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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ Text with EEA relevance.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/268

of 23 February 2022

amending Implementing Regulation (EU) 2016/898 as regards the name of the holder of the authorisation of a preparation of *Bacillus licheniformis* (ATCC 53757) and its protease (EC 3.4.21.19) as a feed additive and Implementing Regulation (EU) 2018/982 as regards the name of the holder of the authorisation of a preparation of benzoic acid, calcium formate and fumaric acid as a feed additive

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾ and in particular Article 13(3) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) Commission Implementing Regulation (EU) 2016/898 of 8 June 2016 ⁽²⁾ authorised a preparation of *Bacillus licheniformis* (ATCC 53757) and its protease (EC 3.4.21.19) as a feed additive. The holder of the authorisation is Novus Europe SA/NV.
- (3) Commission Implementing Regulation (EU) 2018/982 of 11 July 2018 ⁽³⁾ authorised a preparation of benzoic acid, calcium formate and fumaric acid as a feed additive.
- (4) Novus Europe NV has submitted an application in accordance with Article 13(3) of Regulation (EC) No 1831/2003, proposing to change the name of the holder of the authorisation as regards Implementing Regulations (EU) 2016/898 and (EU) No 2018/982.
- (5) The applicant claims that it changed its name from Novus Europe SA/NV to Novus Europe NV. The application was accompanied by the relevant supporting data.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Implementing Regulation (EU) 2016/898 of 8 June 2016 concerning the authorisation of a preparation of *Bacillus licheniformis* (ATCC 53757) and its protease (EC 3.4.21.19) as a feed additive for chickens for fattening, chickens reared for laying and minor poultry species for fattening and reared for laying and ornamental birds (holder of authorisation Novus Europe SA/NV) (OJ L 152, 9.6.2016, p. 11).

⁽³⁾ Commission Implementing Regulation (EU) 2018/982 of 11 July 2018 concerning the authorisation of the preparation of benzoic acid, calcium formate and fumaric acid as feed additive for chickens for fattening and chickens reared for laying (holder of the authorisation Novus Europe N.A./S.V.) (OJ L 176, 12.7.2018, p. 13).

- (6) The proposed change of the terms of the authorisations is purely administrative in nature and does not entail a fresh assessment of the feed additives concerned. The European Food and Safety Authority was informed of the application.
- (7) To allow the applicant to exploit its marketing rights under its new name, Novus Europe NV, it is necessary to change the terms of the authorisations.
- (8) Implementing Regulations (EU) 2016/898 and (EU) No 2018/982 should therefore be amended accordingly.
- (9) Since safety reasons do not require the immediate application of the amendments made by this Regulation to Implementing Regulations (EU) 2016/898 and (EU) No 2018/982, it is appropriate to provide for a transitional period, during which existing stocks of the feed additives concerned may be used up.
- (10) 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) 2016/898

Implementing Regulation (EU) 2016/898 is amended as follows:

- (1) in the title, the words 'holder of authorisation Novus Europe SA/NV' are replaced by the words 'holder of authorisation Novus Europe NV';
- (2) in the Annex, second column, 'Name of the holder of authorisation', the words 'Novus Europe SA/NV' are replaced by the words 'Novus Europe NV'.

Article 2

Amendments to Implementing Regulation (EU) 2018/982

Implementing Regulation (EU) 2018/982 is amended as follows:

- (1) in the title, the words 'holder of authorisation Novus Europe N.A./S.V.' are replaced by the words 'holder of authorisation Novus Europe NV';
- (2) in the Annex, second column, 'Name of the holder of authorisation', the words 'Novus Europe N.A./S.V.' are replaced by the words 'Novus Europe NV'.

Article 3

Transitional measures

Existing stocks of the additives, which are in conformity with the provisions applying before the date of entry into force of this Regulation, may continue to be placed on the market and used until they are exhausted.

Article 4

Entry into force

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

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

Done at Brussels, 23 February 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2022/269**of 23 February 2022****accepting a request for new exporting producer treatment with regard to the definitive anti-dumping measures imposed on imports of ceramic tableware and kitchenware originating in People's Republic of China and amending Implementing Regulation (EU) 2019/1198**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) 2019/1198 of 12 July 2019 imposing a definitive anti-dumping duty on imports of ceramic tableware and kitchenware originating in the People's Republic of China ⁽²⁾, and, in particular, Article 2 thereof,

Whereas,

A. MEASURES IN FORCE

- (1) On 13 May 2013, the Council imposed a definitive anti-dumping duty on imports into the Union of ceramic tableware and kitchenware ('the product concerned') originating in the People's Republic of China (the PRC) by Council Implementing Regulation (EU) No 412/2013 ('the original regulation') ⁽³⁾.
- (2) On 12 July 2019, following an expiry review pursuant to Article 11(2) of the basic Regulation, the Commission extended the measures of the original regulation for another five years by Implementing Regulation (EU) 2019/1198.
- (3) On 28 November 2019, following an anti-circumvention investigation pursuant to Articles 13(3) and 14(5) of Regulation (EU) 2016/1036, the Commission amended Implementing Regulation (EU) 2019/1198 by Commission Implementing Regulation (EU) 2019/2131 ⁽⁴⁾.
- (4) In the original investigation, sampling was applied for investigating the exporting producers in the PRC in accordance with Article 17 of the basic Regulation.
- (5) The Commission imposed individual anti-dumping duty rates ranging from 13,1 % to 18,3 % on imports of the product concerned for the sampled exporting producers. For the cooperating exporting producers that were not included in the sample, a duty rate of 17,9 % was imposed. The cooperating exporting producers not included in the sample are listed in Annex I of Implementing Regulation (EU) 2019/1198 as amended by Regulation (EU) 2019/2131. Furthermore, a country-wide duty rate of 36,1 % was imposed on the product concerned from companies in the PRC which either did not make themselves known or did not cooperate with the investigation.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 189, 15.7.2019, p. 8.

⁽³⁾ Council Implementing Regulation (EU) No 412/2013 of 13 May 2013 imposing a definitive antidumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China (OJ L 131, 15.5.2013, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2019/2131 of 28 November 2019 amending Implementing Regulation (EU) 2019/1198 imposing a definitive anti-dumping duty on imports of ceramic tableware and kitchenware originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 321, 12.12.2019, p. 139).

- (6) Pursuant to Article 2 of Implementing Regulation (EU) 2019/1198, the Commission may amend Annex I of that Regulation, by granting a new exporting producer the duty rate applicable to the cooperating companies not sampled or not granted individual treatment, namely the weighted average duty rate of 17,9 %, where any new exporting producer in the PRC provides sufficient evidence to the Commission that:
- (a) it did not export to the Union the product concerned during the period of investigation on which the measures are based, that is from 1 January 2011 to 31 December 2011 ('the original investigation period');
 - (b) it is not related to any of the exporters or producers in the PRC which are subject to the anti-dumping measures imposed by this Regulation; and
 - (c) it has actually exported to the Union the product concerned after the end of the original investigation period or has entered into an irrevocable contractual obligation to export a significant quantity to the Union.

B. REQUEST FOR NEW EXPORTING PRODUCER TREATMENT

- (7) The company Hunan Jewelmoon Ceramics Co., Ltd. ('Jewelmoon' or 'the applicant') submitted a request to the Commission to be granted new exporting producer treatment (NEPT) and hence be subject to the duty rate applicable to the cooperating companies in the PRC not included in the sample, which is 17,9 %. The applicant claimed that it met all three conditions set out in Article 2 of Implementing Regulation (EU) 2019/1198.
- (8) In order to determine whether the applicant fulfilled the conditions for being granted NEPT, as set out in Article 2 of Implementing Regulation (EU) 2019/1198 ('the NEPT conditions'), the Commission first sent a questionnaire to the applicant requesting evidence showing that it met the NEPT conditions.
- (9) Following the analysis of the questionnaire reply, the Commission requested further information and supporting evidence, which was submitted by the applicant.
- (10) The Commission sought to verify all information it deemed necessary for the purpose of determining whether the applicant met the NEPT conditions. To this end, the Commission analysed the evidence submitted by the applicant in its questionnaire reply, consulted various websites including the applicant's website and Qichacha ⁽⁹⁾ and cross-checked company information with information submitted in previous cases. In parallel, the Commission also informed the Union industry about the applicant's request and invited it to provide any comments if needed. The Union industry provided comments on the request.

C. ANALYSIS OF THE REQUEST

- (11) With regard to the condition set out in Article 2(a) of Implementing Regulation (EU) 2019/1198 that the applicant did not export the product concerned to the Union during the original investigation period, during the investigation the Commission established that the applicant fulfilled this condition. The applicant was established on 8 November 2010 and started to manufacture the product concerned in 2011. The first export licence was issued on 4 May 2011. Export sales started in 2012, after the original investigation period. The applicant provided a sales ledger for the original investigation period, indicating that there were only domestic sales during this period. The volume of sales in this sales ledger is matching the operating income indicated in the income statement. Information about invoices during the original investigation period was requested and provided.
- (12) With regard to the condition set out in Article 2(b) of Implementing Regulation (EU) 2019/1198 that the applicant is not related to any exporters or producers which are subject to the anti-dumping measures imposed by Implementing Regulation (EU) 2019/1198, during the investigation the Commission established the applicant had no related company dealing with the production, processing, sale or purchase of the product concerned. Therefore, the applicant fulfils this condition.

⁽⁹⁾ Qichacha is a private, for-profit Chinese-owned database that delivers business data, credit information, and analytics on China-based private and public companies to consumers/professionals.

- (13) With regard to the condition set out in Article 2(c) of Implementing Regulation (EU) 2019/1198, that the applicant has actually exported the product concerned to the Union after the original investigation period or has entered into an irrevocable contractual obligation to export a significant quantity to the Union, during the investigation, the Commission established that the applicant had exported to the Union since July 2012 (therefore after the original investigation period) and regularly since then. The applicant submitted invoices, packing lists, bills of lading and receipts of payment for two orders placed in 2017 and 2018 by a company located in the EU. Therefore, the applicant fulfils this condition.
- (14) Accordingly, the applicant fulfils all three conditions to be granted NEPT, as set out in Article 2 of Implementing Regulation (EU) 2019/1198 and the request should therefore be accepted. Consequently, the applicant should be subject to an anti-dumping duty of 17,9 % for cooperating companies not included in the sample of the original investigation.

D. DISCLOSURE

- (15) The applicant and the Union industry were informed of the essential facts and considerations based on which it was considered appropriate to grant the anti-dumping duty rate applicable to the cooperating companies not included in the sample of the original investigation to Jewelmoon.
- (16) The parties were granted the possibility to submit comments. No comments were received.
- (17) The Regulation is in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036 of the European Parliament and the Council,

HAS ADOPTED THIS REGULATION:

Article 1

The following company is added to Annex 1 of Regulation (EU) 2019/2131 listing the cooperating companies not included in the sample:

Company	TARIC additional code
Hunan Jewelmoon Ceramics Co., Ltd.	C764

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, 23 February 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2022/270**of 23 February 2022****correcting Implementing Regulation (EU) 2021/1410 concerning the authorisation of a preparation of *Bacillus licheniformis* DSM 28710 as a feed additive for laying hens, minor poultry species for laying, poultry species for breeding and ornamental birds (holder of authorisation Huvepharma NV)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) The use of a preparation of *Bacillus licheniformis* DSM 28710 as a feed additive was authorised for laying hens, minor poultry species for laying, poultry species for breeding and ornamental birds by Commission Implementing Regulation (EU) 2021/1410 ⁽²⁾ for a 10-year period.
- (2) In the Annex to Implementing Regulation (EU) 2021/1410, an incorrect identification of the species, for which the additive is authorised, which excluded turkeys for breeding, was inserted in the column 'Species or category of animal'.
- (3) Implementing Regulation (EU) 2021/1410 should therefore be corrected accordingly. For the sake of clarity, it is appropriate to replace the whole Annex to that Implementing Regulation.
- (4) In order to allow feed business operators to adapt the labelling of the additive and feed containing it to the corrected terms of authorisation, a transitional period should be provided for as regards the placing on the market of those products.
- (5) In order to preserve the legitimate expectations of the interested parties in relation to the terms of the authorisation of the additive, this Regulation should enter into force as a matter of urgency.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2021/1410 is replaced by the Annex to this Regulation.

Article 2

1. The preparation specified in the Annex and premixtures containing that substance, which are produced and labelled before 25 August 2022 in accordance with the rules applicable before 25 February 2022 may continue to be placed on the market until the existing stocks are exhausted.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Implementing Regulation (EU) 2021/1410 of 27 August 2021 concerning the authorisation of a preparation of *Bacillus licheniformis* DSM 28710 as a feed additive for laying hens, minor poultry species for laying, poultry species for breeding and ornamental birds (holder of authorisation Huvepharma NV) (OJ L 304, 30.8.2021, p. 8).

2. Feed materials and compound feed containing the preparation and premixtures referred to in paragraph 1 which are produced and labelled before 25 February 2023 in accordance with the rules applicable before 25 February 2022 may continue to be placed on the market until the existing stocks are exhausted.

Article 3

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, 23 February 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of complete feedingstuff with a moisture content of 12 %			

Category: zootechnical additives. Functional group: gut flora stabilisers

4b1828	Huvepharma NV	<i>Bacillus licheniformis</i> DSM 28710	<i>Additive composition</i> Preparation of <i>Bacillus licheniformis</i> DSM 28710 containing a minimum of: $3,2 \times 10^9$ CFU/g of additive Solid form <i>Characterisation of the active substance</i> Viable spores of <i>Bacillus licheniformis</i> DSM 28710 <i>Analytical method</i> ⁽¹⁾ For the enumeration of <i>Bacillus licheniformis</i> DSM 28710 in additive, premixture and feedingstuffs: — Spread plate method EN 15784 For the identification of <i>Bacillus licheniformis</i> DSM 28710: — Pulsed Field Gel Electrophoresis (PFGE)	Laying hens Minor poultry species for laying Poultry species for breeding Ornamental birds	-	$1,6 \times 10^9$	-	1. In the directions for use of the additive and premixtures, the storage conditions and stability to heat treatment shall be indicated. 2. May be used in feed containing the following permitted coccidiostats: diclazuril and lasalocid A sodium. 3. For users of the additive and premixtures, feed business operators shall establish operational procedures and appropriate organisational measures to address hazards by inhalation, dermal contact or eyes contact. Where the dermal, inhalation or eyes exposure cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with appropriate personal protective equipment, including skin, eyes and breathing protection.	19.9.2031
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⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2022/271**of 23 February 2022****correcting Implementing Regulation (EU) 2020/1760 concerning the authorisation of the preparation of *Bacillus subtilis* DSM 25841 as a feed additive for all porcine species, including sows, other than lactating sows in order to have a benefit in suckling piglets (holder of authorisation Chr. Hansen A/S)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) The use of *Bacillus subtilis* DSM 25841 as a feed additive was authorised for all porcine species, including sows, other than lactating sows in order to have a benefit in suckling piglets by Commission Implementing Regulation (EU) 2020/1760 ⁽²⁾ for a 10-year period.
- (2) In the Annex to Implementing Regulation (EU) 2020/1760, a wrong identification number was inserted in the column 'Identification number of the additive'.
- (3) Implementing Regulation (EU) 2020/1760 should therefore be corrected accordingly. For the sake of clarity, it is appropriate to replace the whole Annex to that Implementing Regulation by the corrected version thereof.
- (4) In order to allow feed business operators to adapt the labelling of the additive and feed containing it to the corrected terms of the authorisation, a transitional period should be provided for as regards the placing on the market of those products.
- (5) In order to preserve the legitimate expectations of the interested parties in relation to the terms of the authorisation of the additive, this Regulation should enter into force as a matter of urgency.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2020/1760 is replaced by the Annex to this Regulation.

