entire business from which the business to be divested would be carved out.

Information on the business to be divested as described in the commitments offered and comparison with the business to be divested as currently operated

4.12. Taking into account your replies to questions 4.1-4.11 above, please set out all the differences between (i) the business to be divested as described in the commitments offered and (ii) the business to be divested as it is currently operated. In case there are any tangible or intangible assets, personnel, facilities, contracts, products, research and development, pipeline products, shared services etc. which are currently produced, used or relied on in any way by the business to be divested but which are not included in the commitments, please provide an exhaustive list.

Acquisition by a suitable purchaser

4.13. Explain the reasons why, in your view, the business to be divested is likely to be acquired by a suitable purchaser in the time-frame proposed in the commitments offered.

SECTION 5

DECLARATION

The Form RM must conclude with the following declaration which is to be signed by or on behalf of the notifying parties and any other parties signing the commitments:

'*The notifying parties and any other parties signing the commitments declare that, to the best of their knowledge and belief, the information given in this notification is true, correct, and complete, that true and complete copies of documents required by Form RM have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere. They are aware of the provisions of Article 14(1), point (a) of the Merger Regulation.*'

For digitally signed forms, the following fields are for information purposes only. They should correspond to the metadata of the corresponding electronic signature(s).

Date:

[signatory 1]	[signatory 2 if applicable]
Name:	Name:
Organisation:	Organisation:
Position:	Position:
Address:	Address:
Phone number:	Phone number:
E-mail:	E-mail:
["e-signed" / signature]	["e-signed" / signature]

COMMISSION REGULATION (EU) 2023/915

of 25 April 2023

on maximum levels for certain contaminants in food and repealing Regulation (EC) No 1881/2006

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ([1]), and in particular Article 2(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 1881/2006 ([2]) sets maximum levels for certain contaminants in food. That Regulation has already been amended substantially many times and since a number of new amendments are to be made to that Regulation, it should be replaced.

(2) Maximum levels should be set at a strict level, which is reasonably achievable by following good agricultural, fishery and manufacturing practices and taking into account the risk related to the consumption of the food. In the case of a possible health risk, maximum levels for contaminants should be set at a level, which is as low as reasonably achievable (ALARA). Such an approach ensures that food business operators apply measures to prevent and reduce the contamination as much as possible in order to protect public health. It is furthermore appropriate for the protection of the health of infants and young children, a vulnerable group, to establish the lowest maximum levels, which are achievable through a strict selection of the raw materials used for the manufacturing of foods for that population, combined, where appropriate, with specific manufacturing practices. This strict selection of the raw materials is also appropriate for the production of specific food placed on the market for the final consumer, for which a strict maximum level has been set out in order to protect vulnerable populations.

(3) To ensure an efficient protection of public health, food containing contaminants exceeding the maximum levels not only should not be placed on the market as such, but should also not be used as a food ingredient or be mixed with food.

(4) To allow maximum levels to be applied to dried, diluted, processed and compound food, for which no specific Union maximum levels have been set out, food business operators should provide to the competent authorities the specific concentration, dilution and processing factors and, in case of compound food, the proportion of ingredients, accompanied by the appropriate experimental data justifying the factors proposed.

(5) Due to the lack of toxicological data and scientific evidence of the safety of the metabolites created by chemical detoxification, it is appropriate to prohibit such treatment of food.

(6) It is recognised that sorting or other physical treatments make it possible to reduce the content of contaminants in food. In order to minimise the effects on trade, it is appropriate to allow higher levels of contaminants for certain products, which are not placed on the market for the final consumer or as a food ingredient. In those cases, the maximum levels for contaminants should be set out taking into consideration the effectiveness of such treatments to reduce the content of contaminants in food to levels below the maximum levels set out for those products placed on the market for the final consumer or used as a food ingredient. To avoid that these higher maximum levels are abused, it is appropriate to lay down provisions for the marketing, labelling and use of the concerned products.

([1]) OJ L 37, 13.2.1993, p. 1.

([2]) Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

(7) Certain commodities have uses other than food and for which less strict or no maximum levels for a certain contaminant are applicable. To enable effective enforcement of the maximum levels for contaminants in these foods, it is appropriate to lay down suitable labelling provisions for those foods.

(8) Certain fish species originating from the Baltic region may contain high levels of dioxins, dioxin-like polychlorinated biphenyls ('DL-PCBs') and non dioxin-like polychlorinated biphenyls ('NDL-PCBs'). A significant proportion of those fish species from the Baltic region does not comply with the maximum levels and would therefore be excluded from the diet if the maximum levels were applied. However, the exclusion of fish from the diet may have a negative impact on the health of the population of the Baltic region.

(9) Latvia, Finland and Sweden have systems in place to ensure that final consumers are informed of the dietary recommendations for identified vulnerable groups of the population to restrict consumption of fish from the Baltic region in order to avoid health risks. Therefore, it is appropriate to maintain a derogation to Latvia, Finland and Sweden allowing them to authorise the placing on their respective market for the final consumer without time limit certain fish species originating in the Baltic region with levels of dioxins and/or DL-PCBs and/or NDL-PCBs higher than those set in this Regulation. In order to allow the Commission to monitor the situation, Latvia, Finland and Sweden should continue to report yearly to the Commission the measures they have taken to effectively inform final consumers of the dietary recommendations and to ensure that fish and products thereof non-compliant with the maximum levels are not marketed in other Member States, as well as the effectiveness of those measures.

(10) Despite the application of good smoking practices to the extent possible, the current maximum levels for polycyclic aromatic hydrocarbons ('PAHs') are not achievable in several Member States in certain traditionally smoked meats and meat products and traditionally smoked fish and fishery products, where smoking practices cannot be altered without changing significantly the organoleptic characteristics of the food. Consequently, if maximum levels were applied, such traditionally smoked products would disappear from the market resulting in the closure of many small and medium size enterprises. That is the case with certain traditionally smoked meat and smoked meat products in Ireland, Spain, Croatia, Cyprus, Latvia, Poland, Portugal, Slovakia, Finland and Sweden and certain traditionally smoked fish and smoked fishery products in Latvia, Finland and Sweden. Therefore, a derogation for local production and consumption should be maintained without a time limit for certain traditionally smoked meat and smoked meat products and traditionally smoked fish and smoked fishery products only in those Member States.

(11) Member States are to collect and report data from official controls and from monitoring of contaminants in accordance with control plans and with the specific requirements on official controls of contaminants laid down in Commission Delegated Regulation (EU) 2022/931 ([3]) and in Commission Implementing Regulation (EU) 2022/932 ([4]). For certain specific contaminants, for which more occurrence data are needed, it is recommended that Member States, food business operators and other interested parties should monitor and report the occurrence data, as well as report on the progress with regard to the application of preventative measures, to allow the Commission to assess the need to modify existing measures or to adopt additional ones. For the same reasons, it is also appropriate that Member States communicate to the Commission the information they have collected as regards other contaminants.

([3]) Commission Delegated Regulation (EU) 2022/931 of 23 March 2022 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by laying down rules for the performance of official controls as regards contaminants in food (OJ L 162, 17.6.2022, p. 7).

([4]) Commission Implementing Regulation (EU) 2022/932 of 9 June 2022 on uniform practical arrangements for the performance of official controls as regards contaminants in food, on specific additional content of multi-annual national control plans and specific additional arrangements for their preparation (OJ L 162, 17.6.2022, p. 13).

(12) Maximum levels as currently set out by Regulation (EC) No 1881/2006, as amended, should be maintained by this Regulation. However, in light of the experience gained with that Regulation and in order to improve the readability of the rules, it is appropriate, on the one hand, to avoid the use of numerous footnotes and, on the other hand, to increase the references to Annex I to Regulation (EC) No 396/2005 of the European Parliament and of the Council ([5]) for the definitions of the categories.

(13) Also in light of the experience gained with that Regulation and in order to enable uniform enforcement of the maximum levels, it is appropriate to clarify that lower bound concentrations should be used in those cases where maximum levels are set for multiple compounds (sum of concentrations), except when specified otherwise, and to clarify the body parts of crustaceans to which maximum levels apply.

(14) As regards cadmium, it is appropriate to extend the current exemption for malt to all cereals used for the production of beer or distillates, provided that the remaining cereal residue is not placed on the market as food, because cadmium mainly remains in the cereal residue and therefore the content of cadmium in beer is very low.

(15) As regards PAHs, based on the available analytical data and on the production method, which showed that negligible amount of those substances was found in instant/soluble coffee, it is appropriate to exclude instant/soluble coffee from the maximum level for powders of food of plant origin for the preparation of beverages. Furthermore, as regards maximum levels for PAHs for infant formulae, follow-on formulae and young-child formulae and for food for special medical purposes intended for infants and young children, they are currently set out for products as placed on the market without the distinction of the physical form of the product. It is therefore appropriate to clarify that these maximum levels refer to the products ready to use (placed on the market as such or after reconstitution as instructed by the manufacturer).

(16) As regards melamine, Codex Alimentarius has adopted, additionally to the powdered infant formula, a maximum level for liquid infant formula, which the Union has accepted. It is therefore appropriate to apply that maximum level for melamine in infant formula and follow-on formula accordingly.

(17) Therefore, Regulation (EC) No 1881/2006 should be repealed.

(18) When the Commission sets out new maximum limits for contaminants in food, it provides, where appropriate, for transitional measures in order to enable economic operators to prepare for the application of the new rules. In order to ensure a smooth transition between Regulation (EC) No 1881/2006 and this Regulation, it is appropriate to maintain the transitional measures as regards those maximum limits taken over by this Regulation, which are still relevant.

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

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

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

(a) 'food' means food as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council ([6]);

([5]) Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

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

(b) 'food business operator' means food business operator as defined in Article 3, point 3, of Regulation (EC) No 178/2002;

(c) 'placing on the market' means placing on the market as defined in Article 3, point 8, of Regulation (EC) No 178/2002;

(d) 'final consumer' means final consumer as defined in Article 3, point 18, of Regulation (EC) No 178/2002;

(e) 'processing' means processing as defined in Article 2(1), point (m) of Regulation (EC) No 852/2004 of the European Parliament and of the Council [7];

(f) 'unprocessed products' means unprocessed products as defined in Article 2(1), point (n), of Regulation (EC) No 852/2004; and

(g) 'processed products' means processed products as defined in Article 2(1), point (o), of Regulation (EC) No 852/2004.

Article 2

General rules

1. The food listed in Annex I shall not be placed on the market and shall not be used as a raw material in food or as an ingredient in food where it contains a contaminant at a level which exceeds the maximum level set out in Annex I.

2. Food complying with the maximum levels set out in Annex I shall not be mixed with food which exceeds these maximum levels.

3. The maximum levels set out in Annex I, unless otherwise specified in that Annex, shall apply to food as placed on the market and to the edible part of the food concerned.

4. In systems where cereal production and processing are integrated so that all incoming lots are cleaned, sorted and processed in the same establishment, the maximum levels shall apply to unprocessed cereals in the production chain at the stage before first-stage processing.

Article 3

Dried, diluted, processed and compound food

1. Where no specific Union maximum levels are set out in Annex I for food which is dried, diluted, processed or compound food (i.e. composed of more than one ingredient), the following aspects shall be taken into account when applying the maximum levels set out in Annex I to such food:

(a) changes of the concentration of the contaminant caused by drying or dilution processes;

(b) changes of the concentration of the contaminant caused by processing;

(c) the relative proportions of the ingredients in the product;

(d) the analytical limit of quantification.

2. Where the competent authority carries out an official control, the food business operator shall provide and justify the specific concentration, dilution or processing factors for the drying, diluting or processing operations concerned or the specific concentration, dilution or processing factors for the dried, diluted, processed or compound food concerned as well as the proportion of ingredients for mixing operations concerned.

Where the food business operator does not provide the necessary concentration, dilution or processing factor or where the competent authority deems that factor inappropriate in view of the justification given, the competent authority shall itself define that factor, based on the available information and with the objective of maximum protection of human health.

[7] Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

3. Where no specific Union maximum levels for food for infants and young children are set out in Annex I, Member States may provide for stricter maximum levels for such food.

Article 4

Prohibition on detoxification

Food containing contaminants listed in Annex I shall not be deliberately detoxified by chemical treatments.

Article 5

Food to be subjected to sorting or other physical treatment before placing on the market for the final consumer or use as a food ingredient

1. Where a maximum level for a contaminant is set out in Annex I specifically as regards food to be subjected to sorting or other physical treatment before placing on the market for the final consumer or use as a food ingredient, such food may be placed on the market provided that:

(a) it is not placed on the market for the final consumer or use as a food ingredient;

(b) it complies with the maximum level set out in Annex I for that contaminant in that food to be subjected to sorting or other physical treatment before placing on the market for the final consumer or use as a food ingredient; and

(c) it is labelled and marked in accordance with paragraph 2.

2. The label of each individual package and the original accompanying document of food referred to in paragraph 1, point (c), shall clearly show its use and bear the following information: 'Product shall be subjected to sorting or other physical treatment to reduce [name contaminant(s)] contamination before placing on the market for the final consumer or use as a food ingredient'.

The consignment/batch identification code shall be indelibly marked on each individual package of the consignment and on the original accompanying document.

3. Food to be subjected to sorting or other physical treatment to reduce contamination levels shall not prior to this be mixed with food placed on the market for the final consumer or with food intended for use as a food ingredient.

4. Food which has been subjected to sorting or other physical treatment to reduce contamination levels may be placed on the market provided that the maximum levels set out in Annex I for food placed on the market for the final consumer or use as a food ingredient are not exceeded and that the treatment used has not resulted in the presence of other harmful residues.

Article 6

Labelling provisions for groundnuts (peanuts), other oilseeds, derived products thereof and cereals

1. The label of each individual package and the original accompanying document of groundnuts (peanuts), other oilseeds, derived products thereof and cereals shall clearly show its intended use.

The consignment/batch identification code shall be indelibly marked on each individual package of the consignment and on the original accompanying document. The business activity of the consignee of the consignment given on the accompanying document shall be compatible with the intended use.

2. In the absence of a clear information that their intended use is not to be placed on the market as food, the maximum levels set out in Annex I shall apply to all groundnuts (peanuts), other oilseeds and derived products thereof and cereals placed on the market.

3. The exception of groundnuts (peanuts) and other oilseeds for crushing from the application of the maximum levels set out in Annex I, shall only apply to consignments, which:

(a) are clearly labelled showing their intended use;

(b) bear the following information 'Product to be subject to crushing for the production of refined vegetable oil' on the label of each individual package and on the original accompanying document; and

(c) have a crushing plant as the final destination.

Article 7

Derogations from Article 2

1. By way of derogation from Article 2, Latvia, Finland and Sweden may authorise the placing on their respective market for the final consumer, within their annual quota as set in Regulation (EU) No 1380/2013 of the European Parliament and of the Council ([8]), of wild caught salmon (*Salmo salar*) and products thereof originating in the Baltic region with levels of dioxins and/or DL-PCBs and/or NDL-PCBs higher than those set out in point 4.1.5 of Annex I, provided that:

(a) a system is in place to ensure that final consumers, are fully informed of the national dietary recommendations with regard to the restrictions on the consumption of wild caught salmon from the Baltic region and products thereof by identified vulnerable groups of the population in order to avoid potential health risks;

(b) Latvia, Finland and Sweden continue to apply the necessary measures to ensure that wild caught salmon and products thereof not complying with point 4.1.5 of Annex I are not marketed in other Member States;

(c) Latvia, Finland and Sweden report yearly to the Commission the measures they have taken to effectively inform final consumers of the dietary recommendations and to ensure that wild caught salmon and products thereof not compliant with the maximum levels are not marketed in other Member States and provide evidence of the effectiveness of those measures.

2. By way of derogation from Article 2, Finland and Sweden may authorise the placing on their respective market, within their annual quota as set in Regulation (EU) No 1380/2013, wild caught Baltic herring larger than 17 cm (*Clupea harengus membras*), of wild caught char (*Salvelinus* spp.), wild caught river lamprey (*Lampetra fluviatilis*) and wild caught trout (*Salmo trutta*) and products thereof originating in the Baltic region with levels of dioxins and/or DL-PCBs and/or NDL-PCBs higher than those set out in point 4.1.5 of Annex I, provided that:

(a) a system is in place to ensure that final consumers are fully informed of the dietary recommendations with regard to the restrictions on the consumption of wild caught Baltic herring larger than 17 cm, wild caught char, wild caught river lamprey and wild caught trout from the Baltic region and products thereof by identified vulnerable groups of the population in order to avoid potential health risks;

(b) Finland and Sweden continue to apply the necessary measures to ensure that wild caught Baltic herring larger than 17 cm, wild caught char, wild caught river lamprey and wild caught trout and products thereof not complying with point 4.1.5 of Annex I are not marketed in other Member States;

(c) Finland and Sweden report yearly to the Commission the measures they have taken to effectively inform the identified vulnerable sections of the population of the dietary recommendations and to ensure that fish and products thereof not compliant with the maximum levels is not marketed in other Member States and provide evidence of the effectiveness of those measures.

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

3. By way of derogation from Article 2, the following Member States may authorise the placing on their respective market for the final consumer of the following traditionally smoked meat and smoked meat products, smoked in their territory with levels of PAHs higher than those set out in point 5.1.6 of Annex I, provided that those products dot not contain more than 5,0 µg/kg for benzo(a)pyrene and 30,0 µg/kg for the sum of benzo(a)pyrene, benz(a)anthracene, benzo(b)fluoranthene and chrysene:

(a) Ireland, Croatia, Cyprus, Spain, Poland and Portugal: traditionally smoked meat and meat products;

(b) Latvia: traditionally smoked pork, hot smoked chicken meat, hot smoked sausages and hot smoked game meat;

(c) Slovakia: salted traditionally smoked meat, traditionally smoked bacon, traditionally smoked sausage (klobása), where 'traditionally smoked' means developing smoke by burning woods (wood logs, wood sawdust, wood chips) in a smokehouse;

(d) Finland: traditionally hot smoked meat and meat products;

(e) Sweden: meat and meat products smoked over glowing wood or other plant materials.

