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⁽¹⁾ Text with EEA relevance.

EN

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2021/1932**of 9 November 2021****implementing Article 21(2) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 ⁽¹⁾, and in particular Article 21(2) thereof,

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

Whereas:

- (1) On 18 January 2016, the Council adopted Regulation (EU) 2016/44.
- (2) On the basis of a review by the Council, the entry for one listed person should be deleted.
- (3) Annex III to Regulation (EU) 2016/44 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EU) 2016/44 is amended in accordance with the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 12, 19.1.2016, p. 1.

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

Done at Brussels, 9 November 2021.

For the Council
The President
A. ŠIRCELJ

ANNEX

In Regulation (EU) 2016/44, Annex III (List of natural and legal persons, entities or bodies referred to in Article 6(2)), Part A (persons) entry 6 (concerning AL-MAHMOUDI, Baghdadi) is deleted.

COMMISSION DELEGATED REGULATION (EU) 2021/1933**of 14 July 2021****supplementing Regulation (EU) No 576/2013 of the European Parliament and of the Council with regard to rules for non-commercial movements of pet birds into a Member State from a territory or a third country****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 ⁽¹⁾, and in particular Article 5(5), the second subparagraph of Article 17(2) and the first subparagraph of Article 19(1) thereof,

Whereas:

- (1) Regulation (EU) No 576/2013 lays down the animal health requirements applicable to non-commercial movements of pet animals, including birds referred to in Part B of Annex I thereto (pet birds), and it provides that preventive health measures may be adopted by means of delegated acts for the protection of animal and public health from diseases or infections that are likely to be spread due to non-commercial movements of pet birds into a Member State from a territory or third country.
- (2) Regulation (EU) No 576/2013 also provides that the preventive health measures are to be based on adequate, reliable and validated scientific information and are to be applied proportionately to the risk to public or animal health of the spread of those diseases or infections via cross-border movements of pet birds.
- (3) In the interests of simplicity and transparency of Union rules, as well as to facilitate the application of those rules and avoid duplication, the rules for non-commercial movements of pet birds into a Member State from a territory or third country should be laid down in a single act rather than in a number of cross-referenced separate acts. This approach is also in line with the current approach in the area of Union legislation on animal health, such as that adopted in Regulation (EU) 2016/429 of the European Parliament and of the Council ⁽²⁾, which favours the streamlining of Union rules to facilitate their application and reduce the administrative burden.
- (4) Avian influenza is an infectious viral disease of birds which can have a negative impact on animal and public health. In particular, infections with avian influenza viruses in domestic poultry cause two main forms of that disease that are distinguished by their virulence. The low pathogenic form generally only causes mild symptoms, while the highly pathogenic form results in very high mortality rates in most poultry species. Therefore, that disease may have a severe impact on the profitability of poultry farming. Furthermore, although avian influenza is mainly found in birds, under certain circumstances infections can also occur in humans even though the risk is generally very low.
- (5) Following the first occurrence, in 2005, of a case of highly pathogenic avian influenza (HPAI) of subtype H5N1, in a captive bird introduced into the Union, Commission Decision 2005/759/EC ⁽³⁾ laid down protection measures aimed at preventing the introduction and spread of the HPAI virus through movements into the Union of pet birds

⁽¹⁾ OJ L 178, 28.6.2013, p. 1.

⁽²⁾ Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (OJ L 84, 31.3.2016, p. 1).

⁽³⁾ Commission Decision 2005/759/EC of 27 October 2005 concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries and the movement from third countries of birds accompanying their owners (OJ L 285, 28.10.2005, p. 52).

accompanying their owners. Decision 2005/759/EC was repealed and replaced by Commission Decision 2007/25/EC ⁽⁴⁾ due to the continuing risks to animal health posed by such movements. Decision 2007/25/EC was further amended due to changes in the epidemiological situation in the Union and its date of application was prolonged several times, the last time by Commission Implementing Decision (EU) 2020/2107 ⁽⁵⁾. Decision 2007/25/EC will now elapse on 31 December 2021.

- (6) However, since the global threat of avian influenza has increased in recent years, and the epidemiological situation is not expected to improve in the near future, it is appropriate to establish permanent protection measures within the framework of Regulation (EU) No 576/2013, in order to ensure that non-commercial movements of pet birds into the Union do not pose a risk for the introduction and spread of the avian influenza virus.
- (7) Certain territories and third countries apply animal health rules for the non-commercial movement into their territory of pet birds, which are equivalent to the rules laid down in this Regulation. Therefore, the non-commercial movements of pet birds from those territories and third countries into the Union can be considered to present a minimal animal health risk to the Union, and the rules for non-commercial movements of pet birds laid down in this Regulation should not apply to the non-commercial movements into the Union of pet birds from those particular territories and third countries.
- (8) In order to prevent commercial movements of birds into the Union being fraudulently disguised as non-commercial movements, the maximum number of pet birds that may accompany their owner or an authorised person should be limited to five pet birds in a single non-commercial movement. As a higher number of birds represents a higher risk for the introduction and spread of the avian influenza virus, movements into the Union of more than five pet birds should not be regarded as a single non-commercial movement of pet birds, and such movements should not fall within the scope of the rules laid down in this act. Instead, such movements should continue to be carried out in accordance with the requirements for the entry into the Union of captive birds laid down in Commission Delegated Regulation (EU) 2020/692 ⁽⁶⁾, and also be subject to official controls at border control posts as laid down in Regulation (EU) 2017/625 of the European Parliament and of the Council ⁽⁷⁾.
- (9) In addition, this act should lay down rules concerning the means to identify pet birds to be moved into a Member State from a territory or third country, in order to ensure that a link between the pet bird and the corresponding identification document can be made.
- (10) In its scientific opinion on avian influenza, first published on 16 October 2017 ⁽⁸⁾, the European Food Safety Authority (EFSA) considered the animal health requirements laid down in Decision 2007/25/EC to be effective in mitigating the risks of the introduction into the Union of the avian influenza virus via non-commercial movements of pet birds into Member States from territories or third countries. Therefore, the animal health requirements laid down in that Decision should be used as the basis for the requirements laid down in this Regulation.

⁽⁴⁾ Commission Decision 2007/25/EC of 22 December 2006 as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community (OJ L 8, 13.1.2007, p. 29).

⁽⁵⁾ Commission Implementing Decision (EU) 2020/2107 of 14 December 2020 amending Decision 2007/25/EC as regards its period of application (OJ L 425, 16.12.2020, p. 103).

⁽⁶⁾ Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (OJ L 174, 3.6.2020, p. 379).

⁽⁷⁾ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

⁽⁸⁾ EFSA Journal 2017;15(10):4991.

- (11) The preventive health measures for non-commercial movements of pet birds into the Union should provide for several options of requirements for their entry, including isolation, either prior to such non-commercial movements or at the place of destination, and also pre-movement testing for the H5 and H7 sub-types of the HPAI virus and vaccination against H5 and H7 sub-types of the HPAI virus.
- (12) However, the option of isolation prior to the non-commercial movement into the Union should only be allowed for pet birds originating in territories or third countries which have been assessed for avian influenza and other diseases relevant for the avian species. Therefore, this option should be limited to the third countries or territories listed in the table set out in Part 1 of Annex V, Annex XIV or Annex XIX to Commission Implementing Regulation (EU) 2021/404 ⁽⁹⁾ for the entry into the Union of poultry and germinal products of poultry, fresh meat of poultry and game birds, or eggs and egg products, respectively.
- (13) Furthermore, as regards the option of isolation of pet birds at the place of destination, this should only be carried out in an establishment that can guarantee the animal health status of the animals. It should, therefore, be required that under this option, pet birds are to be placed in a quarantine establishment approved in accordance with Article 14 of Commission Delegated Regulation (EU) 2019/2035 ⁽¹⁰⁾.
- (14) To further mitigate the risks of the spread of the avian influenza virus into the Union via non-commercial movements of pet birds from territories or third countries, it should be prohibited to enter those pet birds in shows, fairs, exhibitions or other gatherings of birds for an appropriate period of time following their entry into the Union. It should, therefore, be required that during that period of time pet birds are isolated under official control, in accordance with the official control provided for in Article 35(1), point (b) of Regulation (EU) No 576/2013.
- (15) Compliance with the requirements laid down in this Regulation should be certified by an official veterinarian of the territory or third country of dispatch or alternatively by an authorised veterinarian and subsequently endorsed by the competent authority of the territory or third country of dispatch, in accordance with the veterinary certificate laid down in the Annex to Commission Implementing Regulation (EU) 2021/1938 ⁽¹¹⁾, which is to be applied in tandem with the rules laid down in this Regulation.
- (16) In order to avoid a legal gap in the rules for the non-commercial movement of pet birds into a Member State from territories or third countries, this Regulation should apply from 1 January 2022, as the rules laid down herein replace a number of the rules currently laid down in Decision 2007/25/EC, which applies until 31 December 2021,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down the animal health requirements for non-commercial movements of pet animals of the avian species, as referred to in Part B of Annex I to Regulation (EU) No 576/2013, into a Member State from a territory or third country (pet birds).
2. This Regulation shall not apply:
 - (a) where the total number of pet birds during a single movement exceeds five;

⁽⁹⁾ Commission Implementing Regulation (EU) 2021/404 of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and the Council (OJ L 114, 31.3.2021, p. 1).

⁽¹⁰⁾ Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for establishments keeping terrestrial animals and hatcheries, and the traceability of certain kept terrestrial animals and hatching eggs (OJ L 314, 5.12.2019, p. 115).

⁽¹¹⁾ Commission Implementing Regulation (EU) 2021/1938 of 10 November 2021 establishing the model identification document for non-commercial movements of pet birds into a Member State from a territory or a third country and repealing Decision 2007/25/EC (OJ L 396, 10.11.2021, p. 47).

- (b) to movements of pet birds coming from Andorra, Faeroes, Gibraltar, Greenland, Iceland, Liechtenstein, Monaco, Norway, San Marino, Switzerland and the Vatican City State.

Article 2

Maximum number of pet birds in a non-commercial movement

The maximum number of pet birds which may accompany their owner or an authorised person, during a single non-commercial movement into a Member State from a territory or third country, shall not exceed five.

Article 3

Marking of pet birds

1. Pet birds shall only be permitted to enter into a Member State from a territory or third country if they have been marked in the territory or third country of dispatch with a permanent, non-removable, legible individual marking displaying an alpha-numeric code.
2. Where the pet birds are moved in accordance with the conditions laid down in Article 4(1), point (b)(i), (ii) or (iii), the marking provided for in paragraph 1 of this Article must have been applied to them prior to their isolation, testing or vaccination against avian influenza of the H5 and H7 subtypes.
3. By way of derogation from paragraph 1, a description of the pet birds shall be sufficient, provided the pet birds comply with the following requirements:
 - (a) they are moved under the conditions laid down in Article 6;
 - (b) they were placed in a container sealed by the competent authority of the territory or third country of dispatch prior to their dispatch to the Union and they remain in that sealed container during the quarantine referred to in Article 6(1), point (a).

Article 4

Preventive health measures for non-commercial movements of pet birds into a Member State from a territory or third country

1. Pet birds shall only be moved into a Member State from a territory or a third country if they comply with the following requirements:
 - (a) the territory or third country of dispatch is a member of the World Organisation for Animal Health (OIE);
 - (b) the pet birds fulfil one of the following sets of conditions:
 - (i) they originate from a third country or territory listed in the first column of the table set out in Part 1 of Annex V, Annex XIV or Annex XIX to Implementing Regulation (EU) 2021/404, where they must have undergone isolation under official supervision for a period of at least 30 days prior to the date of dispatch from the territory or third country; or
 - (ii) within the period of six months prior to the date of dispatch to the Union and not later than 60 days prior to the date of dispatch to the Union, they received a complete primary course of vaccination, and where applicable were revaccinated, in accordance with manufacturers' instructions with a licensed vaccine against avian influenza of the H5 and H7 subtypes, which must not have been a live-attenuated vaccine, and it must have been administered by an authorised veterinarian or an official veterinarian of the territory or third country of dispatch; or

(iii) in the territory or third country of dispatch, they were:

— kept in isolation under the supervision of an authorised veterinarian or an official veterinarian for a period of at least 14 days prior to the date of dispatch to the Union,

and

— subjected to an avian influenza H5 and H7 antigen or genome detection test carried out with negative results on a sample taken by an authorised veterinarian or an official veterinarian not earlier than the seventh day of isolation;

(c) the pet birds were subjected within a period of 48 hours of or on the last working day prior to the date of dispatch from the territory or third country to a clinical inspection by an authorised veterinarian or an official veterinarian of the territory or third country of dispatch and were found to be free of any obvious signs of disease;

(d) during the period between the clinical inspection referred to in point (c) and the departure from the territory or third country of dispatch, the pet birds have not been in contact with any other birds.