Article 2

1. The preparation specified in the Annex and premixtures containing that substance, which are produced and labelled before 25 August 2022 in accordance with the rules applicable before 25 February 2022 may continue to be placed on the market until the existing stocks are exhausted.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Implementing Regulation (EU) 2020/1760 of 25 November 2020 concerning the authorisation of the preparation of *Bacillus subtilis* DSM 25841 as a feed additive for all porcine species, including sows, other than lactating sows in order to have a benefit in suckling piglets (holder of authorisation Chr. Hansen A/S) (OJ L 397, 26.11.2020, p. 6).

2. Feed materials and compound feed containing the preparation and premixtures referred to in paragraph 1 which are produced and labelled before 25 February 2023 in accordance with the rules applicable before 25 February 2022 may continue to be placed on the market until the existing stocks are exhausted.

Article 3

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, 23 February 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of complete feedingstuff with a moisture content of 12 %		CFU/l of water for drinking			

Category of zootechnical additives. Functional group: gut flora stabilisers

4b1902	Chr. Hansen A/S	<i>Bacillus subtilis</i> DSM 25841	<i>Additive composition</i> Preparation of <i>Bacillus subtilis</i> DSM 25841 containing a minimum of $1,25 \times 10^{10}$ CFU/g of additive Solid form <i>Characterisation of the active substance</i> Viable spores of <i>Bacillus subtilis</i> DSM 25841 <i>Analytical method</i> ⁽¹⁾ For identification of <i>Bacillus subtilis</i> DSM 25841: Identification: Pulsed Field Gel Electrophoresis (PFGE) For enumeration of <i>Bacillus subtilis</i> DSM 25841 in the feed additive, premixtures and feedingstuffs: Spread plate method using tryptone soya agar – EN 15784	All porcine species, including sows, other than lactating sows in order to have a benefit in suckling piglets	-	5×10^8	-	$1,7 \times 10^8$	-	1. In the directions for use of the additive and premixtures, the storage conditions and stability to heat treatment shall be indicated. 2. The additive may be used in water for drinking. 3. For use of the additive in water for drinking the homogenous dispersion of the additive shall be ensured. 4. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from	16.12.2030
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										its use: a potential respiratory sensitiser, potential skin irritant and potential eyes or dermal sensitiser. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment.	
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(¹) Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2022/272**of 23 February 2022****concerning the authorisation of a preparation of *Saccharomyces cerevisiae* MUCL 39885 as a feed additive for all suidae other than weaned piglets and sows, and dogs (holder of authorisation: Prosol S.p.A.)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such an authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003 an application was submitted for the authorisation of a preparation of *Saccharomyces cerevisiae* MUCL 39885. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of the preparation of *Saccharomyces cerevisiae* MUCL 39885 as a feed additive for all suidae other than weaned piglets and sows, and dogs, to be classified in the category 'zootechnical additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinions of 23 June 2021 ⁽²⁾ ⁽³⁾ that, under the proposed conditions of use, the preparation of *Saccharomyces cerevisiae* MUCL 39885 does not have adverse effects on animal health, consumer safety or the environment. It also concluded that this preparation is considered as a potential skin and eye irritant and a skin and respiratory sensitiser. Therefore, the Commission considers that appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards the users of the additive. The Authority also concluded that in the case of suidae, the preparation has the potential to be efficacious as a zootechnical additive in feedingstuffs and in the case of dogs, the preparation has the potential to be efficacious in improving the faecal consistency. The Authority does not consider that there is a need for specific requirements of postmarket monitoring. It also verified the report on the methods of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the preparation of *Saccharomyces cerevisiae* MUCL 39885 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'gut flora stabilisers', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2021;19(7):6698.

⁽³⁾ EFSA Journal 2021;19(7):6699.

Article 2

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

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

Done at Brussels, 23 February 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of complete feedingstuff with a moisture content of 12 %			
Category: zootechnical additives. Functional group: gut flora stabilisers									
4b1710	Prosol S.p.A.	<i>Saccharomyces cerevisiae</i> MUCL 39885	<i>Additive composition</i> Preparation of <i>Saccharomyces cerevisiae</i> MUCL 39885 containing a minimum of: 1 × 10 ⁹ CFU/g of additive <i>Solid form</i> <i>Characterisation of the active substance</i> Viable cells of <i>Saccharomyces cerevisiae</i> MUCL 39885 <i>Analytical method</i> ⁽¹⁾ Enumeration: pour plate method using yeast extract glucose chloramphenicol agar (CGYE) (EN 15789) Identification: polymerase chain reaction (PCR) method	All Suidae other than for reproduction purposes and weaned piglets All Suidae for reproduction purposes other than sows Dogs	- - -	3 × 10 ⁹ 6,4 × 10 ⁹ 7 × 10 ¹⁰	- - -	1. In the directions for use of the additive and premixtures, the storage conditions and stability to heat treatment shall be indicated. 2. For users of the additive and premixtures, feed business operators shall establish operational procedures and appropriate organisational measures to address hazards by inhalation, dermal contact or eyes contact. Where the dermal, inhalation or eyes exposure cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with appropriate personal protective equipment, including skin, eyes and breathing protection.	16.3.2032

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2022/273

of 23 February 2022

concerning the authorisation of preparations of *Lacticaseibacillus rhamnosus* IMI 507023, *Pediococcus pentosaceus* IMI 507024, *Pediococcus pentosaceus* IMI 507025, *Lactiplantibacillus plantarum* IMI 507026, *Lactiplantibacillus plantarum* IMI 507027 and *Lactiplantibacillus plantarum* IMI 507028 as silage additives for all animal species

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, applications were submitted for the authorisation of preparations of *Lacticaseibacillus rhamnosus* IMI 507023, *Pediococcus pentosaceus* IMI 507024, *Pediococcus pentosaceus* IMI 507025, *Lactiplantibacillus plantarum* IMI 507026, *Lactiplantibacillus plantarum* IMI 507027 and *Lactiplantibacillus plantarum* IMI 507028. Those applications were accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The applications concern the authorisation of preparations of *Lacticaseibacillus rhamnosus* IMI 507023, *Pediococcus pentosaceus* IMI 507024, *Pediococcus pentosaceus* IMI 507025, *Lactiplantibacillus plantarum* IMI 507026, *Lactiplantibacillus plantarum* IMI 507027 and *Lactiplantibacillus plantarum* IMI 507028 as feed additives for all animal species, to be classified in the additive category 'technological additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinions of 23 June 2021 ⁽²⁾ ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾ ⁽⁶⁾ ⁽⁷⁾ that, under the proposed conditions of use, the preparations of *Lacticaseibacillus rhamnosus* IMI 507023, *Pediococcus pentosaceus* IMI 507024, *Pediococcus pentosaceus* IMI 507025, *Lactiplantibacillus plantarum* IMI 507026, *Lactiplantibacillus plantarum* IMI 507027 and *Lactiplantibacillus plantarum* IMI 507028 do not have an adverse effect on animal health, consumer safety or the environment. It also concluded that the additives should be considered respiratory sensitisers and indicated that no conclusions could be drawn on the eye and skin irritancy or skin sensitisation potential of the additives. Therefore, the Commission considers that appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards the users of the additives. The Authority also concluded that the preparations concerned have the potential to improve the preservation of nutrients in silage prepared with easy and moderately difficult to ensile material. It also verified the report on the method of analysis of the feed additives in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.⁽²⁾ EFSA Journal 2021;19(7):6700.⁽³⁾ EFSA Journal 2021;19(7):6701.⁽⁴⁾ EFSA Journal 2021;19(7):6702.⁽⁵⁾ EFSA Journal 2021;19(7):6703.⁽⁶⁾ EFSA Journal 2021;19(7):6704.⁽⁷⁾ EFSA Journal 2021;19(7):6705.

- (5) The assessment of the preparations of *Lacticaseibacillus rhamnosus* IMI 507023, *Pediococcus pentosaceus* IMI 507024, *Pediococcus pentosaceus* IMI 507025, *Lactiplantibacillus plantarum* IMI 507026, *Lactiplantibacillus plantarum* IMI 507027 and *Lactiplantibacillus plantarum* IMI 507028 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of those preparations should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The preparations specified in the Annex, belonging to the additive category 'technological additives' and to the functional group 'silage additives', are authorised as additives in animal nutrition, subject to the conditions laid down in that Annex.

Article 2

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

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

Done at Brussels, 23 February 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Identification number of the additive	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU of additive/kg of fresh material			
Category of technological additives. Functional group: silage additives								
1k21701	<i>Lactacaseibacillus rhamnosus</i> IMI 507023	<i>Additive composition:</i> Preparation of <i>Lactacaseibacillus rhamnosus</i> IMI 507023 containing a minimum of 1 × 10 ¹⁰ CFU/g additive. Solid form <i>Characterisation of the active substance:</i> Viable cells of <i>Lactacaseibacillus rhamnosus</i> IMI 507023. - <i>Analytical method</i> ⁽¹⁾ — Identification: Pulsed-Field Gel Electrophoresis (PFGE) — Enumeration in the feed additives: Spread plate method on MRS agar (EN 15787)	All animal species	-	-	-	1. In the directions for use of the additive and premixtures, the storage conditions shall be indicated. 2. Minimum content of the additive when used without combination with other micro-organisms as silage additives: 1 × 10⁹ CFU/kg of easy and moderately difficult to ensile fresh material ⁽²⁾. 3. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including skin, eyes and breathing protection.	16.3.2032

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

⁽²⁾ Easy to ensile forage: > 3 % soluble carbohydrates in fresh material; moderately difficult to ensile forage: 1,5-3,0 % soluble carbohydrates in the fresh material in accordance with Commission Regulation (EC) No 429/2008 of 25 April 2008 on detailed rules for the implementation of Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the preparation and the presentation of applications and the assessment and the authorisation of feed additives (OJ L 133, 22.5.2008, p. 1).

Identification number of the additive	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU of additive/kg of fresh material			
Category of technological additives. Functional group: silage additives								
1k21016	<i>Pediococcus pentosaceus</i> IMI 507024	<i>Additive composition:</i> Preparation of <i>Pediococcus pentosaceus</i> IMI 507024 containing a minimum of 1 × 10 ¹⁰ CFU/g additive. Solid form <i>Characterisation of the active substance:</i> Viable cells of <i>Pediococcus pentosaceus</i> IMI 507024. <i>Analytical method</i> ⁽¹⁾ — Identification: Pulsed-Field Gel Electrophoresis (PFGE) — Enumeration in the feed additive: Spread plate method on MRS agar (EN 15786)	All animal species	-	-	-	1. In the directions for use of the additive and premixtures, the storage conditions shall be indicated. 2. Minimum content of the additive when used without combination with other micro-organisms as silage additives: 1 × 10⁹ CFU/kg of easy and moderately difficult to ensile fresh material ⁽²⁾. 3. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including skin, eyes and breathing protection.	16.3.2032

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

⁽²⁾ Easy to ensile forage: > 3 % soluble carbohydrates in fresh material; moderately difficult to ensile forage: 1,5-3,0 % soluble carbohydrates in the fresh material in accordance with Commission Regulation (EC) No 429/2008 of 25 April 2008 on detailed rules for the implementation of Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the preparation and the presentation of applications and the assessment and the authorisation of feed additives (OJ L 133, 22.5.2008, p. 1).

Identification number of the additive	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU of additive/kg of fresh material			
Category of technological additives. Functional group: silage additives								
1k21017	<i>Pediococcus pentosaceus</i> IMI 507025	<i>Additive composition:</i> Preparation of <i>Pediococcus pentosaceus</i> IMI 507025 containing a minimum of 1 × 10 ¹⁰ CFU/g additive. Solid form <i>Characterisation of the active substance:</i> Viable cells of <i>Pediococcus pentosaceus</i> IMI 507025. <i>Analytical method</i> ⁽¹⁾ — Identification: Pulsed-Field Gel Electrophoresis (PFGE) — Enumeration in the feed additive: Spread plate method on MRS agar (EN 15786)	All animal species	-	-	-	1. In the directions for use of the additive and premixtures, the storage conditions shall be indicated. 2. Minimum content of the additive when used without combination with other micro-organisms as silage additives: 1 × 10 ⁹ CFU/kg of easy and moderately difficult to ensile fresh material ⁽²⁾ . 3. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including skin, eyes and breathing protection.	16.3.2032

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

⁽²⁾ Easy to ensile forage: > 3 % soluble carbohydrates in fresh material; moderately difficult to ensile forage: 1,5-3,0 % soluble carbohydrates in the fresh material in accordance with Commission Regulation (EC) No 429/2008 of 25 April 2008 on detailed rules for the implementation of Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the preparation and the presentation of applications and the assessment and the authorisation of feed additives (OJ L 133, 22.5.2008, p. 1).

Identification number of the additive	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU of additive/kg of fresh material			
Category of technological additives. Functional group: silage additives								
1k21601	<i>Lactiplantibacillus plantarum</i> IMI 507026	<i>Additive composition:</i> <i>Preparation of Lactiplantibacillus plantarum</i> IMI 507026 containing a minimum of 1 × 10 ¹⁰ CFU/g additive. Solid form <i>Characterisation of the active substance:</i> Viable cells of <i>Lactiplantibacillus plantarum</i> IMI 507026. <i>Analytical method</i> ⁽¹⁾ — Identification: Pulsed-Field Gel Electrophoresis (PFGE) — Enumeration in the feed additives: Spread plate method on MRS agar (EN 15787)	All animal species	-	-	-	1. In the directions for use of the additive and premixtures, the storage conditions shall be indicated. 2. Minimum content of the additive when used without combination with other micro-organisms as silage additives: 1 × 10⁹ CFU/kg of easy and moderately difficult to ensile fresh material ⁽²⁾. 3. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including skin, eyes and breathing protection.	16.3.2032

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

⁽²⁾ Easy to ensile forage: > 3 % soluble carbohydrates in fresh material; moderately difficult to ensile forage: 1,5-3,0 % soluble carbohydrates in the fresh material in accordance with Commission Regulation (EC) No 429/2008 of 25 April 2008 on detailed rules for the implementation of Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the preparation and the presentation of applications and the assessment and the authorisation of feed additives (OJ L 133, 22.5.2008, p. 1).

Identification number of the additive	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU of additive/kg of fresh material			
Category of technological additives. Functional group: silage additives								
1k21602	<i>Lactiplantibacillus plantarum</i> IMI 507027	<i>Additive composition:</i> Preparation of <i>Lactiplantibacillus plantarum</i> IMI 507027 containing a minimum of 1 × 10 ¹⁰ CFU/g additive. Solid form <i>Characterisation of the active substance:</i> Viable cells of <i>Lactiplantibacillus plantarum</i> IMI 507027. - <i>Analytical method</i> ⁽¹⁾ — Identification: Pulsed-Field Gel Electrophoresis (PFGE) — Enumeration in the feed additives: Spread plate method on MRS agar (EN 15787)	All animal species	-	-	-	1. In the directions for use of the additive and premixtures, the storage conditions shall be indicated. 2. Minimum content of the additive when used without combination with other micro-organisms as silage additives: 1 × 10 ⁹ CFU/kg of easy and moderately difficult to ensile fresh material ⁽²⁾ . 3. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including skin, eyes and breathing protection.	16.3.2032

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

⁽²⁾ Easy to ensile forage: > 3 % soluble carbohydrates in fresh material; moderately difficult to ensile forage: 1,5-3,0 % soluble carbohydrates in the fresh material in accordance with Commission Regulation (EC) No 429/2008 of 25 April 2008 on detailed rules for the implementation of Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the preparation and the presentation of applications and the assessment and the authorisation of feed additives (OJ L 133, 22.5.2008, p. 1).