Those Member States and concerned food business operators shall continue to monitor the presence of PAHs in traditionally smoked meat and smoked meat products referred to in the first subparagraph and shall ensure that good smoking practices are implemented where possible, without losing typical organoleptic characteristics of those products.

4. By way of derogation from Article 2, the following Member States may authorise the placing on their respective market for the final consumer of the following traditionally smoked fish and smoked fishery products, smoked in their territory with levels of PAHs higher than those set out in point 5.1.7 of Annex I, provided that those smoked products do not contain more than 5,0 µg/kg for benzo(a)pyrene and 30,0 µg/kg for the sum of benzo(a)pyrene, benz(a)anthracene, benzo(b)fluoranthene and chrysene:

(a) Latvia: traditionally hot smoked fish;

(b) Finland: traditionally hot smoked small fish and fishery products made from small fish;

(c) Sweden: fish and fishery products smoked over glowing wood or other plant materials.

Those Member States and concerned food business operators shall continue to monitor the presence of PAHs in traditionally smoked fish and smoked fishery products referred to in the first subparagraph and shall ensure that good smoking practices are implemented where possible, without losing typical organoleptic characteristics of those products.

Article 8

Monitoring and reporting

1. By 1 July 2023, Member States and interested parties shall communicate to the Commission the results of investigations undertaken and the progress with regard to the application of prevention measures to avoid contamination by ergot sclerotia and ergot alkaloids in rye and rye milling products and ergot alkaloids in milling products of barley, wheat, spelt and oats grains.

Member States and interested parties shall report every year to the European Food Safety Authority ('Authority') the occurrence data on ergot sclerotia and ergot alkaloids in rye and rye milling products and on ergot alkaloids in milling products of barley, wheat, spelt and oats grains.

2. Member States shall communicate to the Commission, when requested, the investigations undertaken and the relevant sources identified following Commission Recommendations for monitoring of the presence of contaminants in food and the progress with regard to the application of prevention measures to avoid contamination.

3. Member States shall report to the Authority the occurrence data that they have collected on other contaminants than those referred to in paragraph 1. Food business operators and other interested parties may submit such occurrence data to the Authority.

4. Member States, food business operators and other interested parties shall provide to the Authority the occurrence data in accordance with Authority's reporting requirements.

Article 9

Repeal

Regulation (EC) No 1881/2006 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Article 10

Transitional measures

1. Food lawfully placed on the market prior to the dates referred to in points (a) to (k) may remain on the market until their date of minimum durability or use-by date:

(a) 19 September 2021 as regards the maximum levels for tropane alkaloids in baby foods and processed cereal-based foods for infants and young children, containing maize or its derived products set out in point 2.2.1 of Annex I;

(b) 1 January 2022 as regards the maximum levels for ergot sclerotia and ergot alkaloids set out in point 1.8 of Annex I;

(c) 3 May 2022 as regards the maximum levels for mercury set out in point 3.3 of Annex I;

(d) 1 July 2022 as regards the maximum levels for opium alkaloids set out in point 2.5 of Annex I;

(e) 1 September 2022 as regards the maximum levels for tropane alkaloids set out in points 2.2.2 to 2.2.9 of Annex I;

(f) 1 January 2023 as regards the maximum levels for ochratoxin A set out in point 1.2 of Annex I;

(g) 1 January 2023 as regards the maximum levels for hydrocyanic acid set out in point 2.3 of Annex I;

(h) 1 January 2023 as regards the maximum levels for the sum of Δ^9-THC and Δ^9-THCA set out in point 2.6 of Annex I;

(i) 1 January 2023 as regards the maximum levels for the sum of dioxins and for the sum of dioxins and DL-PCBs set out in points 4.1.1, 4.1.2, 4.1.11 and 4.1.12 of Annex I;

(j) 1 January 2023 as regards the maximum levels for the sum of perfluoroalkyl substances set out in point 4.2 of Annex I;

(k) 26 March 2023 as regards the maximum levels for arsenic set out in point 3.4 of Annex I.

2. Food lawfully placed on the market before 1 July 2022 may remain on the market until 31 December 2023 as regards the maximum levels for pyrrolizidine alkaloids set out in point 2.4 of Annex I.

3. The burden of proving the date when the products were lawfully placed on the market shall be borne by the food business operator.

Article 11

Entry into force

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

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

Done at Brussels, 25 April 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Maximum levels for certain contaminants in food [1]

1	**Mycotoxins**				
1.1	**Aflatoxins**	Maximum level (µg/kg)			Remarks
		B_1	**Sum of B_1, B_2, G_1 and G_2**	**M_1**	For the sum of aflatoxins, maximum levels refer to lower bound concentrations, which are calculated on the assumption that all the values below the limit of quantification are zero.
1.1.1	Dried fruits to be subjected to sorting or other physical treatment before placing on the market for the final consumer or use as an ingredient in food except products listed in 1.1.3	5,0	10,0	-	
1.1.2	Dried fruits used as only ingredient or processed products from dried fruits, placed on the market for the final consumer or use as an ingredient in food except products listed in 1.1.3	2,0	4,0	-	In the case of food consisting of dried fruits used as only ingredient or in the case of processed products consisting at least of 80 % from the dried fruits concerned, the maximum levels as established for the corresponding dried fruits apply also to those products. In other cases, Article 3(1) and (2) apply.
1.1.3	Dried figs	6,0	10,0	-	In the case of food consisting of dried figs used as only ingredient or in the case of processed products consisting at least of 80 % from dried figs, the maximum levels as established for dried figs apply also to those products. In other cases, Article 3(1) and (2) apply.
1.1.4	Groundnuts (peanuts) and other oilseeds, to be subjected to sorting or other physical treatment before placing on the market for the final consumer or use as an ingredient in food	8,0	15,0	-	Except groundnuts (peanuts) and other oilseeds for crushing for refined vegetable oil production. If groundnuts (peanuts) and other oilseeds with inedible shell are analysed, it is assumed, when calculating the aflatoxin content, that all the contamination is on the edible part.

1.1.5	Groundnuts (peanuts) and other oilseeds used as only ingredient or processed products from groundnuts (peanuts) and other oilseeds, placed on the market for the final consumer or use as an ingredient in food	2,0	4,0	-	Except crude vegetable oils destined for refining and refined vegetable oils. If groundnuts (peanuts) and other oilseeds with inedible shell are analysed, it is assumed when calculating the aflatoxin content that all the contamination is on the edible part. In the case of food consisting of groundnuts (peanuts) and other oilseeds used as only ingredient or in the case of processed products consisting at least of 80 % from the groundnuts (peanuts) and other oilseeds concerned, the maximum levels as established for the corresponding groundnuts (peanuts) and other oilseeds apply also to those products. In other cases, Articles 3(1) and (2) apply.
1.1.6	Tree nuts to be subjected to sorting or other physical treatment before placing on the market for the final consumer or use as an ingredient in food except products listed in 1.1.8 and 1.1.10	5,0	10,0	-	If tree nuts 'in shell' are analysed, it is assumed, when calculating the aflatoxin content, that all the contamination is on the edible part.
1.1.7	Tree nuts used as only ingredient or processed products from tree nuts, placed on the market for the final consumer or use as an ingredient in food except products listed in 1.1.9 and 1.1.11	2,0	4,0	-	If tree nuts 'in shell' are analysed, it is assumed, when calculating the aflatoxin content, that all the contamination is on the edible part. In the case of food consisting of tree nuts used as only ingredient or in the case of processed products consisting at least of 80 % from the tree nuts concerned, the maximum levels as established for tree nuts apply also to those products. In other cases, Article 3(1) and (2) apply.
1.1.8	Almonds, pistachios and apricot kernels to be subjected to sorting or other physical treatment before placing on the market for the final consumer or use as an ingredient in food	12,0	15,0	-	If tree nuts 'in shell' are analysed, it is assumed, when calculating the aflatoxin content, that all the contamination is on the edible part.

1.1.9	Almonds, pistachios and apricot kernels, placed on the market for the final consumer or use as an ingredient in food	8,0	10,0	-	If tree nuts 'in shell' are analysed, it is assumed, when calculating the aflatoxin content, that all the contamination is on the edible part. In the case of food consisting of almonds, pistachios and apricot kernels used as only ingredient or in the case of processed products consisting at least of 80 % from the tree nuts concerned, the maximum levels as established for the corresponding tree nuts apply also to those products. In other cases, Article 3(1) and (2) apply.
1.1.10	Hazelnuts and Brazil nuts, to be subjected to sorting or other physical treatment before placing on the market for the final consumer or use as an ingredient in food	8,0	15,0	-	If hazelnuts 'in shell' are analysed, it is assumed, when calculating the aflatoxin content, that all the contamination is on the edible part.
1.1.11	Hazelnuts and Brazil nuts, placed on the market for the final consumer or use as an ingredient in food	5,0	10,0	-	If hazelnuts 'in shell' are analysed, it is assumed, when calculating the aflatoxin content, that all the contamination is on the edible part. In the case of food consisting of hazelnuts and Brazil nuts used as only ingredient or in the case of processed products consisting at least of 80 % from the tree nuts concerned, the maximum levels as established for the corresponding tree nuts apply also to those products. In other cases, Article 3(1) and (2) apply.
1.1.12	Cereals and products derived from cereals except products listed in 1.1.13, 1.1.18 and 1.1.19	2,0	4,0	-	Including processed cereal products. Products derived from cereals relate to products containing at least 80 % cereal products.
1.1.13	Maize and rice to be subjected to sorting or other physical treatment before placing on the market for the final consumer or use as an ingredient in food	5,0	10,0	-	

1.1.14	Following dried spices: *Capsicum spp*. (dried fruits thereof, whole or ground, including chillies, chilli powder, cayenne or paprika) Pepper (fruits of *Piper* spp, including white and black pepper) Nutmeg (*Myristica fragrans*) Turmeric (*Curcuma longa*) Mixtures of dried spices containing one or more of the abovementioned dried spices	5,0	10,0	-	
1.1.15	Ginger (*Zingiber officinale*) (dried)	5,0	10,0	-	
1.1.16	Raw milk ([2]), heat-treated milk and milk for the manufacture of milk-based products	-	-	0,050	
1.1.17	Infant formulae, follow-on formulae ([3]) and young-child formulae ([4])	-	-	0,025	The maximum level applies to the products ready to use (placed on the market as such or after reconstitution as instructed by the manufacturer).
1.1.18	Baby food and processed cereal-based food for infants and young children ([3])	0,10	-	-	The maximum level applies to the dry matter ([5]) of the product as placed on the market.
1.1.19	Food for special medical purposes intended for infants and young children ([3])	0,10	-	0,025	The maximum level applies in the case of milk, milk products and similar products to the products ready to use (placed on the market as such or after reconstitution as instructed by the manufacturer) and in the case of products other than milk, milk products and similar products to the dry matter ([5]).

1.2	**Ochratoxin A**	Maximum level (µg/kg)	Remarks
1.2.1	Dried fruits		
1.2.1.1	Dried vine fruits (currants, raisins and sultanas) and dried figs	8,0	
1.2.1.2	Other dried fruits	2,0	
1.2.2	Date syrup	15	
1.2.3	Pistachios to be subjected to sorting or other physical treatment before placing on the market for final consumer or use as an ingredient in food	10,0	If tree nuts 'in shell' are analysed, it is assumed, when calculating the ochratoxin A content, that all the contamination is on the edible part.

1.2.4	Pistachios placed on the market for final consumer or use as ingredient in foods	5,0	If tree nuts 'in shell' are analysed, it is assumed, when calculating the ochratoxin A content, that all the contamination is on the edible part.
1.2.5	Dried herbs	10,0	
1.2.6	Ginger roots (dried) for use in herbal infusions	15	
1.2.7	Marshmallow roots (dried), dandelion roots (dried) and orange blossoms (dried) for use in herbal infusions or in coffee substitutes	20	
1.2.8	Sunflower seeds, pumpkin seeds, (water) melon seeds, hempseeds, soybeans	5,0	
1.2.9	Unprocessed cereal grains	5,0	The maximum level applies to unprocessed cereal grains placed on the market before first-stage processing ([6]).
1.2.10	Products derived from unprocessed cereal grains and cereals placed on the market for the final consumer except products listed in 1.2.11, 1.2.12, 1.2.13, 1.2.23 and 1.2.24	3,0	Including processed cereal products. Products derived from unprocessed cereal grains relate to products containing at least 80 % cereal products.
1.2.11	Bakery wares, cereal snacks and breakfast cereals		
1.2.11.1	products not containing oilseeds, nuts or dried fruits	2,0	
1.2.11.2	products containing at least 20 % dried vine fruits and/or dried figs	4,0	
1.2.11.3	other products containing oilseeds, nuts and/or dried fruits	3,0	
1.2.12	Non-alcoholic malt beverages	3,0	
1.2.13	Wheat gluten not placed on the market for the final consumer	8,0	
1.2.14	Roasted coffee beans and ground roasted coffee except products listed in 1.2.15	3,0	
1.2.15	Soluble coffee (instant coffee)	5,0	
1.2.16	Cocoa powder	3,0	
1.2.17	Dried spices except products listed in 1.2.18	15	The maximum level applies also to mixtures of dried spices.

1.2.18	*Capsicum spp.* (dried fruits thereof, whole or ground, including chillies, chilli powder, cayenne or paprika)	20	
1.2.19	Liquorice (*Glycyrrhiza glabra, Glycyrrhiza inflata* and other species)		
1.2.19.1	Liquorice root (dried), including as an ingredient in herbal infusions	20	
1.2.19.2	Liquorice extract for use in food in particular beverages and confectionary	80	The maximum level applies to the pure and undiluted extract, whereby 1 kg of extract is obtained from 3 to 4 kg liquorice root.
1.2.19.3	Liquorice confectionery containing ≥ 97 % liquorice extract on dry basis	50	
1.2.19.4	Other liquorice confectionery	10,0	
1.2.20	Wine ([7]) and fruit wine	2,0	Including semi-sparkling and sparkling wines, excluding liqueur wine and wine with an alcoholic strength of not less than 15 % vol. The maximum level applies to products produced from the 2005 harvest onwards.
1.2.21	Aromatised wine, aromatised wine-based drinks and aromatised wine-product cocktails ([8])	2,0	The maximum level applies to products produced from the 2005 harvest onwards. The maximum level applicable to these beverages is function of the proportion of wine and/or grape must present in the finished product.
1.2.22	Grape juice, grape juice from concentrate, concentrated grape juice, grape nectar, grape must and concentrated grape must, placed on the market for the final consumer ([9])	2,0	For concentrated grape juice or concentrated grape must, the maximum level applies to juice or must as reconstituted. The maximum level applies to products produced from the 2005 harvest onwards.
1.2.23	Baby food and processed cereal-based food for infants and young children ([3])	0,50	The maximum level applies to the dry matter ([5]) of the product as placed on the market.
1.2.24	Food for special medical purposes intended for infants and young children ([3])	0,50	The maximum level applies in the case of milk, milk products and similar products to the products ready to use (placed on the market as such or reconstituted as instructed by the manufacturer) and in the case of products other than milk, milk products and similar products to the dry matter ([5]).

1.3	**Patulin**	Maximum level (µg/kg)	Remarks
1.3.1	Fruit juices, fruit juices from concentrate, concentrated fruit juices and fruit nectars ([9])	50	For concentrated fruit juice, the maximum level applies to juice as reconstituted.
1.3.2	Spirit drinks ([10]), cider and other fermented drinks derived from apples or containing apple juice	50	
1.3.3	Solid apple products placed on the market for the final consumer except products listed in 1.3.4 and 1.3.5	25	Including apple compote and apple puree.
1.3.4	Apple juice and solid apple products for infants and young children ([3]) and labelled and placed on the market as such	10,0	Including apple compote and apple puree. The maximum level applies to the products ready to use (placed on the market as such or after reconstitution as instructed by the manufacturer).
1.3.5	Baby food ([3])	10,0	The maximum level applies to the products ready to use (placed on the market as such or after reconstitution as instructed by the manufacturer).

1.4	**Deoxynivalenol**	Maximum level (µg/kg)	Remarks
1.4.1	Unprocessed cereal grains except products listed in 1.4.2 and 1.4.3	1 250	Except unprocessed maize grains intended to be processed by wet milling and except rice. The maximum level applies to unprocessed cereal grains placed on the market before first-stage processing ([6]).
1.4.2	Unprocessed durum wheat grains and oat grains	1 750	The maximum level applies to unprocessed cereal grains placed on the market before first-stage processing ([6]).
1.4.3	Unprocessed maize grains	1 750	Except unprocessed maize grains for which it is evident e.g. through labelling or destination, that they are intended for use in a wet milling process only (starch production). The maximum level applies to unprocessed maize grains placed on the market before first-stage processing ([6]).
1.4.4	Cereals placed on the market for the final consumer, cereal flour, semolina, bran and germ as final product placed on the market for the final consumer except products listed in 1.4.7 and 1.4.8	750	Except rice and rice products.

1.4.5	Pasta	750	Pasta means pasta (dry) with a water content of approximately 12 %.
1.4.6	Bread, pastries, biscuits, cereal snacks and breakfast cereals	500	Except rice products. Including small bakery wares.
1.4.7	Milling products of maize not placed on the market for the final consumer		
1.4.7.1	Maize flour not placed on the market for the final consumer	1 250	At least 90 %, measured by weight, of the particles in the milling product have a size ≤ 500 µm.
1.4.7.2	Other milling products of maize not placed on the market for the final consumer	750	Less than 90 %, measured by weight, of the particles in the milling product have a size ≤ 500 µm.
1.4.8	Baby food and processed cereal-based food for infants and young children ([3])	200	Except rice products. The maximum level applies to the dry matter ([5]) of the product as placed on the market.