2. The tests required to be performed and vaccines required to be administered in accordance with paragraph 1(b)(ii) and (iii) of this Article shall meet the requirements of Chapter 3.3.4 in the *Manual of Diagnostic Tests and Vaccines for Terrestrial Animals*, 8th Edition, 2018, of the World Organisation for Animal Health (OIE).

Article 5

Movements of pet birds after arrival in the Union

Owners or authorised persons shall only move pet birds which have entered the Union from a territory or a third country directly from the travellers point of entry to a household or another residence within the Union, where the pet birds shall be kept under official control for a period of at least 30 days following the date of their entry into the Union, and during this period these pet birds shall not be entered in shows, fairs, exhibitions or other gatherings of birds.

Article 6

Derogation from the requirements of Article 4(1), point (b) and Article 5

1. By way of derogation from the requirements of Article 4(1), point (b) and Article 5, pet birds which do not comply with the conditions laid down in Article 4(1), point (b) shall only be moved into a Member State from a territory or third country if they comply with the following conditions:

(a) they are destined for a quarantine establishment approved in accordance with Article 14 of Delegated Regulation (EU) 2019/2035 in the Member State of destination, where they shall undergo quarantine for a period of at least 30 days immediately after their arrival in the Union;

(b) the owner or authorised person shall move the pet birds directly from the travellers point of entry into the Union to the approved quarantine establishment referred to in point (a);

(c) the birds are released from quarantine only on the written authorisation of an official veterinarian.

2. The competent authority shall:

(a) monitor the arrival of the pet birds to the approved quarantine establishment referred to in paragraph (1), point (a);

(b) inspect the conditions of quarantine, including an examination of the mortality records and a clinical inspection of the birds, at least at the beginning and the end of quarantine period.

*Article 7***Health certification**

1. Pet birds shall only be moved into the Union if they comply with the following requirements:
 - (a) an official veterinarian of the territory or third country of dispatch has certified that the pet birds comply with the requirements laid down in this Regulation, in accordance with the veterinary certificate set out in the Annex to Implementing Regulation (EU) 2021/1938; or
 - (b) an authorised veterinarian of the territory or third country has certified that the pet birds comply with the requirements laid down in this Regulation, in accordance with the veterinary certificate set out in the Annex to Implementing Regulation (EU) 2021/1938 and such certification has subsequently been endorsed by the competent authority of the territory or third country.
2. Pet birds shall only be moved into the Union if the veterinary certificate referred to in paragraph 1 has been completed by the official veterinarian or authorised veterinarian in the territory or third country of dispatch on the basis of a written declaration by the owner or the authorised person forming part of that veterinary certificate, and on the basis of:
 - (a) evidence provided by the owner or the authorised person that arrangements have been made for quarantine of the pet birds in a quarantine establishment approved in accordance with Article 14 of Delegated Regulation (EU) 2019/2035, in the case of pet birds that are to undergo quarantine in accordance with Article 6 of this Regulation; or
 - (b) the permit granted by the Member State of destination, in the case of pet birds which have been granted a derogation in accordance with Article 32(1) of Regulation (EU) No 576/2013.

*Article 8***Entry into force and applicability**

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

It shall apply from 1 January 2022.

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

Done at Brussels, 14 July 2021.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION DELEGATED REGULATION (EU) 2021/1934**of 30 July 2021****amending Delegated Regulation (EU) 2015/2446 as regards certain provisions relating to the origin of goods**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Articles 62 and 65 thereof,

Whereas:

- (1) Article 60 of Regulation (EU) No 952/2013 lays down rules for the determination of the non-preferential origin of goods. In accordance with paragraph 1 of that Article, goods wholly obtained in a single country or territory are to be regarded as having their origin in that country or territory. In order to clarify how to determine the non-preferential origin of vegetable products that are to be considered as wholly obtained in a single country or territory, it is necessary to amend Article 31, point (b), of Commission Delegated Regulation (EU) 2015/2446 ⁽²⁾ to specify that the vegetable products must not only have been harvested, but also grown only in the relevant country or territory.
- (2) In order to align the determination of the non-preferential origin of products for which the processing or working operations are not economically justified, covered or not by Annex 22-01 to Delegated Regulation (EU) 2015/2446, it is necessary to amend the third paragraph of Article 33 of that Regulation, to specify that the criterion concerning the determination of the major portion of the materials used should be based on the weight or on the value of the said materials. The specification should be done per Chapter of the Nomenclature of the Harmonized Commodity Description and Coding System, adopted by the Organization set-up by the Convention establishing a Customs Cooperation Council, done at Brussels on 15 December 1950 (Harmonized System).
- (3) In accordance with Article 34 of Delegated Regulation (EU) 2015/2446, minimal operations are not considered as substantial, economically justified processing or working for the purposes of conferring non-preferential origin. Therefore, in cases where the last transformation of the goods consists of a minimal operation, it is necessary to establish a method allowing the determination of the non-preferential origin of the goods concerned. Article 34 of Delegated Regulation (EU) 2015/2446 should be supplemented to set out that such goods should be considered to have undergone their last substantial working or processing in the country or territory where the major portion of the materials originated, based on either the weight or the value of the materials, as appropriate per Chapter of the Harmonized System.
- (4) According to Article 35(2) of Delegated Regulation (EU) 2015/2446, essential spare parts for use with goods listed in specific Sections of the Combined Nomenclature previously released for free circulation in the Union are to be deemed to have the same origin as those goods if the incorporation of the essential spare parts at the production stage would not have changed their origin. For the sake of consistency, the definition of 'essential spare parts' in Article 35(3) of that Regulation should be amended to remove the reference to goods previously exported in point (a) of that provision.
- (5) Annex 22-01 of Delegated Regulation (EU) 2015/2446 sets out specific rules for determining the country where certain goods have undergone their last substantial transformation within the meaning of Article 32 of that Regulation. The rules provided in that Annex are to be applied to goods listed there on the basis of their classification in the Harmonized System. Since the Harmonized System has been amended in its 2022 version, Annex 22-01 should be updated accordingly.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

- (6) Annex 22-03 of Delegated Regulation (EU) 2015/2446 lays down the conditions for products to be considered as originating in beneficiary countries for the purpose of the Generalised System of Preferences ('GSP'). The rules provided in that Annex are to be applied to those products in particular on the basis of their classification in the Harmonized System. Since the Harmonized System has been amended in its 2022 version, Annex 22-03 should be updated accordingly.
- (7) Annex 22-04 of Delegated Regulation (EU) 2015/2446 lists the materials excluded from regional cumulation in the context of the GSP. The rules provided in that Annex are to be applied to those materials in particular on the basis of their classification in the Harmonized System. Since the Harmonized System has been amended in its 2022 version, Annex 22-04 should be updated accordingly.
- (8) The Harmonized System's version of 2022 will only apply from 1 January 2022, and therefore the amendments to Annexes 22.01, 22.03 and 22.04 of Delegated Regulation (EU) 2015/2446 stemming from the Harmonized System's 2022 version should apply from 1 January 2022.
- (9) Delegated Regulation (EU) 2015/2446 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2015/2446 is amended as follows:

- (1) in Article 31, point (b) is replaced by the following:
 - (b) 'vegetable products grown and harvested only there;';
- (2) in Article 33, the third paragraph is replaced by the following:

'For goods not covered by Annex 22-01, where the last working or processing is deemed not to be economically justified, the goods shall be considered to have undergone their last substantial, economically justified processing or working, resulting in the manufacture of a new product or representing an important stage of manufacture, in the country or territory where the major portion of the materials originated. Where the final product is to be classified under Chapters 1 to 29 or 31 to 40 of the Harmonized System, the major portion of the materials shall be determined on the basis of the weight of the materials. Where the final product is to be classified under Chapters 30 or 41 to 97 of the Harmonized System, the major portion of the materials shall be determined on the basis of the value of the materials.';

- (3) in Article 34, the following subparagraph is added:

'For goods covered by Annex 22-01, the Chapter residual rules for those goods shall apply. For goods not covered by Annex 22-01, where the last working or processing is deemed to be a minimal operation, the origin of the final product is the country or territory where the major portion of the materials originated. Where the final product is to be classified under Chapters 1 to 29, or 31 to 40 of the Harmonized System, the major portion of the materials shall be determined on the basis of the weight of the materials. Where the final product is to be classified under Chapters 30 or 41 to 97 of the Harmonized System, the major portion of the materials shall be determined on the basis of the value of the materials.';

- (4) in Article 35(3), point (a) is replaced by the following:
 - (a) components without which the proper operation of a piece of equipment, machine, apparatus or vehicle which has been put into free circulation cannot be ensured; and';
- (5) Annex 22-01 is amended as set out in Annex I to this Regulation;
- (6) Annex 22-03 is amended as set out in Annex II to this Regulation;
- (7) Annex 22-04 is amended as set out in Annex III to this Regulation.

Article 2

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

Points (5), (6) and (7) of Article 1 shall apply from 1 January 2022.

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

Done at Brussels, 30 July 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Annex 22-01 to Delegated Regulation (EU) 2015/2446 is amended as follows:

- (1) in the introductory notes, in point 2.1, the third sentence is replaced by the following:

‘“Harmonized System” or “HS” means the goods nomenclature established under the International Convention on the Harmonized Commodity Description and Coding System, as amended by Recommendation of the Customs Cooperation Council of 28 June 2019 (“HS 2022”).’;

- (2) throughout the text the words ‘HS 2017 Code’ are replaced by the words ‘HS 2022 Code’;

- (3) in Section IV, Chapter 20, point (2) of the Chapter residual rule applicable to mixtures is replaced by the following:

‘(2) The origin of a mixture of products of this Chapter shall be the country of origin of the materials that account for more than 50 % by weight of the mixture; however, the origin of a mixture of products of heading 2009 (fruit or nut juices (including grape must and coconut water) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter) shall be the country of origin of the materials that account for more than 50 % by weight of dry matter of the mixture. The weight of materials of the same origin shall be taken together.’;

- (4) in Section IV, Chapter 22, the text of the title ‘Chapter residual rule’ at the end of the Chapter is replaced by the following:

‘Where the country of origin cannot be determined by application of the primary rules and the other Chapter residual rule[s], the country of origin of the goods shall be the country in which the major portion of the materials originated, as determined on the basis of the weight of the materials.’;

- (5) in Section XVI, Chapter 85, in the row for heading ‘8541’, in the column ‘Description of goods’, the text is replaced by the following:

‘Semiconductor devices (for example, diodes, transistors, semiconductor based transducers); photosensitive semiconductor devices, including photovoltaic cells whether or not assembled in modules or made up into panels; light-emitting diodes (LED), whether or not assembled with other light-emitting diodes (LED); mounted piezo-electric crystals.’.

ANNEX II

Annex 22-03 to Delegated Regulation (EU) 2015/2446 is amended as follows:

- (1) in the introductory notes, in point 2.1, the following sentence is added:

‘“Harmonized System” or “HS” means the goods nomenclature established under the International Convention on the Harmonized Commodity Description and Coding System, as amended by Recommendation of the Customs Cooperation Council of 28 June 2019 (“HS 2022”).’;

- (2) in the title of column 1 of the table in Part II of the Annex, the words ‘Harmonised System heading’ are replaced by the words ‘HS 2022 Code’;

- (3) in the row for heading ‘0305’, the text in the column ‘Description of product’ is replaced by the following:

‘Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process’;

- (4) in the row for heading ‘ex 0306’, the text in the column ‘Description of product’ is replaced by the following:

‘Crustaceans, whether in shell or not, dried, salted or in brine; smoked crustaceans, whether in shell or not, whether or not cooked before or during the smoking process; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine’;

- (5) in the row for heading ‘ex 0307’, the text in the column ‘Description of product’ is replaced by the following:

‘Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; smoked molluscs, whether in shell or not, whether or not cooked before or during the smoking process’;

- (6) between the row for heading ‘ex 0307’ and the row for ‘Chapter 4’, two new rows are inserted as follows:

‘ex 0308	Aquatic invertebrates other than crustaceans and molluscs, dried, salted or in brine; smoked aquatic invertebrates other than crustaceans and molluscs, whether or not cooked before or during the smoking process	Manufacture in which all the materials of Chapter 3 used are wholly obtained
ex 0309	Flours, meals and pellets of fish, crustaceans, molluscs and other aquatic invertebrates, fit for human consumption	Manufacture in which all the materials of Chapter 3 used are wholly obtained’

- (7) in the row for ‘ex Chapter 15’, the text in the column ‘Description of product’ is replaced by the following:

‘Animal, vegetable or microbial fats and oils and their cleavage products; prepared edible fats; animal or vegetable waxes; except for:’;

- (8) in the row for heading ‘1516 and 1517’, the text in the column ‘Description of product’ is replaced by the following:

‘Animal, vegetable or microbial fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, whether or not refined, but not further prepared;

Margarine; edible mixtures or preparations of animal, vegetable or microbial fats or oils or of fractions of different fats or oils of this Chapter, other than edible fats and oils or their fractions of heading 1516’;

- (9) in the row for ‘Chapter 16’, the text in the column ‘Description of product’ is replaced by the following:

‘Preparations of meat, of fish, of crustaceans, molluscs or other aquatic invertebrates, or of insects’;

- (10) in the first row for heading 'ex 1702', the text in the column 'Description of product' is replaced by the following:
'Other sugars, including chemically pure lactose and glucose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel';
- (11) in the row for heading '6306', the text in the column 'Description of product' is replaced by the following:
'Tarpaulins, awnings and sunblinds; tents (including temporary canopies and similar articles); sails for boats, sailboards or landcraft; camping goods';
- (12) in the row for heading '8548', the text in the column 'Description of product' is replaced by the following:
'Electrical parts of machinery or apparatus, not specified or included elsewhere in this Chapter';
- (13) between the row for heading '8548' and the row for 'Chapter 86', a new row is inserted as follows:

'8549	Electrical and electronic waste and scrap	(a) LDC Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.	(b) Other beneficiary countries Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product.'
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- (14) in the row for 'Chapter 94', the text in the column 'Description of product' is replaced by the following:
'Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings; "luminaires and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like; prefabricated buildings'.

