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⁽¹⁾ Text with EEA relevance.

EN

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

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

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/436**of 10 March 2022****entering a name in the register of protected designations of origin and protected geographical indications ('Poivre de Penja' (PGI))**

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Poivre de Penja' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.8. Other products listed in Annex I to the Treaty (spices etc.), as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.⁽²⁾ OJ C 472, 23.11.2021, p. 17.⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

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

Done at Brussels, 10 March 2022.

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

COMMISSION IMPLEMENTING REGULATION (EU) 2022/437**of 16 March 2022****renewing the approval of the active substance carbon dioxide in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 20(1) thereof,

Whereas:

- (1) Commission Directive 2008/127/EC ⁽²⁾ included carbon dioxide as an active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) The approval of the active substance carbon dioxide, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, expires on 31 August 2022.
- (4) An application for the renewal of the approval of the active substance carbon dioxide was submitted, in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012 ⁽⁵⁾, within the time period provided for in that Article.
- (5) The applicant submitted the supplementary dossiers required in accordance with Article 6 of Implementing Regulation (EU) No 844/2012. The application was found to be complete by the rapporteur Member State.
- (6) The rapporteur Member State prepared a draft renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority ('the Authority') and the Commission on 17 December 2019.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Directive 2008/127/EC of 18 December 2008 amending Council Directive 91/414/EEC to include several active substances (OJ L 344, 20.12.2008, p. 89).

⁽³⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

- (7) The Authority communicated the draft renewal assessment report to the applicant and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the supplementary summary dossier available to the public.
- (8) On 4 May 2021, the Authority communicated to the Commission its conclusion ⁽⁶⁾ on whether carbon dioxide can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission presented a renewal report to the Standing Committee on Plants, Animals, Food and Feed on 6 July 2021 and a draft of this Regulation on 1 December 2021.
- (9) The Commission invited the applicant to submit its comments on the conclusion of the Authority and, in accordance with the third paragraph of Article 14(1) of Implementing Regulation (EU) No 844/2012, on the renewal report. The applicant submitted its comments, which have been carefully examined.
- (10) It has been established with respect to one or more representative uses of at least one plant protection product containing the active substance carbon dioxide that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied.
- (11) In accordance with Article 14(1) of Regulation (EC) No 1107/2009, read in conjunction with Article 6 thereof, and in the light of current scientific and technical knowledge, it is, however, necessary to provide for certain conditions and restrictions.
- (12) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (13) Commission Implementing Regulation (EU) 2021/745 ⁽⁷⁾ extended the approval period of carbon dioxide to 31 August 2022 in order to allow the renewal process to be completed before the expiry of the approval period of that active substance. However, given that the decision on its renewal is being taken ahead of that extended expiry date, this Regulation should start to apply earlier than that date.
- (14) 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

Renewal of the approval of the active substance

The approval of the active substance carbon dioxide is renewed, subject to the conditions set out in Annex I to this Regulation.

⁽⁶⁾ EFSA (European Food Safety Authority) Journal 2021;19(5): 6605, 44 pp. doi:10.2903/j.efsa.2021.6605. Available online: www.efsa.europa.eu.

⁽⁷⁾ Commission Implementing Regulation (EU) 2021/745 of 6 May 2021 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances aluminium ammonium sulphate, aluminium silicate, beflubutamid, benthiavalicarb, bifenazate, boscalid, calcium carbonate, captan, carbon dioxide, cymoxanil, dimethomorph, ethephon, extract from tea tree, famoxadone, fat distillation residues, fatty acids C7 to C20, flumioxazine, fluoxastrobin, flurochloridone, folpet, formetanate, gibberellic acid, gibberellins, heptamaloxylloglucan, hydrolysed proteins, iron sulphate, metazachlor, metribuzin, milbemectin, Paecilomyces lilacinus strain 251, phenmedipham, phosmet, pirimiphos-methyl, plant oils/rape seed oil, potassium hydrogen carbonate, propamocarb, prothioconazole, quartz sand, fish oil, repellents by smell of animal or plant origin/sheep fat, S-metolachlor, Straight Chain Lepidopteran Pheromones, tebuconazole and urea (OJ L 160, 7.5.2021, p. 89).