1.5	**Zearalenone**	Maximum level (µg/kg)	Remarks
1.5.1	Unprocessed cereal grains except products listed in 1.5.2	100	Except unprocessed maize grains intended to be processed by wet milling and except rice. The maximum level applies to unprocessed cereal grains placed on the market before first-stage processing ([6]).
1.5.2	Unprocessed maize grains	350	Except unprocessed maize grains for which it is evident e.g. through labelling, destination, that it is intended for use in a wet milling process only (starch production). The maximum level applies to unprocessed maize grains placed on the market before first-stage processing ([6]).
1.5.3	Cereals placed on the market for the final consumer, cereal flour, semolina, bran and germ as final product placed on the market for the final consumer except products listed in 1.5.5, 1.5.6 and 1.5.8	75	Except rice and rice products.
1.5.4	Bread, pastries, biscuits, cereal snacks and breakfast cereals except products listed in 1.5.5	50	Except rice products. Includes small bakery wares.
1.5.5	Maize placed on the market for the final consumer Maize-based snacks and maize-based breakfast cereals	100	

1.5.6	Milling products of maize not placed on the market for the final consumer		
1.5.6.1	Maize flour not placed on the market for the final consumer	300	At least 90 %, measured by weight, of the particles in the milling product have a size ≤ 500 µm.
1.5.6.2	Other milling products of maize not placed on the market for the final consumer	200	Less than 90 %, measured by weight, of the particles in the milling product have a size ≤ 500 µm.
1.5.7	Refined maize oil	400	
1.5.8	Baby food and processed cereal-based food for infants and young children ([3])	20	Except rice products. The maximum level applies to the dry matter ([5]) of the product as placed on the market.

1.6	**Fumonisins**	Maximum level (µg/kg)	Remarks
		Sum of B_1 and B_2	For the fumonisins, maximum levels refer to lower bound concentrations, which are calculated on the assumption that all the values below the limit of quantification are zero.
1.6.1	Unprocessed maize grains	4 000	Except unprocessed maize grains for which it is evident e.g. through labelling, destination, that it is intended for use in a wet milling process only (starch production). The maximum level applies to unprocessed maize grains placed on the market before first-stage processing ([6]).
1.6.2	Maize placed on the market for the final consumer, milling products of maize placed on the market for the final consumer, maize-based food placed on the market for the final consumer except products listed in 1.6.3 and 1.6.5	1 000	
1.6.3	Maize-based breakfast cereals and maize-based snacks	800	
1.6.4	Milling products of maize not placed on the market for the final consumer		
1.6.4.1	Maize flour not placed on the market for the final consumer	2 000	At least 90 %, measured by weight, of the particles in the milling product have a size ≤ 500 µm.
1.6.4.2	Other milling products of maize not placed on the market for the final consumer	1 400	Less than 90 %, measured by weight, of the particles in the milling product have a size ≤ 500 µm.
1.6.5	Baby food containing maize and processed maize-based food for infants and young children ([3])	200	The maximum level applies to the dry matter ([5]) of the product as placed on the market.

1.7	**Citrinin**	Maximum level (µg/kg)	Remarks
1.7.1	Food supplements based on rice fermented with red yeast *Monascus purpureus*	100	

1.8	**Ergot sclerotia and ergot alkaloids**		
1.8.1	**Ergot sclerotia**	Maximum level (g/kg)	Remarks
			The maximum level applies to unprocessed cereal grains placed on the market before first-stage processing ([6]). In case scouring ([6]) is applied in the presence of ergot sclerotia, the cereals need to firstly undergo a cleaning step before scouring. The sampling shall be performed in accordance with point B of Annex I to Regulation (EC) No 401/2006.
1.8.1.1	Unprocessed cereal grains except products listed in 1.8.1.2	0,2	Except maize and rice.
1.8.1.2	Unprocessed rye grains	0,5 0,2 as from 1 July 2024	
1.8.2	**Ergot alkaloids**	Maximum level (µg/kg)	Remarks
		Lower bound sum of ergocornine/ergocorninine; ergocristine/ergocristinine; ergocryptine/ergocryptinine (α- and β-form); ergometrine/ergometrinine; ergosine/ergosinine; ergotamine/ergotaminine	For the ergot alkaloids, maximum levels refer to lower bound concentrations, which are calculated on the assumption that all the values below the limit of quantification are zero.
1.8.2.1	Milling products of barley, wheat, spelt and oats (with an ash content lower than 900mg/100g dry matter)	100 50 as from 1 July 2024	

1.8.2.2	Milling products of barley, wheat, spelt and oats (with an ash content equal or higher than 900mg/100g dry matter) Barley, wheat, spelt and oats grains placed on the market for the final consumer	150	
1.8.2.3	Rye milling products Rye placed on the market for the final consumer	500 250 as from 1 July 2024	
1.8.2.4	Wheat gluten	400	
1.8.2.5	Processed cereal-based food for infants and young children ([3])	20	The maximum level applies to the product as placed on the market.

2	**Plant toxins**		
2.1	**Erucic acid, including erucic acid bound in fat**	Maximum level (g/kg)	Remarks
2.1.1	Vegetable oils and fats placed on the market for the final consumer or for use as an ingredient in food except products listed in 2.1.2	20,0	
2.1.2	Camelina oil, mustard oil and borage oil	50,0	With acceptance from the competent authority, the maximum level does not apply to mustard oil locally produced and consumed.
2.1.3	Mustard (condiment)	35,0	

2.2	**Tropane alkaloids**	Maximum level (µg/kg)		Remarks
		Atropine	**Scopolamine**	
2.2.1	Baby food and processed cereal-based food for infants and young children ([3]), containing millet, sorghum, buckwheat, maize or their derived products	1,0	1,0	Derived products relate to products containing at least 80 % these cereal products. The sampling for the control of compliance with the maximum level shall be performed in accordance with the provisions provided for in point J of Annex I to Regulation (EC) No 401/2006. The maximum level applies to the product as placed on the market.

		Sum of atropine and scopolamine	For the sum of atropine and scopolamine, maximum levels refer to lower bound concentrations, which are calculated on the assumption that all the values below the limit of quantification are zero.
2.2.2	Unprocessed millet grains and sorghum grains	5,0	The maximum level applies to unprocessed cereal grains placed on the market before first-stage processing ([6]).
2.2.3	Unprocessed maize grains	15	Except unprocessed maize grains for which it is evident e.g. through labelling, destination, that it is intended for use in a wet milling process only (starch production) and except unprocessed maize grains for popping. The maximum level applies to unprocessed maize grains placed on the market before first-stage processing ([6]).
2.2.4	Unprocessed buckwheat grains	10	The maximum level applies to unprocessed buckwheat grains placed on the market before first-stage processing ([6]).
2.2.5	Maize for popping Millet, sorghum and maize placed on the market for the final consumer Milling products of millet, sorghum and maize	5,0	
2.2.6	Buckwheat placed on the market for the final consumer Milling products of buckwheat	10	
2.2.7	Herbal infusions (dried product) and ingredients used for herbal infusions (dried products) except products listed in 2.2.8	25	'Herbal infusions (dried product)' refers to: — herbal infusions (dried product) from flowers, leaves, stalks, roots, and any other parts of the plant (in sachets or in bulk) used for the preparation of herbal infusion (liquid product); and — instant herbal infusions. In the case of powdered extracts, a concentration factor of 4 has to be applied.

2.2.8	Herbal infusions (dried product) and ingredients used for herbal infusions (dried products) of exclusively anise seeds	50	'Herbal infusions (dried product)' refers to: — herbal infusions (dried product) from flowers, leaves, stalks, roots, and any other parts of the plant (in sachets or in bulk) used for the preparation of herbal infusion (liquid product); and — instant herbal infusions. In the case of powdered extracts, a concentration factor of 4 has to be applied.
2.2.9	Herbal infusions (liquid product)	0,20	

2.3	**Hydrocyanic acid, including hydrocyanic acid bound in cyanogenic glycosides**	Maximum level (mg/kg)	Remarks
2.3.1	Unprocessed whole, ground, milled, cracked, chopped linseed not placed on the market for the final consumer	250	The maximum levels do not apply to oilseeds for crushing and oil refining, provided that the remaining pressed oilseeds are not placed on the market as food. In case the remaining pressed oilseeds are placed on the market as food, the maximum levels apply taking into account Article 3(1) and (2).
2.3.2	Unprocessed whole, ground, milled, cracked, chopped linseed placed on the market for the final consumer	150	The maximum level does not apply to unprocessed whole, ground, milled, cracked, chopped linseed placed on the market for the final consumer in small quantities where the warning 'Only to be used for cooking and baking. Do not consume raw!' appears in the principal field of vision of the label (using the specific font size ([11])). The unprocessed whole, ground, milled, cracked, chopped linseed with the warning message has to comply with the maximum level provided for in 2.3.1.
2.3.3	Unprocessed whole, ground, milled, cracked, chopped almonds placed on the market for the final consumer	35	The maximum level does not apply to unprocessed whole, ground, milled, cracked, chopped bitter almonds placed on the market for the final consumer in small quantities where the warning 'Only to be used for cooking and baking. Do not consume raw!' appears in the principal field of vision of the label (using the specific font size ([11])).
2.3.4	Unprocessed whole, ground, milled, cracked, chopped apricot kernels placed on the market for the final consumer	20,0	The operator who places unprocessed whole, ground, milled, cracked, chopped apricot kernels on the market for the final consumer shall provide upon request from the competent authority evidence of compliance of the marketed product with the maximum level.

2.3.5	Cassava root (fresh, peeled)	50,0	
2.3.6	Cassava flour and tapioca flour	10,0	

2.4	**Pyrrolizidine alkaloids**	Maximum level (µg/kg)	Remarks
		The maximum level refers to the lower bound sum of the following 21 pyrrolizidine alkaloids: — intermedine/lycopsamine, intermedine-N-oxide/lycopsamine-N-oxide, senecionine/senecivernine, senecionine-N-oxide/senecivernine-N-oxide, seneciphylline, seneciphylline-N-oxide, retrorsine, retrorsine-N-oxide, echimidine, echimidine-N-oxide, lasiocarpine, lasiocarpine-N-oxide, senkirkine, europine, europine-N-oxide, heliotrine and heliotrine-N-oxide and the following additional 14 pyrrolizidine alkaloids known to co-elute with one or more of the above identified 21 pyrrolizidine alkaloids, making use of certain currently used analytical methods: — indicine, echinatine, rinderine (possible co-elution with lycopsamine/intermedine), indicine-N-oxide, echinatine-N-oxide, rinderine-N-oxide (possible co-elution with lycopsamine-N-oxide/intermedine-N-oxide), integerrimine (possible co-elution with senecivernine/senecionine), integerrimine-N-oxide (possible co-elution with senecivernine-N-oxide/senecionine-N-oxide), heliosupine (possible co-elution with echimidine), heliosupine-N-oxide (possible co-elution with echimidine-N-oxide), spartioidine (possible co-elution with seneciphylline), spartioidine-N-oxide (possible co-elution with seneciphylline-N-oxide), usaramine (possible co-elution with retrorsine), usaramine N-oxide (possible co-elution with retrorsine N-oxide). Pyrrolizidine alkaloids, which can be individually and separately identified with the used method of analysis, shall be quantified and included in the sum.	For the pyrrolizidine alkaloids, maximum levels refer to lower bound concentrations, which are calculated on the assumption that all the values below the limit of quantification are zero.

2.4.1	Borage leaves (fresh, frozen) placed on the market for the final consumer	750	Without prejudice to more restrictive national rules in certain Member States on the placing of the market of pyrrolizidine alkaloid containing plants.
2.4.2	Dried herbs except products listed in 2.4.3	400	Without prejudice to more restrictive national rules in certain Member States on the placing of the market of pyrrolizidine alkaloid containing plants.
2.4.3	Borage, lovage, marjoram and oregano (dried product) and mixtures exclusively composed of these dried herbs	1 000	Without prejudice to more restrictive national rules in certain Member States on the placing of the market of pyrrolizidine alkaloid containing plants.
2.4.4	Tea (*Camellia sinensis*) and flavoured tea ([12]) (*Camellia sinensis*) (dried product) except tea and flavoured tea referred to in 2.4.5	150	For teas with dried fruits and dried herbs, Article 3 applies. 'Tea (*Camellia sinensis*) (dried product)' refers to: — tea (*Camellia sinensis*) (dried product) from dried leaves, stalks and flowers (in sachets or in bulk) used for the preparation of tea (liquid product); and — instant teas. In the case of powdered tea extracts, a concentration factor of 4 has to be applied.
2.4.5	Tea (*Camellia sinensis*), flavoured tea ([12]) (*Camellia sinensis*) and herbal infusions (dried product) and ingredients used for herbal infusions (dried products) for infants and young children	75	For teas with dried fruits and dried herbs, Article 3 applies.
2.4.6	Tea (*Camellia sinensis*), flavoured tea ([12]) (*Camellia sinensis*) and herbal infusions (liquid product) for infants and young children	1,0	For teas with dried fruits and dried herbs, Article 3 applies.
2.4.7	Herbal infusions (dried product) and ingredients used for herbal infusions (dried products) except products listed in 2.4.5 and 2.4.8	200	'Herbal infusions (dried product)' refers to: — herbal infusions (dried product) from flowers, leaves, stalks, roots, and any other parts of the plant (in sachets or in bulk) used for the preparation of herbal infusion (liquid product); and

			— instant herbal infusions. In the case of powdered extracts, a concentration factor of 4 has to be applied. Without prejudice to more restrictive national rules in certain Member States on the placing of the market of pyrrolizidine alkaloid containing plants.
2.4.8	Herbal infusions (dried product) and ingredients used for herbal infusions (dried products) of rooibos, anise (*Pimpinella anisum*), lemon balm, chamomile, thyme, peppermint, lemon verbena and mixtures exclusively composed of these dried herbs except herbal infusions referred to in 2.4.5	400	'Herbal infusions (dried product)' refers to: — herbal infusions (dried product) from flowers, leaves, stalks, roots, and any other parts of the plant (in sachets or in bulk) used for the preparation of herbal infusion (liquid product); and — to instant herbal infusions. In the case of powdered extracts, a concentration factor of 4 has to be applied.
2.4.9	Cumin	400	
2.4.10	Food supplements containing botanical preparation ([13]) including extracts except products listed in 2.4.11	400	The maximum level applies to the food supplements as placed on the market. Without prejudice to more restrictive national rules in certain Member States on the placing of the market of pyrrolizidine alkaloid containing plants.
2.4.11	Pollen based food supplements Pollen and pollen products	500	The maximum level applies to the food supplements as placed on the market.

2.5	**Opium alkaloids**	Maximum level (mg/kg)	Remarks
			For the opium alkaloids, maximum levels refer to lower bound concentrations, which are calculated on the assumption that all the values below the limit of quantification are zero. The maximum level refers to the sum of morphine and codeine, for which a factor of 0,2 is applied to the level of codeine. Therefore, the maximum level refers to the sum of morphine + 0,2 × codeine.

2.5.1	Whole, ground or milled poppy seeds placed on the market for the final consumer	20	
2.5.2	Bakery products containing poppy seeds or processed products thereof	1,50	Bakery products include also flour-based ready-to-eat savouries and snacks. Processed products thereof relate to products containing at least 80 % poppy seed products. The food business operator supplying the poppy seeds to the food business operator manufacturing the bakery products shall provide the necessary information to enable the manufacturer of the bakery products to place products on the market that comply with the maximum level. This information shall include analytical data, where appropriate.

2.6	**Delta-9-tetrahydrocannabinol (Δ^9-THC) equivalents**	Maximum level (mg/kg)	Remarks
			For delta-9-tetrahydrocannabinol (Δ9-THC) equivalents, maximum levels refer to lower bound concentrations, which are calculated on the assumption that all the values below the limit of quantification are zero. The maximum level refers to the sum of delta-9-tetrahydrocannabinol (Δ^9-THC) and delta-9-tetrahydrocannabinolic acid (Δ^9-THCA), expressed as Δ^9-THC. A factor of 0,877 is applied to the level of Δ^9-THCA and the maximum level refers to the sum of Δ^9-THC + 0,877 × Δ^9-THCA (in case of a separate determination and quantification of Δ^9-THC and Δ^9-THCA).
2.6.1	Hemp seeds	3,0	
2.6.2	Ground hemp seeds, (partially) defatted hemp seed and other hemp seed processed products except products listed in 2.6.3	3,0	Hemp seed processed products are products processed exclusively from hemp seeds.
2.6.3	Hemp seed oil	7,5	

3	**Metals and other elements**		
3.1	**Lead**	Maximum level (mg/kg)	Remarks
3.1.1	Fruits		The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.1.1.1	Cranberries, currants, elderberries and strawberry tree fruits	0,20	
3.1.1.2	Fruits other than cranberries, currants, elderberries and strawberry tree fruits	0,10	
3.1.2	Root and tuber vegetables		The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.1.2.1	Root and tuber vegetables except products listed in 3.1.2.2 and 3.1.2.3	0,10	For potatoes, the maximum level applies to peeled potatoes.
3.1.2.2	Fresh ginger, fresh turmeric	0,80	
3.1.2.3	Salsify	0,30	
3.1.3	Bulb vegetables	0,10	The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.1.4	Fruiting vegetables		The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.1.4.1	Fruiting vegetables except products listed in 3.1.4.2	0,050	
3.1.4.2	Sweetcorn	0,10	
3.1.5	Brassica vegetables		The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.1.5.1	Brassica vegetables other than those listed in 3.1.5.2	0,10	
3.1.5.2	Leafy brassica	0,30	
3.1.6	Leaf vegetables excluding fresh herbs and edible flowers	0,30	The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.