ANNEX III

Annex 22-04 to Delegated Regulation (EU) 2015/2446 is amended as follows:

- (1) in the title of the first column of the table, the words 'Harmonised System or Combined Nomenclature code' are replaced by the words 'HS 2022 or Combined Nomenclature Code';
- (2) in the row for Harmonized System or Combined Nomenclature code '2009', the text in the column 'Description of materials' is replaced by the following:

'Fruit or nut juices (including grape must and coconut water) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter'.

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1935**of 8 November 2021****amending Implementing Regulation (EU) 2019/723 as regards the information and data on organic production and labelling of organic products to be submitted by means of the standard model form****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) ⁽¹⁾, and in particular Article 25, first paragraph, point (a), Article 113(2), and Article 134, first paragraph, point (f), thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/723 ⁽²⁾ establishes the standard model form to be used in the annual reports submitted by each Member State in accordance with Article 113(1) of Regulation (EU) 2017/625.
- (2) Section 9 of that standard model form requires Member States to report the organic data in accordance with the templates set out in Annex XIIIc to Commission Regulation (EC) No 889/2008 ⁽³⁾.
- (3) Regulation (EU) 2018/848 of the European Parliament and of the Council ⁽⁴⁾ lays down new rules on controls of organic production and labelling of organic products, including the controls for the verification of the set-up and functioning of the internal control system of groups of operators, and the re-inspection of a minimum number of operators that are members of a group of operators. In addition, Member States will have to develop a national catalogue of measures to be taken in case of non-compliances, which includes the classification of non-compliances and the corresponding measures. Member States will have to report on the official controls that stem from those new rules and to provide information on the detected non-compliances and the enforcement of measures according to their national catalogue of measures.
- (4) In order to take into account those new rules and requirements in the annual report to be submitted in accordance with Article 113(1) of Regulation (EU) 2017/625, Section 9 of Part II of the standard model form needs to be updated.
- (5) Implementing Regulation (EU) 2019/723 should therefore be amended accordingly.

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2019/723 of 2 May 2019 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the standard model form to be used in the annual reports submitted by Member States (OJ L 124, 13.5.2019, p. 1).

⁽³⁾ Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250 18.9.2008, p. 1).

⁽⁴⁾ Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Organic Production Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2019/723 is amended as follows:

1. Article 2 is replaced by the following:

'Article 2

Standard model form

Member States shall submit the information and data referred to in Article 113(1) of Regulation (EU) 2017/625 by means of the standard model form set out in the Annex to this Regulation. This shall be done using the electronic version of the standard model form provided in the computerised information management system for official controls (IMSOC). However, for the information and data on organic production and labelling of organic products referred to in Section 9 of Part II of that form, the Organic Farming Information System (OFIS) shall be used.

Member States shall subsequently confirm in the electronic version of the standard model form in IMSOC that Section 9 of Part II of that form has been submitted in OFIS.;

2. In the Annex, Section 9 of the standard model form is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 September 2022 in respect of the annual reports to be submitted by 31 August 2023 for 2022 and subsequent annual reports.

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

Done at Brussels, 8 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

‘9. Organic production and labelling of organic products9.1. *Overall conclusion on the level of compliance achieved*9.2. *Organic data***Identification of the Member State/competent authority that submits the annual report**

Data from	Member State
Number of competent authorities of which data have been integrated (A)	Number of competent authorities
Number of control authorities of which data have been integrated (B)	Number of control authorities
Number of control bodies of which data have been integrated (C)	Number of control bodies
Total number of authorities/bodies of which data have been integrated (A) + (B) + (C)	Total number of authorities/bodies
Reporting period	Year

Table 1

Number of controls for all competent authorities – control authorities – control bodies
(all articles refer to Regulation (EU) 2018/848)

1. Registered operators in possession of a certificate per 31 December of the reporting year

	Code number or name of competent authority/ control authority/ control body	Number of operators	Number of verifications of compliance Article 38(3) (physical and non-physical)	Number of physical on-the-spot official controls carried out				Number of samples taken Article 38(4)(c)	
				Annual controls Article 38(3)	Additional risk based Article 38(4)(b)	Total number of controls Article 38(3) & 38(4)(b)	Of which un-announced Article 38(4)(a)	Total number of samples	Number of samples with detections
1.a.	Numbers for competent authority/control authority/ control body 1								
1.b.	Numbers for competent authority/control authority/ control body 2								
1.c.	Numbers for competent authority/control authority/ control body 3								
...	<i>continue and list all authorities/ bodies</i>								
	Total numbers for all competent authorities/control authorities/ control bodies [sum of (1.a.+1.b. +1.c.+....)]								

2. **Groups of operators (GoO) in possession of a certificate per 31 December of the reporting year**

	Code number or name of competent authority/control authority/control body	Number of groups	Identification of the group	Total number of operators that are member of groups	Total number of official controls on groups	Number of re- inspections to members of groups	Inspections in which at least 1 sample was taken
2.	Total numbers for all groups of operators for all competent authorities/ control authorities/control bodies						
2.a.	Numbers for competent authority/ control authority/control body 1						
2.a.1	Group of operators a.1						
2.a.2	Group of operators a.2						
2.a.	Group of operators a.						
2.b.	Numbers for competent authority/ control authority/control body 2						
2.b.1	Group of operators b.1						
2.b.2	Group of operators b.2						
2.b.	Group of operators b						
2.c	<i>continue and list all groups of operators per competent authority/control authority/ control body</i>						
2.c	Group of operators ...						

Table 3

Supervision & Audits

Activities of the competent authority related to

- control bodies to whom it has delegated certain tasks
- the supervision of such control bodies
- the withdrawal of delegations to such control bodies
- audit of control authorities

1. New control bodies to whom the competent authority has delegated control tasks/control bodies of which delegation has been withdrawn

	Number of control bodies	Comments where necessary
Number at the start of the reporting year (1 January of year N) (A)		
New control bodies during year N (B)		
Control bodies for which delegation has been withdrawn during year N (C)		
Number at the end of reporting year (31 December of year N) (D)		

2. Supervision of control bodies by the competent authority

2.a. Total numbers on supervision of control bodies

	Number of control bodies at end of reporting year	Number of supervision audits of control bodies carried out by the competent authority during reporting year	Coverage of control bodies by supervision audit of competent authority	Comment where necessary
	(D)	(E)	(F) = (E)/(D)	
Number of control bodies - Number of supervision audits during reporting year – coverage				

The total number of Approved Control Bodies (D) should correspond to the number reported under section 1

2.b. *Detail of supervision per control body*

List all control bodies under supervision of the competent authority	Number of operators	Number of GoO	Audit carried out by competent authority during reporting year yes = 1/no = 0	Number of operator files reviewed in supervision audit during reporting year	Coverage of number of operator files reviewed versus total number of operators	Number of GoO files reviewed in the course of the audit during reporting year	Coverage of number of GoO files reviewed versus total number of GoO	Indicate reference number of individual form completed for the control body (template "individual form for control body" attached)
Code number	(G)	(H)	(I)	(J)	(K) = (J)/(G)	(L)	(M) = (L)/(H)	(N)

3. **Audit activities carried out by the competent authority on control authorities (only relevant if the competent authority delegates control tasks to control authorities)**

	Number of control authorities to whom the competent authority has delegated control tasks	Number of audits carried out on control authorities by the competent authority	Coverage of control authorities audited by competent authority during reporting year	Comment where necessary
	(K)	(L)	(M) = (L)/(K)	
During reporting year				

Table 4

INDIVIDUAL FORM ON SUPERVISION OF CONTROL BODY

(Form may be completed by competent authority for each control body that was subject to a supervision audit during the reporting year (optional))

Form reference number		to be copied into supervision audit table – data-field K
Reporting year		
Competent authority in charge of supervision		

Supervision audit report

Reference:	
Date:	

Identification of control body

Code number	
-------------	--

SUMMARY OF MAIN FINDINGS OF THE SUPERVISION AUDIT**1. Conditions for approval of the control body and delegation of control tasks**

Please insert text

2. Findings related to compliance with minimum control requirements

Please insert text

3. Findings related to risk assessment of operators

Please insert text

4. Findings related to compliance with national catalogue of measures

Please insert text

5. Findings related to exchange of information with competent authority

Please insert text

6. Other findings

Please insert text

7. Overall conclusion

Please insert text+A1:C24

Table 5

Actions and measures undertaken by competent authority during the reporting year to ensure effectiveness of official controls by control authorities/control bodies

Data from	Member State	
Period	Year	

1. National legislation*Please insert text***2. New, updated or revised control procedures***Please insert text***3. Training activities***Please insert text***4. Provision of additional resources or reallocation of existing resources following review of priorities***Please insert text***5. Special control initiatives***Please insert text***6. Changes to the organisation or management of competent authorities***Please insert text***7. Other***Please insert text'*

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1936**of 9 November 2021****amending Implementing Regulation (EU) 2018/2019 as regards certain plants for planting of *Ficus carica* L. and *Persea americana* Mill. originating in Israel, amending Implementing Regulation (EU) 2020/1213 as regards the phytosanitary measures for the introduction of those plants for planting into the Union territory and correcting the latter Implementing Regulation**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC ⁽¹⁾, and in particular Article 42(4), third subparagraph, thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2018/2019 ⁽²⁾ establishes, on the basis of a preliminary assessment, a list of high risk plants, plant products and other objects.
- (2) Commission Implementing Regulation (EU) 2018/2018 ⁽³⁾ lays down specific rules concerning the procedure to be followed, in order to carry out the risk assessment referred to in Article 42(4) of Regulation (EU) 2016/2031 for high risk plants, plant products and other objects.
- (3) Following a preliminary assessment, 35 plants for planting, originating from all third countries, were included in the Annex to Implementing Regulation (EU) 2018/2019 as high risk plants, amongst which are the species *Ficus carica* L. and the genus *Persea* Mill.
- (4) In accordance with Regulation (EU) 2016/2031, if it is concluded, on the basis of a risk assessment, that a plant, plant product or other object originating in a third country, group of third countries or a specific area of the third country concerned, poses an unacceptable pest risk, but that that risk can be reduced to an acceptable level by applying certain measures, the Commission is to remove that plant, plant product or other object from the list established by the Annex to Implementing Regulation (EU) 2018/2019 and add it to the list referred to in Article 41(2) of Regulation (EU) 2016/2031.
- (5) Commission Implementing Regulation (EU) 2020/1213 ⁽⁴⁾ sets out the phytosanitary measures for the introduction into the Union territory of certain plants, plant products and other objects, which have been removed from the list established by the Annex to Implementing Regulation (EU) 2018/2019.

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽²⁾ Commission Implementing Regulation (EU) 2018/2019 of 18 December 2018 establishing a provisional list of high risk plants, plant products or other objects, within the meaning of Article 42 of Regulation (EU) 2016/2031 and a list of plants for which phytosanitary certificates are not required for introduction into the Union, within the meaning of Article 73 of that Regulation (OJ L 323, 19.12.2018, p. 10).

⁽³⁾ Commission Implementing Regulation (EU) 2018/2018 of 18 December 2018 laying down specific rules concerning the procedure to be followed in order to carry out the risk assessment of high risk plants, plant products and other objects within the meaning of Article 42(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council (OJ L 323, 19.12.2018, p. 7).

⁽⁴⁾ Commission Implementing Regulation (EU) 2020/1213 of 21 August 2020 concerning the phytosanitary measures for the introduction into the Union of certain plants, plant products and other objects which have been removed from the Annex to Implementing Regulation (EU) 2018/2019 (OJ L 275, 24.8.2020, p. 5).