Identification number of the additive	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU of additive/kg of fresh material			
Category of technological additives. Functional group: silage additives								
1k21603	<i>Lactiplantibacillus plantarum</i> IMI 507028	<i>Additive composition:</i> <i>Preparation of Lactiplantibacillus plantarum</i> IMI 507028 containing a minimum of 1 × 10 ¹⁰ CFU/g additive. Solid form <i>Characterisation of the active substance:</i> Viable cells of <i>Lactiplantibacillus plantarum</i> IMI 507028. <i>Analytical method</i> ⁽¹⁾ — Identification: Pulsed-Field Gel Electrophoresis (PFGE) — Enumeration in the feed additives: Spread plate method on MRS agar (EN 15787)	All animal species	-	-	-	1. In the directions for use of the additive and premixtures, the storage conditions shall be indicated. 2. Minimum content of the additive when used without combination with other micro-organisms as silage additives: 1 × 10⁹ CFU/kg of easy and moderately difficult to ensile fresh material ⁽²⁾. 3. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including skin, eyes and breathing protection.	16.3.2032

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

⁽²⁾ Easy to ensile forage: > 3 % soluble carbohydrates in fresh material; moderately difficult to ensile forage: 1,5-3,0 % soluble carbohydrates in the fresh material in accordance with Commission Regulation (EC) No 429/2008 of 25 April 2008 on detailed rules for the implementation of Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the preparation and the presentation of applications and the assessment and the authorisation of feed additives (OJ L 133, 22.5.2008, p. 1).

DIRECTIVES

COMMISSION DELEGATED DIRECTIVE (EU) 2022/274

of 13 December 2021

amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps for special purposes

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications listed in Annex III to that Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Mercury is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) By Decision 2010/571/EU ⁽²⁾, the Commission granted, among other things, an exemption for the use of mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for special purposes ('the exemption'), which is now listed as exemption 3(a), 3(b) and 3(c) in Annex III to Directive 2011/65/EU. The exemption was to expire on 21 July 2016, in accordance with Article 5(2), second subparagraph, point (a), of that Directive.
- (5) The exemption covers a heterogeneous group of lamps of different shapes, technologies, applications, and purposes. Mercury is used in the discharge tube, which is essential to convert electrical energy to light.
- (6) On 15 January 2015, the Commission received an application for renewal of the exemption ('the renewal application'), that is within the time limit laid down in Article 5(5) of Directive 2011/65/EU, which was followed in January 2020 by an additional renewal application from the same applicants. In accordance with Article 5(5) of Directive 2011/65/EU, the exemption remains valid until a decision on the renewal request has been adopted.

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

⁽²⁾ Commission Decision 2010/571/EU of 24 September 2010 amending, for the purposes of adapting to scientific and technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers (OJ L 251, 25.9.2010, p. 28).

- (7) The evaluation of the renewal application, which took into account the availability of substitutes and the socioeconomic impact of substitution, concluded that the substitution or elimination of mercury in the applications concerned is currently technically impracticable. However, that evaluation highlighted that mercury-free substitutes in the form of light emitting diodes lamps (LED) are available, and that they are used as lighting sources in new equipment coming on the market. The evaluation included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU. The comments received during those consultations were made publicly available on a dedicated website.
- (8) The exemption is consistent with Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽³⁾ and thus does not weaken the environmental and health protection afforded by it.
- (9) Although CCFL and EEFL in many applications have been replaced by mercury free substitutes, some applications still require such lamps to ensure their functionality and to avoid a premature generation of electrical and electronic waste.
- (10) It is therefore appropriate to grant the renewal of the exemption for a period of three years, in accordance with Article 5(2), first subparagraph, of Directive 2011/65/EU, only for those lamps used in the electrical and electronic equipment that was placed on the market before the adoption of this Directive. In accordance with Article 5(2), first subparagraph, of Directive 2011/65/EU, the duration of the exemption is unlikely to have adverse impacts on innovation.
- (11) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

1. Member States shall adopt and publish, by 30 September 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 October 2022.

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

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

Article 3

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

⁽³⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Annex III to Directive 2011/65/EU, entries 3, 3(a), 3(b) and 3(c) are replaced by the following:

Exemption		Scope and dates of applicability
'3	Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for special purposes used in EEE placed on the market before 24 February 2022 not exceeding (per lamp):	
3(a)	Short length (≤ 500 mm): 3,5 mg	Expires on 24 February 2025
3(b)	Medium length (> 500 mm and $\leq 1\,500$ mm): 5 mg	Expires on 24 February 2025
3(c)	Long length ($> 1\,500$ mm): 13 mg	Expires on 24 February 2025'

COMMISSION DELEGATED DIRECTIVE (EU) 2022/275**of 13 December 2021****amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of mercury in other High Pressure Sodium (vapour) lamps for general lighting purposes****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications listed in Annex III to that Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Mercury is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) By Decision 2010/571/EU ⁽²⁾, the Commission granted, among other things, an exemption for the use of mercury in other High Pressure Sodium (vapour) lamps for general lighting purposes ('the exemption'), which is now listed as exemption 4(c)-I, 4(c)-II and 4(c)-III in Annex III to Directive 2011/65/EU. The exemption was to expire on 21 July 2016, in accordance with Article 5(2), second subparagraph, point (a), of that Directive.
- (5) Mercury is used in High Pressure Sodium (vapour) lamps for light colour and colour rendering properties.
- (6) On 15 January 2015, the Commission received an application for renewal of the exemption ('the renewal application'), that is within the time limit laid down in Article 5(5) of Directive 2011/65/EU, which was updated with additional information on 20 January 2020. In accordance with Article 5(5) of Directive 2011/65/EU, the exemption remains valid until a decision on the renewal application has been taken.
- (7) The evaluation of the renewal application, which took into account the availability of substitutes and the socioeconomic impact of substitution, concluded that the substitution or elimination of mercury in the applications concerned is currently technically impracticable. The evaluation also concluded that the content of mercury allowed in those specific applications should be reduced to correspond to the changes in the market for the specific lamps types. The evaluation included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU. The comments received during those consultations were made publicly available on a dedicated website.

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

⁽²⁾ Commission Decision 2010/571/EU of 24 September 2010 amending, for the purposes of adapting to scientific and technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers (OJ L 251, 25.9.2010, p. 28).

- (8) The exemption is consistent with Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽³⁾ and thus does not weaken the environmental and health protection afforded by it.
- (9) It is therefore appropriate to grant the renewal of the exemption as concerns entries 4(c)-I, 4(c)-II and 4(c)-III in Annex III to Directive 2011/65/EU for a maximum period of five years, as no reliable substitutes are currently available, in accordance with Article 5(2), first subparagraph, of that Directive. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.
- (10) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

1. Member States shall adopt and publish, by 30 September 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 October 2022.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽³⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

ANNEX

In Annex III to Directive 2011/65/EU, entries 4(c), 4(c)-I, 4(c)-II and 4(c)-III are replaced by the following:

Exemption		Scope and dates of applicability
'4(c)	Mercury in other High Pressure Sodium (vapour) lamps for general lighting purposes not exceeding (per burner):	
4(c)-I	$P \leq 155 \text{ W}$: 20 mg	Expires on 24 February 2027
4(c)-II	$155 \text{ W} < P \leq 405 \text{ W}$: 25 mg	Expires on 24 February 2027
4(c)-III	$P > 405 \text{ W}$: 25 mg	Expires on 24 February 2027'

COMMISSION DELEGATED DIRECTIVE (EU) 2022/276**of 13 December 2021****amending, for the purpose of adapting to technical and scientific progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of mercury in single capped (compact) fluorescent lamps for general lighting purposes****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications listed in Annex III to the Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Mercury is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) By Decision 2010/571/EU ⁽²⁾, the Commission granted, among other things, an exemption for the use of mercury in single capped (compact) fluorescent lamps for general lighting purposes ('the exemption'), which is now listed as exemption 1(a), 1(b), 1(c), 1(d) and 1(e) in Annex III to Directive 2011/65/EU. The exemption was to expire on 21 July 2016, in accordance with Article 5(2), second subparagraph, point (a), of that Directive.
- (5) Mercury is used in single capped (compact) fluorescent lamps to produce ultraviolet light, which is then converted into visible light by the fluorescent coating on the lamp bulb.
- (6) On 19 December 2014 and 15 January 2015, the Commission received two applications for renewal of the exemption ('the renewal applications'), that is within the time limit laid down in Article 5(5) of Directive 2011/65/EU, of which one was updated with a renewed application on 20 January 2020. In accordance with Article 5(5), second subparagraph, of Directive 2011/65/EU, the exemption remains valid until a decision on the renewal application has been taken.
- (7) The evaluation of the renewal applications, which took into account the availability of substitutes and the socioeconomic impact of substitution, concluded that sufficiently reliable mercury-free substitutes for the lamp types covered by the exemption are already widely available and that the substitution of mercury in these lamps is scientifically and technically practicable. Furthermore, that evaluation concluded that the benefits of substitution will clearly outweigh any negative impact.
- (8) The evaluation of the renewal applications included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU. The comments received during those consultations were made publicly available on a dedicated website.

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

⁽²⁾ Commission Decision 2010/571/EU of 24 September 2010 amending, for the purposes of adapting to scientific and technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers (OJ L 251, 25.9.2010, p. 28).

- (9) As the conditions set out in Article 5(1), point (a), of Directive 2011/65/EU are no longer fulfilled, the renewal application should be rejected.
- (10) An expiry date for the exemption should be set in accordance with Article 5(6) of that Directive. The earliest possible date of 12 months from the Commission decision to revoke the exemption should be set given that there are no practical circumstances that would justify a longer expiry time, in particular considering that many of the lamps in question are also covered by Commission Regulation (EU) 2019/2020 which sets minimum energy efficiency requirements to be respected in order for the products to be placed on the market, which will imply that those lamps will not *de facto* be placed on the market from 1 September 2021.
- (11) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

1. Member States shall adopt and publish, by 30 September 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 October 2022.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Annex III to Directive 2011/65/EU, entries 1, 1(a), 1(b), 1(c), 1(d) and 1(e) are replaced by the following:

Exemption		Scope and dates of applicability
'1	Mercury in single capped (compact) fluorescent lamps not exceeding (per burner):	
1(a)	For general lighting purposes < 30 W: 2,5 mg	Expires on 24 February 2023
1(b)	For general lighting purposes ≥ 30 W and < 50 W: 3,5 mg	Expires on 24 February 2023
1(c)	For general lighting purposes ≥ 50 W and < 150 W: 5 mg	Expires on 24 February 2023
1(d)	For general lighting purposes ≥ 150 W: 15 mg	Expires on 24 February 2023
1(e)	For general lighting purposes with circular or square structural shape and tube diameter ≤ 17 mm: 5 mg	Expires on 24 February 2023'

COMMISSION DELEGATED DIRECTIVE (EU) 2022/277**of 13 December 2021****amending, for the purpose of adapting to technical and scientific progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of mercury in single capped (compact) fluorescent lamps for general lighting purposes < 30 W with a lifetime equal to or above 20 000 h****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications listed in Annex III to the Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Mercury is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) By Delegated Directive 2014/14/EU ⁽²⁾, the Commission granted an exemption for the use of mercury, with a maximum content of 3,5 mg, in single capped (compact) fluorescent lamps for general lighting purposes < 30 W with a lifetime equal or above 20 000 h ('the exemption'), which is now listed as exemption 1(g) in Annex III to Directive 2011/65/EU. The exemption was to expire on 31 December 2017, in accordance with Annex III to Directive 2014/14/EU.
- (5) Mercury is used in single capped (compact) fluorescent lamps to produce ultraviolet light, which is then converted into visible light by the fluorescent coating on the lamp bulb.
- (6) On 28 June 2016, the Commission received an application for renewal of the exemption ('the renewal application'), that is within the time laid down in Article 5(5) of Directive 2011/65/EU, that was updated with a renewed application on 17 January 2020. In accordance with Article 5(5) of Directive 2011/65/EU, the exemption remains valid until a decision on the renewal application has been adopted.
- (7) The evaluation of the renewal application, which took into account the availability of substitutes and the socioeconomic impact of substitution, concluded that sufficiently reliable mercury-free substitutes for the lamp types covered by the exemption are available and that the substitution is scientifically and technically practicable. Furthermore, that evaluation concluded that the benefits of substitution will clearly outweigh any negative impact. The evaluation included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU. The comments received during these consultations were made publicly available on a dedicated website.
- (8) As the conditions set out in Article 5(1), point (a), of Directive 2011/65/EU are no longer fulfilled, the exemption should be revoked.

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

⁽²⁾ Commission Delegated Directive 2014/14/EU of 18 October 2013 amending, for the purposes of adapting to technical progress, the Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for 3,5 mg mercury per lamp in single capped compact fluorescent lamps for general lighting purposes < 30 W with a lifetime equal to or above 20 000 h (OJ L 4, 9.1.2014, p. 71).

- (9) An expiry date for this exemption should be set in accordance with Article 5(6) of Directive 2011/65/EU. While a small share of the lamp types ⁽³⁾ covered by this exemption are subject to the ecodesign criteria laid down in Annex II of Commission Regulation (EU) 2019/2020 ⁽⁴⁾, which are applicable as of 1 September 2021, and will hence not be placed on the market any longer, the vast majority of lamps covered by the current exemption are not affected by the criteria under the above-mentioned Ecodesign Regulation. Consequently, the maximum possible expiry date of 18 months following the decision should be set with regard to the entire exemption entry in order to avoid unnecessary high socio-economic costs by market participants directly linked to the substitution of the latter category.
- (10) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

1. Member States shall adopt and publish, by 30 September 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 October 2022.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽³⁾ CFL with integrated control gear (CFLi) are covered by the entry 'Other light sources in scope not mentioned above' in Table 1 of Annex II of Commission Regulation (EU) 2019/2020 from 1 September 2021.

⁽⁴⁾ As stated in Recitals 9 and 10 of Commission Regulation (EU) 2019/2020, no specific ecodesign requirements on mercury content are to be set in that Regulation.