3.1.7	Legume vegetables	0,10	The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.1.8	Stem vegetables	0,10	The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.1.9	Fungi		The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.1.9.1	The following cultivated fungi: Common mushroom (*Agaricus bisporus*) Oyster mushroom (*Pleurotus ostreatus*) Shiitake mushroom (*Lentinula edodes*)	0,30	
3.1.9.2	Wild fungi	0,80	
3.1.10	Pulses	0,20	
3.1.11	Cereals	0,20	
3.1.12	Dried spices		
3.1.12.1	Seed spices	0,90	
3.1.12.2	Fruit spices	0,60	
3.1.12.3	Bark spices	2,0	
3.1.12.4	Root and rhizome spices	1,50	
3.1.12.5	Bud spices	1,0	
3.1.12.6	Flower pistil spices	1,0	
3.1.13	Meat of bovine animals, sheep, pig and poultry [2] except products listed in 3.1.14	0,10	The maximum level applies to the wet weight.
3.1.14	Offal [2]		The maximum level applies to the wet weight.
3.1.14.1	of bovine animals and sheep	0,20	
3.1.14.2	of pig	0,15	
3.1.14.3	of poultry	0,10	
3.1.15	Fishery products [2] and bivalve molluscs [2]		The maximum level applies to the wet weight.

3.1.15.1	Muscle meat of fish	0,30	Where fish are intended to be eaten whole, the maximum level applies to the whole fish. In case of dried, diluted, processed and/or compound food, Article 3(1) and (2) apply.
3.1.15.2	Cephalopods	0,30	The maximum level applies to the animal without viscera.
3.1.15.3	Crustaceans	0,50	The maximum level applies to muscle meat from appendages and abdomen, which means, that the cephalothorax of crustaceans is excluded. In case of crabs and crab-like crustaceans (*Brachyura* and *Anomura*), the maximum level applies to the muscle meat from appendages. In case of dried, diluted, processed and/or compound food, Article 3(1) and (2) apply.
3.1.15.4	Bivalve molluscs	1,50	In case of *Pecten maximus*, the maximum level applies to the adductor muscle and gonad only. In case of dried, diluted, processed and/or compound food, Article 3(1) and (2) apply.
3.1.16	Raw milk ([2]), heat-treated milk and milk for the manufacture of milk-based products	0,020	The maximum level applies to the wet weight.
3.1.17	Honey	0,10	
3.1.18	Fats and oils	0,10	Including milk fat.
3.1.19	Fruit juices, fruit juices from concentrate, concentrated fruit juices and fruit nectars ([9])		The maximum level applies to the wet weight. For concentrated fruit juice, the maximum level applies to the reconstituted juice.
3.1.19.1	exclusively from berries and other small fruits	0,05	
3.1.19.2	other than exclusively from berries and other small fruits, including mixtures	0,03	
3.1.20	Wine ([7]), cider, perry and fruit wine		The maximum level applies to the wet weight. Including semi-sparkling and sparkling wines, excluding liqueur wine and wine with an alcoholic strength of not less than 15 % vol.
3.1.20.1	products produced from the 2001 fruit harvest to the 2015 fruit harvest	0,20	
3.1.20.2	products produced from the 2016 fruit harvest to the 2021 fruit harvest	0,15	

3.1.20.3	products produced from the 2022 fruit harvest onwards	0,10	
3.1.21	Aromatised wine, aromatised wine-based drinks and aromatised wine-product cocktails ([8])		The maximum level applies to the wet weight.
3.1.21.1	products produced from the 2001 fruit harvest to the 2015 fruit harvest	0,20	
3.1.21.2	products produced from the 2016 fruit harvest to the 2021 fruit harvest	0,15	
3.1.21.3	products produced from the 2022 fruit harvest onwards	0,10	
3.1.22	Liqueur wine made from grapes ([7])		The maximum level applies to the wet weight.
3.1.22.1	products produced from the 2022 fruit harvest onwards	0,15	
3.1.23	Salts		
3.1.23.1	Salts except products listed in 3.1.23.2	1,0	
3.1.23.2	The following unrefined salts: 'fleur de sel' and 'grey salt' which are manually harvested from salt marshes with a clay bottom	2,0	
3.1.24	Infant formulae, follow-on formulae ([3]) and young-child formulae ([4])		The maximum level applies to the product as placed on the market.
3.1.24.1	placed on the market as powder	0,020	
3.1.24.2	placed on the market as liquid	0,010	
3.1.25	Drinks for infants and young children placed on the market and labelled as such except products listed in 3.1.24 and 3.1.27		
3.1.25.1	placed on the market as liquid or to be reconstituted following instructions of the manufacturer	0,020	Including fruit juices. The maximum level applies to the products ready to use.
3.1.25.2	to be prepared by infusion or decoction	0,50	The maximum level applies to the product as placed on the market.
3.1.26	Baby food and processed cereal-based food for infants and young children ([3]) except products listed in 3.1.25	0,020	The maximum level applies to the product as placed on the market.
3.1.27	Food for special medical purposes intended for infants and young children ([3])		The maximum level applies to the product as placed on the market.

3.1.27.1	placed on the market as powder	0,020	
3.1.27.2	placed on the market as liquid	0,010	
3.1.28	Food supplements	3,0	

3.2	**Cadmium**	Maximum level (mg/kg)	Remarks
3.2.1	Fruits and tree nuts		The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.2.1.1	Fruits except products listed in 3.2.1.2, 3.2.1.3 and 3.2.1.4	0,050	
3.2.1.2	Citrus fruits, pome fruits, stone fruits, table olives, kiwi fruits, bananas, mangoes, papayas and pineapples	0,020	
3.2.1.3	Berries and small fruits, except products listed in 3.2.1.4	0,030	
3.2.1.4	Raspberries	0,040	
3.2.1.5	Tree nuts		The maximum levels do not apply to tree nuts for crushing and oil refining, provided that the remaining pressed tree nuts are not placed on the market as food. In case the remaining pressed tree nuts are placed on the market as food, the maximum levels apply, taking into account Article 3(1) and (2).
3.2.1.5.1	Tree nuts except products listed in 3.2.1.5.2	0,20	
3.2.1.5.2	Pine nuts	0,30	
3.2.2	Root and tuber vegetables		The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.2.2.1	Root and tuber vegetables except products listed in 3.2.2.2, 3.2.2.3, 3.2.2.4, 3.2.2.5 and 3.2.2.6	0,10	For potatoes, the maximum level applies to peeled potatoes.
3.2.2.2	Beetroots	0,060	
3.2.2.3	Celeriac	0,15	
3.2.2.4	Horseradish, parsnips, salsify	0,20	

3.2.2.5	Radishes	0,020	
3.2.2.6	Tropical roots and tubers, parsley roots, turnips	0,050	
3.2.3	Bulb vegetables		The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.2.3.1	Bulb vegetables except products listed in 3.2.3.2	0,030	
3.2.3.2	Garlic	0,050	
3.2.4	Fruiting vegetables		The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.2.4.1	Fruiting vegetables except products listed in 3.2.4.2	0,020	
3.2.4.2	Aubergines	0,030	
3.2.5	Brassica vegetables		The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.2.5.1	Brassica except products listed in 3.2.5.2	0,040	
3.2.5.2	Leafy brassica	0,10	
3.2.6	Leaf vegetables and herbs		The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.2.6.1	Leaf vegetables except products listed in 3.2.6.2	0,10	
3.2.6.2	Spinaches and similar leaves, mustard seedlings and fresh herbs	0,20	
3.2.7	Legume vegetables	0,020	The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.2.8	Stem vegetables		The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.2.8.1	Stem vegetables except products listed in 3.2.8.2 and 3.2.8.3	0,030	
3.2.8.2	Celeries	0,10	

3.2.8.3	Leeks	0,040	
3.2.9	Fungi		The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.2.9.1	Cultivated fungi except products listed in 3.2.9.2	0,050	
3.2.9.2	Oyster mushroom (*Pleurotus ostreatus*) Shiitake mushroom (*Lentinula edodes*)	0,15	
3.2.9.3	Wild fungi	0,50	
3.2.10	Pulses and proteins from pulses		
3.2.10.1	Pulses except products listed in 3.2.10.2	0,040	
3.2.10.2	Proteins from pulses	0,10	
3.2.11	Oilseeds		The maximum levels do not apply to oilseeds for crushing and oil refining, provided that the remaining pressed oilseeds are not placed on the market as food. In case the remaining pressed oilseeds are placed on the market as food, the maximum levels apply, taking into account Article 3(1) and (2).
3.2.11.1	Oilseeds except products listed in 3.2.11.2, 3.2.11.3, 3.2.11.4, 3.2.11.5 and 3.2.11.6	0,10	
3.2.11.2	Rape seeds	0,15	
3.2.11.3	Peanuts and soy beans	0,20	
3.2.11.4	Mustard seeds	0,30	
3.2.11.5	Linseeds and sunflower seeds	0,50	
3.2.11.6	Poppy seeds	1,20	
3.2.12	Cereals		The maximum levels do not apply to cereals used for the production of beer or distillates, provided that the remaining cereal residue is not placed on the market as food. In case the remaining cereal residue is placed on the market as food, the maximum levels apply, taking into account Article 3(1) and (2).
3.2.12.1	Cereals except products listed in 3.2.12.2, 3.2.12.3, 3.2.12.4 and 3.2.12.5	0,10	
3.2.12.2	Barley and rye	0,050	

3.2.12.3	Rice, quinoa, wheat bran and wheat gluten	0,15	
3.2.12.4	Durum wheat (*Triticum durum*)	0,18	
3.2.12.5	Wheat germ	0,20	
3.2.13	Products of animal origin ([2])		The maximum level applies to the wet weight.
3.2.13.1	Meat of bovine animals, sheep, pig and poultry	0,050	Except offal.
3.2.13.2	Horsemeat	0,20	Except offal.
3.2.13.3	Liver of bovine animals, sheep, pig, poultry and horse	0,50	
3.2.13.4	Kidney of bovine animals, sheep, pig, poultry and horse	1,0	
3.2.14	Fishery products ([2]) and bivalve molluscs ([2])		The maximum level applies to the wet weight.
3.2.14.1	Muscle meat of fish except species listed in 3.2.14.2, 3.2.14.3 and 3.2.14.4	0,050	Where fish are intended to be eaten whole, the maximum level applies to the whole fish. In case of dried, diluted, processed and/or compound food, Article 3(1) and (2) apply.
3.2.14.2	Muscle meat of the following fish: Mackerel (*Scomber* species) Tuna (*Thunnus* species, *Katsuwonus pelamis, Euthynnus* species) Bichique (*Sicyopterus lagocephalus*)	0,10	Where fish are intended to be eaten whole, the maximum level applies to the whole fish. In case of dried, diluted, processed and/or compound food, Article 3(1) and (2) apply.
3.2.14.3	Muscle meat of bullet tuna (*Auxis* species)	0,15	Where fish are intended to be eaten whole, the maximum level applies to the whole fish. In case of dried, diluted, processed and/or compound food, Article 3(1) and (2) apply.
3.2.14.4	Muscle meat of the following fish: Anchovy (*Engraulis* species) Swordfish (*Xiphias gladius*) Sardine (*Sardina pilchardus*)	0,25	Where fish are intended to be eaten whole, the maximum level applies to the whole fish. In case of dried, diluted, processed and/or compound food, Article 3(1) and (2) apply.
3.2.14.5	Crustaceans	0,50	The maximum level applies to muscle meat from appendages and abdomen, which means that the cephalothorax of crustaceans is excluded. In case of crabs and crab-like crustaceans (*Brachyura* and *Anomura*) the maximum level applies to the muscle meat from appendages. In case of dried, diluted, processed and/or compound food, Article 3(1) and (2) apply.

3.2.14.6	Bivalve molluscs	1,0	In case of *Pecten maximus*, the maximum level applies to the adductor muscle and gonad only. In case of dried, diluted, processed and/or compound food, Articles 3(1) and (2) apply.
3.2.14.7	Cephalopods	1,0	The maximum level applies to the animal without viscera. In case of dried, diluted, processed and/or compound food, Articles 3(1) and (2) apply.
3.2.15	Cocoa and chocolate products ([14])		
3.2.15.1	Milk chocolate with < 30 % total dry cocoa solids	0,10	
3.2.15.2	Chocolate with < 50 % total dry cocoa solids; milk chocolate with ≥ 30 % total dry cocoa solids	0,30	
3.2.15.3	Chocolate with ≥ 50 % total dry cocoa solids	0,80	
3.2.15.4	Cocoa powder placed on the market for the final consumer or as an ingredient in sweetened cocoa powder or powdered chocolate placed on the market for the final consumer (drinking chocolate)	0,60	
3.2.16	Salt	0,50	
3.2.17	Infant formulae, follow-on formulae, food for special medical purposes intended for infants and young children ([3]) and young-child formulae ([4])		The maximum level applies to the product as placed on the market.
3.2.17.1	placed on the market as powder and manufactured from cows' milk proteins or cow's milk protein hydrolysates	0,010	
3.2.17.2	placed on the market as liquid and manufactured from cows' milk proteins or cow's milk protein hydrolysates	0,005	
3.2.17.3	placed on the market as powder and manufactured from soy protein isolates, alone or in a mixture with cows' milk proteins	0,020	
3.2.17.4	placed on the market as liquid and manufactured from soy protein isolates, alone or in a mixture with cows' milk proteins	0,010	
3.2.18	Young-child formulae ([4])		The maximum level applies to the product as placed on the market.
3.2.18.1	placed on the market as powder and manufactured from plant protein isolates other than soy protein isolates, alone or in a mixture with cow's milk proteins	0,020	

3.2.18.2	placed on the market as liquid and manufactured from plant protein isolates other than soya protein isolates, alone or in a mixture with cow's milk proteins	0,010	
3.2.19	Drinks for infants and young children labelled and placed on the market as such except products listed in 3.2.17 and 3.2.18		
3.2.19.1	placed on the market as liquid or to be reconstituted following instructions of the manufacturer	0,020	Including fruit juices. The maximum level applies to the products ready to use.
3.2.20	Baby food and processed cereal-based food for infants and young children ([3])	0,040	The maximum level applies to the product as placed on the market.
3.2.21	Food supplements		
3.2.21.1	Food supplements except products listed in 3.2.21.2	1,0	
3.2.21.2	Food supplements consisting at least of 80 % from dried seaweed, from products derived from seaweed or from dried bivalve molluscs ([2])	3,0	

3.3	**Mercury**	Maximum level (mg/kg)	Remarks
3.3.1	Fishery products ([2]) and bivalve molluscs ([2])		The maximum level applies to the wet weight. Where fish are intended to be eaten whole, the maximum level applies to the whole fish. In case of dried, diluted, processed and/or compound food, Article 3(1) and (2) apply.
3.3.1.1	Crustaceans, molluscs and muscle meat of fish except species listed in 3.3.1.2 and 3.3.1.3	0,50	For crustaceans, the maximum level applies to muscle meat from appendages and abdomen, which means, that the cephalothorax of crustaceans is excluded. In case of crabs and crab-like crustaceans (*Brachyura* and *Anomura*) the maximum level applies to the muscle meat from appendages. In case of *Pecten maximus*, the maximum level applies to the adductor muscle and gonad only.

3.3.1.2	Muscle meat of following fish: Axillary seabream (*Pagellus acarne*) Black scabbardfish (*Aphanopus carbo*) Blackspot seabream (*Pagellus bogaraveo*) Bonito (*Sarda sarda*) Common pandora (*Pagellus erythrinus*) Escolar (*Lepidocybium flavobrunneum*) Halibut (*Hippoglossus* species) Kingklip (*Genypterus capensis*) Marlin (*Makaira* species) Megrim (*Lepidorhombus* species) Oilfish (*Ruvettus pretiosus*) Orange roughy (*Hoplostethus atlanticus*) Pink cusk-eel (*Genypterus blacodes*) Pike (*Esox* species) Plain bonito (*Orcynopsis unicolor*) Poor cod (*Trisopterus* species) Red mullet (*Mullus barbatus barbatus*) Roundnose grenadier (*Coryphaenoides rupestris*) Sail fish (*Istiophorus* species) Silver scabbardfish (*Lepidopus caudatus*) Snake mackerel (*Gempylus serpens*) Sturgeon (*Acipenser* species) Surmullet (*Mullus surmuletus*) Tuna (*Thunnus* species, *Euthynnus* species, *Katsuwonus pelamis*) Shark (all species) Swordfish (*Xiphias gladius*)	1,0	
3.3.1.3	Cephalopods Marine gastropods Muscle meat of the following fish: Anchovy (*Engraulis* species) Alaska pollock (*Theragra chalcogramma*) Atlantic cod (*Gadus morhua*) Atlantic herring (*Clupea harengus*) Basa (*Pangasius bocourti*) Carp (species belonging to the *Cyprinidae* family) Common dab (*Limanda limanda*) Mackerel (*Scomber* species) European flounder (*Platichthys flesus*) European plaice (*Pleuronectes platessa*) European sprat (*Sprattus sprattus*) Mekong giant catfish (*Pangasianodon gigas*) Pollock (*Pollachius pollachius*)	0,30	For cephalopods, the maximum level applies to the animal without viscera.