- (6) On 18 September 2019, Israel submitted to the Commission a request for export to the Union of bare-rooted, dormant, without leaves, one-year-old plants for planting with a maximum diameter of 2 cm at the base of the stem and one-year-old rooted cuttings without leaves of plants for planting with growing medium and with a maximum diameter of 1 cm at the base of the stem of *Ficus carica* L. That request was supported by the respective technical dossier.
- (7) On 26 November 2020, the European Food Safety Authority ('the Authority') adopted a scientific opinion regarding the commodity risk assessment of *Ficus carica* L. plants for planting from Israel ⁽⁵⁾. The Authority identified *Aonidiella orientalis*, *Colletotrichum siamense*, *Euwallacea fornicatus sensu lato*, *Hypothenemus lepriuri*, *Icerya aegyptiaca*, *Neocosmospora euwallaceae*, *Neoscytalidium dimidiatum*, *Nipaecoccus viridis*, *Oligonychus mangiferus*, *Phenacoccus solenopsis*, *Plicosepalus acaciae*, *Retithrips syriacus*, *Russellaspis pustulans*, *Scirtothrips dorsalis* and *Spodoptera frugiperda* as pests relevant for those plants for planting, evaluated the risk mitigation measures described in the dossier for those pests and estimated their likelihood of pest freedom.
- (8) On 1 September 2019, Israel submitted to the Commission a request for export to the Union of rooted, with leaves, grafted plants for planting with growing medium and a maximum diameter of 1 cm at the base of the stem and unrooted cuttings of plants for planting of *Persea americana* Mill. That request was accompanied by the respective technical dossier.
- (9) On 26 November 2020, the Authority adopted a scientific opinion regarding the commodity risk assessment of *Persea americana* Mill. plants for planting from Israel ⁽⁶⁾. The Authority identified *Aonidiella orientalis*, *Aulacaspis tubercularis*, *Avocado sunblotch viroid*, *Bemisia tabaci*, *Colletotrichum aenigma*, *Colletotrichum alienum*, *Colletotrichum fructicola*, *Colletotrichum perseae*, *Colletotrichum siamense*, *Colletotrichum theobromicola*, *Euwallacea fornicatus*, *Icerya aegyptiaca*, *Lasiodiplodia pseudotheobromae*, *Maconellicoccus hirsutus*, *Milviscutulus mangiferae*, *Neocosmospora euwallaceae*, *Neoscytalidium dimidiatum*, *Nipaecoccus viridis*, *Oligonychus perseae*, *Paracoccus marginatus*, *Penthimiola bella*, *Pseudococcus cryptus*, *Pulvinaria psidii*, *Retithrips syriacus*, *Scirtothrips dorsalis* and *Tetraleurodes perseae* as pests relevant for those plants for planting, evaluated the risk mitigation measures described in the dossier for those pests and estimated their likelihood of pest freedom.
- (10) On the basis of those opinions, the necessary measures to address the risk of the specified pests should be adopted as phytosanitary import requirements, in order to ensure that the phytosanitary risk from introduction of the specified plants into the Union is reduced to an acceptable level. Therefore, bare-rooted, dormant, without leaves, one-year-old plants for planting with a maximum diameter of 2 cm at the base of the stem of *Ficus carica* L. and one-year-old rooted cuttings without leaves of plants for planting with growing medium and with a maximum diameter of 1 cm at the base of the stem of *Ficus carica* L., originating in Israel, and rooted, with leaves, grafted plants for planting with growing medium and a maximum diameter of 1 cm at the base of the stem of *Persea americana* Mill. and unrooted cuttings of plants for planting of *Persea americana* Mill., originating in Israel, should be removed from the Annex to Implementing Regulation (EU) 2018/2019 and the necessary phytosanitary import measures should be added to the Annex to Implementing Regulation (EU) 2020/1213.
- (11) Given the large number of pests identified for each of the specified plants and the uncertainties identified by the Authority, it is considered that the sole application of the measures proposed by Israel in the dossiers cannot reduce the risk from the introduction of the specified plants into the Union to an acceptable level. In order to reduce the phytosanitary risk to an acceptable level, and without prejudice to the import requirements set out in Annex VII to Commission Implementing Regulation (EU) 2019/2072 ⁽⁷⁾, those plants should be required to be grown in pest-free sites of production with physical protection against the introduction of the specified insect pests and be officially

⁽⁵⁾ EFSA PLH Panel (European Food Safety Authority Panel on Plant Health), Scientific Opinion on the commodity risk assessment of *Ficus carica* plants from Israel, EFSA Journal 2021;19(1):6353, <https://doi.org/10.2903/j.efsa.2021.6353>

⁽⁶⁾ EFSA PLH Panel, Scientific Opinion on the commodity risk assessment of *Persea americana* from Israel, EFSA Journal 2021;19(2):6354, <https://doi.org/10.2903/j.efsa.2021.6354>

⁽⁷⁾ Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, p. 1).

inspected to detect those pests. In addition, with regard to unrooted cuttings of plants for planting of *Persea americana* Mill. originating in Israel, for which the maximum diameter at the base of the stem is not specified in the dossier, a maximum diameter of 2 cm at the base of the stem should be accepted for such plants presented for import into the Union. The inspection of consignments of the specified plants immediately prior to export should also be strengthened compared to the inspection indicated by the dossiers submitted by Israel.

- (12) *Bemisia tabaci*, *Euwallacea fornicatus sensu lato* (belongs to the family of Scolytidae (non-European)), *Hypothenemus lepriuri* (belongs to the family of Scolytidae (non-European)), *Scirtothrips dorsalis* and *Spodoptera frugiperda* are listed as Union quarantine pests in Annex II to Implementing Regulation (EU) 2019/2072. *Aonidiella orientalis*, *Aulacaspis tubularis*, *Avocado sunblotch viroid*, *Colletotrichum aenigma*, *Colletotrichum alienum*, *Colletotrichum fructicola*, *Colletotrichum perseae*, *Colletotrichum siamense*, *Colletotrichum theobromicola*, *Icerya aegyptiaca*, *Lasiodiplodia pseudotheobromae*, *Maconellicoccus hirsutus*, *Milviscutulus mangiferae*, *Neocosmospora euwallaceae*, *Neoscytalidium dimidiatum*, *Nipaecoccus viridis*, *Oligonychus mangiferus*, *Oligonychus perseae*, *Paracoccus marginatus*, *Penthimiola bella*, *Phenacoccus solenopsis*, *Plicosepalus acaciae*, *Pseudococcus cryptus*, *Pulvinaria psidii*, *Retithrips syriacus*, *Russellaspis pustulans* and *Tetraleurodes perseae* are not yet included in the list of Union quarantine pests in Annex II to Implementing Regulation (EU) 2019/2072, but they may fulfil the conditions to be included once a complete risk assessment is carried out. For this reason, the above phytosanitary measures are also necessary concerning those pests until a complete risk assessment is carried out.
- (13) Implementing Regulations (EU) 2018/2019 and (EU) 2020/1213 should therefore be amended accordingly.
- (14) The Annex to Implementing Regulation (EU) 2020/1213 contains several errors when referring to other Union plant health legislation.
- (15) Implementing Regulation (EU) 2020/1213 should therefore be corrected accordingly.
- (16) In order to comply with Union obligations deriving from the World Trade Organization Agreement on the application of sanitary and phytosanitary measures, the import of those commodities should resume within the shortest possible delay. Therefore, this Regulation should enter into force on the third day following that of its publication in the *Official Journal of the European Union*.
- (17) 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

Amendments to Implementing Regulation (EU) 2018/2019

The Annex to Implementing Regulation (EU) 2018/2019 is amended in accordance with Annex I to this Regulation.

Article 2

Amendments and corrections to Implementing Regulation (EU) 2020/1213

The Annex to Implementing Regulation (EU) 2020/1213 is amended and corrected in accordance with Annex II to this Regulation.

Article 3

Entry into force

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, 9 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Point 1, table, second column 'Description', of the Annex to Implementing Regulation (EU) 2018/2019 is amended as follows:

- (1) the entry for '*Ficus carica* L.' is replaced by the following:

'*Ficus carica* L., other than bare-rooted, dormant, without leaves, one-year-old plants for planting with a maximum diameter of 2 cm at the base of the stem of *Ficus carica* L., and one-year-old rooted cuttings without leaves of plants for planting with growing medium and with a maximum diameter of 1 cm at the base of the stem of *Ficus carica* L., originating in Israel';

- (2) the entry for '*Persea* Mill.' is replaced by the following:

'*Persea* Mill., other than rooted, with leaves, grafted plants for planting with growing medium and a maximum diameter of 1 cm at the base of the stem of *Persea americana* Mill., and unrooted cuttings of plants for planting with a maximum diameter of 2 cm of *Persea americana* Mill., originating in Israel'.

ANNEX II

PART A

The table in the Annex to Implementing Regulation (EU) 2020/1213 is amended as follows:

- (1) the following entry is inserted after the second entry for *Albizia julibrissin* Durazzini, bare rooted, dormant grafted plants for planting with a maximum diameter of 2,5 cm:

Plants, plant products or other objects	CN Code	Third countries of origin	Measures
' <i>Ficus carica</i> L, bare-rooted, dormant, without leaves, one-year-old plants for planting with a maximum diameter of 2 cm at the base of the stem, and one-year-old rooted cuttings without leaves of plants for planting with growing medium and with a maximum diameter of 1 cm at the base of the stem	ex 0602 20 20 ex 0602 20 80 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70	Israel	(a) Official statement that: (i) the plants are free from <i>Aonidiella orientalis</i> , <i>Colletotrichum siamense</i> , <i>Euwallacea fornicatus sensu lato</i> , <i>Hypothenemus leprieuri</i> , <i>Icerya aegyptiaca</i> , <i>Neocosmospora euwallaceae</i> , <i>Neoscytalidium dimidiatum</i> , <i>Nipaecoccus viridis</i> , <i>Oligonychus mangiferus</i> , <i>Phenacoccus solenopsis</i> , <i>Plicosepalus acaciae</i> , <i>Retithrips syriacus</i> , <i>Russellaspis pustulans</i> , <i>Scirtothrips dorsalis</i> and <i>Spodoptera frugiperda</i> ; (ii) the plants have been grown throughout their life in a place of production, which, together with the sites of production that form part of it, is registered and supervised by the national plant protection organisation of the country of origin; (iii) the plants have been grown throughout their life in a site with physical protection against the introduction of <i>Aonidiella orientalis</i> , <i>Icerya aegyptiaca</i> , <i>Nipaecoccus viridis</i> , <i>Oligonychus mangiferus</i> , <i>Phenacoccus solenopsis</i> , <i>Retithrips syriacus</i> and <i>Russellaspis pustulans</i> , which has been subjected to official inspections every 45 days and has been found free from all the pests listed in point (i); in case of suspicion of the presence of any pest listed in point (i) at the site of production, appropriate treatments have been carried out to ensure the absence of the pests; and (iv) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Aonidiella orientalis</i> , <i>Icerya aegyptiaca</i> , <i>Nipaecoccus viridis</i> , <i>Oligonychus mangiferus</i> , <i>Phenacoccus solenopsis</i> , <i>Plicosepalus acaciae</i> , <i>Retithrips syriacus</i> and <i>Russellaspis pustulans</i> , with such a sample size as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %, and to an official inspection for the presence of <i>Colletotrichum siamense</i> and <i>Neoscytalidium dimidiatum</i> including random sampling and testing of the plants;

			(b) the phytosanitary certificates for those plants shall include under the heading “Additional Declaration”: (i) the following statement: “The consignment complies with Commission Implementing Regulation (EU) 2020/1213”; (ii) the specification of the registered production site(s).’
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- (2) the following entries are inserted after the entry for *Jasminum polyanthum* Franchet, unrooted cuttings of plants for planting:

Plants, plant products or other objects	CN Code	Third countries of origin	Measures
‘ <i>Persea americana</i> Mill., rooted, with leaves, grafted plants for planting with growing medium and with a maximum diameter of 1 cm at the base of the stem	ex 0602 90 41 ex 0602 90 45 ex 0602 90 48 ex 0602 90 50	Israel	(a) Official statement that: (i) the plants are free from <i>Aonidiella orientalis</i>, <i>Aulacaspis tubercularis</i>, <i>Avocado sunblotch viroid</i>, <i>Bemisia tabaci</i>, <i>Colletotrichum aenigma</i>, <i>Colletotrichum alienum</i>, <i>Colletotrichum fruticola</i>, <i>Colletotrichum perseae</i>, <i>Colletotrichum siamense</i>, <i>Colletotrichum theobromicola</i>, <i>Euwallacea fornicatus sensu lato</i>, <i>Icerya aegyptiaca</i>, <i>Lasiodiplodia pseudotheobromae</i>, <i>Maconellicoccus hirsutus</i>, <i>Milviscutulus mangiferae</i>, <i>Neocosmospora euwallaceae</i>, <i>Neoscytalidium dimidiatum</i>, <i>Nipaecoccus viridis</i>, <i>Oligonychus perseae</i>, <i>Paracoccus marginatus</i>, <i>Penthimiola bella</i>, <i>Pseudococcus cryptus</i>, <i>Pulvinaria psidii</i>, <i>Retithrips syriacus</i>, <i>Scirtothrips dorsalis</i> and <i>Tetraleurodes perseae</i>; (ii) the plants have been grown throughout their life in a place of production, which, together with the sites of production that form part of it, is registered and supervised by the national plant protection organisation of the country of origin; (iii) the plants have been grown throughout their life in a site with physical protection against the introduction of <i>Aonidiella orientalis</i>, <i>Aulacaspis tubercularis</i>, <i>Icerya aegyptiaca</i>, <i>Maconellicoccus hirsutus</i>, <i>Milviscutulus mangiferae</i>, <i>Nipaecoccus viridis</i>, <i>Oligonychus perseae</i>, <i>Paracoccus marginatus</i>, <i>Penthimiola bella</i>, <i>Pseudococcus cryptus</i>, <i>Pulvinaria psidii</i>, <i>Retithrips syriacus</i> and <i>Tetraleurodes perseae</i>, which has been subjected to official inspections every 45 days and has been found free from all the pests listed in point (i); in case of suspicion of the presence of any pest listed in point (i) at the site of production, appropriate treatments have been carried out to ensure the absence of the pests; and (iv) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Aonidiella orientalis</i>, <i>Aulacaspis tubercularis</i>, <i>Icerya aegyptiaca</i>, <i>Maconellicoccus</i>