ANNEX

In Annex III to Directive 2011/65/EU, entry 1(g) is replaced by the following:

Exemption		Scope and dates of applicability
'1(g)	For general lighting purposes < 30 W with a lifetime equal or above 20 000 h: 3,5 mg	Expires on 24 August 2023'

COMMISSION DELEGATED DIRECTIVE (EU) 2022/278**of 13 December 2021****amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of mercury in metal halide lamps****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications listed in Annex III to that Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Mercury is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) By Decision 2010/571/EU ⁽²⁾, the Commission granted, among other things, an exemption for the use of mercury in metal halide lamps ('the exemption'), which is now listed as exemption 4(e) in Annex III to Directive 2011/65/EU. The exemption was to expire on 21 July 2016, in accordance with Article 5(2), second subparagraph, point (a), of that Directive.
- (5) Mercury is used in metal halide lamps to improve the colour, efficiency, lifetime, and the stable operation of those specific lamps.
- (6) On 15 January 2015, the Commission received an application for renewal of the exemption ('the renewal application') that is within the time limit laid down in Article 5(5) of Directive 2011/65/EU. An updated renewal application was submitted on 20 January 2020. In accordance with Article 5(5) of that Directive, the exemption remains valid until a decision on the renewal application has been adopted.
- (7) The evaluation of the renewal application, which took into account the availability of substitutes and the socioeconomic impact of substitution, concluded that the substitution or elimination of mercury in the applications concerned is currently technically impracticable. The evaluation included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU. The comments received during those consultations were made publicly available on a dedicated website.

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

⁽²⁾ Commission Decision 2010/571/EU of 24 September 2010 amending, for the purposes of adapting to scientific and technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers (OJ L 251, 25.9.2010, p. 28).

- (8) The exemption is consistent with Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽³⁾ and thus does not weaken the environmental and health protection afforded by it.
- (9) It is therefore appropriate to grant the renewal of the exemption for a maximum period of five years, in accordance with Article 5(2), first subparagraph, of Directive 2011/65/EU. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.
- (10) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

1. Member States shall adopt and publish, by 30 September 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 October 2022.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 December 2021.

For the Commission

The President

Ursula VON DER LEYEN

⁽³⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

ANNEX

In Annex III to Directive 2011/65/EU, entry 4(e) is replaced by the following:

Exemption		Scope and dates of applicability
4(e)	Mercury in metal halide lamps (MH)	Expires on 24 February 2027'

COMMISSION DELEGATED DIRECTIVE (EU) 2022/279**of 13 December 2021****amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of mercury in other discharge lamps for special purposes****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications listed in Annex III to that Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Mercury is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) By Decision 2010/571/EU ⁽²⁾, the Commission granted, among other things, an exemption for the use of mercury in other discharge lamps for special purposes not specifically mentioned ('the exemption'), which is now listed as exemption 4(f) in Annex III to Directive 2011/65/EU. The exemption was to expire on 21 July 2016, in accordance with Article 5(2), second subparagraph, point (a), of that Directive.
- (5) The function of mercury in gas discharge lamps for special purposes is related to the light generating process to convert electricity into light.
- (6) On 15 January 2015, the Commission received several applications for renewal of the exemption ('the renewal applications') that is within the time limit laid down in Article 5(5) of Directive 2011/65/EU. In accordance with Article 5(5) of Directive 2011/65/EU, the exemption remains valid until a decision on the renewal application has been taken.
- (7) The evaluation of the renewal applications, which took into account the availability of substitutes and the socioeconomic impact of substitution, concluded that the substitution or elimination of mercury in the applications concerned by the exemption is currently technically impracticable. Given the prospects of substitution limiting the exemption in future, it is however appropriate to grant the renewal of the exemption for a period of 3 years only. The evaluation also concluded that it is possible to further define the applications that qualify for a renewal of the exemption in accordance with the criteria set out in Article 5(1), point (a), of Directive 2011/65/EU because of their specific functionality and application area, namely high pressure mercury vapour lamps used in projectors, used for horticulture lighting and emitting light in the ultraviolet spectrum. For those specific applications, the exemption should be renewed for a maximum period of 5 years. The evaluation included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU. The comments received during those consultations were made publicly available on a dedicated website.

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

⁽²⁾ Commission Decision 2010/571/EU of 24 September 2010 amending, for the purposes of adapting to scientific and technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers (OJ L 251, 25.9.2010, p. 28).

- (8) The exemption is consistent with Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽³⁾ and thus does not weaken the environmental and health protection afforded by it.
- (9) In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.
- (10) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

(1) Member States shall adopt and publish, by 30 September 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 October 2022.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽³⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

ANNEX

In Annex III to Directive 2011/65/EU, entry 4(f) is replaced by the following:

Exemption		Scope and dates of applicability
4(f) -I	Mercury in other discharge lamps for special purposes not specifically mentioned in this Annex	Expires on 24 February 2025
4(f) -II	Mercury in high pressure mercury vapour lamps used in projectors where an output ≥ 2000 lumen ANSI is required	Expires on 24 February 2027
4(f) -III	Mercury in high pressure sodium vapour lamps used for horticulture lighting	Expires on 24 February 2027
4(f) -IV	Mercury in lamps emitting light in the ultraviolet spectrum	Expires on 24 February 2027'

COMMISSION DELEGATED DIRECTIVE (EU) 2022/280**of 13 December 2021****amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of mercury in other low pressure discharge lamps****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications listed in Annex III to that Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Mercury is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) By Decision 2010/571/EU ⁽²⁾, the Commission granted, among other things, an exemption for the use of mercury in other low pressure discharge lamps ('the exemption'), which is now listed as exemption 4(a) in Annex III to Directive 2011/65/EU. The exemption was to expire on 21 July 2016, in accordance with Article 5(2), second subparagraph, point (a), of that Directive.
- (5) Mercury is used in low pressure discharge lamps to produce ultraviolet light used for ultraviolet germicidal or bacterial disinfection and/or purification of air, water and surfaces.
- (6) On 19 December 2014 and 15 January 2015, the Commission received two applications for renewal of the exemption ('the renewal application'), that is within the time laid down in Article 5(5) of Directive 2011/65/EU, of which one was updated with a renewed application on 20 January 2020. In accordance with Article 5(5) of Directive 2011/65/EU, the exemption remains valid until a decision on the renewal application has been taken.
- (7) The evaluation of the renewal application, which took into account the availability of substitutes and the socioeconomic impact of substitution, concluded that the elimination of mercury in the applications concerned or its substitution by a substance of comparable performance is currently technically impracticable. That evaluation further concluded that the current scope of the exemption can be limited to low pressure discharge lamps that are not phosphor-coated and emit light in the ultraviolet range. The evaluation included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU. The comments received during these consultations were made publicly available on a dedicated website.

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

⁽²⁾ Commission Decision 2010/571/EU of 24 September 2010 amending, for the purposes of adapting to scientific and technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers (OJ L 251, 25.9.2010, p. 28).

- (8) The exemption is consistent with Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽³⁾ and thus does not weaken the environmental and health protection afforded by it.
- (9) It is therefore appropriate to grant the renewal of the exemption, with a revised wording, setting out the limited scope of the exemption, for a maximum period of 5 years, in accordance with Article 5(2), first subparagraph, of Directive 2011/65/EU. In accordance with Article 5(6) of Directive 2011/65/EU, an expiry date of 12 months should be set for the current exemption 4(a). In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.
- (10) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

1. Member States shall adopt and publish, by 30 September 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 October 2022.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽³⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

ANNEX

In Annex III to Directive 2011/65/EU, entry 4(a) is replaced by the following:

Exemption		Scope and dates of applicability
'4(a)	Mercury in other low pressure discharge lamps (per lamp): 15 mg	Expires on 24 February 2023
4(a)-I	Mercury in low pressure non-phosphor coated discharge lamps, where the application requires the main range of the lamp-spectral output to be in the ultraviolet spectrum: up to 15 mg mercury may be used per lamp	Expires on 24 February 2027'

COMMISSION DELEGATED DIRECTIVE (EU) 2022/281**of 13 December 2021****amending, for the purpose of adapting to technical and scientific progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of mercury in single capped (compact) fluorescent lamps for special purposes****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment (EEE) placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications listed in Annexes III to that Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Mercury is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) By Decision 2010/571/EU ⁽²⁾, the Commission granted, among other things, an exemption for the use of mercury in single capped (compact) fluorescent lamps for special purposes ('the exemption'), which is now listed as exemption 1(f) in Annex III to Directive 2011/65/EU. The exemption was to expire on 21 July 2016, in accordance with Article 5(2), second subparagraph, point (a), of that Directive.
- (5) Mercury is used in single capped (compact) fluorescent lamps (CFL) for special purposes to produce ultraviolet light, which is then converted into visible light by the fluorescent coating on the lamp bulb.
- (6) On 19 December 2014 and 15 January 2015, the Commission received two applications for renewal of the exemption ('the renewal applications'), that is within the time limit laid down in Article 5(5) of Directive 2011/65/EU, of which one was updated with a renewed application on 20 January 2020. In accordance with Article 5(5), second subparagraph, of Directive 2011/65/EU, an exemption remains valid until a decision on the renewal request has been taken.
- (7) The evaluation of the renewal applications, which took into account the availability of substitutes and the socioeconomic impact of substitution, concluded that the elimination of mercury in the applications concerned or its substitution by a substance of comparable performance is currently technically impracticable. The evaluation included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU. The comments received during those consultations were made publicly available on a dedicated website.

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

⁽²⁾ Commission Decision 2010/571/EU of 24 September 2010 amending, for the purposes of adapting to scientific and technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers (OJ L 251, 25.9.2010, p. 28).

- (8) Exemptions from the restriction for certain specific materials or components should be limited in their scope and duration, in order to achieve a gradual phase-out of hazardous substances in EEE, the assessment also concluded that, on one hand, the scope of the exemption should be narrowed to further specified applications and, on the other hand, the duration of the current broad exemption can be shortened.
- (9) The exemption is consistent with Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽³⁾ and thus does not weaken the environmental and health protection afforded by it.
- (10) It is therefore appropriate to grant the renewal of the exemption for a maximum period of 5 years, in accordance with Article 5(2), first subparagraph, of Directive 2011/65/EU, for CFL lamps for special purposes designed to emit light in the ultraviolet spectrum, as no reliable alternatives are currently available. For all other types of CFL lamps falling into the category of CFL lamps for special purposes, the exemption should be renewed for 3 years, to allow the industry to prepare detailed information to justify the continuation of this exemption for specified special lamp categories, in line with the Directive's aim that exemptions should be limited in their scope and duration. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.
- (11) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

1. Member States shall adopt and publish, by 30 September 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 October 2022.

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

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

Article 3

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

⁽³⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Annex III to Directive 2011/65/EU, entry 1(f) is replaced by the following:

Exemption		Scope and dates of applicability
'1	Mercury in single capped (compact) fluorescent lamps not exceeding (per burner):	
1(f) – I	For lamps designed to emit mainly light in the ultraviolet spectrum: 5 mg	Expires on 24 February 2027
1(f) – II	For special purposes: 5 mg	Expires on 24 February 2025'

COMMISSION DELEGATED DIRECTIVE (EU) 2022/282**of 13 December 2021****amending, for the purpose of adapting to technical and scientific progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of mercury in non-linear tri-band phosphor lamps****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications listed in Annex III to that Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Mercury is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) By Decision 2010/571/EU ⁽²⁾, the Commission granted, among other things, an exemption for the use of mercury in non-linear tri-band phosphor lamps with tube diameter > 17 mm (e.g. T9) ('the exemption'), which is now listed as exemption 2(b)(3) in Annex III to Directive 2011/65/EU. The exemption was to expire on 21 July 2016, in accordance with Article 5(2), second subparagraph, point (a), of that Directive.
- (5) Mercury is used in non-linear tri-band phosphor lamps to produce ultraviolet light, which is then converted into visible light by the fluorescent coating on the lamp. The composition of the coating, which contains the mercury, determines light colour and colour rendering.
- (6) On 19 December 2014 and 15 January 2015, the Commission received two applications for renewal of the exemption ('the renewal application'), that is within the time limit laid down in Article 5(5) of Directive 2011/65/EU, one of which was updated with additional information in January 2020. In accordance with Article 5(5) of Directive 2011/65/EU, an exemption remains valid until a decision on the renewal request has been taken.
- (7) The evaluation of the renewal application, which took into account the availability of substitutes and the socioeconomic impact of substitution, concluded that the substitution or elimination of mercury in the applications concerned is currently technically impracticable. That evaluation further concluded that the mercury concentration limit in the lamp categories covered by that exemption can be lowered from 15 mg to 10 mg per lamp. The evaluation included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU. The comments received during those consultations were made publicly available on a dedicated website.

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

⁽²⁾ Commission Decision 2010/571/EU of 24 September 2010 amending, for the purposes of adapting to scientific and technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers (OJ L 251, 25.9.2010, p. 28).

- (8) The exemption is consistent with Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽³⁾ and thus does not weaken the environmental and health protection afforded by it.
- (9) It is therefore appropriate to grant the renewal of the exemption, with a revised wording, setting out the limited scope of the exemption, for a period of 3 years, in accordance with Article 5(2), first subparagraph, of Directive 2011/65/EU, to collect further data related to the availability of substitutes for the specific lamp types covered by that exemption. In accordance with Article 5(6) of Directive 2011/65/EU, an expiry date of 12 months should be set for the current exemption 2(b)(3). In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.
- (10) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

1. Member States shall adopt and publish, by 30 September 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 October 2022.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽³⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

ANNEX

In Annex III to Directive 2011/65/EU, entry 2(b)(3) is replaced by the following:

Exemption		Scope and dates of applicability
'2(b)(3)	Non-linear tri-band phosphor lamps with tube diameter > 17 mm (e.g. T9): 15 mg	Expires on 24 February 2023; 10 mg may be used per lamp from 25 February 2023 until 24 February 2025'

COMMISSION DELEGATED DIRECTIVE (EU) 2022/283**of 13 December 2021****amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of mercury in High Pressure Sodium (vapour) lamps with improved colour rendering index for general lighting purposes****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications listed in Annex III to that Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Mercury is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) By Decision 2010/571/EU ⁽²⁾, the Commission granted, among other things, an exemption for the use of mercury in High Pressure Sodium (vapour) lamps for general lighting purposes not exceeding (per burner) in lamps with improved colour rendering index $R_a > 60$ ('the exemption'), which is now listed as exemption 4(b)-I, 4(b)-II and 4(b)-III in Annex III to Directive 2011/65/EU. The exemption was to expire on 21 July 2016, in accordance with Article 5(2), second subparagraph, point (a), of that Directive.
- (5) Mercury is used in High Pressure Sodium (vapour) lamps for light colour and colour rendering properties.
- (6) In January 2015, the Commission received an application for renewal of the exemption for applications in entries 4(b)-I, 4(b)-II and 4(b)-III ('the renewal application'), that is within the time limit laid down in Article 5(5) of Directive 2011/65/EU. In January 2020, the same applicant submitted an updated renewal application concerning entry 4(b)-I only. In accordance with Article 5(5) of Directive 2011/65/EU, the exemption remains valid until a decision on the renewal application has been taken.
- (7) The evaluation of the renewal application, which took into account the availability of substitutes and the socioeconomic impact of substitution, concluded that the substitution or elimination of mercury in the applications concerned was scientifically and technically practicable as concerns a part of entry 4(b)-I, as well as entries 4(b)-II and 4(b)-III of Annex III to Directive 2011/65/EU. The evaluation concluded nevertheless that the exemption should be renewed for the part of entry 4(b)-I which concerns lamps with a high colour rendering higher than 80, equal to or lower than 105W and that, whilst the use of mercury is still necessary, that can be further lowered. The evaluation included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU. The comments received during those consultations were made publicly available on a dedicated website.

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

⁽²⁾ Commission Decision 2010/571/EU of 24 September 2010 amending, for the purposes of adapting to scientific and technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers (OJ L 251, 25.9.2010, p. 28).