	Saithe (*Pollachius virens*) Salmon & Trout (*Salmo* species and *Oncorhynchus* species, except *Salmo trutta*) Sardine or Pilchard (*Dussumieria* species, *Sardina* species, *Sardinella* species and *Sardinops* species) Sole (*Solea Solea*) Striped catfish (*Pangasianodon hypopthalmus*) Whiting (*Merlangius merlangus*)		
3.3.2	Food supplements	0,10	
3.3.3	Salt	0,10	

3.4	**Arsenic**	Maximum level (mg/kg)	Remarks
		Inorganic arsenic (sum of $As^{(III)}$ and $As^{(V)}$)	The maximum level for inorganic arsenic applies to products listed in 3.4.1 to 3.4.4.
3.4.1	Cereals and cereal based products		Rice, husked rice, milled rice and parboiled rice as defined in Codex Standard 198-1995.
3.4.1.1	Non-parboiled milled rice (polished or white rice)	0,15	
3.4.1.2	Parboiled rice and husked rice	0,25	
3.4.1.3	Rice flour	0,25	
3.4.1.4	Rice waffles, rice wafers, rice crackers, rice cakes, rice flakes and popped breakfast rice	0,30	
3.4.1.5	Rice destined for the production of food for infants and young children ([3])	0,10	
3.4.1.6	Non-alcoholic rice-based drinks	0,030	
3.4.2	Infant formulae, follow-on formulae and food for special medical purposes intended for infants and young children ([3]) and young child formulae ([4])		The maximum level applies to the product as placed on the market.

3.4.2.1	placed on the market as powder	0,020	
3.4.2.2	placed on the market as liquid	0,010	
3.4.3	Baby food ([3])	0,020	The maximum level applies to the product as placed on the market.
3.4.4	Fruit juices, concentrated fruit juices as reconstituted and fruit nectars ([9])	0,020	
		Total arsenic	The maximum level for total arsenic applies to products listed in 3.4.5.
3.4.5	Salt	0,50	

3.5	**Tin (inorganic)**	Maximum level (mg/kg)	Remarks
3.5.1	Canned food except products listed in 3.5.2, 3.5.3, 3.5.4 and 3.5.5	200	The maximum level applies to the wet weight.
3.5.2	Canned beverages except products listed in 3.5.3, 3.5.4 and 3.5.5	100	The maximum level applies to the wet weight. Including fruit juices and vegetable juices.
3.5.3	Canned infant formulae, canned follow-on formulae ([3]) and canned young-child formulae ([4])	50	Except canned dried and canned powdered products. The maximum level applies to the product as placed on the market.
3.5.4	Canned baby food and canned processed cereal-based food for infants and young children ([3])	50	Except canned dried and canned powdered products. The maximum level applies to the product as placed on the market.
3.5.5	Canned food for special medical purposes intended for infants and young children ([3])	50	Except canned dried and canned powdered products. The maximum level applies to the product as placed on the market.

4	**Halogenated persistent organic pollutants**				
4.1	**Dioxins and PCBs**	Maximum level			Remarks
		Sum of dioxins (pg WHO-PCDD/F-TEQ/g) ([15])	**Sum of dioxins and dioxin-like PCBs (pg WHO-PCDD/F-PCB-TEQ/g) ([15])**	**Sum of non dioxin-like PCBs (ng/g) ([15])**	Sum of non dioxin-like PCBs is of PCB28, PCB52, PCB101, PCB138, PCB153 and PCB180 (ICES - 6). Maximum levels refer to upper bound concentrations, which are calculated on the assumption that all the values of the different congeners below the limit of quantification are equal to the limit of quantification.
4.1.1	Meat and meat products except edible offal and products listed in 4.1.3 and 4.1.4 ([2])				Maximum levels expressed on fat are not applicable for food containing < 2 % fat. For food containing less than 2 % fat, the maximum level applicable is the level on product basis corresponding to the level on product basis for the food containing 2 % fat, calculated from the maximum level established on fat basis, making use of following formula: Maximum level expressed on product basis for food containing less than 2 % fat = maximum level expressed on fat for that food × 0,02.
4.1.1.1	of bovine, ovine and caprine animals	2,5 pg/g fat	4,0 pg/g fat	40 ng/g fat	
4.1.1.2	of pigs	1,0 pg/g fat	1,25 pg/g fat	40 ng/g fat	
4.1.1.3	of poultry	1,75 pg/g fat	3,0 pg/g fat	40 ng/g fat	
4.1.1.4	of horse	5,0 pg/g fat	10,0 pg/g fat	-	
4.1.1.5	of rabbit	1,0 pg/g fat	1,5 pg/g fat	-	
4.1.1.6	of wild boar (*Sus scrofa*)	5,0 pg/g fat	10,0 pg/g fat	-	
4.1.1.7	of wild game birds	2,0 pg/g fat	4,0 pg/g fat	-	
4.1.1.8	venison	3,0 pg/g fat	7,5 pg/g fat	-	

4.1.2	Liver and derived products thereof				
4.1.2.1	of bovine and caprine animals, pigs, poultry and horse	0,30 pg/g wet weight	0,50 pg/g wet weight	3,0 ng/g wet weight	
4.1.2.2	of ovine animals	1,25 pg/g wet weight	2,00 pg/g wet weight	3,0 ng/g wet weight	
4.1.2.3	of wild game birds	2,5 pg/g wet weight	5,0 pg/g wet weight	-	
4.1.3	Fat				
4.1.3.1	of bovine animals and sheep	2,5 pg/g fat	4,0 pg/g fat	40 ng/g fat	
4.1.3.2	of pigs	1,0 pg/g fat	1,25 pg/g fat	40 ng/g fat	
4.1.3.3	of poultry	1,75 pg/g fat	3,0 pg/g fat	40 ng/g fat	
4.1.4	Mixed animal fats	1,5 pg/g fat	2,50 pg/g fat	40 ng/g fat	
4.1.5	Fishery products ([2]) and bivalve molluscs ([2]) except products listed in 4.1.6, 4.1.7, 4.1.8, 4.1.9 and 4.1.10	3,5 pg/g wet weight	6,5 pg/g wet weight	75 ng/g wet weight	In case of fish, maximum level applies to muscle meat of fish. Where fish are intended to be eaten whole, the maximum level applies to the whole fish. The maximum level for crustaceans applies to muscle meat from appendages and abdomen, that means, that the cephalothorax of crustaceans is excluded.
4.1.6	Muscle meat of wild caught fresh water fish and products thereof	3,5 pg/g wet weight	6,5 pg/g wet weight	125 ng/g wet weight	Except diadromous fish species caught in fresh water and products thereof Where fish are intended to be eaten whole, the maximum level applies to the whole fish.
4.1.7	Muscle meat of wild caught spiny dogfish (*Squalus acanthias*) and products thereof	3,5 pg/g wet weight	6,5 pg/g wet weight	200 ng/g wet weight	

4.1.8	Muscle meat of wild caught eel (*Anguilla anguilla*) and products thereof	3,5 pg/g wet weight	10,0 pg/g wet weight	300 ng/g wet weight	
4.1.9	Fish liver and derived products thereof except products listed in 4.1.10	-	20,0 pg/g wet weight	200 ng/g wet weight	In the case of canned fish liver, the maximum level applies to the whole edible content of the can.
4.1.10	Marine oils (fish body oil, fish liver oil and oils of other marine organisms placed on the market for the final consumer)	1,75 pg/g fat	6,0 pg/g fat	200 ng/g fat	
4.1.11	Raw milk ([2]) and dairy products ([2])	2,0 pg/g fat	4,0 pg/g fat	40 ng/g fat	Including butter fat. Maximum levels expressed on fat are not applicable for food containing < 2 % fat. For food containing less than 2 % fat, the maximum level applicable is the level on product basis corresponding to the level on product basis for the food containing 2 % fat, calculated from the maximum level established on fat basis, making use of following formula: Maximum level expressed on product basis for food containing less than 2 % fat = maximum level expressed on fat for that food × 0,02.
4.1.12	Eggs and egg products except goose eggs ([2])	2,5 pg/g fat	5,0 pg/g fat	40 ng/g fat	Maximum levels expressed on fat are not applicable for food containing < 2 % fat. For food containing less than 2 % fat, the maximum level applicable is the level on product basis corresponding to the level on product basis for the food containing 2 % fat, calculated from the maximum level established on fat basis, making use of following formula: Maximum level expressed on product basis for food containing less than 2 % fat = maximum level expressed on fat for that food × 0,02.
4.1.13	Vegetable oils and fats	0,75 pg/g fat	1,25 pg/g fat	40 ng/g fat	
4.1.14	Food intended for infants and young children ([3])	0,1 pg/g wet weight	0,2 pg/g wet weight	1,0 ng/g wet weight	The maximum level applies to the products ready to use (placed on the market as such or after reconstitution as instructed by the manufacturer).

4.2	**Perfluoroalkyl substances**	Maximum level (µg/kg)					Remarks
		PFOS	**PFOA**	**PFNA**	**PFHxS**	**Sum of PFOS, PFOA, PFNA and PFHxS**	The maximum level applies to the wet weight. PFOS: perfluorooctane sulfonic acid PFOA: perfluorooctanoic acid PFNA: perfluorononanoic acid PFHxS: perfluorohexane sulfonic acid For PFOS, PFOA, PFNA, PFHxS and their sum, the maximum level refers to the sum of linear and branched stereoisomers, whether they are chromatographically separated or not. For the sum of PFOS, PFOA, PFNA and PFHxS, maximum levels refer to lower bound concentrations, which are calculated on the assumption that all the values below the limit of quantification are zero.
4.2.1	Meat and edible offal ([2])						
4.2.1.1	Meat of bovine animals, pig and poultry	0,30	0,80	0,20	0,20	1,3	
4.2.1.2	Meat of sheep	1,0	0,20	0,20	0,20	1,6	
4.2.1.3	Offal of bovine animals, sheep, pig and poultry	6,0	0,70	0,40	0,50	8,0	
4.2.1.4	Meat of game animals, with the exception of bear meat	5,0	3,5	1,5	0,60	9,0	
4.2.1.5	Offal of game animals, with the exception of bear offal	50	25	45	3,0	50	
4.2.2	Fishery products ([2]) and bivalve molluscs ([2])						In case of dried, diluted, processed and/or compound food, Article 3(1) and (2) apply.
4.2.2.1	Fish meat						Where fish are intended to be eaten whole, the maximum level applies to the whole fish.
4.2.2.1.1	Muscle meat of fish, except products listed in 4.2.2.1.2 and 4.2.2.1.3 Muscle meat of fish listed in 4.2.2.1.2 and 4.2.2.1.3, in case it is intended for the production of food for infants and young children	2,0	0,20	0,50	0,20	2,0	

4.2.2.1.2	Muscle meat of the following fish, in case it is not intended for the production of food for infants and young children: Baltic herring (*Clupea harengus membras*) Bonito (*Sarda* and *Orcynopsis* species) Burbot (*Lota lota*) European sprat (*Sprattus sprattus*) Flounder (*Platichthys flesus* and *Glyptocephalus cynoglossus*) Grey mullet (*Mugil cephalus*) Horse mackerel (*Trachurus trachurus*) Pike (*Esox* species) Plaice (*Pleuronectes* and *Lepidopsetta* species) Sardine and pilchard (*Sardina* species) Seabass (*Dicentrarchus* species) Sea catfish (*Silurus* and *Pangasius* species) Sea lamprey (*Petromyzon marinus*) Tench (*Tinca tinca*) Vendace (*Coregonus albula* and *Coregonus vandesius*) Silverly lightfish (*Phosichthys argenteus*) Wild salmon and wild trout (wild *Salmo* and *Oncorhynchus* species) Wolf fish (*Anarhichas* species)	7,0	1,0	2,5	0,20	8,0	

4.2.2.1.3	Muscle meat of the following fish, in case it is not intended for the production of food for infants and young children: Anchovy (*Engraulis* species) Babel (*Barbus barbus*) Bream (*Abramis* species) Char (*Salvelinus* species) Eel (*Anguilla* species) Pike-perch (*Sander* species) Perch (*Perca fluviatilis*) Roach (*Rutilus rutilus*) Smelt (*Osmerus* species) Whitefish (*Coregonus* species other than those listed in 4.2.2.1.2)	35	8,0	8,0	1,5	45	
4.2.2.2	Crustaceans and bivalve molluscs	3,0	0,70	1,0	1,5	5,0	For crustaceans, the maximum level applies to muscle meat from appendages and abdomen, that means, that the cephalothorax of crustaceans is excluded. In case of crabs and crab-like crustaceans (*Brachyura* and *Anomura*), the maximum level applies to the muscle meat from appendages. In case of *Pecten maximus*, the maximum level applies to the adductor muscle and gonad only. For canned crustaceans, the maximum level applies to the whole content of the can. As regards the maximum level for the whole composite product, Article 3(1), point (c) and Article 3(2) apply.
4.2.3	Eggs	1,0	0,30	0,70	0,30	1,7	

5	**Processing contaminants**			
5.1	**Polycyclic aromatic hydrocarbons (PAHs)**	Maximum level (µg/kg)		Remarks
		Benzo(a) pyrene	**Sum of PAHs: benzo(a) pyrene, benz(a) anthracene, benzo(b) fluoranthene and chrysene**	For the sum of PAHs, maximum levels refer to lower bound concentrations, which are calculated on the assumption that all the values of the four substances below the limit of quantification are zero.
5.1.1	Banana chips	2,0	20,0	
5.1.2	Powders of food of plant origin for the preparation of beverages except products listed in 5.1.4 and 5.1.5	10,0	50,0	The preparation of beverages refers to the use of powders that are finely ground and are stirred into drinks. Except instant or soluble coffee.
5.1.3	Dried herbs	10,0	50,0	The maximum level applies to the product as placed on the market.
5.1.4	Cocoa beans and derived products except products listed in 5.1.5	5,0 µg/kg fat	30,0 µg/kg fat	Including cocoa butter.
5.1.5	Cocoa fibre and products derived from cocoa fibre intended for use as an ingredient in food	3,0	15,0	Cocoa fibre is a specific cocoa product produced from the shell of the cocoa bean and contains higher levels of PAHs than the cocoa products produced from the cocoa nibs. The cocoa fibre and derived products are intermediate products in the production chain and are used as an ingredient in the preparation of low calorie, high fibre food.
5.1.6	Smoked meat and smoked meat products	2,0	12,0	
5.1.7	Smoked fishery products ([2]) except products listed in 5.1.8	2,0	12,0	In case of fish, the maximum level applies to muscle meat of fish. Where fish are intended to be eaten whole, the maximum level applies to the whole fish. The maximum level for smoked crustaceans applies to muscle meat from appendages and abdomen, that means, that the cephalothorax of crustaceans is excluded. In case of smoked crabs and crab-like crustaceans (*Brachyura* and *Anomura*) it applies to muscle meat from appendages.

5.1.8	Smoked sprats and canned smoked sprats (*Sprattus sprattus*) Smoked Baltic herring ≤ 14 cm length and canned smoked Baltic herring ≤ 14 cm length (*Clupea harengus membras*) Katsuobushi (dried bonito, *Katsuwonus pelamis*) Bivalve molluscs ([2]) (fresh, chilled or frozen) Heat treated meat and heat treated meat products placed on the market for the final consumer	5,0	30,0	Where fish are intended to be eaten whole, the maximum level applies to the whole fish. Meat and meat products that have undergone a heat treatment potentially resulting in formation of PAH, i.e. only grilling and barbecuing. For the canned products, the maximum level applies to the whole content of the can. As regards the maximum level for the whole composite product, Article 3(1), point (c) and Article 3(2) apply.
5.1.9	Smoked bivalve molluscs ([2])	6,0	35,0	
5.1.10	Dried spices	10,0	50,0	Except cardamom and smoked *Capsicum* spp. The maximum level applies to the product as placed on the market.
5.1.11	Oils and fats placed on the market for the final consumer or use as an ingredient in food	2,0	10,0	Except cocoa butter and coconut oil. This maximum level applies to vegetable oils used as an ingredient in food supplements.
5.1.12	Coconut oil placed on the market for the final consumer or use as an ingredient in food	2,0	20,0	
5.1.13	Infant formulae, follow-on formulae ([3]) and young-child formulae ([4])	1,0	1,0	The maximum level applies to the products ready to use (placed on the market as such or after reconstitution as instructed by the manufacturer).
5.1.14	Baby food and processed cereal-based food for infants and young children ([3])	1,0	1,0	The maximum level applies to the product as placed on the market.
5.1.15	Food for special medical purposes intended for infants and young children ([3])	1,0	1,0	The maximum level applies to the products ready to use (placed on the market as such or after reconstitution as instructed by the manufacturer).
5.1.16	Food supplements containing botanicals and their preparations ([13]) Food supplements containing propolis, royal jelly, spirulina or their preparations	10,0	50,0	The maximum level does not apply to food supplements containing vegetable oils. For vegetable oils used as an ingredient in food supplements, see point 5.1.11.

5.2	**3-monochloropropane-1,2-diol (3-MCPD)**	Maximum level (µg/kg)	Remarks
5.2.1	Hydrolysed vegetable protein	20	The maximum level is given for the liquid product containing 40 % dry matter, corresponding to a maximum level of 50 µg/kg in the dry matter. The level needs to be adjusted proportionally according to the dry matter content of the products.
5.2.2	Soy sauce	20	The maximum level is given for the liquid product containing 40 % dry matter, corresponding to a maximum level of 50 µg/kg in the dry matter. The level needs to be adjusted proportionally according to the dry matter content of the products.

5.3	**Sum of 3-monochloropropanediol (3-MCPD) and 3-MCPD fatty acid esters, expressed as 3-MCPD**	Maximum level (µg/kg)	Remarks
			For the sum of 3-monochloropropanediol (3-MCPD) and 3-MCPD fatty acid esters, maximum levels refer to lower bound concentrations, which are calculated on the assumption that all the values below the limit of quantification are zero.
5.3.1	Vegetable oils and fats, fish oils and oils from other marine organisms except products listed in 5.3.2 placed on the market for the final consumer or for use as an ingredient in food falling within the following categories:		Except virgin olive oils ([7]).
5.3.1.1	oils and fats from coconut, maize, rapeseed, sunflower, soybean, palm kernel and olive oils (composed of refined olive oil and virgin olive oil) and mixtures of oils and fats with oils and fats only from this category	1 250	Except virgin olive oils ([7]).
5.3.1.2	other vegetable oils, fish oils and oils from other marine organisms and mixtures of oils and fats with oils and fats only from this category	2 500	Including pomace olive oils.
5.3.1.3	mixtures of oils and fats from products listed in 5.3.1.1 and 5.3.1.2	-	The oils and fats used as ingredient for the mixture shall comply with the maximum level established for the oil and fat. Therefore, the level of the sum of 3-MCPD and 3-MCPD fatty acid esters, expressed as 3-MCPD in the mixture, shall not exceed the level calculated in accordance with Article 3(1), point (c).