			<i>hirsutus</i>, <i>Milviscutulus mangiferae</i>, <i>Nipaecoccus viridis</i>, <i>Oligonychus perseae</i>, <i>Paracoccus marginatus</i>, <i>Penthimiola bella</i>, <i>Pseudococcus cryptus</i>, <i>Pulvinaria psidii</i>, <i>Retithrips syriacus</i> and <i>Tetraleurodes perseae</i>, with such a sample size as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %, and to an official inspection for the presence of Avocado sunblotch viroid, <i>Colletotrichum aenigma</i>, <i>Colletotrichum alienum</i>, <i>Colletotrichum fructicola</i>, <i>Colletotrichum perseae</i>, <i>Colletotrichum siamense</i>, <i>Colletotrichum theobromicola</i>, <i>Lasiodiplodia pseudotheobromae</i>, <i>Neoscytalidium dimidiatum</i> including random sampling and testing of the plants; (b) the phytosanitary certificates for those plants shall include under the heading "Additional Declaration": (i) the following statement: "The consignment complies with Commission Implementing Regulation (EU) 2020/1213"; (ii) the specification of the registered production sites(s).
<i>Persea americana</i> Mill., unrooted cuttings of plants for planting with a maximum diameter of 2 cm	ex 0602 10 90	Israel	(a) Official statement that: (i) the plants are free from <i>Aonidiella orientalis</i>, <i>Aulacaspis tubercularis</i>, Avocado sunblotch viroid, <i>Colletotrichum aenigma</i>, <i>Colletotrichum alienum</i>, <i>Colletotrichum fructicola</i>, <i>Colletotrichum perseae</i>, <i>Colletotrichum siamense</i>, <i>Colletotrichum theobromicola</i>, <i>Euiwallacea fornicatus sensu lato</i>, <i>Icerya aegyptiaca</i>, <i>Lasiodiplodia pseudotheobromae</i>, <i>Maconellicoccus hirsutus</i>, <i>Milviscutulus mangiferae</i>, <i>Neocosmospora euwallaceae</i>, <i>Neoscytalidium dimidiatum</i>, <i>Nipaecoccus viridis</i>, <i>Oligonychus perseae</i>, <i>Paracoccus marginatus</i>, <i>Pseudococcus cryptus</i>, <i>Pulvinaria psidii</i>, <i>Retithrips syriacus</i> and <i>Scirtothrips dorsalis</i>; (ii) the plants have been grown throughout their life in a place of production, which, together with the sites of production that form part of it, is registered and supervised by the national plant protection organisation of the country of origin; (iii) the plants have been grown throughout their life in a site with physical protection against the introduction of <i>Aonidiella orientalis</i>, <i>Aulacaspis tubercularis</i>, <i>Icerya aegyptiaca</i>, <i>Maconellicoccus hirsutus</i>, <i>Milviscutulus mangiferae</i>, <i>Nipaecoccus viridis</i>, <i>Oligonychus perseae</i>, <i>Paracoccus marginatus</i>, <i>Pseudococcus cryptus</i>, <i>Pulvinaria psidii</i> and <i>Retithrips syriacus</i>, which has been subjected to official inspections every 45 days and has been found free from all the pests listed in point (i); in case of suspicion of the presence of any pest listed in point (i) at the

			site of production, appropriate treatments have been carried out to ensure the absence of the pests; and (iv) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Aonidiella orientalis</i>, <i>Aulacaspis tubercularis</i>, <i>Icerya aegyptiaca</i>, <i>Maconellicoccus hirsutus</i>, <i>Milviscutulus mangiferae</i>, <i>Nipaecoccus viridis</i>, <i>Oligonychus perseae</i>, <i>Paracoccus marginatus</i>, <i>Pseudococcus cryptus</i>, <i>Pulvinaria psidii</i> and <i>Retithrips syriacus</i>, with such a sample size as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %, and to an official inspection for the presence of <i>Avocado sunblotch viroid</i>, <i>Colletotrichum aenigma</i>, <i>Colletotrichum alienum</i>, <i>Colletotrichum fructicola</i>, <i>Colletotrichum perseae</i>, <i>Colletotrichum siamense</i>, <i>Colletotrichum theobromicola</i>, <i>Lasiodiplodia pseudotheobromae</i>, <i>Neoscytalidium dimidiatum</i> including random sampling and testing of the plants; (b) the phytosanitary certificates for those plants shall include under the heading "Additional Declaration": (i) the following statement: "The consignment complies with Commission Implementing Regulation (EU) 2020/1213"; (ii) the specification of the registered production site(s).'
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PART B

The table in the Annex to Implementing Regulation (EU) 2020/1213 is corrected as follows:

- (1) in the two entries for *Acer japonicum* Thunberg, *Acer palmatum* Thunberg and *Acer shirasawanum* Koidzumi, bare rooted, dormant, free of leaves, grafted or budded, one- to three- year old plants for planting, in the fourth column 'Measures', in point(b)(i), the reference 'Commission Implementing Regulation (EU) 2020/1362' is replaced by 'Commission Implementing Regulation (EU) 2020/1213';
- (2) in the entry for *Jasminum polyanthum* Franchet, unrooted cuttings of plants for planting, in the fourth column 'Measures', in point(b)(i), the reference 'Commission Implementing Regulation (EU) 2021/419' is replaced by 'Commission Implementing Regulation (EU) 2020/1213'.

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1937**of 9 November 2021**

amending Implementing Regulation (EU) 2021/404 as regards the entry into the Union of consignments of molluscs and crustaceans intended to be kept for ornamental purposes in closed facilities and laying down the list of third countries or territories, or the zones or compartments thereof from which the entry into the Union of such consignments is authorised

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Article 230(1) thereof,

Whereas:

- (1) Regulation (EU) 2016/429 lays down, inter alia, the animal health requirements for the entry into the Union of consignments of animals, germinal products and products of animal origin, and it applies from 21 April 2021. One of those animal health requirements is that those consignments must come from a third country or territory, or a zone or compartment thereof, listed in accordance with Article 230(1) of that Regulation.
- (2) Commission Delegated Regulation (EU) 2020/692 ⁽²⁾ supplements Regulation (EU) 2016/429 as regards the animal health requirements for the entry into the Union of, inter alia, consignments of certain species and categories of aquatic animals from third countries or territories, or the zones or, in the case of aquaculture animals, compartments thereof. Delegated Regulation (EU) 2020/692 provides that consignments of aquatic animals falling within its scope may only be permitted to enter into the Union, if they come from a third country or territory, or a zone or, in the case of aquaculture animals, a compartment thereof, listed for the particular species and categories of those aquatic animals in accordance with the animal health requirements laid down in that Delegated Regulation.
- (3) Commission Implementing Regulation (EU) 2021/404 ⁽³⁾ establishes a list of third countries or territories, or the zones or compartments thereof from which the entry into the Union of, inter alia, species and categories of those aquatic animals that fall within the scope of Delegated Regulation (EU) 2020/692 is permitted.
- (4) For many years, molluscs and crustaceans intended to be kept for ornamental purposes in closed facilities have entered the Union from third countries or territories, which were listed by the World Organisation for Animal Health (OIE), in accordance with Chapter IV of Council Directive 2006/88/EC ⁽⁴⁾, now repealed by Regulation (EU) 2016/429, and Article 11 of Commission Regulation (EC) No 1251/2008 ⁽⁵⁾, now repealed by Implementing

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (OJ L 174, 3.6.2020, p. 379).

⁽³⁾ Commission Implementing Regulation (EU) 2021/404 of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and the Council (OJ L 114, 31.3.2021, p. 1).

⁽⁴⁾ Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals (OJ L 328, 24.11.2006, p. 14).

⁽⁵⁾ Commission Regulation (EC) No 1251/2008 of 12 December 2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species (OJ L 337, 16.12.2008, p. 41).

Regulation (EU) 2020/2236 ⁽⁶⁾. The importation of these aquatic animals has not been associated with outbreaks of listed diseases of molluscs or crustaceans, and during that time, experience has been gathered from official controls carried out on such consignments at points of entry into the Union, and in certain cases, by official controls carried out by the Commission in the third country or territory concerned.

- (5) Under Article 230(1), point (i), of Regulation (EU) 2016/429 the Commission may, by means of implementing acts, draw up a list of third countries and territories from which the entry into the Union of specific species and categories of animals may be permitted, based on any experience gathered from previous entries of animals from the third country or territory concerned, and from the results of official controls carried out at the point of entry into the Union of such animals.
- (6) It is appropriate to amend Implementing Regulation (EU) 2021/404 to take account of the experience gathered with the previous trade in those molluscs or crustaceans of listed species, thereby ensuring a smooth transition from the previous legislative framework, under Directive 2006/88/EC and Regulation (EC) No 1251/2008, to the new legislative framework, under Regulation (EU) 2016/429.
- (7) Article 3(1), point (t), of Implementing Regulation (EU) 2021/404 should therefore be amended to take account of the new list, laid down by this Regulation, of third countries or territories or the zones or compartments thereof, from which the entry into the Union of consignments of molluscs and crustaceans of listed species intended to be kept for ornamental purposes in closed facilities is authorised.
- (8) Annex XXI to Implementing Regulation (EU) 2021/404, laying down the list of third countries or territories, or the zones or compartments thereof from which the entry into the Union of consignments of certain aquatic animals is authorised, should be amended to include that new list and the existing list should therefore be updated accordingly. To ensure clarity, the version of Annex XXI to Implementing Regulation (EU) 2021/404 in force should be replaced by a new one.
- (9) Implementing Regulation (EU) 2021/404 should therefore be amended accordingly.
- (10) As Implementing Regulation (EU) 2021/404 applies from 21 April 2021, in the interest of legal certainty, the amendments to be made to Implementing Regulation (EU) 2021/404 by this Regulation should take effect as a matter of urgency.
- (11) The measures provided for in this Regulation are in accordance with the opinion the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2021/404 is amended as follows:

- (1) in Article 3(1), point (t) is replaced by the following:

‘(t) Annex XXI for aquatic animals of listed species, as follows:

- (i) Part 1, Section A, for aquatic animals of listed species intended for certain aquaculture establishments, release into the wild or other purposes, other than human consumption, as well as certain aquatic animals of listed species and products of animal origin from those listed species which are intended for human consumption;
- (ii) Part 1, Section B, for molluscs and crustaceans intended to be kept for ornamental purposes in closed facilities.’;

⁽⁶⁾ Commission Implementing Regulation (EU) 2020/2236 of 16 December 2020 laying down rules for the application of Regulations (EU) 2016/429 and (EU) 2017/625 of the European Parliament and of the Council as regards model animal health certificates for the entry into the Union and movements within the Union of consignments of aquatic animals and of certain products of animal origin from aquatic animals, official certification regarding such certificates and repealing Regulation (EC) No 1251/2008 (OJ L 442, 30.12.2020, p. 410).