*Article 2***Amendments to Implementing Regulation (EU) No 540/2011**

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with Annex II to this Regulation.

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

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

It shall apply from 1 May 2022.

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

Done at Brussels, 16 March 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
Carbon dioxide CAS No: 124-38-9 CIPAC No: 844	Carbon dioxide	999 g/kg The following impurities are of toxicological concern and shall not exceed the following levels in the technical material: phosphane max. 0,3 ppm v/v benzene max. 0,02 ppm v/v carbon monoxide max. 10 ppm v/v methanol max. 10 ppm v/v hydrogen cyanide max. 0,5 ppm v/v	1 May 2022	30 April 2037	For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the renewal report on carbon dioxide, and in particular Appendices I and II thereof, shall be taken into account. In this overall assessment Member States shall pay particular attention to: — adequate ventilation (e.g. with a 'certificate of gas clearance') before humans can re-enter treated and/or surrounding areas (i.e. chambers, buildings and silos). — the need of buffer zones for residents (subjected to revision considering the wind-speeds in the different Member States). Conditions of use shall include risk mitigation measures, where appropriate.

⁽¹⁾ Further details on the identity and the specification of the active substance are provided in the renewal report.

The Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

- (1) in Part A, entry 225 on carbon dioxide is deleted;
- (2) in Part B, the following entry is added:

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
'150	Carbon dioxide CAS No: 124-38-9 CIPAC No: 844	Carbon dioxide	999 g/kg The following impurities are of toxicological concern and shall not exceed the following levels in the technical material: phosphane max. 0,3 ppm v/v benzene max. 0,02 ppm v/v carbon monoxide max. 10 ppm v/v methanol max. 10 ppm v/v hydrogen cyanide max. 0,5 ppm v/vv	1 May 2022	30 April 2037	For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the renewal report on carbon dioxide, and in particular Appendices I and II thereof, shall be taken into account. In this overall assessment Member States shall pay particular attention to: — adequate ventilation (e.g. with a “certificate of gas clearance”) before humans can re-enter treated and/or surrounding areas (i.e. chambers, buildings and silos). — the need of buffer zones for residents (subjected to revision considering the wind-speeds in the different Member States). Conditions of use shall include risk mitigation measures, where appropriate.'

⁽¹⁾ Further details on the identity and the specification of the active substance are provided in the renewal report.

DECISIONS

COUNCIL DECISION (EU) 2022/438

of 14 March 2022

on the position to be adopted on behalf of the European Union within the Administrative Council of the International Centre for Settlement of Investment Disputes (ICSID)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Administrative Council of the International Centre for Settlement of Investment Disputes (ICSID) will vote by written procedure on a package of proposed amendments to the ICSID rules. The written procedure was initiated on 20 January 2022 and is scheduled to be concluded on 21 March 2022.
- (2) The Union is not a member of ICSID. However, the Union has incorporated by reference the ICSID rules into its trade and investment agreements that provide for investment protection and investment dispute settlement.
- (3) In Opinion 2/15 of the Court of Justice of 16 May 2017 ⁽¹⁾, the Court clarified that foreign direct investment falls within the exclusive competences of the Union and that investment dispute settlement mechanisms cannot be established without the Member States' consent.
- (4) Through the reform of the ICSID rules, the ICSID Additional Facility Rules will potentially become applicable to disputes initiated against regional economic integration organisations such as the Union. The Union also uses the ICSID rules in its investment treaties, and those rules can be used by Union investors in cases brought against third countries, by non-Union investors against Member States of the Union or by non-Union investors against the Union itself when the relevant requirements of the ICSID Convention are met. Thus, the amendments to the ICSID rules will have legal effects on the functioning and application of international agreements concluded by the Union and on the conduct of legal proceedings to which the Union may be a party. The Union therefore has a particular interest in the reform of the ICSID rules.
- (5) 26 Member States of the Union are members of ICSID. Those Member States are able to participate in the Administrative Council and vote on the amended rules in the context of the written procedure.
- (6) Therefore, the Council should adopt the Union's position with regard to the envisaged amendments of the ICSID rules so as to allow the Member States which are Contracting Parties to the ICSID Convention, acting jointly in the interest of the Union, to express the Union's position within the Administrative Council of ICSID.
- (7) In the context of ICSID Convention proceedings, the amendments update and develop the ICSID Administrative and Financial Regulations, the ICSID Institution Rules, the ICSID Arbitration Rules and the ICSID Conciliation Rules. The amendments will, inter alia, lead to enhanced transparency of the proceedings, clarify provisions on early dismissal of unfounded claims and security for costs, and implement disclosure obligations for third-party funding.