			In case the quantitative composition is not known for the competent authority and the food business operator, not producing the mixture, the level of the sum of 3-MCPD and 3-MCPD fatty acid esters, expressed as 3-MCPD in the mixture shall in any case not exceed 2 500 µg/kg.
5.3.2	Vegetable oils and fats, fish oils and oils from other marine organisms destined for the production of baby food and processed cereal-based food for infants and young children ([3])	750	When the product is a mixture of different oils or fats of the same or of different botanical origins, the maximum level applies for the mixture. The oils and fats used as ingredient for the mixture shall comply with the maximum level established for the oil and fat in point 5.3.1.
5.3.3	Infant formulae, follow-on formulae and food for special medical purposes intended for infants and young children ([3]) and young-child formulae ([4])		The maximum level applies to the product as placed on the market.
5.3.3.1	placed on the market as powder	125	
5.3.3.2	placed on the market as liquid	15	

5.4	**Glycidyl fatty acid esters, expressed as glycidol**	Maximum level (µg/kg)	Remarks
5.4.1	Vegetable oils and fats, fish oils and oils from other marine organisms placed on the market for the final consumer or for use as an ingredient in food except products listed in 5.4.2	1 000	Except virgin olive oils ([7]).
5.4.2	Vegetable oils and fats, fish oils and oils from other marine organisms destined for the production of baby food and processed cereal-based food for infants and young children ([3])	500	When the product is a mixture of different oils or fats of the same or of different botanical origins, the maximum level applies for the mixture. The oils and fats used as ingredient for the mixture shall comply with the maximum level established for the oil and fat in point 5.4.1.
5.4.3	Infant formulae, follow-on formulae and food for special medical purposes intended for infants and young children ([3]) and young-child formulae ([4])		The maximum level applies to the product as placed on the market.
5.4.3.1	placed on the market as powder	50	
5.4.3.2	placed on the market as liquid	6,0	

6	**Other contaminants**		
6.1	**Nitrates**	Maximum level (mg NO_3/kg)	
6.1.1	Fresh spinach (*Spinacia oleracea*)	3 500	The maximum level does not apply for fresh spinach for processing, which is directly transported in bulk from field to processing plant.
6.1.2	Preserved, deep-frozen or frozen spinach	2 000	
6.1.3	Fresh lettuce (*Lactuca sativa* L.) except products listed in 6.1.4		
6.1.3.1	Lettuce grown under cover, harvested between 1 October and 31 March	5 000	Lettuce grown under cover has to be labelled as such; otherwise the maximum level specified in 6.1.3.2 applies.
6.1.3.2	Lettuce grown in the open air, harvested between 1 October and 31 March	4 000	
6.1.3.3	Lettuce grown under cover, harvested between 1 April and 30 September	4 000	Lettuce grown under cover has to be labelled as such; otherwise the maximum level specified in 6.1.3.4 applies.
6.1.3.4	Lettuce grown in the open air, harvested between 1 April and 30 September	3 000	
6.1.4	'Iceberg' type lettuce		Including Grazer Krauthäuptl.
6.1.4.1	Lettuce grown under cover	2 500	Lettuce grown under cover has to be labelled as such; otherwise the maximum level specified in 6.1.4.2 applies.
6.1.4.2	Lettuce grown in the open air	2 000	
6.1.5	Rucola (*Eruca sativa, Diplotaxis* sp., *Brassica tenuifolia, Sisymbrium tenuifolium*)		
6.1.5.1	harvested between 1 October and 31 March	7 000	
6.1.5.2	harvested between 1 April and 30 September	6 000	
6.1.6	Baby food and processed cereal-based food for infants and young children ([3])	200	The maximum level applies to the products ready to use (placed on the market as such or after reconstitution as instructed by the manufacturer).

6.2	**Melamine**	Maximum level (mg/kg)	Remarks
6.2.1	Food except products listed in 6.2.2	2,5	The maximum level does not apply to food for which it can be proven that the level of melamine higher than 2,5 mg/kg is the consequence of authorized use of cyromazine as insecticide. The melamine level shall not exceed the level of cyromazine.
6.2.2	Infant formulae, follow-on formulae ([3]) and young-child formulae ([4])		The maximum level applies to the product as placed on the market.
6.2.2.1	placed on the market as powder	1,0	
6.2.2.2	placed on the market as liquid	0,15	

6.3	**Perchlorate**	Maximum level (mg/kg)	Remarks
6.3.1	Fruits and vegetables except of products listed in 6.3.1.1 and 6.3.1.2	0,05	
6.3.1.1	*Cucurbitaceae* and kale	0,10	
6.3.1.2	Leaf vegetables and herbs	0,50	
6.3.2	Tea (*Camellia sinensis*) (dried product) Herbal and fruit infusions (dried product) and ingredients used for herbal and fruit infusions (dried products)	0,75	'Herbal infusions (dried product)' refers to: — herbal infusions (dried product) from flowers, leaves, stalks, roots, and any other parts of the plant (in sachets or in bulk) used for the preparation of herbal infusion (liquid product); and — instant herbal infusions. In the case of powdered extracts, a concentration factor of 4 has to be applied.
6.3.3	Infant formulae, follow-on formulae, food for special medical purposes intended for infants and young children ([3]) and young-child formulae ([4])	0,01	The maximum level applies to the products ready to use (placed on the market as such or after reconstitution as instructed by the manufacturer).
6.3.4	Baby food ([3])	0,02	The maximum level applies to the products ready to use (placed on the market as such or after reconstitution as instructed by the manufacturer).
6.3.5	Processed cereal-based food ([3])	0,01	The maximum level applies to the product as placed on the market.

([1]) Fruits, tree nuts, vegetables, cereals, oilseeds and spices as listed in the relevant category as defined in Annex I to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1). For the purpose of this Regulation tree nuts are not covered by the maximum level for fruits.

([2]) Food as defined in Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

([3]) Food as defined in Article 2 of Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L181, 29.6.2013, p. 35).

([4]) 'Young-child formulae' refers to milk-based drinks and similar protein-based products intended for young children. These products are outside the scope of Regulation (EU) No 609/2013 (Report from the Commission to the European Parliament and the Council on young-child formulae (COM(2016) 169 final) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016DC0169&qid=1620902871447).

([5]) Dry matter is determined according to Commission Regulation (EC) No 401/2006 of 23 February 2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs (OJ L 70, 9.3.2006, p. 12).

([6]) First stage processing means any physical or thermal treatment, other than drying, of or on the grain. Cleaning, including scouring, sorting (colour sorting where applicable) and drying procedures are not considered to be 'first-stage processing' insofar as the whole grain remains intact after cleaning and sorting. Scouring means cleaning cereal by brushing and/or scrubbing it vigorously, combined with dust removal (e.g. aspiration). The scouring could be followed by a colour sorting before milling.

([7]) Food as defined in Part II and Part VIII of Annex VII to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347 20.12.2013, p. 671).

([8]) Food as defined in Article 3 of Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).

([9]) Food as defined in Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption (OJ L 10, 12.1.2002, p. 58).

([10]) Food as defined in Article 2 of Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (OJ L 130, 17. 5. 2019, p.1).

([11]) The font size as specified in Article 13(2) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers (OJ L 304 22.11.2011, p. 18).

([12]) 'Flavoured tea' is tea with a 'flavouring' or a 'food ingredient with flavouring properties' as defined in Article 3 of Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (OJ L 354, 31.12.2008, p. 34).

([13]) Botanical preparations for food supplements are obtained from botanicals (e.g. whole, plant parts, fragmented or cut plants) by various processes (e.g. pressing, squeezing, extraction, fractionation, distillation, concentration, drying up and fermentation). Botanical preparations include comminuted or powdered plants, plant parts, algae, fungi, lichen, tinctures, extracts, essential oils (other than the vegetable oils and fats (excluding butter and coconut oil) intended for direct human consumption or use as an ingredient in food), expressed juices and processed exudates.

([14]) 'Cocoa and chocolate products' are any of the products defined in points 2, 3 and 4 of part A of Annex I to Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption (OJ L 197, 3.8.2000, p. 19).

([15]) WHO-TEQs: The sum of dioxins (polychlorinated dibenzo-para-dioxins [PCDDs] and polychlorinated dibenzofurans [PCDFs]) and the sum of dioxins and dioxin-like polychlorinated biphenyls (PCBs) are calculated using the WHO-toxic equivalency factors (WHO-TEFs) and expressed as WHO toxic equivalents (WHO-TEQs). WHO-TEFs for human risk assessment are based on the conclusions of the World Health Organization (WHO) – International Programme on Chemical Safety (IPCS) expert meeting which was held in Geneva in June 2005 (Van den Berg et al., The 2005 World Health Organization Re-evaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-like Compounds. Toxicological Sciences 93[2], 223-241 [2006]).

Congener	TEF value	Congener	TEF value
Dioxins		'Dioxin-like' PCBs	
Dibenzo-p-dioxins ("PCDDs")		*Non-ortho–substituted PCBs*	
2,3,7,8-TCDD	1	PCB 77	0,0001
1,2,3,7,8-PeCDD	1	PCB 81	0,0003
1,2,3,4,7,8-HxCDD	0,1	PCB 126	0,1
1,2,3,6,7,8-HxCDD	0,1	PCB 169	0,03
1,2,3,7,8,9-HxCDD	0,1		
1,2,3,4,6,7,8-HpCDD	0,01		
OCDD	0,0003		
		Mono-ortho–substituted PCBs	
2,3,7,8-TCDF	0,1	PCB 105	0,00003
1,2,3,7,8-PeCDF	0,03	PCB 114	0,00003
2,3,4,7,8-PeCDF	0,3	PCB 118	0,00003
1,2,3,4,7,8-HxCDF	0,1	PCB 123	0,00003
1,2,3,6,7,8-HxCDF	0,1	PCB 156	0,00003
1,2,3,7,8,9-HxCDF	0,1	PCB 157	0,00003

Congener	TEF value	Congener	TEF value
Dioxins		'Dioxin-like' PCBs	
2,3,4,6,7,8-HxCDF	0,1	PCB 167	0,00003
1,2,3,4,6,7,8-HpCDF	0,01	PCB 189	0,00003
1,2,3,4,7,8,9-HpCDF	0,01		
OCDF	0,0003		

Abbreviations used: 'T' = tetra; 'Pe' = penta; 'Hx' = hexa; 'Hp' = hepta; 'O' = octa; 'CDD' = chlorodibenzodioxin; 'CDF' = chlorodibenzofuran; 'CB' = chlorobiphenyl

ANNEX II

Correlation table referred to in Article 9

Regulation (EC) No 1881/2006	This Regulation
Article 1	Article 2
Article 2(1), 2(2), 2(3)	Article 3(1), 3(2), 3(3)
Article 2(4)	Article 3(3)
Article 3(1), 3(2)	Article 2(1), 2(2)
Article 3(3)	Article 5(3)
Article 3(4)	Article 4
Article 4	Article 5
Article 5	Article 6
Article 6	Annex I, points 6.1.3.1, 6.1.3.3, 6.1.4.1
Article 7	Article 7
Article 8	-
Article 9	Article 8
Article 10	Article 9
Article 11	Article 10
Article 12	Article 11
Annex	Annex I

COMMISSION IMPLEMENTING REGULATION (EU) 2023/916

of 28 April 2023

entering a name in the register of protected designations of origin and protected geographical indications ('Melocotón de Cieza' (PGI))

THE EUROPEAN COMMISSION,

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

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

Whereas:

(1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Spain's application to register the name 'Melocotón de Cieza' was published in the *Official Journal of the European Union* ([2]).

(2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Melocotón de Cieza' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Melocotón de Cieza' (IGP) is hereby entered in the register.

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

Article 2

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

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

Done at Brussels, 28 April 2023.

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

([1]) OJ L 343, 14.12.2012, p. 1.
([2]) OJ C 20, 20.1.2023, p. 21
([3]) Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION REGULATION (EU) 2023/917

of 4 May 2023

correcting the Polish language version of Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 108(4) thereof,

Having regard to Council Regulation (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid [1], and in particular Article 1(1), point (a), thereof,

After consulting the Advisory Committee on State aid,

Whereas:

(1) The Polish language version of Commission Regulation (EU) No 651/2014 [2] contains an error in Article 2, point (103e) that affects the content of the definition of a 'small mid-cap' undertaking, and indirectly also the scope of all the provisions which use this term.

(2) The Polish language version of Regulation (EU) No 651/2014 should therefore be corrected accordingly. The other language versions are not affected,

HAS ADOPTED THIS REGULATION:

Article 1

(Does not concern the English language.)

Article 2

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

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

Done at Brussels, 4 May 2023.

For the Commission
The President
Ursula VON DER LEYEN

[1] OJ L 248, 24.9.2015, p. 1.
[2] Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).

COMMISSION IMPLEMENTING REGULATION (EU) 2023/918

of 4 May 2023

amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances aclonifen, ametoctradin, beflubutamid, benthiavalicarb, boscalid, captan, clethodim, cycloxydim, cyflumetofen, dazomet, diclofop, dimethomorph, ethephon, fenazaquin, fluopicolide, fluoxastrobin, flurochloridone, folpet, formetanate, *Helicoverpa armigera nucleopolyhedrovirus*, hymexazol, indolylbutyric acid, mandipropamid, metalaxyl, metaldehyde, metam, metazachlor, metribuzin, milbemectin, paclobutrazol, penoxsulam, phenmedipham, pirimiphos-methyl, propamocarb, proquinazid, prothioconazole, S-metolachlor, *Spodoptera littoralis nucleopolyhedrovirus*, *Trichoderma asperellum* strain T34 and Trichoderma atroviride strain I-1237

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ([1]), and in particular Article 17, first paragraph, thereof,

Whereas:

(1) Pursuant to Article 78(3) of Regulation (EC) No 1107/2009, active substances included in Annex I to Directive 91/414/EEC ([2]) are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex Commission Implementing Regulation (EU) No 540/2011 ([3]). Active substances approved under Regulation (EC) No 1107/2009 are listed in Part B of that Annex.

(2) Commission Implementing Regulation (EU) 2022/708 ([4]) extends the approval period of the active substance flurochloridone until 31 May 2023. That Regulation also extends the approval period of the active substance metam until 30 June 2023 and of the active substances aclonifen, beflubutamid, benthiavalicarb, boscalid, captan, dimethomorph, ethephon, fluoxastrobin, folpet, formetanate, metazachlor, metribuzin, milbemectin, phenmedipham, pirimiphos-methyl, propamocarb, proquinazid, prothioconazole and S-metolachlor until 31 July 2023.

([1]) OJ L 309, 24.11.2009, p. 1.

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

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

([4]) Commission Implementing Regulation (EU) 2022/708 of 5 May 2022 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 2,5-dichlorobenzoic acid methylester, acetic acid, aclonifen, aluminium ammonium sulphate, aluminium phosphide, aluminium silicate, beflubutamid, benthiavalicarb, boscalid, calcium carbide, captan, cymoxanil, dimethomorph, dodemorph, ethephon, ethylene, extract from tea tree, fat distilation residues, fatty acids C7 to C20, fluoxastrobin, flurochloridone, folpet, formetanate, gibberellic acid, gibberellins, hydrolysed proteins, iron sulphate, magnesium phosphide, metam, metamitron, metazachlor, metribuzin, milbemectin, phenmedipham, pirimiphos-methyl, plant oils/clove oil, plant oils/rape seed oil, plant oils/spear mint oil, propamocarb, proquinazid, prothioconazole, pyrethrins, quartz sand, fish oil, repellents by smell of animal or plant origin/sheep fat, S-metolachlor, Straight Chain Lepidopteran Pheromones, sulcotrione, tebuconazole and urea (OJ L 133, 10.5.2022, p. 1).

(3) Commission Implementing Regulation (EU) 2018/1266 ([5]) extends the approval period of the active substances clethodim, cycloxydim, dazomet, diclofop, fenazaquin, hymexazol, indolylbutyric acid, metaldehyde and paclobutrazol until 31 May 2023.

(4) Commission Implementing Regulation (EU) 2017/1527 ([6]) extends the approval period of the active substance fluopicolide until 31 May 2023.

(5) Commission Implementing Regulation (EU) 2017/2069 ([7]) extends the approval period of the active substance metalaxyl until 30 June 2023, and of the active substance penoxsulam until 31 July 2023.

(6) The approval of the active substance ametoctradin is set to expire on 31 July 2023 in accordance with Commission Implementing Regulation (EU) No 200/2013 ([8]).

(7) The approval of the active substance cyflumetofen is set to expire on 31 May 2023 in accordance with Commission Implementing Regulation (EU) No 22/2013 ([9]).

(8) The approval of the active substance *Helicoverpa armigera nucleopolyhedrovirus* is set to expire on 31 May 2023 in accordance with Commission Implementing Regulation (EU) No 368/2013 ([10]).

(9) The approval of the active substance mandipropamid is set to expire on 31 July 2023 in accordance with Commission Implementing Regulation (EU) No 188/2013 ([11]).

(10) The approval of the active substance *Spodoptera littoralis nucleopolyhedrovirus* is set to expire on 31 May 2023 in accordance with Commission Implementing Regulation (EU) No 367/2013 ([12]).