(2) Annex XXI is replaced by the text 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, 9 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

Annex XXI to Implementing Regulation (EU) 2021/404 is replaced by the following:

'ANNEX XXI

AQUATIC ANIMALS

PART 1

SECTION A

List of third countries or territories, or the zones or compartments thereof from which the entry into the Union of consignments of live aquatic animals of listed species for the purposes referred to in Article 3(1), point (t)(i), is authorised

ISO code and name of the third country or territory	Code of the zone or compartment as set out in Part 2	Species and categories permitted to enter the Union			Animal health certificates	Specific conditions as set out in Part 3	Animal health guarantees as set out in Part 4	Closing date	Opening date
		Fish	Molluscs	Crustaceans					
1	2	3	4	5	6	7	8	9	10
AU Australia	AU-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
BR Brazil	BR-0	Listed species of Cyprinidae			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
CA Canada	CA-0	All listed species except those susceptible to or regarded as vectors of viral haemorrhagic septicaemia in accordance with Annex XXX to Regulation (EU) 2020/692			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-1	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				

					FISH-CRUST-HC	A			
	CA-2				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-3				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-4				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-5				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-6				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-7				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-8				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-9				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-10				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-11				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-12				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
CG Congo	CG-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
CH Switzerland	CH-0	Subject to the Agreement referred to in point 7 of Annex I							
CL Chile	CL-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			

CN China	CN-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
CO Colombia	CO-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
GB United Kingdom	GB-0	All listed species	All listed species	All listed species	AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
					MOL-HC	B			
GG Guernsey	GG-0	All listed species	All listed species	All listed species	AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
					MOL-HC	B			
HK Hong Kong	HK-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
ID Indonesia	ID-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
IL Israel	IL-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
IM Isle of Man	IM-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
JE Jersey	JE-0	All listed species	All listed species	All listed species	AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
					MOL-HC	B			
JM Jamaica	JM-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
JP Japan	JP-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
LK Sri Lanka	LK-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
MK North Macedonia	MK-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			

MY Malaysia	MY-1	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
NZ New Zealand	NZ-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
RU Russia	RU-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
SG Singapore	SG-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
TH Thailand	TH-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
TR Turkey	TR-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
TW Taiwan	TW-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
US United States ⁽¹⁾	US-0	All listed species except those susceptible to or regarded as vectors of viral haemorrhagic septicaemia in accordance with Annex XXX to Regulation (EU) 2020/692		All listed species	AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	US-1	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	US-2		All listed species		MOL-HC	B			
	US-3		All listed species		MOL-HC	B			
	US-4		All listed species		MOL-HC	B			
	US-5		All listed species		MOL-HC	B			
ZA South Africa	ZA-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			

⁽¹⁾ Including Puerto Rico, US Virgin Islands, American Samoa, Guam and Northern Mariana Islands.

SECTION B

List of third countries or territories, or the zones or compartments thereof from which the entry into the Union of consignments of molluscs and crustaceans of listed species intended to be kept for ornamental purposes in closed facilities as referred to in Article 3(1), point (t)(ii), is authorised

ISO code and name of the third country or territory	Code of the zone or compartment as set out in Part 2	Animal health certificates	Specific conditions as set out in Part 3	Animal health guarantees as set out in Part 4	Closing date	Opening date
1	2	3	4	5	6	7
AU Australia	AU-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
BZ Belize	BZ-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
CA Canada	CA-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
CG Congo	CG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
CK Cook Islands	CK-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
CN China	CN-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
CM Cameroon	CM-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
CO Colombia	CO-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
CR Costa Rica	CR-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
CU Cuba	CU-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
DJ Djibouti	DJ-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
DO Dominican Republic	DO-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
EC Ecuador	EC-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
EG Egypt	EG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				

ET Ethiopia	ET-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
FJ Fiji	FJ-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
FM Micronesia	FM-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
GB United Kingdom	GB-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
GG Guernsey	GG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
GH Ghana	GH-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
HK Hong Kong	HK-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
ID Indonesia	ID-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
IL Israel	IL-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
IN India	IN-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
IM Isle of Man	IM-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
JE Jersey	JE-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
JP Japan	JP-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
KE Kenya	KE-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
KI Kiribati	KI-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
KN Saint Kitts and Nevis	KN-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
LK Sri Lanka	LK-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
MG Madagascar	MG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
MH Marshall Islands	MH-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				

MV Maldives	MV-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
MW Malawi	MW-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
MX Mexico	MX-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
MY Malaysia	MY-1	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
NC New Caledonia	NC-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
NE Niger	NE-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
NG Nigeria	NG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
NI Nicaragua	NI-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
NR Nauru	NR-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
NU Niue	NU-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
PA Panama	PA-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
PE Peru	PE-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
PF French Polynesia	PF-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
PG Papua New Guinea	PG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
PH Philippines	PH-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
PN Pitcairn Islands	PN-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
PW Palau	PW-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
PY Paraguay	PY-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
SB Solomon Islands	SB-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				

SG Singapore	SG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
SL Sierra Leone	SL-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
SO Somalia	SO-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
TG Togo	TG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
TH Thailand	TH-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
TK Tokelau	TK-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
TO Tonga	TO-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
TT Trinidad and Tobago	TT-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
TV Tuvalu	TV-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
TW Taiwan	TW-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
TZ Tanzania	TZ-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
US United States ⁽¹⁾	US-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
VN Vietnam	VN-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
WF Wallis and Futuna	WF-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
WS Samoa	WS-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
ZA South Africa	ZA-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
ZM Zambia	ZM-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER'				

⁽¹⁾ Including Puerto Rico, US Virgin Islands, American Samoa, Guam and Northern Mariana Islands.

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1938**of 9 November 2021****establishing the model identification document for non-commercial movements of pet birds into a Member State from a territory or a third country and repealing Decision 2007/25/EC****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 ⁽¹⁾, and in particular Articles 30 and 36 thereof,

Whereas:

- (1) Regulation (EU) No 576/2013 lays down the animal health requirements applicable to non-commercial movements of pet animals, including birds referred to in Part B of Annex I thereto (pet birds), into a Member State from a territory or a third country, including the rules for documentary and identity checks on such non-commercial movements.
- (2) Article 14 of Regulation (EU) No 576/2013 provides that pet birds moved into a Member State from a territory or a third country are to be accompanied by an identification document. Article 30 of that Regulation also provides for a model identification document to be adopted by the Commission by way of an implementing act, and that that identification document is to contain a written declaration by the owner or an authorised person confirming that the movement of the pet bird into the Union is a non-commercial movement (written declaration). Accordingly, this Regulation should establish that model identification document, which should consist of a veterinary certificate (veterinary certificate), as well as the written declaration.
- (3) Animal health requirements for the non-commercial movements of pet birds into a Member State from a territory or a third country are laid down in Commission Delegated Regulation (EU) 2021/1933 ⁽²⁾, which applies from 1 January 2022. Therefore, the model identification document should take into account the rules laid down in that Delegated Regulation.
- (4) The current certification rules regarding non-commercial movements of pet birds into a Member State from a territory or a third country are laid down in Commission Decision 2007/25/EC ⁽³⁾. As the rules laid down in that Decision are to be replaced by the rules laid down in Delegated Regulation (EU) 2021/1933 and in this Regulation, Decision 2007/25/EC should be repealed and any reference to that Decision should be construed as reference to this Regulation and to Delegated Regulation (EU) 2021/1933.
- (5) In order to avoid any disturbances with regard to the introduction of pet birds into the Union, the use of a veterinary certificate and a declaration complying with the rules laid down in Decision 2007/25/EC should be authorised during a transitional period of three months following the date of application of this Regulation, subject to certain conditions.
- (6) As the rules laid down in this Regulation, are to be applied in tandem with the rules laid down in Delegated Regulation (EU) 2021/1933, this Regulation should also apply from 1 January 2022.

⁽¹⁾ OJ L 178, 28.6.2013, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2021/1933 of 10 November 2021 supplementing Regulation (EU) No 576/2013 of the European Parliament and of the Council with regard to the rules for non-commercial movements of pet birds into a Member State from a territory or a third country (OJ L 396., 10.11.2021, p. 4).

⁽³⁾ Commission Decision 2007/25/EC of 22 December 2006 as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community (OJ L 8, 13.1.2007, p. 29).

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

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation establishes a model of the identification document referred to in Article 14(2), point (c), of Regulation (EU) No 576/2013 to be used for non-commercial movements of pet animals of the avian species referred to in Part B of Annex I thereto (pet birds), into a Member State from a territory or third country.

Article 2

Model identification document

1. The model of the identification document referred to in Article 1 is set out in the Annex, and consists of the following:
 - (a) the veterinary certificate set out in Part 1 of the Annex;
 - (b) the written declaration to be signed by the owner or an authorised person set out in Part 2 of the Annex.
2. The veterinary certificate referred to in paragraph 1, point (a), shall comply with the following:
 - (a) it must be completed in accordance with the notes in Part II of the veterinary certificate;
 - (b) it must be issued by an official veterinarian of the territory or third country of dispatch or by an authorised veterinarian and subsequently endorsed by the competent authority of that territory or third country in accordance with the requirements regarding the issuing of the veterinary certificate set out in Part 3 of the Annex.
3. The written declaration referred to in paragraph 1, point (b), shall be completed by the owner or the authorised person in accordance with the requirements regarding the issuing of the written declaration set out in Part 4 of the Annex.

Article 3

Repeal

Decision 2007/25/EC is repealed.

References to the repealed Decision shall be construed as references to this Regulation and to Delegated Regulation (EU) 2021/1933.

Article 4

Transitional measures

For a transitional period until 31 March 2022, Member States shall continue to authorise the non-commercial movement into the Union of pet birds accompanied by a veterinary certificate issued no later than 15 March 2022 in accordance with the model veterinary certificate set out in Annex II to Decision 2007/25/EC and the Declaration set out in Annex III thereto.

*Article 5***Entry into force and applicability**

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

It shall apply from 1 January 2022.

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

Done at Brussels, 9 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

**Model of the identification document referred to in Article 14(2), point (c), of Regulation (EU)
No 576/2013 for non-commercial movements of pet birds into a Member State from a territory or a
third country**

PART 1

**Model veterinary certificate for non-commercial movements of pet birds into a Member State from a territory or
third country**

COUNTRY:				Veterinary certificate to the EU				
Part I: Details of dispatched consignment	I.1. Consignor Name			I.2. Certificate reference No		I.2.a		
	Address			I.3. Central Competent Authority				
	Tel. No			I.4. Local Competent Authority				
	I.5. Consignee Name			I.6. Person responsible for the consignment in the EU				
	Address							
	Postal code							
	Tel. No							
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code	I.10. Region of destination	Code
	I.11 Place of origin			I.12. Place of destination				
	Name			Name Approval number				
	Address			Address				
	I.13. Place of loading			I.14. Date of departure				
	I.15. Means of transport			I.16. Entry BCP in EU				
				I.17. No(s) of CITES				
I.18. Description of commodity					I.19. Commodity code (HS code)			
					I.20. Quantity			
I.21. Temperature of products					I.22. Total number of packages			
I.23. Seal/Container No					I.24. Type of packaging			
I.25. Commodities certified for:								
☐ Pets ☐ Quarantine								
I.26. For transit to third country				I.27. For import or admission into the EU				
I.28. Identification of the commodities								
Species (Scientific name)		Identification system		Identification number		Quantity		

COUNTRY:**Non-commercial movement of pet birds into a Member State from a territory or third country**

II. Health information	II.a. Certificate reference No	II.b. IMSOC reference No
Part II: Certification I, the undersigned official veterinarian⁽¹⁾ or authorised veterinarian⁽¹⁾ of (insert name of territory or third country) certify that: II.1. The territory or country of dispatch is a member country of the World Organisation for Animal Health (OIE) and belongs to the OIE Regional Commission for (insert name of OIE Regional Commission). II.2. The bird(s) described in Box I.28 has/have been subjected today, within 48 hours or on the last working day prior to the date of dispatch, to a clinical inspection and found free of obvious signs of disease. ⁽¹⁾⁽²⁾either II.3. The bird(s): ⁽¹⁾either [comes/come from a third country or territory listed in the first column of the table in Part 1 of Annex V, Annex XIV or Annex XIX to Commission Implementing Regulation (EU) 2021/404 and has/have undergone isolation on the premises specified in Box I.11. under official supervision for a period of at least 30 days prior to the date of dispatch and effectively protected from contact with any other bird(s).] ⁽¹⁾or [has/have been vaccinated⁽³⁾ on [dd/mm/yyyy] and re-vaccinated⁽³⁾ on [dd/mm/yyyy] with a licenced vaccine against avian influenza of H5 and H7 subtypes. The vaccination was administered within the last 6 months and not later than 60 days prior to the date of dispatch, in accordance with the manufacturer's instructions, and the vaccine(s) used was/were not (a) live-attenuated vaccine(s).] ⁽¹⁾or [has/have been isolated for a period of at least 14 days prior to the date of dispatch and have been subjected to an avian influenza H5 and H7 antigen or genome detection test⁽⁴⁾ with negative results, as prescribed in Chapter 3.3.4 on avian influenza in the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals of the OIE, 8th Edition 2018, carried out on a sample taken on[dd/mm/yyyy], which must not be earlier than on the seventh day of isolation.]] ⁽¹⁾⁽⁵⁾or II.3. The owner/authorised person has declared⁽⁶⁾ and provided evidence⁽⁷⁾ that he/she has made arrangements for the post-introduction quarantine of the bird(s) for a period of at least 30 days immediately after their arrival in the European Union, in a quarantine establishment approved in accordance with Article 14 of Commission Delegated Regulation (EU) 2019/2035.] ⁽¹⁾or II.3. The owner/authorised person has declared⁽⁶⁾ and provided evidence⁽⁷⁾ that the competent authority of the Member State of destination has granted a derogation under Article 32(1) of Regulation (EU) No 576/2013 for the non-commercial movement of the pet birds into its territory.] II.4. The owner/authorised person has declared⁽⁶⁾ and provided evidence that: II.4.1. The bird(s) is/are 'pet animal(s)' as defined in Article 3, point (b), of Regulation (EU) No 576/2013 intended for a non-commercial movement. II.4.2. During the period between the pre-movement clinical inspection referred to in point II.2 and the actual departure the bird(s) will remain isolated and will not come in contact with any other bird(s). ⁽¹⁾either II.4.3. The bird(s) will be moved to a household or another residence within the European Union specified in Box I.12 and will not be entered in shows, fairs, exhibitions or other gatherings of birds during the period of 30 days following the date of entry into the European Union, and that ⁽¹⁾either [the bird(s) has/have been confined on the premises of origin for a period of at least the 30 days immediately prior to the date of dispatch without coming into contact with any other bird(s).] ⁽¹⁾or [the bird(s) has/have been vaccinated against avian influenza of the H5 and H7 subtypes by a veterinarian.]] ⁽¹⁾or [the bird(s) has/have undergone the 14 days pre-movement isolation and tested negative in a test to detect the avian influenza H5 and H7 antigen or genome.]] ⁽¹⁾or II.4.3. Arrangements have been made for the post-introduction quarantine of the bird(s) for a period of at least 30 days immediately after arrival in the European Union, in the quarantine establishment(insert name of quarantine establishment) indicated in Box I.12.]		