- (8) It is therefore appropriate to renew part of exemption 4(b)-I, and renumber it as exemption entry 4(b), for a maximum period of 5 years in accordance with Article 5(2), first subparagraph, of Directive 2011/65/EU. This renewed exemption shall have a revised wording setting out the further limited scope of the exemption. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.
- (9) The renewed exemption is consistent with Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽³⁾ and thus does not weaken the environmental and health protection afforded by it.
- (10) As the conditions for the renewal of the exemption, set out in Article 5(1), point (a), of Directive 2011/65/EU, are no longer fulfilled for the applications listed in the remainder of entry 4(b)-I as well as in entries 4(b)-II and 4(b)-III of Annex III to that Directive, the exemption for those applications should be revoked. Expiry dates for those exemptions should be set in accordance with Article 5(6) of Directive 2011/65/EU.
- (11) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

1. Member States shall adopt and publish, by 30 September 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 October 2022.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽³⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

ANNEX

In Annex III to Directive 2011/65/EU, entries 4(b), 4(b)-I, 4 (b)-II and 4(b)-III are replaced by the following:

Exemption		Scope and dates of applicability
‘ 4(b)	Mercury in High Pressure Sodium (vapour) lamps for general lighting purposes not exceeding (per burner) in lamps with improved colour rendering index $R_a > 80$: $P \leq 105$ W: 16 mg may be used per burner	Expires on 24 February 2027
4(b)-I	Mercury in High Pressure Sodium (vapour) lamps for general lighting purposes not exceeding (per burner) in lamps with improved colour rendering index $R_a > 60$: $P \leq 155$ W: 30 mg may be used per burner	Expires on 24 February 2023
4(b)-II	Mercury in High Pressure Sodium (vapour) lamps for general lighting purposes not exceeding (per burner) in lamps with improved colour rendering index $R_a > 60$: $155 \text{ W} < P \leq 405 \text{ W}$: 40 mg may be used per burner	Expires on 24 February 2023
4(b)-III	Mercury in High Pressure Sodium (vapour) lamps for general lighting purposes not exceeding (per burner) in lamps with improved colour rendering index $R_a > 60$: $P > 405 \text{ W}$: 40 mg may be used per burner	Expires on 24 February 2023’

COMMISSION DELEGATED DIRECTIVE (EU) 2022/284**of 16 December 2021****amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of mercury in double-capped linear fluorescent lamps for general lighting purposes****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications, which are listed in Annex III to the Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Mercury is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) By Decision 2010/571/EU ⁽²⁾, the Commission granted, among other things, an exemption for the use of mercury in double-capped linear fluorescent lamps for general lighting purposes ('the exemption'), which is now listed as exemption 2(a)(1), 2(a)(2), 2(a)(3), 2(a)(4) and 2(a)(5) in Annex III to Directive 2011/65/EU. The exemption was to expire on 21 July 2016, in accordance with Article 5(2), second subparagraph, point (a), of that Directive.
- (5) Mercury is used in double-capped linear fluorescent lamps for general lighting purposes to produce ultraviolet light, which is then converted into visible light by the fluorescent coating on the lamp.
- (6) On 19 December 2014 and 15 January 2015, the Commission received two applications for renewal of the exemption ('the renewal applications'), that is within the time limit laid down in Article 5(5) of Directive 2011/65/EU, of which one was updated with a renewed application on 20 January 2020. In accordance with Article 5(5), second subparagraph, of Directive 2011/65/EU, the exemption remains valid until a decision on the renewal application has been taken.
- (7) The evaluation of the renewal applications, which took into account the availability of substitutes and the socioeconomic impact of substitution, concluded that sufficiently reliable mercury-free substitutes for the lamp types covered by the exemption have become available and that the substitution of mercury in these lamps is scientifically and technically practicable. Furthermore, that evaluation concluded that the benefits of substitution would clearly outweigh any negative impact.
- (8) The evaluation of the renewal applications included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU. The comments received during those consultations were made publicly available on a dedicated website.

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

⁽²⁾ Commission Decision 2010/571/EU of 24 September 2010 amending, for the purposes of adapting to scientific and technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers (OJ L 251, 25.9.2010, p. 28).

- (9) As the conditions set out in Article 5(1), point (a), of Directive 2011/65/EU are no longer fulfilled, the renewal application should be rejected. Expiry dates for the exemption should be set in accordance with Article 5(6) of that Directive.
- (10) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

1. Member States shall adopt and publish, by 30 September 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 October 2022.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Annex III to Directive 2011/65/EU, entries 2(a), 2(a)(1), 2(a)(2), 2(a)(3), 2(a)(4) and 2(a)(5) are replaced by the following:

Exemption		Scope and dates of applicability
‘2(a)	Mercury in double-capped linear fluorescent lamps for general lighting purposes not exceeding (per lamp):	
2(a)(1)	Tri-band phosphor with normal lifetime and a tube diameter < 9 mm (e.g. T2): 4 mg	Expires on 24 February 2023
2(a)(2)	Tri-band phosphor with normal lifetime and a tube diameter ≥ 9 mm and ≤ 17 mm (e.g. T5): 3 mg	Expires on 24 August 2023
2(a)(3)	Tri-band phosphor with normal lifetime and a tube diameter > 17 mm and ≤ 28 mm (e.g. T8): 3,5 mg	Expires on 24 August 2023
2(a)(4)	Tri-band phosphor with normal lifetime and a tube diameter > 28 mm (e.g. T12): 3,5 mg	Expires on 24 February 2023
2(a)(5)	Tri-band phosphor with long lifetime (≥ 25 000 h): 5 mg.	Expires on 24 February 2023’

DECISIONS

COUNCIL DECISION (EU) 2022/285

of 22 February 2022

appointing two members and an alternate member, proposed by the Republic of Malta, of the Committee of the Regions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to Council Decision (EU) 2019/852 of 21 May 2019 determining the composition of the Committee of the Regions ⁽¹⁾,

Having regard to the proposal of the Maltese Government,

Whereas:

- (1) Pursuant to Article 300(3) of the Treaty, the Committee of the Regions is to consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.
- (2) On 10 December 2019, the Council adopted Decision (EU) 2019/2157 ⁽²⁾, appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025.
- (3) Two members' seats on the Committee of the Regions have become vacant following the end of the national mandates on the basis of which Mr Joseph CORDINA and Mr Paul FARRUGIA were proposed for appointment.
- (4) An alternate member's seat on the Committee of the Regions had been vacant since 26 January 2020.
- (5) The Maltese Government has proposed the following representatives of regional or local bodies who hold a regional or local electoral mandate as members of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025: Mr Paul FARRUGIA, *Reġjun Port – President* (Port Region – President), and Mr Mark GRECH, *Kunsill Lokali Haż-Żabbar – Kunsillier Lokali* (Żabbar Local Council – Local Councillor).
- (6) The Maltese Government has also proposed Mr Stephen SULTANA, representative of a local body who holds a local authority electoral mandate, *Kunsill Lokali Santa Venera – Sindku* (Santa Venera Local Council – Mayor), as an alternate member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025, in relation to the vacant seat referred to above,

⁽¹⁾ OJ L 139, 27.5.2019, p. 13.

⁽²⁾ Council Decision (EU) 2019/2157 of 10 December 2019 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025 (OJ L 327, 17.12.2019, p. 78).

HAS ADOPTED THIS DECISION:

Article 1

The following representatives of regional or local bodies who hold an electoral mandate are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025:

(a) as members:

- Mr Paul FARRUGIA, *Regjun Port – President* (Port Region – President) (change of mandate),
- Mr Mark GRECH, *Kunsill Lokali Haż-Żabbar – Kunsillier Lokali* (Żabbar Local Council – Local Councillor),

and

(b) as an alternate member:

- Mr Stephen SULTANA, *Kunsill Lokali Santa Venera – Sindku* (Santa Venera Local Council – Mayor).

Article 2

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

Done at Brussels, 22 February 2022.

For the Council
The President
C. BEAUNE

COUNCIL DECISION (EU) 2022/286**of 22 February 2022****appointing a member, proposed by the Federal Republic of Germany, of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to Council Decision (EU) 2019/852 of 21 May 2019 determining the composition of the Committee of the Regions ⁽¹⁾,

Having regard to the proposal of the German Government,

Whereas:

- (1) Pursuant to Article 300(3) of the Treaty, the Committee of the Regions is to consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.
- (2) On 10 December 2019, the Council adopted Decision (EU) 2019/2157 ⁽²⁾, appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025.
- (3) A member's seat on the Committee of the Regions has become vacant following the resignation of Mr Michael SCHNEIDER.
- (4) The German Government has proposed Mr Sven SCHULZE, representative of a regional or local body who is politically accountable to an elected assembly, *Minister für Wirtschaft, Tourismus, Landwirtschaft und Forsten des Landes Sachsen-Anhalt* (Minister for Economic Affairs, Tourism, Agriculture and Forestry of the Federal State of Saxony-Anhalt), as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025,

HAS ADOPTED THIS DECISION:

Article 1

Mr Sven SCHULZE, representative of a regional or local body who is politically accountable to an elected assembly, *Minister für Wirtschaft, Tourismus, Landwirtschaft und Forsten des Landes Sachsen-Anhalt* (Minister for Economic Affairs, Tourism, Agriculture and Forestry of the Federal State of Saxony-Anhalt) is hereby appointed as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025.

⁽¹⁾ OJ L 139, 27.5.2019, p. 13.

⁽²⁾ Council Decision (EU) 2019/2157 of 10 December 2019 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025 (OJ L 327, 17.12.2019, p. 78).

Article 2

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

Done at Brussels, 22 February 2022.

For the Council
The President
C. BEAUNE

COMMISSION DELEGATED DIRECTIVE (EU) 2022/287**of 13 December 2021****amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for mercury in fluorescent lamps for other general lighting and special purposes****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications listed in Annex III to that Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Mercury is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) By Decision 2010/571/EU ⁽²⁾, the Commission granted, among other things, an exemption for the use of mercury in other linear fluorescent lamps for other general lighting and special purposes (e.g. induction lamps) ('the exemption'), which is now listed as exemption 2(b)(4) in Annex III to Directive 2011/65/EU. The exemption was to expire on 21 July 2016, in accordance with Article 5(2), second subparagraph, point (a), of that Directive.
- (5) The exemption covers an inhomogeneous group of lamps of different shapes, technologies, applications, and purposes. Mercury is used in the discharge tube, which is essential to convert electrical energy to light.
- (6) On 15 January 2015, the Commission received an application for renewal of the exemption ('the renewal application'), that is within the time limit laid down in Article 5(5) of Directive 2011/65/EU, which was updated on 20 January 2020 by an additional renewal application. In accordance with Article 5(5) of that Directive, the exemption remains valid until a decision on the renewal application has been taken.
- (7) The evaluation of the renewal application, which took into account the availability of substitutes and the socioeconomic impact of substitution, concluded that the substitution or elimination of mercury in the applications concerned is currently technically impracticable. That evaluation included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU. The comments received during those consultations were made publicly available on a dedicated website.

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

⁽²⁾ Commission Decision 2010/571/EU of 24 September 2010 amending, for the purposes of adapting to scientific and technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers (OJ L 251, 25.9.2010, p. 28).

- (8) The exemption is consistent with Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽³⁾ and thus does not weaken the environmental and health protection afforded by it.
- (9) It is therefore appropriate to grant the renewal of the exemption taking into account the general aim that exemptions from the restriction for certain specific materials or components should be limited in their scope and duration, in order to achieve a gradual phase-out of hazardous substances in EEE.
- (10) In order to allow for a timely reassessment of the availability of mercury-free replacement lamps for the wide variety of lamp types covered by this exemption, it is appropriate to grant the renewal of the exemption for a limited period of three years. However, for specific lamp categories, namely lamps emitting light in the non-visible spectrum (new sub-entry 2(b)(4)-II of Annex III) and emergency lamps (new sub-entry 2(b)(4)-III of Annex III), there is sufficient information that substitution is technically impracticable in the next years and for those categories of lamps, a validity period of five years should be justified, in accordance with Article 5(2), first subparagraph, of Directive 2011/65/EU. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.
- (11) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

1. Member States shall adopt and publish, by 30 September 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 October 2022.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

⁽³⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Done at Brussels, 13 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Annex III to Directive 2011/65/EU, entry 2(b)(4) is replaced by the following:

Exemption		Scope and dates of applicability
'2(b)(4)- I	Lamps for other general lighting and special purposes (e.g. induction lamps): 15 mg	Expires on 24 February 2025
2(b)(4)- II	Lamps emitting mainly light in the ultraviolet spectrum: 15 mg	Expires on 24 February 2027
2(b)(4)- III	Emergency lamps: 15 mg	Expires on 24 February 2027'

COMMISSION IMPLEMENTING DECISION (EU) 2022/288**of 22 February 2022****amending Implementing Decision (EU) 2019/570 as regards rescEU shelter capacities and the modification of quality requirements for Emergency Medical Teams Type 3 capacities***(notified under document C(2022) 963)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism ⁽¹⁾, and in particular Article 32(1), point (g), thereof

Whereas:

- (1) Decision No 1313/2013/EU sets out the legal framework of rescEU. rescEU is a reserve of capacities at Union level aiming to provide assistance in overwhelming situations where overall existing capacities at national level and those committed by Member States to the European Civil Protection Pool are not able to ensure an effective response to natural and man-made disasters.
- (2) In accordance with Article 12(2) of Decision No 1313/2013/EU, rescEU's capacities are to be determined by taking into account identified and emerging risks, overall capacities and gaps at Union level. There are four areas on which rescEU should particularly focus, namely aerial forest firefighting, chemical, biological, radiological and nuclear ('CBRN') incidents, emergency medical response, as well as transport and logistics.
- (3) Commission Implementing Decision (EU) 2019/570 ⁽²⁾ sets out the initial composition of rescEU in terms of capacities and quality requirements. The rescEU reserve so far consists of aerial forest firefighting capacities, medical aerial evacuation capacities, emergency medical teams, stockpiling of medical equipment or personal protective equipment ('medical stockpiling capacities'), or both, CBRN decontamination capacities and CBRN stockpiling capacities.
- (4) An analysis of identified and emerging risks as well as of capacities and gaps at Union level reveals a need for temporary shelter capacities.
- (5) The need to address qualitative and quantitative gaps in shelter capacities was identified in various operations of the Union Civil Protection Mechanism ('Union Mechanism') during the last years, and was reflected in the 'Evaluation Study of Definitions, Gaps and Cost of Response Capacities for the Union Civil Protection Mechanism' ⁽³⁾ from 2019. In addition, the operational experience from the earthquakes hitting Croatia in March 2020 and in December 2020 confirmed the gap for shelter capacities despite prompt response operations under the Union Mechanism in which several Member States took part.
- (6) The main purpose of the rescEU temporary shelter capacity, when deployed during a response operation under the Union Mechanism, is to provide temporary shelter to affected population which includes space for housing, hygiene and sanitation, basic medical service and social-gathering.

⁽¹⁾ OJ L 347, 20.12.2013, p. 924.

⁽²⁾ Commission Implementing Decision (EU) 2019/570 of 8 April 2019 laying down rules for the implementation of Decision No 1313/2013/EU of the European Parliament and of the Council as regards rescEU capacities and amending Commission Implementing Decision 2014/762/EU (OJ L 99, 10.4.2019, p. 41).

⁽³⁾ https://ec.europa.eu/echo/system/files/2020-01/capacities_study_final_report_public.pdf.