([5]) Commission Implementing Regulation (EU) 2018/1266 of 20 September 2018 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 1-decanol, 6-benzyladenine, aluminium sulfate, azadirachtin, bupirimate, carboxin, clethodim, cycloxydim, dazomet, diclofop, dithianon, dodine, fenazaquin, fluometuron, flutriafol, hexythiazox, hymexazol, indolylbutyric acid, isoxaben, lime sulphur, metaldehyde, paclobutrazol, pencycuron, sintofen, tau-fluvalinate and tebufenozide (OJ L 238, 21.9.2018, p. 81).

([6]) Commission Implementing Regulation (EU) 2017/1527 of 6 September 2017 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances cyflufenamid, fluopicolide, heptamaloxyloglucan and malathion (OJ L 231, 7.9.2017, p. 3).

([7]) Commission Implementing Regulation (EU) 2017/2069 of 13 November 2017 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances flonicamid (IKI-220), metalaxyl, penoxsulam and proquinazid (OJ L 295, 14.11.2017, p. 51).

([8]) Commission Implementing Regulation (EU) No 200/2013 of 8 March 2013 approving the active substance ametoctradin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 67, 9.3.2013, p. 1).

([9]) Commission Implementing Regulation (EU) No 22/2013 of 15 January 2013 approving the active substance cyflumetofen, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 11, 16.1.2013, p. 8).

([10]) Commission Implementing Regulation (EU) No 368/2013 of 22 April 2013 approving the active substance *Helicoverpa armigera nucleopolyhedrovirus*, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 111, 23.4.2013, p. 36).

([11]) Commission Implementing Regulation (EU) No 188/2013 of 5 March 2013 approving the active substance mandipropamid, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 62, 6.3.2013, p. 13).

([12]) Commission Implementing Regulation (EU) No 367/2013 of 22 April 2013 approving the active substance *Spodoptera littoralis nucleopolyhedrovirus*, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 111, 23.4.2013, p. 33).

(11) The approval of the active substance *Trichoderma asperellum* strain T34 is set to expire on 31 May 2023 in accordance with Commission Implementing Regulation (EU) No 1238/2012 ([13]).

(12) The approval of the active substance *Trichoderma atroviride* strain I-1237 is set to expire on 31 May 2023 in accordance with Commission Implementing Regulation (EU) No 17/2013 ([14]).

(13) Applications and supplementary dossiers for the renewal of the approval of those active substances were submitted in accordance with Commission Implementing Regulation (EU) No 844/2012 ([15]), which continues to apply to these active substances pursuant to Article 17 of Commission Implementing Regulation (EU) 2020/1740 ([16]). They were declared admissible by the respective rapporteur Member States.

(14) For the active substances aclonifen, ametoctradin, beflubutamid, clethodim, cycloxydim, cyflumetofen, dazomet, diclofop, fenazaquin, fluopicolide, *Helicoverpa armigera nucleopolyhedrovirus*, hymexazol, mandipropamid, metalaxyl, metaldehyde, metam, metazachlor, paclobutrazol, *Spodoptera littoralis nucleopolyhedrovirus*, *Trichoderma asperellum* strain T34 and *Trichoderma atroviride* strain I-1237, the risk assessment pursuant to Article 11 of Implementing Regulation (EU) No 844/2012 has not yet been finalised by the respective rapporteur Member States.

(15) For the active substances boscalid, flurochloridone, indolylbutyric acid, penoxsulam, and proquinazid, the European Food Safety Authority ('the Authority') will need additional time, in accordance with Article 13 of Implementing Regulation (EU) No 844/2012, to adopt a conclusion and where appropriate to organise a consultation of experts. Furthermore, additional time is needed for the ensuing risk management decision in accordance with Article 14 of Implementing Regulation (EU) No 844/2012.

(16) For the active substance prothioconazole, additional information for the purposes of assessment of the approval criteria set out in point 3.6.5 and point 3.8.2 of Annex II to Regulation (EC) No 1107/2009 was requested by the Authority pursuant to Article 13(3a) of Implementing Regulation (EU) No 844/2012, with a deadline of 15 April 2023. For the active substances dimethomorph, fluoxastrobin, folpet, formetanate, metribuzin, milbemectin, paclobutrazol, penoxsulam, phenmedipham, pirimiphos-methyl and propamocarb, additional information for the purposes of assessment of the approval criteria set out in point 3.6.5 and point 3.8.2 of Annex II to Regulation (EC) No 1107/2009, was requested by the Authority pursuant to Article 13(3a) of Implementing Regulation (EU) No 844/2012 and was submitted by the applicants within the deadline given. However, additional time is needed for its evaluation and for the related conclusion as well as for the ensuing risk management decision in accordance with Articles 13 and 14 of Implementing Regulation (EU) No 844/2012.

(17) For the active substances benthiavalicarb and captan, the Authority has submitted its conclusion in accordance with Article 13 of Implementing Regulation (EU) No 844/2012. The Commission has initiated discussions on those active substances in the Standing Committee on Plants, Animals, Food and Feed pursuant to Article 14 of Implementing Regulation (EU) No 844/2012 and as regards captan, it has presented the renewal report and the draft Regulation renewing its approval. Pending the opinion of this Committee on that draft Regulation, additional time is needed for the ensuing risk management decision in accordance with Article 14 of Implementing Regulation (EU) No 844/2012.

([13]) Commission Implementing Regulation (EU) No 1238/2012 of 19 December 2012 approving the active substance *Trichoderma asperellum* (strain T34), in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 350, 20.12.2012, p. 59).

([14]) Commission Implementing Regulation (EU) No 17/2013 of 14 January 2013 approving the active substance *Trichoderma atroviride* strain I-1237, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Implementing Regulation (EU) No 540/2011 (OJ L 9, 15.1.2013, p. 5).

([15]) Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

([16]) Commission Implementing Regulation (EU) 2020/1740 of 20 November 2020 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council, and repealing Commission Implementing Regulation (EU) No 844/2012 (OJ L 392, 23.11.2020, p. 20).

(18) For the active substance S-metolachlor, on 3 February 2023, the Authority has submitted to the Commission and Member States its conclusion in accordance with Article 13 of Implementing Regulation (EU) No 844/2012, excluding the assessment of the endocrine disrupting properties. However, additional time is needed for adopting a risk management decision in accordance with Article 14 of Implementing Regulation (EU) No 844/2012.

(19) It is therefore likely that no decision on the renewal of the approval of these active substances can be taken before the expiry of their respective approval periods on 31 May 2023, 30 June 2023 and 31 July 2023. The reasons for the delay in the renewal procedures are also beyond the control of the respective applicants.

(20) Given that it is likely that no decision on the renewal of the approval of these active substances can be taken before the expiry of their respective approval periods and that the reasons for the delays in the renewal procedures are beyond the control of the respective applicants, the approval periods of the active substances should be extended in order to enable the completion of the assessments required and finalise the regulatory decision-making procedures on the respective applications for renewal of approval. Commission Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.

(21) In case the Commission is to adopt a Regulation providing that the approval of an active substance referred to in the Annex to this Regulation is not renewed because the approval criteria are not satisfied, the Commission is to set the expiry date at the same date as before this Regulation or at the date of the entry into force of the Regulation providing that the approval of the active substance is not renewed, whichever date is later. As regards cases where the Commission is to adopt a Regulation providing for the renewal of the approval of an active substance referred to in the Annex to this Regulation, the Commission will endeavour to set, as appropriate under the circumstances, the earliest possible application date.

(22) Taking into account that the current approval of clethodim, cycloxydim, cyflumetofen, dazomet, diclofop, fenazaquin, fluopicolide, flurochloridone, *Helicoverpa armigera nucleopolyhedrovirus*, hymexazol, indolylbutyric acid, metaldehyde, paclobutrazol, *Spodoptera littoralis nucleopolyhedrovirus, Trichoderma asperellum* strain T34 and *Trichoderma atroviride* strain I-1237 expires on 31 May 2023, this Regulation should enter into force as soon as possible.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 4 May 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

1. Part A is amended as follows:

(1) in the sixth column, expiration of approval, of row 88, Phenmedipham, the date is replaced by '15 February 2025';

(2) in the sixth column, expiration of approval, of row 97, S-metolachlor, the date is replaced by '15 November 2024';

(3) in the sixth column, expiration of approval, of row 110, Milbemectin, the date is replaced by '15 February 2025';

(4) in the sixth column, expiration of approval, of row 142, Ethephon, the date is replaced by '15 November 2024';

(5) in the sixth column, expiration of approval, of row 145, Captan, the date is replaced by '15 November 2024';

(6) in the sixth column, expiration of approval, of row 146, Folpet, the date is replaced by '15 February 2025';

(7) in the sixth column, expiration of approval, of row 147, Formetanate, the date is replaced by '15 February 2025';

(8) in the sixth column, expiration of approval, of row 150, Dimethomorph, the date is replaced by '15 February 2025';

(9) in the sixth column, expiration of approval, of row 152, Metribuzin, the date is replaced by '15 February 2025';

(10) in the sixth column, expiration of approval, of row 154, Propamocarb, the date is replaced by '15 June 2025';

(11) in the sixth column, expiration of approval, of row 156, Pirimiphos-methyl, the date is replaced by '15 June 2025';

(12) in the sixth column, expiration of approval, of row 158, Beflubutamid, the date is replaced by '31 October 2026';

(13) in the sixth column, expiration of approval, of row 163, Benthiavalicarb, the date is replaced by '15 November 2024';

(14) in the sixth column, expiration of approval, of row 164, Boscalid, the date is replaced by '15 April 2026';

(15) in the sixth column, expiration of approval, of row 166, Fluoxastrobin, the date is replaced by '15 June 2025';

(16) in the sixth column, expiration of approval, of row 168, Prothioconazole, the date is replaced by '15 August 2025';

(17) in the sixth column, expiration of approval, of row 215, Aclonifen, the date is replaced by '31 October 2026';

(18) in the sixth column, expiration of approval, of row 217, Metazachlor, the date is replaced by '31 October 2026';

(19) in the sixth column, expiration of approval, of row 297, Fluopicolide, the date is replaced by '31 August 2026';

(20) in the sixth column, expiration of approval, of row 301, Penoxsulam, the date is replaced by '15 May 2026';

(21) in the sixth column, expiration of approval, of row 302, Proquinazid, the date is replaced by '15 May 2026';

(22) in the sixth column, expiration of approval, of row 304, Metalaxyl, the date is replaced by '30 September 2026';

(23) in the sixth column, expiration of approval, of row 316, Cycloxydim, the date is replaced by '31 August 2026';

(24) in the sixth column, expiration of approval, of row 322, Hymexazol, the date is replaced by '31 August 2026';

(25) in the sixth column, expiration of approval, of row 326, Indolylbutyric acid, the date is replaced by '15 March 2026';

(26) in the sixth column, expiration of approval, of row 329, Clethodim, the date is replaced by '31 August 2026';

(27) in the sixth column, expiration of approval, of row 339, Dazomet, the date is replaced by '31 August 2026';

(28) in the sixth column, expiration of approval, of row 340, Metaldehyde, the date is replaced by '31 August 2026';

(29) in the sixth column, expiration of approval, of row 342, Fenazaquin, the date is replaced by '31 August 2026';

(30) in the sixth column, expiration of approval, of row 344, Diclofop, the date is replaced by '31 August 2026';

(31) in the sixth column, expiration of approval, of row 348, Paclobutrazol, the date is replaced by '31 August 2026';

(32) in the sixth column, expiration of approval, of row 354, Flurochloridone, the date is replaced by '15 March 2026'.

2. Part B is amended as follows:

(1) in the sixth column, expiration of approval, of row 22, Metam, the date is replaced by '30 November 2025';

(2) in the sixth column, expiration of approval, of row 29, *Trichoderma asperellum* strain T34, the date is replaced by '31 October 2025';

(3) in the sixth column, expiration of approval, of row 31, Cyflumetofen, the date is replaced by '31 October 2025';

(4) in the sixth column, expiration of approval, of row 32, *Trichoderma atroviride* strain I-1237, the date is replaced by '31 October 2025';

(5) in the sixth column, expiration of approval, of row 33, Ametoctradin, the date is replaced by '31 December 2025';

(6) in the sixth column, expiration of approval, of row 34, Mandipropamid, the date is replaced by '31 December 2025';

(7) in the sixth column, expiration of approval, of row 38, *Helicoverpa armigera nucleopolyhedrovirus*, the date is replaced by '31 October 2025';

(8) in the sixth column, expiration of approval, of row 42, *Spodoptera littoralis nucleopolyhedrovirus*, the date is replaced by '31 October 2025'.

COMMISSION IMPLEMENTING REGULATION (EU) 2023/919

of 4 May 2023

amending Implementing Regulation (EU) 2017/804 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel), of circular cross-section, of an external diameter exceeding 406,4 mm, originating in the People's Republic of China

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ([1]) ('the basic Regulation'), and in particular Article 14(1) thereof,

Whereas:

(1) Imports of certain seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel), of a circular cross-section, of an external diameter exceeding 406,4 mm, originating in the People's Republic of China, are subject to a definitive anti-dumping duty imposed by Commission Implementing Regulation (EU) 2017/804 ('the original regulation') ([2]).

(2) The companies Zhejiang Gross Seamless Steel Tubes Co., Ltd. and Hubei Xinyegang Special Tube Co., Ltd., are subject to definitive anti-dumping duties of 41,4 %, TARIC ([3]) additional code of C204, and of 54,9 %, TARIC additional code C172, respectively.

(3) On 23 August 2019, the company Zhejiang Gross Seamless Steel Tubes Co., Ltd. was acquired by Daye Special Steel Company Ltd ([4]), which is also the shareholder of Hubei Xinyegang Special Tube Co., Ltd. By this acquisition, Zhejiang Gross Seamless Steel Tubes Co., Ltd. and Hubei Xinyegang Special Tube Co., Ltd. became related companies.

(4) On 12 September 2019, the company Daye Special Steel Company Ltd. changed its name to CITIC Pacific Special Steel Group Co., Ltd ('the CITIC Pacific Group'), Hubei Xinyegang Special Tube Co., Ltd changed its name to Daye Special Steel Co., Ltd ([5]) and Zhejiang Gross Seamless Steel Tube Co., Ltd changed its name to Zhejiang Pacific Seamless Steel Tube Co., Ltd ([6]).

(5) The Commission confirmed that the information and the evidence regarding the name changes supplied by the companies was correct.

(6) In light of the changes described in recitals (3) and (4), the Commission considered that the individual duty rates for each of the two exporting producers needed to be replaced by a single duty rate for the newly created CITIC Pacific Group.

([1]) OJ L 176, 30.6.2016, p. 21.

([2]) Commission Implementing Regulation (EU) 2017/804 of 11 May 2017 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel), of circular cross-section, of an external diameter exceeding 406,4 mm, originating in the People's Republic of China (OJ L 121, 12.5.2017, p. 3).

([3]) The Integrated Tariff of the European Union.

([4]) Daye Special Steel Company Ltd (Chinese name: 大冶特殊钢股份有限公司) is the former name of CITIC Pacific Special Steel Group Co., Ltd., not the exporter Daye Special Steel Co., Ltd. (Chinese name: 大冶特殊钢有限公司).

([5]) The change was approved by Market Supervision and Administration Bureau of Huangshi City on 4 September 2019.

([6]) The change was approved by Market Supervision and Administration Bureau of Shangyu District on 27 August 2019.

(7) The changes consisted solely of the change of the ownership for Zhejiang Pacific Seamless Steel Tube Co., Ltd and of name changes, without affecting the companies' production and operations nor any other circumstances with regards to dumping and injury. Therefore, the Commission concluded that establishing a new anti-dumping rate based on new dumping and injury margins calculations under Article 11(3) of the basic Regulation was not warranted. Instead, the Commission considered it appropriate to determine one duty level for the group based on the weighted average of the data submitted by both exporting producers and verified in the original investigation.

(8) Based on this data, the Commission determined a single injury and dumping margin applicable to the CITIC Pacific Group:

Company	Injury margin (%)	Dumping margin (%)	Definitive anti-dumping rate (%)
CITIC Pacific Group: — Daye Special Steel Co., Ltd — Zhejiang Pacific Seamless Steel Tube Co., Ltd	51,8	92,1	51,8

(9) The Commission compared the injury margins and the dumping margins. In accordance with the lesser duty rule in Article 9(4) of the basic Regulation, the amount of the duties should be set at the level of the lower of the dumping and injury margins if such lesser duty would be adequate to remove the injury to the Union industry. Based on the above, the new duty margin for both the companies under the CITIC Pacific Group is 51,8 %.

(10) These findings were disclosed to interested parties and they were given time to comment. No comments were received.

(11) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The table in Article 1(2) of Implementing Regulation (EU) 2017/804 shall be amended as follows:

— the lines below shall be removed from the table:

Company	Definitive anti-dumping rate (%)	TARIC additional code
Hubei Xinyegang Special Tube Co., Ltd	54,9	C172
Zhejiang Gross Seamless Steel Tube Co., Ltd	41,4	C204

— the following lines should be inserted in the table:

Company	Definitive anti-dumping rate (%)	TARIC additional code
CITIC Pacific Group: — Daye Special Steel Co., Ltd — Zhejiang Pacific Seamless Steel Tube Co., Ltd	51,8	899H

Article 2

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

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

Done at Brussels, 4 May 2023.

For the Commission
The President
Ursula VON DER LEYEN

DECISIONS

COUNCIL DECISION (CFSP) 2023/920

of 4 May 2023

on an assistance measure under the European Peace Facility to support the Georgian Defence Forces

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

(1) Council Decision (CFSP) 2021/509 ([1]) establishes the European Peace Facility (EPF) for the financing by Member States of Union actions under the common foreign and security policy to preserve peace, prevent conflicts and strengthen international security pursuant to Article 21(2), point (c), of the Treaty. In particular, pursuant to Article 1(2) of Decision (CFSP) 2021/509, the EPF is to be used for the financing of assistance measures such as actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.