COUNTRY:**Non-commercial movement of pet birds into a Member State
from a territory or third country**

II. Health information	II.a. Certificate reference No	II.b. IMSOC reference No
Notes Part I: — Box I.5: Consignee: indicate Member State of first destination — Box I.7: If applicable, provide the code of the third country or territory as appearing in the first column of the table in Part 1 of Annex V, Annex XIV or Annex XIX to Commission Implementing Regulation (EU) 2021/404. — Box I.19: Use the appropriate HS codes: 01.06.31, 01.06.32, 01.06.39. — Box I.20: Indicate the total number of animals — Box I.23: Applicable in the case of pet birds not marked in the territory or third country of dispatch, in accordance with Article 3(3) of Commission Delegated Regulation (EU) 2021/1933 supplementing Regulation (EU) No 576/2013 of the European Parliament and of the Council with regard to rules for non-commercial movements of pet birds into a Member State from a territory or a third country. Indicate the number of the seal applied by the competent authority of the territory or third country of dispatch on the container of pet birds. — Box I.28: In cases where the birds must bear a permanent, non-removable, legible individual marking, the alpha-numeric code must be indicated and the identification system (such as a clip, leg band, injectable transponder, tag) must be specified. Part II: (1) Keep as appropriate. (2) Birds certified under these conditions must be marked individually in accordance with Article 3 of Commission Delegated Regulation (EU) 2021/1933 supplementing Regulation (EU) No 576/2013 of the European Parliament and of the Council with regard to the rules for non-commercial movements of pet birds into a Member State from a territory or a third country and the number must be indicated in Box I.28 of the veterinary certificate. (3) The vaccination referred to in point II.3 must be administered by an authorised or official veterinarian of the territory or third country of dispatch. The original or a certified copy of the vaccination records shall be attached to the veterinary certificate. (4) The test for the detection of avian influenza H5 and H7 antigen or genome referred to in point II.3 must have been carried out on samples collected by an authorised or official veterinarian of the territory or third country of dispatch. The original or a certified copy of the laboratory report shall be attached to the veterinary certificate. (5) Birds certified under this condition, where they are not be marked individually in accordance with Article 3 of Commission Delegated Regulation (EU) 2021/1933 supplementing Regulation (EU) No 576/2013 of the European Parliament and of the Council with regard to the rules for non-commercial movements of pet birds into a Member State from a territory or a third country, must be placed in a container sealed by the competent authority of the territory or third country of dispatch prior to their dispatch to the Union in accordance with Article 3(3) of Delegated Regulation (EU) 2021/1933 and the number of the seal must be indicated in Box I.23 of the veterinary certificate. (6) The declaration referred to in point II.3 and in point II.4 shall be attached to the veterinary certificate and comply with the model set out in Part 2 and the additional requirements set out in Part 4 of the Annex to Commission Implementing Regulation (EU) 2021/1938 establishing the model identification document for non-commercial movements of pet birds into a Member State from a territory or a third country and repealing Decision 2007/25/EC. (7) The original or a certified copy shall be attached to the veterinary certificate. This certificate is valid for a period of 10 days from the date of signature of the veterinary certificate by the official veterinarian of the territory or third country of origin. In the case of transport by sea, the period of validity shall be prolonged by an additional period corresponding to the duration of the sea voyage.		

COUNTRY:**Non-commercial movement of pet birds into a Member State from
a territory or third country**

II. Health information	II.a. Certificate reference No	II.b. IMSOC reference No
Official veterinarian/Authorised veterinarian		
Name (in capital letters)	Qualification and title	
Date		
Stamp	Signature	
Endorsement by the competent authority (not necessary when the clinical inspection has been carried out and the veterinary certificate is signed by an official veterinarian)		
Name (in capital letters)	Qualification and title	
Date		
Stamp	Signature	
Official at the traveller's point of entry (required only when the pet birds are destined for an quarantine establishment approved in accordance with Article 14 of Commission Delegated Regulation (EU) 2019/2035)		
Name (in capital letters)	Qualification and title	
Date		
Stamp	Signature	

PART 2

Model of the written declaration referred to in Article 30(3) of Regulation (EU) No 576/2013**Declaration**

I, the undersigned

Name:

Address:

Telephone number:

(insert details of owner ^(a) or authorised person who has authorisation in writing from the owner to carry out the non-commercial movement on behalf of the owner ^(a) ^(b))

declare that:

1. The bird(s) will accompany the undersigned person, and are 'pet animal(s)' as defined in Article 3, point (b), of Regulation (EU) No 576/2013 intended for a non-commercial movement and are not intended to be sold or transferred to another owner.
2. The bird(s) will remain under the responsibility of the undersigned person during its/their non-commercial movement.
3. During the period between the pre-movement clinical inspection by an official veterinarian or authorised veterinarian and the actual departure, the bird(s) will remain isolated and will not come in contact with any other bird(s).
4. ^(a)*either* [The bird(s) will be moved to a household or another residence within the European Union *(insert address ^(b))* and will not be entered in shows, fairs, exhibitions or other gatherings of birds during the period of 30 days following the date of entry into the European Union, and
 - ^(a)*either* [the bird(s) has/have been confined on the premises of origin for a period of at least the 30 days immediately prior to the date of dispatch to the European Union without coming into contact with any other bird(s).]
 - ^(a)*or* [the bird(s) has/have been vaccinated against avian influenza of the H5 and H7 subtypes by a veterinarian.]]
 - ^(a)*or* [the bird(s) has/have undergone the 14 days pre-movement isolation and tested negative in a test to detect the avian influenza H5 and H7 antigen or genome.]]
 - ^(a)*or* [I have made arrangements for the 30 days post-introduction quarantine of the bird(s) at the quarantine establishment ^(b) ^(c) ^(d), as indicated in the corresponding veterinary certificate.]
 - ^(a)*or* [The Member State of destination has granted a derogation under Article 32 of Regulation (EU) No 576/2013 for the non-commercial movement of the pet bird(s) into its territory ^(d).]

.....

Date and Place

Name and Signature

This written declaration is valid for a period of 10 days from the date of signature of the veterinary certificate by the official veterinarian of the territory or third country of origin. In the case of transport by sea, the period of validity shall be prolonged by an additional period corresponding to the duration of the sea voyage

^(a) Keep as appropriate.

^(b) Insert information in block letters

^(c) Insert name, approval number and contact details of quarantine establishment.

^(d) Evidence must be provided to the official veterinarian of the territory or third country.

PART 3

Requirements regarding the issuing of the veterinary certificate set out in Part 1

The following shall apply to the issuing of the veterinary certificate set out in Part 1 of this Annex:

- (a) Where the veterinary certificate states that certain statements shall be kept as appropriate, statements which are not relevant shall be crossed out and initialled and stamped by the official veterinarian or authorised veterinarian, or completely deleted from the veterinary certificate.
- (b) The original of each veterinary certificate shall consist of a single sheet of paper, or, where more text is required it must be in such a form that all sheets of paper required are part of an integrated whole and indivisible veterinary certificate.
- (c) The veterinary certificate shall be drawn up in at least one of the official languages of the Member State of entry into the Union and in English and it shall be completed in block letters.
- (d) If additional sheets of paper or supporting documents are attached to the veterinary certificate, those sheets of paper or documents shall also be considered as forming part of the original of the veterinary certificate by the application of the signature and stamp of the official veterinarian or authorised veterinarian, on each of those pages.
- (e) When the veterinary certificate, including any additional sheets of paper or supporting documents referred to in point (d), comprises more than one page, each page shall be numbered (page number of total number of pages) at the end of the page and shall bear at the top of each page the veterinary certificate reference number that has been designated by the competent authority.
- (f) The original of the veterinary certificate shall be issued by an official veterinarian of the territory or third country of dispatch or alternatively by an authorised veterinarian and subsequently endorsed by the competent authority of the territory or third country of dispatch. The competent authority of the territory or third country of dispatch shall ensure that rules and principles of certification equivalent to those laid down in Articles 86 to 89 of Regulation (EU) 2017/625 of the European Parliament and of the Council⁽¹⁾ are followed. The colour of the signature(s) on the veterinary certificate shall be different from that of the printing. This requirement shall also apply to stamps other than those embossed or watermarked.
- (g) The veterinary certificate reference number referred to in Boxes I.2 and II.a of the veterinary certificate shall be issued by the competent authority of the territory or third country of dispatch.

PART 4

Requirements regarding the issuing of the written declaration set out in Part 2

The written declaration shall be drawn up in at least one of the official language(s) of the Member State of entry into the Union and in English and shall be completed in block letters.

⁽¹⁾ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

DECISIONS

COUNCIL DECISION (EU) 2021/1939

of 9 November 2021

on the position to be taken on behalf of the European Union within the Trade Committee established by the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru, and Ecuador, of the other part, as regards modifications to Appendices 2, 2A and 5 to Annex II to that Agreement

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru and Ecuador, of the other part ('the Agreement') was signed by the Union on 26 June 2012 in accordance with Council Decision 2012/735/EU ⁽¹⁾ as regards Colombia and Peru, and on 11 November 2016 in accordance with Council Decision (EU) 2016/2369 ⁽²⁾ as regards Ecuador. The Agreement, pursuant to Article 330(3) thereof, has been applied provisionally since 1 March 2013 between the Union and Peru, since 1 August 2013 between the Union and Colombia, and since 1 January 2017 between the Union and Ecuador.
- (2) Pursuant to Article 13(2), point (g)(iii), of the Agreement, the Trade Committee may modify the specific rules of origin established in Annex II (Concerning the Definition of the Concept of 'Originating products' and Methods of Administrative Cooperation) to the Agreement.
- (3) The Trade Committee, by written procedure which is expected to take place before the end of 2021, is to adopt a Decision modifying Appendix 2 (List of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status), Appendix 2A (Addendum to the list of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status) and Appendix 5 (Products to which subparagraph (b) of the Declaration of the European Union concerning Article 5 in relation to originating products from Colombia, Ecuador and Peru applies) to Annex II. Those Appendices are based on the Harmonised System (HS) 2007. The product specific rules of origin contained in those Appendices are to be aligned with the updated HS as applicable from 2017. Such alignment would include the changes introduced by the HS 2012 and the HS 2017, to the product specific rules of Appendices 2, 2A and 5. For reasons of clarity, taking into account the number of amendments that need to be made in the Appendices, the Appendices are to be replaced in their entirety.
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the Trade Committee with regard to the modifications to Appendices 2, 2A and 5 to Annex II to the Agreement, as the Decision of the Trade Committee will have legal effect in the Union.
- (5) The position of the Union within the Trade Committee should therefore be based on the draft Decision of the Trade Committee,

⁽¹⁾ Council Decision 2012/735/EU of 31 May 2012 on the signing, on behalf of the Union, and provisional application of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part (OJ L 354, 21.12.2012, p. 1).

⁽²⁾ Council Decision (EU) 2016/2369 of 11 November 2016 on the signing, on behalf of the Union, and provisional application of the Protocol of Accession to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the accession of Ecuador (OJ L 356, 24.12.2016, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Trade Committee established by the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru, and Ecuador, of the other part ('the Agreement') as regards the modifications to Appendices 2, 2A and 5 to Annex II to the Agreement shall be based on the draft Decision of the Trade Committee ⁽³⁾.