⁽¹⁾ Opinion 2/15 of the Court of Justice of 16 May 2017, ECLI:EU:C:2017:376.

- (8) In the context of ICSID Additional Facility proceedings, the proposed amendments update and develop the ICSID Additional Facility Administrative and Financial Regulations, the ICSID Additional Facility Arbitration Rules and the ICSID Additional Facility Conciliation Rules. Most of the amendments to the ICSID Convention proceedings will also be mirrored in the ICSID Additional Facility Rules. In addition, the scope of the Additional Facility proceedings will be extended to include, *inter alia*, disputes involving regional economic integration organisations.
- (9) In the context of ICSID fact-finding proceedings, the proposed amendments update and develop stand-alone ICSID Fact-Finding Rules and ICSID Fact-Finding Administrative and Financial Regulations.
- (10) In the context of ICSID mediation, the reform proposal establishes a new set of ICSID Mediation Rules and ICSID Mediation Administrative and Financial Regulations.
- (11) The amendments address current concerns expressed with regard to the existing investor-State dispute-settlement system and substantially improve the ICSID rules.
- (12) The position to be adopted on behalf of the Union pursuant to this Decision is without prejudice to the main objective of the Union and its Member States in this area, namely to pursue the creation of a permanent multilateral investment court that would replace the current system of investment arbitration with a permanent mechanism,

HAS ADOPTED THIS DECISION:

Article 1

Acting jointly in the interest of the Union, the Member States that are Contracting Parties to the ICSID Convention shall express their acceptance of the proposed amendments to the ICSID rules during the written voting procedure initiated by the Chairman of the Administrative Council of ICSID on 20 January 2022 and scheduled to be concluded on 21 March 2022 by approving the four draft Resolutions to:

- amend the Regulations and Rules for ICSID Convention proceedings (AC(C)/RES/1/2022),
- amend the Regulations and Rules for ICSID Additional Facility proceedings (AC(C)/RES/2/2022),
- adopt Regulations and Rules for ICSID mediation proceedings (AC(C)/RES/3/2022), and
- adopt Regulations and Rules for ICSID fact-finding proceedings (AC(C)/RES/4/2022).

Article 2

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

Done at Brussels, 14 March 2022.

For the Council
The President
É. BORNE

CORRIGENDA**Corrigendum to Commission Implementing Regulation (EU) 2022/195 of 11 February 2022 amending and correcting Implementing Regulation (EU) 2020/683 as regards the information document, the vehicle approval certificates, the test result sheet and the certificates of conformity in paper format**

(Official Journal of the European Union L 31 of 14 February 2022)

On page 36, point ‘(9) Part 2 (vehicle category N3) is corrected as follow:’, in point ‘(1) Point 7 is replaced by the following:’:

for: “7. Height: ... mm”,

read: “7. Height: ... mm ⁽¹⁷⁹⁾”.

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