- (7) The temporary shelter capacity under rescEU should consist of a physical reserve of high-quality assets for rapid response or of a virtual reserve of customisable assets that could be deployed in a subsequent phase when required for response operations under the Union Mechanism, or both.
- (8) Pursuant to Article 12(4) of Decision No 1313/2013/EU, quality requirements for the response capacities forming part of rescEU are to be defined in consultation with Member States. Minimum standards for temporary shelter capacities should be based on the shelter standards under the Sphere Handbook chapter 'Shelter and Settlement' ⁽⁴⁾.
- (9) Temporary shelter capacities should be established to respond to low probability risks with a high impact, in accordance with the categories referred to in Article 3d of Implementing Decision (EU) 2019/570 and after consultation with the Member States.
- (10) In order to provide Union financial assistance for developing such temporary shelter capacities, in accordance with Article 21(3) of Decision No 1313/2013/EU, the eligible costs should be established by taking into account the categories laid down in Annex Ia to that Decision.
- (11) The World Health Organization (WHO) Global Emergency Medical Team initiative has recently revised the standards ⁽⁵⁾ for the Emergency medical team type 3 capacities (Inpatient Referral Care). Therefore, the quality requirements for this Emergency Medical Team type under rescEU should be modified accordingly.
- (12) Reflections on lessons learnt from the COVID-19 crisis have further shown the need for additional flexibility and modularity of rescEU emergency medical team capacities. Therefore, rescEU should include Emergency Medical Team type 2 capacities (Inpatient Surgical Emergency Care) complemented by specialised care services, in line with the standards of the WHO Global Emergency Medical Team initiative.
- (13) Implementing Decision (EU) 2019/570 should therefore be amended accordingly.
- (14) The measures provided for in this Decision are in accordance with the opinion of the committee referred to in Article 33(1) of Decision No 1313/2013/EU,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2019/570 is amended as follows:

(1) Article 1a is amended as follows:

(a) paragraph 2 is replaced by the following:

'(2) 'Emergency medical team type 3 (Inpatient Referral Care)' means a deployable emergency team of medical and other key personnel trained and equipped to treat patients affected by a disaster and which provides complex inpatient referral surgical care, including intensive care capacity;'

(b) the following paragraph 3 is added:

'(3) 'Virtual shelter reserve' means one or more arrangements with selected suppliers to be activated on-demand to deliver certain quantities of specific assets in a pre-defined timeframe;'

(2) Article 2 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) the fifth indent is replaced by the following:

'- capacities in the area of chemical, biological, radiological and nuclear incidents;'

⁽⁴⁾ See 'Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response', fourth edition, Geneva, Switzerland, 2018.

⁽⁵⁾ See Classification and minimum standards for emergency medical teams, World Health Organization. 2021.

- (ii) the following sixth indent is added:
 - ‘- shelter capacities.’;
- (b) paragraph 2 is amended as follows:
 - (i) point (e) is replaced by the following:
 - ‘(e) emergency medical team type 2 (Inpatient Surgical Emergency Care) or emergency medical team type 3 (Inpatient Referral Care) capacities, or both;’
 - (ii) point (h) is replaced by the following:
 - ‘(h) chemical, biological, radiological, and nuclear (CBRN) stockpiling capacities;’
 - (iii) the following point (i) is added:
 - ‘(i) temporary shelter capacities.’
- (3) Article 3a is replaced by the following:

Article 3a

Eligible costs of rescEU medical aerial evacuation capacities, emergency medical team type 2 and type 3 capacities, medical stockpiling, CBRN decontamination, CBRN stockpiling capacities and temporary shelter capacities

All cost categories referred to in Annex Ia to Decision No 1313/2013/EU shall be taken into account when calculating the total eligible cost of rescEU capacities.’
- (4) in Article 3e, paragraphs 3 and 4 are replaced by the following:
 - ‘3. rescEU capacities referred to in points (c) to (i) of Article 2(2) shall be established with the objective of managing low probability risks with a high impact.
 - 4. Where rescEU capacities referred to in points (c) to (i) of Article 2(2) are deployed under the Union Mechanism, Union financial assistance shall cover 100 % of the operational costs, pursuant to Article 23(4b) of Decision No 1313/2013/EU.’;
- (5) the Annex is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 February 2022.

For the Commission
Janez LENARČIČ
Member of the Commission

ANNEX

The Annex to Implementing Decision (EU) 2019/570 is amended as follows:

(1) Section 5 is replaced by the following:

‘5. Emergency medical team type 2 (Inpatient Surgical Emergency Care) or emergency medical team type 3 (Inpatient Referral Care) capacities, or both

Tasks	— Provide type 2 (Inpatient Surgical Emergency Care) or type 3 (Inpatient Referral Care), or both, as described by the WHO global Emergency Medical Team initiative. — Provide specialised care or support functions, including if needed via specialised care teams as described by the WHO global Emergency Medical Team initiative.
Capacities	— Minimum treatment capability in accordance, where available, with the standards of the WHO global Emergency Medical Team initiative. — Day and night services (covering 24/7 if necessary).
Main components	— In accordance, where available, with the standards of the WHO global Emergency Medical Team initiative.
Self-sufficiency	— The team should ensure self-sufficiency during the entire deployment time in accordance with the standards of the WHO global Emergency Medical Team initiative. Article 12 of Implementing Decision 2014/762/EU applies.
Deployment	— Availability for departure in maximum 48-72 hours after the acceptance of the offer, and ability to become operational on site according to WHO global Emergency Medical Team initiative. — Ability to be operational in accordance with the standards of the WHO global Emergency Medical Team initiative.’

(2) The following Section 9 is added:

‘9. Temporary shelter capacities

Tasks	— Provide temporary shelter to affected population, including space for housing, hygiene and sanitation, basic medical service and social gathering. — Provide staff to handle, mobilise, assemble, put in place and maintain shelter units when required. Where a handover takes place, train the relevant personnel (local and/or international) before the pull out of the shelter capacity.
Capacities	— Shelter capacity ⁽¹⁾ composed by assets capable to shelter –when deployed simultaneously – a minimum of 5 000 persons. — The capacity is to be constituted by a physical reserve or of a virtual shelter reserve of shelter units, or both.
Main components	— Shelter units with heating (for winter conditions), appropriate aeration systems (for summer conditions), and basic material, such as beds with sleeping-bag and/or blankets. — Sanitation and hygiene facilities. — Infirmary for basic medical services. — Multi-purpose facilities for preparation and consumption of food, distribution of drinkable water, social assembling. — Power generators and lighting equipment. — Basic hygiene kits. — Appropriate storage facilities in the Union ⁽²⁾, logistics and adequate stockpiling monitoring system. — Appropriate arrangements ensuring the adequate transport and delivery of the units. — Appropriately trained personnel and assets to handle, mobilise, assemble, put in place and maintain physical assets in the affected area.

Self-sufficiency	— The capacity is to ensure self-sufficiency during the first 96 hours of deployment. — Article 12 of Implementing Decision 2014/762/EU applies.
Deployment	— Availability for departure of physical reserve maximum 24 hours after the acceptance of the offer. — The duration of the mission and, if applicable, the start of the handover process are to be defined in agreement with the affected country.

(¹) The shelter capacity is to comply with the minimum shelter standards of the chapter 'Shelter and Settlement' of the 'Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response'. Vulnerable people's needs are to be considered.

(²) For the purposes of the logistics of storage facilities, 'in the Union' encompasses the territories of Member States and Participating States to the Union Civil Protection Mechanism.'

COMMISSION IMPLEMENTING DECISION (EU) 2022/289
of 22 February 2022
setting up the Analysis and Experimentation on Ecosystems ERIC (AnaEE-ERIC)
(notified under document C(2022) 933)

(Text with EEA relevance)

(Only the Bulgarian, Czech, Danish, Dutch, French, Italian, Finnish and Swedish texts are authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC) ⁽¹⁾, and in particular Article 6(1) point (a) thereof,

Whereas:

- (1) Bulgaria, Czechia, Denmark, France, Italy, Finland and the International Center for Advanced Mediterranean Agronomic Studies submitted to the Commission an application to set up the Analysis and Experimentation on Ecosystems ERIC (AnaEE-ERIC) ('the application'). Belgium has made known its decision to participate in AnaEE-ERIC initially as an observer.
- (2) The applicants have agreed that France would be the host Member State of AnaEE-ERIC.
- (3) Regulation (EC) No 723/2009 has been incorporated in the Agreement on the European Economic Area (EEA) by Decision of the EEA Joint Committee No 72/2015 ⁽²⁾.
- (4) The Commission has, pursuant to Article 5(2) of Regulation (EC) No 723/2009, assessed the application and concluded that it meets the requirements set out in that Regulation. In the course of the assessment the Commission obtained the views of independent experts in the field of Analysis and Experimentation on Ecosystems.
- (5) The measures set out in this Decision are in accordance with the opinion of the Committee established under Article 20 of Regulation (EC) No 723/2009.

HAS ADOPTED THIS DECISION:

Article 1

1. The Analysis and Experimentation on Ecosystems ERIC (AnaEE-ERIC) is hereby set up.
2. The essential elements of the Statutes of AnaEE-ERIC are set out in the Annex to this implementing decision.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the French Republic, the Italian Republic and the Republic of Finland.

⁽¹⁾ OJ L 206, 8.8.2009, p. 1.

⁽²⁾ Decision of the EEA Joint Committee No 72/2015 of 20 March 2015 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (OJ L 129, 19.5.2016, p. 85).

Done at Brussels, 22 February 2022.

For the Commission
Mariya GABRIEL
Member of the Commission

ANNEX

ESSENTIAL ELEMENTS OF THE STATUTES OF AnaEE-ERIC*Article 1***Name**

A distributed European Research Infrastructure Consortium (ERIC) shall be established called 'Analysis and Experimentation on Ecosystems ERIC' (AnaEE-ERIC). This Consortium shall constitute a European Research Infrastructure Consortium (ERIC) established under the provisions of Regulation (EC) No 723/2009.

*Article 2***Statutory seat**

AnaEE-ERIC shall have its statutory seat in Gif-sur-Yvette, France.

*Article 3***Task and activities**

1. The principal task of AnaEE-ERIC shall be to establish and operate a distributed Research Infrastructure devoted to the Analysis of and Experimentation on Ecosystems. Its goal is to provide the tools, services and knowledge necessary to tackle the complex global environmental and climate challenges facing human societies.
2. AnaEE-ERIC shall operate with the Central Hub (CH), the Interface and Synthesis Centre (ISC), the Technology Centre (TC), and the Data Modelling Centre (DMC).
3. For the purposes of paragraph 1, AnaEE-ERIC shall:
 - a. coordinate access to the experimental, analytical and modelling National Platforms and organize the collaboration with European facilities;
 - b. facilitate European research programmes and projects;
 - c. develop technology, harmonizing methods, building industrial partnerships and facilitate knowledge transfer;
 - d. contribute to the exchange of knowledge and/or competencies within the European Research Area (ERA) and increasing the use of intellectual potential throughout Europe;
 - e. develop data access, sharing and modelling;
 - f. organize training;
 - g. implement a communication strategy;
 - h. any other related action necessary to achieve its aims.
4. AnaEE-ERIC shall pursue its principal task on a non-economic basis. AnaEE-ERIC may carry out limited economic activities provided that they are closely related to the principal tasks set out in Article 3(3) above and they do not jeopardise their achievement.

*Article 4***Duration and the procedure for winding-up**

1. AnaEE-ERIC shall be established for an initial period of 10 years. The Assembly of Members can decide to extend the duration by successive periods of 10 years.
2. The winding up of AnaEE-ERIC shall be decided by the Assembly of Members in accordance with Article 18(10) of the Statutes.

3. Without undue delay and in any event within 10 days after adoption of the decision to wind up AnaEE-ERIC, AnaEE-ERIC shall notify the European Commission of the decision.
4. Assets remaining after payment of AnaEE-ERIC debts shall be apportioned among the Members in proportion to their accumulated annual contribution to AnaEE-ERIC as specified in Article 17 of the Statutes.
5. Without undue delay and in any event within 10 days of the closure of the winding up procedure, AnaEE-ERIC shall notify the Commission thereof.
6. AnaEE-ERIC shall cease to exist on the day on which the European Commission publishes the appropriate notice in L series of *the Official Journal of the European Union*.

Article 5

Liability regime

1. AnaEE-ERIC shall be liable for its debts.
2. The Members' financial liability for the debts of AnaEE-ERIC, of whatever nature, shall be limited to their respective contribution to AnaEE-ERIC in respect to the last full year of operations.
3. AnaEE-ERIC shall take appropriate insurance to cover the risks specific to its activities.

Article 6

Access policy for users

1. Access to the AnaEE-ERIC facilities and services provided by the Central Hub or the Service Centres of AnaEE-ERIC shall be provided on the basis of open access principles. AnaEE-ERIC shall implement infrastructure access rules, with a fee policy providing incentives to its Members.
2. AnaEE-ERIC shall provide information through its web portal on the climate and bio-geographical gradients, and complementary skills and techniques of AnaEE-ERIC platforms, in order to help scientists at the stage of project elaboration and to facilitate incubation of projects using several platforms across its Membership.
3. AnaEE-ERIC Central Hub shall grant access to the AnaEE-ERIC facilities and services provided by the Service Centres or the National Platforms, based on an assessment of the scientific quality of the proposed use, on the basis of an independent scientific evaluation by an expert committee appointed by the Assembly of Members and technical feasibility assessed by AnaEE-ERIC. Possible ethical issues involved in a proposal will be handled by the Independent Ethics Advisory Committee (see Article 25 of the Statutes).
4. In case research access to the AnaEE-ERIC facilities and services has to be restricted for capacity reasons, a selection shall be made according to the procedure set out in the Rules of Operation of the Statutes, considering selection criteria based on scientific excellence, technical and financial feasibility of the proposals.
5. AnaEE-ERIC shall make available metadata of each project at the start, both for experimental settings in National Platforms and for data produced by service centres.
6. Data shall be made available according to the open access policy of AnaEE-ERIC. Access will be regulated according to the Rules of Operation of the Statutes, in general having a common period of grace, after which the data shall become available to the public. The Access Policy shall take into account the European Data Protection legal framework ⁽¹⁾ related to the sharing of personal data of users among the Members.

⁽¹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

*Article 7***Scientific Evaluation Policy**

The activities of AnaEE-ERIC shall be evaluated every 5 years by an ad hoc independent scientific committee. The Assembly of Members shall initiate such an evaluation and, if appropriate, give specific directions. The Rules of Operation of the Statutes will define the principles and procedures of this evaluation.

*Article 8***Dissemination Policy**

1. AnaEE-ERIC shall be a facilitator of research and shall as a general rule encourage as free access as possible to research data.
2. AnaEE-ERIC shall request users to make their research results publicly available, and make their results available through AnaEE-ERIC.
3. AnaEE-ERIC shall use several channels to reach its target audiences, including a web portal, newsletter, workshops, presence in conferences, articles in magazines and daily newspapers, social networks, etc.

*Article 9***Intellectual Property Rights Policy**

1. All intellectual property rights created, arising from, obtained or developed by AnaEE-ERIC in the course of its activities shall be owned by AnaEE-ERIC.
2. Subject to the terms of any contracts between AnaEE-ERIC and Members or Observers, all intellectual property rights which are created, arising from, obtained or developed by a Member or Observer shall be owned by that Member or Observer.