Article 2

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

It shall expire on 31 December 2021.

Done at Brussels, 9 November 2021.

For the Council
The President
A. ŠIRCELJ

⁽³⁾ See document ST 11373/21.

COUNCIL DECISION (EU) 2021/1940**of 9 November 2021****on the partial suspension of the application of the Agreement between the European Union and the Republic of Belarus on the facilitation of the issuance of visas**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Agreement between the European Union and the Republic of Belarus on the facilitation of the issuance of visas ⁽¹⁾, and in particular Article 14(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Union and the Republic of Belarus on the facilitation of the issuance of visas ('the Facilitation Agreement') entered into force on 1 July 2020, in parallel with the Agreement between the European Union and the Republic of Belarus on the readmission of persons residing without authorisation ⁽²⁾ ('the Readmission Agreement').
- (2) The purpose of the Facilitation Agreement is to facilitate, on the basis of reciprocity, the issuance of visas for an intended stay of no more than 90 days in any 180-day period to the citizens of the Union and Belarus. The Facilitation Agreement contributes to the enhancement of people-to-people contacts and the sharing of values, including respect for human rights and democratic principles.
- (3) Under Article 14(5) of the Facilitation Agreement, each Party is able to suspend in whole or in part the Facilitation Agreement. The decision on suspension is to be notified to the other Party not later than 48 hours before its entry into force. The Party that has suspended the application of the Facilitation Agreement is to immediately inform the other Party once the reasons for the suspension no longer apply.
- (4) In reaction to the continued brutal repression against all segments of society in Belarus, and in particular to the hijacking of a passenger flight on 23 May 2021, the Union banned Belarusian carriers from overflying the territory of the Union and accessing Union airports, and introduced the fourth package of sanctions against natural and legal persons, entities and bodies as well as targeted economic sanctions by means of Council Regulation (EC) No 765/2006 ⁽³⁾ and Council Decision 2012/642/CFSP ⁽⁴⁾.
- (5) In response to such restrictive measures, on 28 June 2021 Belarus retaliated by announcing the suspension of its participation in the Eastern Partnership and the suspension of the Readmission Agreement. On 8 September 2021, a bill on the suspension of the Readmission Agreement was submitted to the Belarusian Parliament.
- (6) At the same time, Lithuania and, more recently, Poland and Latvia have been experiencing an unprecedented increase in irregular migration flows from Belarus. That sudden increase suggests that the Belarusian regime is encouraging irregular migration for political purposes, and in particular retaliating against Lithuania, Poland and Latvia for their stance on Belarus.

⁽¹⁾ OJ L 180, 9.6.2020, p. 3.

⁽²⁾ OJ L 181, 9.6.2020, p. 3.

⁽³⁾ Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus (OJ L 134, 20.5.2006, p. 1).

⁽⁴⁾ Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus (OJ L 285, 17.10.2012, p. 1).

- (7) The actions taken by Belarus breach the fundamental principles on which the Facilitation Agreement was concluded and go against the interests of the Union and its Member States. In particular, those actions do not demonstrate respect for human rights or democratic principles, and provoke irregular migration from the territory of Belarus into the territory of the Union.
- (8) Therefore, the application of certain provisions of the Facilitation Agreement concerning the issuing of short-stay visas to certain categories of applicants, namely members of Belarusian official delegations, members of the national and regional Governments and Parliaments of Belarus, and members of the Constitutional Court of Belarus and the Supreme Court of Belarus, in the exercise of their duties should be suspended.
- (9) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ^(*); Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (10) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The application of the following provisions of the Agreement between the European Union and the Republic of Belarus on the facilitation of the issuance of visas ('the Facilitation Agreement') is suspended:

- (a) Article 4(1), point (a), as regards any visa applicant who is a member of a Belarusian official delegation, including permanent members of such delegation who, following an official invitation addressed to Belarus, is to participate in official meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations;
- (b) Article 5(1), points (a) and (b), as regards any visa applicant who, in the exercise of his or her duties, is a member of national or regional Government or Parliament of Belarus, the Constitutional Court of Belarus or the Supreme Court of Belarus, as well as any visa applicant who is a permanent member of a Belarusian official delegation, who, following an official invitation addressed to Belarus, is to participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations;
- (c) Article 5(2), point (a), as regards any visa applicant who is a member of a Belarusian official delegation who, following an official invitation addressed to Belarus, is to participate regularly in official meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
- (d) Article 6(3), points (a) and (b), as regards any visa applicant who is a member of national or regional Government or Parliament of Belarus, the Constitutional Court of Belarus or the Supreme Court of Belarus, as well as any visa applicant who is a member of a Belarusian official delegation, including permanent members of such delegation, who, following an official invitation addressed to Belarus, is to participate in official meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations.

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

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 14(5) of the Facilitation Agreement not later than 48 hours before the entry into force of this Decision.

Article 3

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

Done at Brussels, 9 November 2021.

For the Council
The President
A. ŠIRCELJ

COUNCIL DECISION (EU) 2021/1941**of 9 November 2021**

on the financial contributions to be paid by the parties to the European Development Fund to finance that Fund, including the ceiling for 2023, the annual amount for 2022, the amount of the first instalment for 2022 and an indicative and non-binding forecast for the expected annual amounts of contributions for the years 2024 and 2025

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies ⁽¹⁾, and in particular Article 7(2) in conjunction with Article 14(3) thereof,

Having regard to Council Regulation (EU) 2018/1877 of 26 November 2018 on the financial regulation applicable to the 11th European Development Fund, and repealing Regulation (EU) 2015/323 ⁽²⁾, and in particular Article 19(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with the procedure laid down in Articles 19 to 22 of Regulation (EU) 2018/1877, the Commission was to present a proposal by 15 October 2021 specifying the ceiling amount of the contribution for 2023, the annual amount of the contribution for 2022, the amount of the first instalment of the contribution for 2022 and an indicative and non-binding forecast for the expected annual amounts of contributions for the years 2024 and 2025.
- (2) Pursuant to Article 46 of Regulation (EU) 2018/1877, the European Investment Bank (EIB) is to send to the Commission its updated estimates of commitments and payments under the instruments it manages.
- (3) Pursuant to Article 20(1) of Regulation (EU) 2018/1877, calls for contributions are to first use up the amounts laid down for previous European Development Funds ('EDFs'). A call for funds pursuant to Regulation (EU) 2018/1877 should therefore be made for the Commission and for the EIB.
- (4) Pursuant to Article 152 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽³⁾ (the 'Withdrawal Agreement'), the United Kingdom of Great Britain and Northern Ireland (the 'United Kingdom') is to remain party to the EDF until the closure of the 11th EDF and all previous unclosed EDFs. However, pursuant to Article 153 of the Withdrawal Agreement, the United Kingdom's share in decommitted funds from projects under the 11th EDF, where those funds have been decommitted after 31 December 2020, or under previous EDFs is not to be reused.
- (5) Council Decision (EU) 2020/1708 ⁽⁴⁾ sets the ceiling for the annual amount of the contributions to be paid by the parties to the EDF for 2022 at EUR 2 500 000 000 for the Commission, and at EUR 300 000 000 for the EIB.

⁽¹⁾ OJ L 210, 6.8.2013, p. 1.

⁽²⁾ OJ L 307, 3.12.2018, p. 1.

⁽³⁾ OJ L 29, 31.1.2020, p. 7.

⁽⁴⁾ Council Decision (EU) 2020/1708 of 13 November 2020 on the financial contributions to be paid by Member States to finance the European Development Fund, including the ceiling for 2022, the annual amount for 2021, the first instalment for 2021 and an indicative and non-binding forecast for the expected annual amounts of contributions for the years 2023 and 2024 (OJ L 385, 17.11.2020, p. 13).

- (6) In order to allow for the prompt application of the measures provided for in this Decision, this Decision should enter into force on the date of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS DECISION:

Article 1

The ceiling for the annual amount of the contributions to be paid by the parties to the EDF for 2023 is hereby set at EUR 2 100 000 000. It shall be divided into EUR 1 800 000 000 for the Commission, and EUR 300 000 000 for the EIB.

Article 2

The annual amount of the contributions to be paid by the parties to the EDF for 2022 is hereby set at EUR 2 800 000 000. It shall be divided into EUR 2 500 000 000 for the Commission, and EUR 300 000 000 for the EIB.

Article 3

The individual EDF contributions shall be paid by the parties to the EDF to the Commission and the EIB as the first instalment for 2022, in accordance with the Annex.

Article 4

An amount of EUR 43 000 000 from uncommitted or decommitted funds from projects under the 8th EDF and the 9th EDF shall be refunded by a reduction of payment against the first instalment for 2022 as set out in Article 3.

Article 5

The indicative and non-binding forecast for the expected annual amount of contributions for 2024 is hereby set at EUR 1 500 000 000 for the Commission and at EUR 300 000 000 for the EIB, and that for 2025 at EUR 900 000 000 for the Commission and EUR 9 000 000 for the EIB.

Article 6

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

Done at Brussels, 9 November 2021.

For the Council
The President
A. ŠIRCELJ

ANNEX

First instalment of EDF contributions for 2022 (EUR)

MEMBER STATES AND UNITED KINGDOM	Key 11th EDF %	First instalment 2022 (EUR)		Total
		EIB 11th EDF	Commission 11th EDF	
BELGIUM	3,24927	3 249 270,00	35 741 970,00	38 991 240,00
BULGARIA	0,21853	218 530,00	2 403 830,00	2 622 360,00
CZECHIA	0,79745	797 450,00	8 771 950,00	9 569 400,00
DENMARK	1,98045	1 980 450,00	21 784 950,00	23 765 400,00
GERMANY	20,57980	20 579 800,00	226 377 800,00	246 957 600,00
ESTONIA	0,08635	86 350,00	949 850,00	1 036 200,00
IRELAND	0,94006	940 060,00	10 340 660,00	11 280 720,00
GREECE	1,50735	1 507 350,00	16 580 850,00	18 088 200,00
SPAIN	7,93248	7 932 480,00	87 257 280,00	95 189 760,00
FRANCE	17,81269	17 812 690,00	195 939 590,00	213 752 280,00
CROATIA	0,22518	225 180,00	2 476 980,00	2 702 160,00
ITALY	12,53009	12 530 090,00	137 830 990,00	150 361 080,00
CYPRUS	0,11162	111 620,00	1 227 820,00	1 339 440,00
LATVIA	0,11612	116 120,00	1 277 320,00	1 393 440,00
LITHUANIA	0,18077	180 770,00	1 988 470,00	2 169 240,00
LUXEMBOURG	0,25509	255 090,00	2 805 990,00	3 061 080,00
HUNGARY	0,61456	614 560,00	6 760 160,00	7 374 720,00
MALTA	0,03801	38 010,00	418 110,00	456 120,00
NETHERLANDS	4,77678	4 776 780,00	52 544 580,00	57 321 360,00
AUSTRIA	2,39757	2 397 570,00	26 373 270,00	28 770 840,00
POLAND	2,00734	2 007 340,00	22 080 740,00	24 088 080,00
PORTUGAL	1,19679	1 196 790,00	13 164 690,00	14 361 480,00
ROMANIA	0,71815	718 150,00	7 899 650,00	8 617 800,00
SLOVENIA	0,22452	224 520,00	2 469 720,00	2 694 240,00
SLOVAKIA	0,37616	376 160,00	4 137 760,00	4 513 920,00
FINLAND	1,50909	1 509 090,00	16 599 990,00	18 109 080,00
SWEDEN	2,93911	2 939 110,00	32 330 210,00	35 269 320,00
UNITED KINGDOM	14,67862	14 678 620,00	161 464 820,00	176 143 440,00
TOTAL EU-27 AND UNITED KINGDOM	100,00	100 000 000,00	1 100 000 000,00	1 200 000 000,00

COUNCIL IMPLEMENTING DECISION (CFSP) 2021/1942
of 9 November 2021
implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in
Libya

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP ⁽¹⁾, and in particular Article 12(2) thereof,

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

Whereas:

- (1) On 31 July 2015, the Council adopted Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya.
- (2) On the basis of a review by the Council, the entry for one listed person should be deleted.
- (3) Decision (CFSP) 2015/1333 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annexes II and IV to Decision (CFSP) 2015/1333 are amended in accordance with the Annex to this Decision.

Article 2

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

Done at Brussels, 9 November 2021.

For the Council
The President
A. ŠIRCELJ

⁽¹⁾ OJ L 206, 1.8.2015, p. 34.

ANNEX

Annexes II and IV to Decision (CFSP) 2015/1333 are amended as follows:

- (1) in Annex II (List of persons and entities referred to in Article 8(2)), Part A (Persons), entry 7 (concerning AL-MAHMOUDI, Baghdadi) is deleted;
 - (2) in Annex IV (List of persons and entities referred to in Article 9(2)), Part A (Persons), entry 7 (concerning AL-MAHMOUDI, Baghdadi) is deleted.
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