(2) The 2016 Global Strategy for the European Union's Foreign and Security Policy sets the objectives of strengthening security and defence, investing in the resilience of States and societies to the east of the Union, developing an integrated approach to conflict and crises, promoting and supporting cooperative regional orders, and reinforcing global governance on the basis of international law, including compliance with international human rights law and international humanitarian law.

(3) On 21 March 2022, the Union approved the Strategic Compass with the objective of becoming a stronger and more capable security provider, including through the increased use of the EPF in support of partners' defence capabilities.

(4) The Union is committed to a close relationship in support of a strong, independent and prosperous Georgia, based on the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part ([2]) (the 'Association Agreement'), including the Deep and Comprehensive Free Trade Area, and to promoting political association and economic integration while firmly supporting Georgia's territorial integrity within its internationally recognised borders. Pursuant to Article 5 of the Association Agreement, the Union and Georgia are to intensify their dialogue and cooperation and promote gradual convergence in the area of foreign and security policy, including the common security and defence policy (CSDP), and are to address in particular issues of conflict prevention, peaceful conflict resolution and crisis management, regional stability, disarmament, non-proliferation, arms control and export control.

(5) The Union recognises Georgia's important contribution to the Union's CSDP, including Georgia's continued contribution to CSDP crisis-management missions in the Central African Republic and in the Republic of Mali.

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

([2]) OJ L 261, 30.8.2014, p. 4.

(6) This Decision builds upon Council Decisions (CFSP) 2021/2134 ([3]) and (CFSP) 2022/2352 ([4]) with regard to the Union's continued commitment to support the strengthening of capacities of the Georgian Defence Forces in priority-need areas.

(7) On 8 February 2023, the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') received a request from Georgia for the Union to assist the Georgian Defence Forces with the procurement of key equipment to strengthen the capacities of its engineering, command and control, medical, cyber-defence and logistics units.

(8) Assistance measures are to be implemented taking into account the principles and requirements set out in Decision (CFSP) 2021/509, in particular compliance with Council Common Position 2008/944/CFSP ([5]), and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.

(9) The Council reaffirms its determination to protect, promote and fulfil human rights, fundamental freedoms and democratic principles and to strengthen the rule of law and good governance, in compliance with the United Nations Charter, with the Universal Declaration of Human Rights and with international law, in particular international human rights law and international humanitarian law,

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

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

2. The objective of the assistance measure is to contribute to strengthening the Georgian Defence Forces' capacities to enhance national security, stability and resilience in the defence sector, in line with the Union's overall policy towards Georgia. Building on previous EPF support, the assistance measure aims to allow the Georgian Defence Forces to enhance operational effectiveness, accelerate compliance with Union standards and interoperability, and thereby better protect civilians in crises and emergencies. It will also strengthen Georgia's capacities with respect to its participation in EU military CSDP missions and operations.

3. To achieve the objective set out in paragraph 2, the assistance measure shall finance the following types of equipment not designed to deliver lethal force, supplies and services, including technical training where requested, to the units of the Georgian Defence Forces supported under the assistance measure:

a) engineering equipment;

b) artillery branch mobility equipment;

c) medical equipment;

d) cyber-defence equipment;

e) logistics equipment.

4. The duration of the assistance measure shall be 36 months from the date of conclusion of the first contract between the administrator for assistance measures, acting as authorising officer, and the entities referred to in Article 4(2) of this Decision in accordance with Article 32(2), point (a), of Decision (CFSP) 2021/509.

([3]) Council Decision (CFSP) 2021/2134 of 2 December 2021 on an assistance measure under the European Peace Facility to support the Georgian Defence Forces (OJ L 432, 3.12.2021, p. 55).

([4]) Council Decision (CFSP) 2022/2352 of 1 December 2022 on an assistance measure under the European Peace Facility to support the Georgian Defence Forces (OJ L 311, 2.12.2022, p. 145).

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

Article 2

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 30 000 000.

2. All expenditure shall be managed in accordance with Decision (CFSP) 2021/509 and the rules for the implementation of revenue and expenditure financed under the EPF.

Article 3

Arrangements with the beneficiary

1. The High Representative shall make the necessary arrangements with the beneficiary to ensure its compliance with the requirements and conditions established by this Decision as a condition for the provision of support under the assistance measure.

2. The arrangements referred to in paragraph 1 shall include provisions obliging the beneficiary to ensure:

a) the compliance of the units of the Georgian Defence Forces with relevant international law, in particular international human rights law and international humanitarian law;

b) the proper and efficient use of any assets provided under the assistance measure for the purposes for which they were provided;

c) the sufficient maintenance of any assets provided under the assistance measure to ensure their usability and their operational availability over their life cycle;

d) that any assets provided under the assistance measure will not be lost, or be transferred without the consent of the Facility Committee established under Decision (CFSP) 2021/509 to persons or entities other than those identified in those arrangements, at the end of their life cycle.

3. The arrangements referred to in paragraph 1 shall include provisions on the suspension and termination of support under the assistance measure in the event of the beneficiary being found in breach of the obligations set out in paragraph 2.

Article 4

Implementation

1. The High Representative shall be responsible for ensuring the implementation of this Decision in accordance with Decision (CFSP) 2021/509, and the rules for the implementation of revenue and expenditure financed under the EPF, in line with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.

2. The implementation of the activities referred to in Article 1(3) shall be carried out by:

a) the Central Project Management Agency as regards Article 1(3), points (a), (b), (c) and (e); and

b) the e-Governance Academy as regards Article 1(3), point (d).

Article 5

Monitoring, control and evaluation

1. The High Representative shall monitor the compliance by the beneficiary with the obligations set out in Article 3. This monitoring shall be used to provide awareness of the context and the risks of breaches of the obligations established in accordance with Article 3, and to contribute to the prevention of such breaches, including violations of international human rights law and international humanitarian law by the units of the Georgian Defence Forces supported under the assistance measure.

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

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

b) reporting on the inventory, whereby the beneficiary is to report annually on the inventory of designated items until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);

c) on-site inspections, whereby the beneficiary is to grant the High Representative access to conduct on-site controls upon request.

3. The High Representative shall conduct a final evaluation upon completion of the assistance measure to assess whether the assistance measure has contributed to reaching the objective stated in Article 1(2).

Article 6

Reporting

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

Article 7

Suspension and termination

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

2. The PSC may also recommend that the Council terminate the assistance measure.

Article 8

Entry into force

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

Done at Brussels, 4 May 2023.

For the Council
The President
J. BORRELL FONTELLES

COUNCIL DECISION (CFSP) 2023/921

of 4 May 2023

on an assistance measure under the European Peace Facility to support the Armed Forces of the Republic of Moldova

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

(1) Council Decision (CFSP) 2021/509 ([1]) establishes the European Peace Facility (EPF) for the financing by Member States of Union actions under the common foreign and security policy to preserve peace, prevent conflicts and strengthen international security pursuant to Article 21(2), point (c), of the Treaty. In particular, pursuant to Article 1(2) of Decision (CFSP) 2021/509, the EPF is to be used for the financing of assistance measures such as actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.

(2) The 2016 Global Strategy for the European Union's Foreign and Security Policy sets the objectives of strengthening security and defence, investing in the resilience of States and societies to the east of the Union, developing an integrated approach to conflict and crises, promoting and supporting cooperative regional orders, and reinforcing global governance on the basis of international law, including compliance with international human rights law and international humanitarian law.

(3) On 21 March 2022, the Union approved the Strategic Compass with the objective of becoming a stronger and more capable security provider, including through the increased use of the EPF in support of partners' defence capabilities.

(4) The Union is committed to a close relationship in support of a strong, independent and prosperous Republic of Moldova, based on the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ([2]) (the 'Association Agreement'), including the Deep and Comprehensive Free Trade Area, and to promoting political association and economic integration while firmly supporting the Republic of Moldova's sovereignty and territorial integrity within its internationally recognised borders. Pursuant to Article 5 of the Association Agreement, the Union and the Republic of Moldova are to intensify their dialogue and cooperation and promote gradual convergence in the area of foreign and security policy, including the common security and defence policy (CSDP), and are to address in particular issues of conflict prevention, peaceful conflict resolution and crisis management, regional stability, disarmament, non-proliferation, arms control and export control.

(5) The Union recognises the Republic of Moldova's important contribution to the Union's CSDP, including the Republic of Moldova's continued contribution to the European Union Training Mission in the Republic of Mali.

(6) This Decision builds upon Council Decisions (CFSP) 2021/2136 ([3]) and (CFSP) 2022/1093 ([4]) with regard to the Union's continued commitment to support the strengthening of capacities of the Armed Forces of the Republic of Moldova in priority-need areas.

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

([2]) OJ L 260, 30.8.2014, p. 4.

([3]) Council Decision (CFSP) 2021/2136 of 2 December 2021 on an assistance measure under the European Peace Facility to support the Armed Forces of the Republic of Moldova (OJ L 432, 3.12.2021, p. 63).

([4]) Council Decision (CFSP) 2022/1093 of 30 June 2022 on an assistance measure under the European Peace Facility to support the Armed Forces of the Republic of Moldova (OJ L 176, 1.7.2022, p. 22).

(7) On 6 February 2023, the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') received a request from the Republic of Moldova for the Union to assist the Armed Forces of the Republic of Moldova with the procurement of key equipment to strengthen the capacities of its air surveillance, mobility, logistics, command and control, and cyber-defence units.

(8) Assistance measures are to be implemented taking into account the principles and requirements set out in Decision (CFSP) 2021/509, in particular compliance with Council Common Position 2008/944/CFSP ([5]), and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.

(9) The Council reaffirms its determination to protect, promote and fulfil human rights, fundamental freedoms and democratic principles and to strengthen the rule of law and good governance, in compliance with the United Nations Charter, with the Universal Declaration of Human Rights and with international law, in particular international human rights law and international humanitarian law,

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

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

2. The objective of the assistance measure is to contribute to strengthening the capacities of the Armed Forces of the Republic of Moldova in order to enhance national security, stability and resilience in the defence sector, in line with the Union's overall policy on the Republic of Moldova. Building on previous EPF support, the assistance measure will allow the Armed Forces of the Republic of Moldova to enhance operational effectiveness, accelerate compliance with Union standards and interoperability, and thereby better protect civilians in crises and emergencies. It will also strengthen the Republic of Moldova's capacities with respect to its participation in EU military CSDP missions and operations.

3. To achieve the objective set out in paragraph 2, the assistance measure shall finance the following types of equipment not designed to deliver lethal force, supplies and services, including technical training to the units of the Armed Forces of the Republic of Moldova supported under the assistance measure:

(a) air surveillance equipment;

(b) mobility and transportation equipment;

(c) logistics equipment;

(d) command and control equipment;

(e) cyber-defence equipment.

4. The duration of the assistance measure shall be 36 months from the date of conclusion of the first contract between the administrator for assistance measures, acting as authorising officer, and the entities referred to in Article 4(2) of this Decision in accordance with Article 32(2), point (a), of Decision (CFSP) 2021/509.

Article 2

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 40 000 000.

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

2. All expenditure shall be managed in accordance with Decision (CFSP) 2021/509 and the rules for the implementation of revenue and expenditure financed under the EPF.

Article 3

Arrangements with the beneficiary

1. The High Representative shall make the necessary arrangements with the beneficiary to ensure its compliance with the requirements and conditions established by this Decision as a condition for the provision of support under the assistance measure.

2. The arrangements referred to in paragraph 1 shall include provisions obliging the beneficiary to ensure:

(a) the compliance of the units of the Armed Forces of the Republic of Moldova with relevant international law, in particular international human rights law and international humanitarian law;

(b) the proper and efficient use of any assets provided under the assistance measure for the purposes for which they were provided;

(c) the sufficient maintenance of any assets provided under the assistance measure to ensure their usability and their operational availability over their life cycle;

(d) that any assets provided under the assistance measure will not be lost, or be transferred without the consent of the Facility Committee established under Decision (CFSP) 2021/509 to persons or entities other than those identified in those arrangements, at the end of their life cycle.

3. The arrangements referred to in paragraph 1 shall include provisions on the suspension and termination of support under the assistance measure in the event of the beneficiary being found in breach of the obligations set out in paragraph 2.

Article 4

Implementation

1. The High Representative shall be responsible for ensuring the implementation of this Decision in accordance with Decision (CFSP) 2021/509, and the rules for the implementation of revenue and expenditure financed under the EPF, in line with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.

2. The implementation of the activities referred to in Article 1(3) shall be carried out by:

(a) the Estonian Centre for Defence Investments as regards Article 1(3), points (a) to (d); and

(b) the e-Governance Academy as regards Article 1(3), point (e).

Article 5

Monitoring, control and evaluation

1. The High Representative shall monitor the compliance by the beneficiary with the obligations set out in Article 3. This monitoring shall be used to provide awareness of the context and the risks of breaches of the obligations established in accordance with Article 3, and to contribute to the prevention of such breaches, including violations of international human rights law and international humanitarian law by the units of the Armed Forces of the Republic of Moldova supported under the assistance measure.

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

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

(b) reporting on the inventory, whereby the beneficiary is to report annually on the inventory of designated items until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);

(c) on-site inspections, whereby the beneficiary is to grant the High Representative access to conduct on-site controls upon request.

3. The High Representative shall conduct a final evaluation upon completion of the assistance measure to assess whether the assistance measure has contributed to reaching the objective stated in Article 1(2).

Article 6

Reporting

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

Article 7

Suspension and termination

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

2. The PSC may also recommend that the Council terminate the assistance measure.

Article 8

Entry into force

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

Done at Brussels, 4 May 2023.

For the Council
The President
J. BORRELL FONTELLES

COUNCIL IMPLEMENTING DECISION (CFSP) 2023/922

of 4 May 2023

implementing Decision 2010/788/CFSP concerning restrictive measures in view of the situation in the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo [1], and in particular Article 6 (1) thereof,

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

Whereas:

(1) On 20 December 2010, the Council adopted Decision 2010/788/CFSP.

(2) On 1 March 2023, the United Nations Security Council Committee established pursuant to United Nations Security Council Resolution 1533 (2004) updated the information relating to one person subject to restrictive measures.

(3) Annex I to Decision 2010/788/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 2010/788/CFSP is hereby 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*.

Done at Brussels, 4 May 2023.

For the Council
The President
J. BORRELL FONTELLES

[1] OJ L 336, 21.12.2010, p. 30.

ANNEX

In Annex I to Decision 2010/788/CFSP, Part a) (List of persons referred to in Article 3(1)), entry 30 is replaced by the following:

'30. Bosco TAGANDA

(*alias* a) Bosco Ntaganda, b) Bosco Ntagenda, c) General Taganda, d) Lydia (When he was part of APR), e) Terminator, f) Tango Romeo (Call sign), g) Romeo (Call sign), h) Major)

Address: Belgium (as of 14 December 2022).

Date of Birth: Between 1973 and 1974.

Place of Birth: Bigogwe, Rwanda.

Nationality: Democratic Republic of the Congo.

Date of UN designation: 1 November 2005 (amended on 13 Oct. 2016, 19 Aug. 2020, 1 Mar. 2023).

Other information: Born in Rwanda, he moved to Nyamitaba, Masisi territory, North Kivu, when he was a child. Nominated FARDC Brigadier-General by Presidential Decree on 11 December 2004, following Ituri peace agreements. Formerly Chief of Staff in CNDP and became CNDP military commander since the arrest of Laurent Nkunda in January 2009. Since January 2009, de facto Deputy Commander of consecutive anti-FDLR operations "Umoja Wetu", "Kimia II", and "Amani Leo" in North and South Kivu. Entered Rwanda in March 2013, and voluntarily surrender to ICC officials in Kigali on March 22. Transferred to the ICC in The Hague, Netherlands. On 9 June 2014, ICC confirmed 13 charges of war crimes and five charges of crimes against humanity against him; the trial started in September 2015. On 8 July 2019, the ICC found him guilty of 18 counts of war crimes and crimes against humanity, committed in Ituri in 2002-2003. On 7 November 2019, he was sentenced to a total of 30 years imprisonment. He has appealed both his conviction and sentence. On 30 March 2021, the ICC Appeals Chamber confirmed his conviction and sentence. On 14 December 2022, he was transferred to the territory of Belgium for enforcement of sentence. INTERPOL-UN Security Council Special Notice web link: https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Bosco Taganda was the UPC/L military commander, exercising influence over policies and maintaining command and control over the activities of UPC/L, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo. He was appointed General in the FARDC in December 2004, but refused to accept the promotion, therefore remaining outside of the FARDC. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri in 2002 and 2003, and 155 cases of direct and/or command responsibility for recruitment and use of children in North Kivu from 2002 to 2009. As CNDP Chief of Staff, he had direct and command responsibility for the massacre at Kiwanja in November 2008.

Born in Rwanda, he moved to Nyamitaba in Masisi territory of North Kivu province when he was a child. In June 2011, he resided in Goma and owned large farms in Ngungu area of Masisi territory in North Kivu province. He was nominated FARDC Brigadier-General by Presidential Decree on 11 December 2004, following Ituri peace agreements. He was Chief of Staff in the CNDP and then became the CNDP military commander after the arrest of Laurent Nkunda in January 2009. Starting in January 2009, he was de facto Deputy Commander of consecutive anti-FDLR operations Umoja Wetu, Kimia II, and Amani Leo in North and South Kivu provinces. He entered Rwanda in March 2013, voluntarily surrendered to ICC officials in Kigali on March 22 and was subsequently transferred to the ICC in The Hague, Netherlands. On 9 June 2014, the ICC confirmed 13 charges of war crimes and five charges of crimes against humanity against him. The trial started in September 2015.'.

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)

Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

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