*Article 10***Employment policy**

1. AnaEE-ERIC employment conditions shall be governed by the laws of the country in which the staff is employed or by the laws of the country where the activities of AnaEE-ERIC are conducted.
2. The selection procedures for AnaEE-ERIC staff positions shall be transparent, non-discriminatory, and respect equal opportunities. Recruitment and employment shall not be discriminatory.
3. Recruitment will be carried out with international publication of a call.

*Article 11***Procurement policy**

1. AnaEE-ERIC shall treat procurement candidates and tenderers equally and without discrimination, regardless whether or not they are based within the European Union. AnaEE-ERIC Procurement Policy shall respect the principles of transparency, competition and non-discrimination. Detailed rules on procurement procedures and criteria shall be set out in the Rules of Operation of the Statutes.

2. Procurement by Members and Observers concerning AnaEE-ERIC activities shall be done in such a way that due consideration is given to AnaEE-ERIC needs, technical requirements and specifications issued by the relevant bodies.
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RECOMMENDATIONS

COUNCIL RECOMMENDATION (EU) 2022/290

of 22 February 2022

amending Council Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), points (b) and (e), and Article 292, first and second sentence thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 30 June 2020, the Council adopted Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction ⁽¹⁾.
- (2) On 2 February 2021, the Council amended Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction ⁽²⁾ to update the criteria used to assess whether non-essential travel from third countries is safe and should be allowed.
- (3) The same amendment introduced mechanisms to contain the spread of variants of concern of the virus SARS-COV-2 in the EU ⁽³⁾.
- (4) On 20 May 2021, the Council amended Recommendation (EU) 2020/912 ⁽⁴⁾ to take into account the roll-out and the positive effects of the vaccination campaigns in containing the spread of the virus, as well as in order to further contain the importation and spread into the EU of the emerging variants of interest and of concern.
- (5) On 14 June 2021, the Parliament and the Council adopted Regulations (EU) 2021/953 ⁽⁵⁾ and (EU) 2021/954 ⁽⁶⁾ on EU Digital COVID Certificate. The EU Digital COVID Certificate has proved to be a fundamental tool to help restore travel within the EU.

⁽¹⁾ Council Recommendation (EU) 2020/912 of 30 June 2020 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction (OJ L 208 I, 1.7.2020, p. 1).

⁽²⁾ Council Recommendation (EU) 2021/132 of 2 February 2021 amending Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction (OJ L 41, 4.2.2021, p. 1).

⁽³⁾ The 'EU+ area' includes all Schengen Member States (including Bulgaria, Croatia, Cyprus and Romania), as well as the four Schengen Associated States. It also includes Ireland if Ireland decides to align.

⁽⁴⁾ Council Recommendation (EU) 2021/816 of 20 May 2021 amending Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction (OJ L 182, 21.5.2021, p. 1).

⁽⁵⁾ Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic (OJ L 211, 15.6.2021, p. 1).

⁽⁶⁾ Regulation (EU) 2021/954 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) with regard to third-country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic (OJ L 211, 15.6.2021, p. 24).

- (6) Since the adoption of Regulation (EU) 2021/953, the Commission has adopted several implementing acts establishing that COVID-19 certificates issued by a certain third country are to be considered as equivalent to certificates issued by Member States in accordance with that Regulation. Vaccination, recovery and test certificates covered by such implementing acts can thus be securely and reliably authenticated. Therefore, the EU Digital COVID Certificate, and in particular the implementing decisions adopted on this basis, have also facilitated the safe reopening of travel from third countries to the EU ⁽⁷⁾.
- (7) The current approach set out in Recommendation (EU) 2020/912 should be updated to take account of the establishment of the EU Digital COVID certificate as well as considering the evolution of the pandemic, including the emergence of the omicron variant of concern, the increasing vaccination uptake and the progressive lifting of travel restrictions worldwide.
- (8) On 22 October 2021, the European Council in its conclusions, in light of the development of the epidemiological situation, called for further coordination to facilitate free movement within, and travel into, the EU, and for a revision of the two Recommendations, including Council Recommendation (EU) 2020/912.
- (9) The standard acceptance period for vaccination certificates issued by third countries following the completion of a primary vaccination series should be set at 270 days. To ensure a coordinated approach, Member States should not accept vaccination certificates issued following the completion of the primary vaccination series if more than 270 days have passed since the administration of the dose indicated therein. In this case, Member States should accept vaccination certificates indicating that an additional dose has been received following the completion of the primary vaccination series.
- (10) To further facilitate safe travel into the EU, the threshold for the 14-days cumulative COVID-19 case notification rate should be increased from 75 to 100 per 100 000 inhabitants. At the same time and to take account of the enhanced testing capabilities almost 2 years after the first appearance of the virus, the required minimum weekly testing rate should also be increased from 300 to 600 tests per 100 000 inhabitants. This should further increase the reliability of the data used to determine to what extent non-essential travel should be possible from a given third country.
- (11) To better allow for non-essential travel into the Union and to increase predictability for third-country travellers, Member States should not only accept COVID-19 vaccines that have been granted a marketing authorisation pursuant to Regulation (EC) No 726/2004 of the European Parliament and of the Council ⁽⁸⁾ but also those having completed the emergency listing procedure of the World Health Organisation (WHO).
- (12) Furthermore, as alternative to vaccination, Member States should allow non-essential travel to persons having recovered from COVID-19 within 180 days prior to travelling to the EU and who hold an EU Digital COVID certificate or one having been recognised as equivalent to it.
- (13) At the same time, to further reduce the risk of transmission of the SARS-CoV-2 virus, Member States could also require a valid proof of a negative real-time polymerase chain reaction (RT-PCR) test before departure when the traveller has either (i) received a COVID-19 vaccine having completed the WHO Emergency Use Listing process but that does not appear on the list of vaccines authorised in the EU pursuant to Regulation (EC) No 726/2004 or (ii) recovered from COVID-19 within 180 days prior to travelling to the EU.

⁽⁷⁾ The updated list of equivalence decisions is published on the following webpage:
https://ec.europa.eu/info/publications/commission-implementing-decisions-eu-equivalence-covid-19-certificates-issued-non-eu-countries_en

⁽⁸⁾ Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Union procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1).

- (13a) Due to the fact that it may not be possible to verify the authenticity, integrity and validity of the vaccination certificates issued by third countries not using the trust framework of the EU Digital COVID Certificate or a vaccination certificate having been recognised as equivalent to it, Member States could also require a valid proof of a negative RT-PCR test before departure where the traveller is fully vaccinated with a COVID-19 vaccine that has been granted a marketing authorisation pursuant to Regulation (EC) No 726/2004 but is not in possession of an EU Digital COVID Certificate or one having been recognised as equivalent to it.
- (14) Children above the age of 6 and under the age of 18 should be able to travel under the condition of having tested negative to a RT-PCR test before departure. In these cases, Member States could require additional testing after arrival, quarantine or self-isolation. Where children above the age of 6 and under the age of 18 are in possession of a valid proof of COVID-19 vaccination issued on the basis of a COVID-19 vaccine authorised in the EU pursuant to Regulation (EC) No 726/2004 no test should be required. Children under the age of 6 travelling with an adult should not be subject to additional requirements.
- (14a) Member States could allow non-essential travel to persons for whom accepted COVID-19 vaccination is medically contraindicated provided these persons have submitted the necessary documentation and have tested negative to a RT-PCR test before departure.
- (15) In consideration of the increasing vaccination uptake worldwide, it is appropriate to start to consider to gradually move from the current hybrid country/person-based approach to a purely person-based approach and base the lifting of travel restrictions solely on the vaccination status or the function/need fulfilled by travellers. However, at the moment there are still third countries with either a limited access to vaccines or a low vaccination rate. Therefore, to give time to third countries to increase their vaccination rates including the administration of booster doses to ensure the validity of the vaccination certificates and upon a prior general assessment of the vaccination situation in third countries based on data supplied, among others, by the EU Delegations, by 30 April 2022, the Recommendation should be reviewed by the Commission with a view to the deletion of Annex I taking into account the increasing vaccination uptake worldwide. The Commission should report to the Council, and could submit to it, as appropriate, a proposal to delete Annex I.
- (16) 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 TFEU, Denmark is not taking part in the adoption of this Recommendation and is not bound by it or subject to its application. Given that this Recommendation builds upon the Schengen *acquis*, Denmark should, in accordance with Article 4 of the said Protocol, decide within a period of 6 months after the Council has decided on this Recommendation whether it will implement it.
- (17) This Recommendation 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 ⁽⁹⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (18) As regards Iceland and Norway, this Recommendation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽¹⁰⁾ which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC ⁽¹¹⁾.

⁽⁹⁾ 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).

⁽¹⁰⁾ OJ L 176, 10.7.1999, p. 36.

⁽¹¹⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

- (19) As regards Switzerland, this Recommendation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽¹²⁾ which fall within the area referred to in Article 1, point A, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽¹³⁾.
- (20) As regards Liechtenstein, this Recommendation constitutes a development of provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽¹⁴⁾ which fall within the area referred to in Article 1 point A, of Decision 1999/437/EC read in conjunction with Article 3 of Decision 2011/350/EU ⁽¹⁵⁾.
- (21) The legal status of this Recommendation as recalled in recitals 15 to 19 is without prejudice to the need for all Member States, in the interest of the proper functioning of the Schengen area, to decide on the lifting of the restriction on non-essential travel into the Union in a coordinated manner,

HAS ADOPTED THIS RECOMMENDATION:

Recommendation (EU) 2020/912 is amended as follows:

- (1) from 1 March 2022, in point 2, second paragraph, the figure '75' is replaced by '100' and the figure '300' is replaced by '600';
- (2) from 1 March 2022, in point 6a, first, second and third paragraphs are replaced by the following:

'Without prejudice to point 6(a) and (b), where Member States accept proof of vaccination in order to waive travel restrictions to limit the spread of COVID-19, Member States should in principle lift the temporary restriction on non-essential travel to the EU with regard to such travellers who have received the last recommended dose of one of the COVID-19 vaccines authorised in the EU pursuant to Regulation (EC) No 726/2004 (*) at the latest 14 days before entering the EU+ area, provided that less than 270 days have passed since the administration of the dose indicated in the vaccination certificate for the completion of the primary vaccination series, or an additional dose has been received following the completion of the primary vaccination series.

Member States should also lift the temporary restriction on non-essential travel to the EU with regard to such travellers who have received the last recommended dose of one of the COVID-19 vaccines having completed the WHO Emergency Use Listing process at the latest 14 days before entering the EU+ area, provided that less than 270 days have passed since the administration of the dose indicated in the vaccination certificate for the completion of the primary vaccination series, or an additional dose has been received following the completion of the primary vaccination series.

Member States should also lift the temporary restriction on non-essential travel to the EU with regard to such travellers who have recovered from COVID-19 within 180 days prior to travelling to the EU.

⁽¹²⁾ OJ L 53, 27.2.2008, p. 52.

⁽¹³⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁽¹⁴⁾ OJ L 160, 18.6.2011, p. 21.

⁽¹⁵⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

To that end, travellers wishing to undertake non-essential travel to a Member State should be in possession of either:

- (a) a valid proof of COVID-19 vaccination issued on the basis of a COVID-19 vaccine authorised in the EU pursuant to Regulation (EC) No 726/2004; or
- (b) a valid proof of COVID-19 vaccination issued on the basis of COVID-19 vaccines that has completed the WHO Emergency Use Listing process but does not appear on the list of vaccines authorised in the EU pursuant to Regulation (EC) No 726/2004; or
- (c) a valid proof of recovery.

For travellers falling under points b) and c) above, the Member State could also require a valid proof of a negative real-time polymerase chain reaction (RT-PCR) test taken at the earliest 72 hours before departure. For travellers falling under points b) Member States could apply additional health measures such as isolation, quarantine or receiving vaccine authorised in the EU pursuant to Regulation (EC) No 726/2004.

In addition to EU Digital COVID certificates, Member States should accept such proofs of COVID-19 vaccination or recovery if they correspond to certificates having been recognised as equivalent to those issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council (**) in an implementing act adopted by the Commission under Article 8 of that Regulation.

Where no such act concerning certificates issued by a third country has been adopted, Member States could accept, in accordance with national law, a proof of testing and vaccination issued by the third country taking into account the need to be able to verify the authenticity, validity and integrity of the certificate and whether it contains all relevant data as provided for in Regulation (EU) 2021/953.

In such case, they could require a valid proof of a negative RT-PCR test before departure for travellers fully vaccinated with a COVID-19 vaccine that have been granted a marketing authorisation pursuant to Regulation (EC) No 726/2004 but are not in possession of a EU Digital COVID Certificate or one having been recognised as equivalent to it.

Unless they are covered by the provisions set out above, children above the age of 6 and under the age of 18 should also be allowed to undertake non-essential travel to a Member State if they are in possession of valid proof of a negative real-time polymerase chain reaction (RT-PCR) test taken at the earliest 72 hours before departure. In these cases, Member States could require additional testing after arrival, as well as quarantine or self-isolation. Children under the age of 6 travelling with an adult should not be subject to additional requirements.

(*) Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1).

(**) Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic (OJ L 211, 15.6.2021, p. 1).;

(3) new point 12 is inserted:

'12. By 30 April 2022, the Recommendation should be reviewed by the Commission with a view to the deletion of Annex I taking into account the increasing vaccination uptake worldwide.

The Commission should report to the Council, and could submit to it, as appropriate, a proposal to delete Annex I.'

Done at Brussels, 22 February 2022.

For the Council
The President
C. BEAUNE

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2022 OF THE JOINT COMMITTEE ESTABLISHED BY 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

of 21 February 2022

amending 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 [2022/291]

THE JOINT COMMITTEE,

Having regard to 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 ⁽¹⁾ ('the Withdrawal Agreement'), and in particular Article 164(5)(d) thereof,

Whereas:

- (1) Article 164(5) point (d) of the Withdrawal Agreement enables the Joint Committee established under Article 164(1) thereof ('the Joint Committee') to adopt decisions amending that Agreement, provided that such amendments are necessary to correct errors, to address omissions or other deficiencies, or to address situations unforeseen when the Agreement was signed, and provided that such decisions do not amend the essential elements of that Agreement. Pursuant to Article 166(2) of the Withdrawal Agreement, the decisions adopted by the Joint Committee are binding on the Union and the United Kingdom. The Union and the United Kingdom must implement such decisions, which shall have the same legal effect as the Withdrawal Agreement.
- (2) In the interests of legal certainty, Part I of Annex I to the Withdrawal Agreement should be amended by adding five decisions and two recommendations of the Administrative Commission for the Coordination of Social Security Systems which were not previously listed therein, and by removing and replacing two decisions,

HAS ADOPTED THIS DECISION:

Article 1

The Withdrawal Agreement shall be amended as follows:

- (1) In Part I of Annex I to the Withdrawal Agreement, Recommendation No A1 of the Administrative Commission for the Coordination of Social Security Systems concerning the issuance of the attestation referred to in Article 19(2) of Regulation (EC) No 987/2009 of the European Parliament and of the Council ⁽²⁾ is added under 'Applicable legislation (A series)';
- (2) In Part I of Annex I to the Withdrawal Agreement, Decision No. E6 of the Administrative Commission for the Coordination of Social Security Systems concerning the determination of when an electronic message is considered legally delivered in the Electronic Exchange of Social Security Information (EESSI) system ⁽³⁾ is added under 'Electronic Data Exchange (E series)';
- (3) In Part I of Annex I to the Withdrawal Agreement, Decision No. H9 of the Administrative Commission for the Coordination of Social Security Systems regarding the postponement of deadlines mentioned in Articles 67 and 70 of Regulation (EC) No 987/2009 of the European Parliament and of the Council as well as in Decision No S9 due to the COVID-19 Pandemic ⁽⁴⁾, is added under 'Horizontal issues (H series)';

- (4) In Part I of Annex I to the Withdrawal Agreement, Decision No. H10 of the Administrative Commission for the Coordination of Social Security Systems concerning the methods of operation and the composition of the Technical Commission for Data Processing of the Administrative Commission for the Coordination of Social Security Systems ⁽⁵⁾ shall be added under 'Horizontal issues (H series)';
- (5) In Part I of Annex I to the Withdrawal Agreement, Decision No. H11 of the Administrative Commission for the Coordination of Social Security Systems regarding the postponement of deadlines mentioned in Articles 67 and 70 of Regulation (EC) No 987/2009 as well as in Decision No S9 due to the COVID-19 Pandemic ⁽⁶⁾ shall be added under 'Horizontal issues (H series)';
- (6) In Part I of Annex I to the Withdrawal Agreement, Recommendation No. H2 of the Administrative Commission for the Coordination of Social Security Systems concerning the inclusion of authentication features to Portable Documents issued by the institution of a Member State and showing the position of a person for the purpose of the application of Regulations (EC) No 883/2004 and (EC) No 987/2009 of the European Parliament and of the Council ⁽⁷⁾ shall be added under 'Horizontal issues (H series)';
- (7) In Part I of Annex I to the Withdrawal Agreement, Decision S11 of the Administrative Commission for the Coordination of Social Security Systems concerning refund procedures for the implementation of Articles 35 and 41 of Regulation (EC) No 883/2004 ⁽⁸⁾ shall be added under 'Sickness (S series)';
- (8) In Part I of Annex I to the Withdrawal Agreement, the following acts shall be removed and replaced:
- (a) Decision No. H8 of the Administrative Commission for the Coordination of Social Security Systems concerning the methods of operation and the composition of the Technical Commission for data processing of the Administrative Commission for the Coordination of Social Security Systems ⁽⁹⁾, which is replaced by Decision No. H10 of the Administrative Commission for the Coordination of Social Security Systems concerning the methods of operation and the composition of the Technical Commission for Data Processing of the Administrative Commission for the Coordination of Social Security Systems ⁽¹⁰⁾;
- (b) Decision No. S9 of the Administrative Commission for the Coordination of Social Security Systems concerning refund procedures for the implementation of Articles 35 and 41 of Regulation (EC) No 883/2004 ⁽¹¹⁾, which is replaced by Decision No. S11 of the Administrative Commission for the Coordination of Social Security Systems concerning refund procedures for the implementation of Articles 35 and 41 of Regulation (EC) No 883/2004 ⁽¹²⁾.

Article 2

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

Done at Brussels, 21 February 2022.

For the Joint Committee
The Co-chairs
Maroš ŠEFČOVIČ
Elizabeth TRUSS

⁽¹⁾ OJ L 29, 31.1.2020, p. 7.

⁽²⁾ OJ C 183, 29.5.2018, p. 5.

⁽³⁾ OJ C 355, 4.10.2018, p. 5.

⁽⁴⁾ OJ C 259, 7.8.2020, p. 9.

⁽⁵⁾ OJ C 89, 16.3.2021, p. 6.

⁽⁶⁾ OJ C 170, 6.5.2021, p. 4.

⁽⁷⁾ OJ C 147, 29.4.2019, p. 6.

⁽⁸⁾ OJ C 236, 18.6.2021, p. 4.

⁽⁹⁾ OJ C 263, 20.7.2016, p. 3.

⁽¹⁰⁾ OJ C 89, 16.3.2021, p. 6.

⁽¹¹⁾ OJ C 279, 27.9.2013, p. 8.

⁽¹²⁾ OJ C 236, 18.6.2021, p. 4.

**DECISION No 2/2022 OF THE JOINT COMMITTEE ESTABLISHED BY 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**

of 21 February 2022

**amending Decision No 7/2020 establishing a list of 25 persons who are willing and able to serve as
members of an arbitration panel under the Agreement (2022/292)**

THE JOINT COMMITTEE,

Having regard to 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 ⁽¹⁾, and in particular Article 171(1) and (2) thereof,

Whereas:

- (1) Pursuant to Article 171(1) 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 ('the Withdrawal Agreement'), the Joint Committee established, by the end of the transition period set under that Agreement, a list of 25 persons who are willing and able to serve as ordinary members of an arbitration panel. The Joint Committee is to ensure that the list complies with the requirements at any moment in time.
- (2) Pursuant to Article 171(2) of the Withdrawal Agreement, the list is not to comprise persons who are members, officials or other servants of the Union institutions, of the government of a Member State, or of the government of the United Kingdom.
- (3) One of the persons on the list proposed by the Union has been appointed as a member of a Union institution and therefore no longer fulfils the requirements for being an arbitrator under the Withdrawal Agreement.
- (4) It is therefore necessary to replace that person on the list of persons set out in Annex I to Decision No 7/2020 of the Joint Committee ⁽²⁾,

HAS ADOPTED THIS DECISION:

Article 1

The list of 25 persons willing and able to serve as arbitrators under the Withdrawal Agreement as set out in Annex I to Decision No 7/2020 of the Joint Committee is amended as follows:

Ms Tamara ČAPETA is replaced by Mr Ezio PERILLO.

Article 2

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

Done at Brussels, 21 February 2022.

For the Joint Committee

The Co-chairs

Maroš ŠEFČOVIČ

Elizabeth TRUSS

⁽¹⁾ OJ L 29, 31.1.2020, p. 7.

⁽²⁾ OJ L 443, 30.12.2020, p. 22.

III

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY DELEGATED DECISION No 271/21/COL

of 3 December 2021

establishing a multiannual programme of controls for the period 2022-2026 to be carried out in Iceland and Norway to verify application of EEA legislation in the food and veterinary area [2022/293]

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, and in particular Protocol 1 thereto,

Having regard to the act referred to at Point 11b in Part 1.1 of Chapter I and Point 31q of Chapter II of Annex I and Point 164 of Chapter XII of Annex II to the EEA Agreement, 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) ⁽¹⁾ ('Regulation (EU) 2017/625'), and in particular Article 118(1) thereof,

as amended and as adapted to the EEA Agreement by Protocol 1 thereto and the sectoral adaptations referred to in Annexes I and II thereto,

Whereas:

The responsibility to enforce EEA legislation in the food and veterinary area lies with the EEA States whose competent authorities monitor and verify, through the organisation of official controls, that relevant EEA requirements are effectively complied with and enforced.

It follows from Article 116 of Regulation (EU) 2017/625 that EFTA Surveillance Authority ('Authority') experts shall carry out controls, including audits, in Iceland and Norway to verify the application of EEA legislation. These Authority controls are to be performed in the areas of food and feed, animal health and animal welfare, animal by-products and derived products, plant protection products, organic production and the functioning of national control systems and competent authorities which operate them.

It follows from Article 118(1) of Regulation (EU) 2017/625 that the Authority is to establish a control programme for the controls to be performed by its experts in Iceland and Norway as provided for in Article 116(1) of that regulation.

⁽¹⁾ Incorporated into the EEA Agreement by Decision of the EEA Joint Committee No 210/2019 of 27 September 2019.

This multiannual programme of controls is set out for certain priority areas for the period 2022-2026. The criteria used for prioritisation include, inter alia, identified risks and emerging topics (for example animal diseases or food or feed crises), the relevance of a sector in Iceland and Norway, past performance of Iceland and Norway in the relevant area and information from relevant sources, including the priorities set by the European Commission in its control programme. ⁽²⁾

HAS ADOPTED THIS DECISION:

1. The multiannual programme of controls for the period 2022-2026 to be carried out by Authority experts in Iceland and Norway as provided for in Article 116(1) of Regulation (EU) 2017/625 is set out in the Annex to this Decision.
2. This Decision is addressed to Iceland and Norway.
3. This Decision shall enter into force on the day of its signature.
4. This Decision shall be authentic in the English language.

Done at Brussels, 3. December 2021.

For the EFTA Surveillance Authority, acting under Delegation Decision No 130/20/COL,

Högni S. KRISTJÁNSSON
Responsible College Member

Melpo-Menie JOSÉPHIDÈS
*Countersigning as Director,
Legal and Executive Affairs*

⁽²⁾ Commission Implementing Decision (EU) 2020/1550 of 23 October 2020 establishing the multiannual programme of controls for the period 2021-2025 to be carried out by Commission experts in the Member States to verify the application of Union agri-food chain legislation (OJ L 354, 26.10.2020, p. 9).

ANNEX

This Annex sets out the multiannual programme of controls for the period 2022-2026 to be carried out by Authority experts in Iceland and Norway in areas covered by Regulation (EU) 2017/625.

The multiannual programme of controls covers areas referred to in Article 1(2) of Regulation (EU) 2017/625 as well as other areas provided for in that Regulation, such as fraud and import controls.

The Authority has identified certain priority areas within the areas of food and feed, animal health and animal welfare, animal by-products and derived products, organic production, fraud and import controls, and the functioning of national control systems and competent authorities.

The Authority controls shall cover identified priority areas in Iceland and Norway. The specific issues covered by individual controls shall be adapted to the situation in each of the States and for Iceland, be subject to exceptions applicable concerning legislation in the areas of animal health and welfare.

Authority experts shall carry out controls, including on-the-spot verifications, audits, and desk-based analyses in accordance with Article 116 of Regulation (EU) 2017/625.

The Authority controls are performed to achieve a high level of coverage in areas that the Authority has identified as priority and, which require scrutiny as to the level of implementation and effectiveness of official control systems and enforcement measures.

Part A of the Annex lists the relevant areas of controls along with the objectives for the Authority controls for the period 2022-2026. In Part B of the Annex the priority areas under each control area are identified.

Part A – Areas of controls and objectives of the Authority controls

1. Food and food safety

To verify compliance with the applicable EEA food and food safety legislation governing the production and placing on the market of food of animal and non-animal origin (covering also traceability and labelling, microbiological safety and foodborne zoonoses), residues and contaminants, food information to consumers and the use of nutrition and health claims, materials and articles in contact with food and the implementation of official controls thereon.

2. Feed and feed safety

To verify compliance with the applicable EEA legislation governing feed safety (including feed hygiene, approval and registration of establishments, contaminants, traceability and labelling of feed), medicated feed, marketing and use of feed and the implementation of official controls thereon.

3. Animal by-products and derived products

To verify compliance with the applicable EEA legislation governing animal by-products and derived products and the implementation of official controls thereon.

4. Animal health

To verify compliance with the applicable EEA legislation governing animal health, focussing on animal health management, programs to achieve disease free status and maintenance of such status, control of major active animal diseases and preparedness to cope with multiple outbreaks of epizootic diseases, and the implementation of official controls thereon.

5. Animal welfare

To verify compliance with the applicable EEA legislation governing animal welfare for production animals on farm, during transport and at slaughter, depopulation and emergency killing, and the implementation of official controls thereon.

6. Organic production

To verify compliance with the applicable EEA legislation governing the production and labelling of organic products and the implementation of official controls thereon.

7. Entry into the EEA of goods and animals from third countries

To verify compliance with the applicable EEA legislation governing official controls on animals and goods entering Iceland and Norway from third countries, including compliance with requirements for border control posts and general and specific EEA requirements applicable to the relevant animals and goods. There will be a special focus on rules established by Regulation (EU) 2017/625 and related delegated and implementing acts.

8. General and horizontal aspects

To verify compliance with the applicable EEA legislation governing the identification and follow up of fraudulent or deceptive practices in areas covered by Regulation (EU) 2017/625 and official controls thereon. To verify that Iceland and Norway take appropriate follow-up measures to remedy any specific or systemic shortcomings identified through Authority controls. To verify arrangements in place for verification of effectiveness of official controls.

PART B – Priority areas

	Priority Area	2022 – 2026	
Food and food safety	Food of animal origin	Safety of meat of mammals and birds and products thereof, milk and products thereof, fishery products and production hygiene of live bivalve molluscs	
	Food of non-animal origin	Safety of fruits and vegetables, herbs, spices and sprouts, including contaminants	
	Residues and contaminants	Residues of veterinary medicinal products, pesticides and environmental contaminants	
	Food information to consumers and the use of nutrition and health claims	Food information to consumers and the use of nutrition and health claims	
	Materials and articles in contact with food		Materials and articles in direct or indirect contact with food
Feed and feed safety	General feed safety	Feed safety at all stages, including primary production, approval and registration of establishments, feed hygiene, traceability, labelling and contaminants	
	Medicated feed		Production, distribution and use of medicated feed
	Marketing and use of feed		Placing on the market and use of feed, including labelling and information to the users, packaging and presentation
Animal by-products	Animal by-products and derived products	Animal by-products and derived products	
Animal health	Aquatic animal health	Animal health management including programmes to achieve disease free status and maintenance of such status, and active epizootic diseases (e.g. avian influenza)	
	Terrestrial animal health		
	Preparedness and prevention	Contingency planning	
Animal Welfare	On farm	Swine, laying hens, broilers, small ruminants and cattle	
	Transport		
	At killing		Slaughter, emergency killing and killing for the purpose of depopulation

Organic production	Organic production	Organic production
Entry into the EEA of goods and animals from third countries	Compliance of border control posts	Compliance of re-designated and new border control posts and inspection centres
	Official controls on animals and goods	Official controls on live animals and products of non-animal and animal origin from third countries
General and horizontal aspects	Follow up of recommendations	Follow up of sectoral recommendations and general review
	Fraud	Arrangements in place to fight fraudulent or deceptive practices
	Verification of effectiveness of official controls	Arrangements in place to verify effectiveness of the official controls

CORRIGENDA

Corrigendum to Commission Delegated Regulation (EU) 2021/2026 of 13 September 2021 amending Delegated Regulation (EU) 2020/592 as regards certain temporary derogations from Regulation (EU) No 1308/2013 of the European Parliament and of the Council to address the market disturbance in the wine sector caused by the COVID-19 pandemic and their period of application

(Official Journal of the European Union L 415 of 22 November 2021)

On page 2, in Article 1(2):

for: 'in Article 10, the date "15 October 2021" is replaced by "15 October 2022",

read: 'Article 10 is replaced by the following:

"Article 10

Application of the temporarily increased Union contribution

Articles 5a, 6, 7(2) and 9 shall apply to operations selected by the competent authorities in the Member States as of the date of entry into force of this Regulation and not later than 15 October 2022." '.

Corrigendum to Commission Delegated Regulation (EU) 2021/1702 of 12 July 2021 supplementing Regulation (EU) 2021/523 of the European Parliament and of the Council by setting out additional elements and detailed rules for the InvestEU Scoreboard

(Official Journal of the European Union L 339 of 24 September 2021)

On page 24, in 'Table 3 – Intermediated financing', Indicator '2. Employment', range 'Very good (= 3)':

for: '— for guarantees: between 100 and 175,,'

read: '— for guarantees: between 101 and 300,,'

for: '— for equity: between 10 and 15,,'

read: '— for equity: between 11 and 15,,'

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