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Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

- ★ **Council Decision (EU) 2022/1089 of 27 June 2022 on the extension of the Agreement on the promotion, provision and use of Galileo and GPS satellite-based navigation systems and related applications between the European Community and its Member States, of the one part, and the United States of America, of the other part** 1
- ★ **Council Decision (EU) 2022/1090 of 27 June 2022 on the signing, on behalf of the Union, of the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism** 3

REGULATIONS

- ★ **Council Regulation (EU) 2022/1091 of 30 June 2022 amending Regulation (EU) 2022/109 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters** 5
- ★ **Commission Implementing Regulation (EU) 2022/1092 of 30 June 2022 laying down technical specifications of data requirements for the topic 'Innovation' pursuant to Regulation (EU) 2019/2152 of the European Parliament and of the Council ⁽¹⁾** 10

DECISIONS

- ★ **Council Decision (CFSP) 2022/1093 of 30 June 2022 on an assistance measure under the European Peace Facility to support the Armed Forces of the Republic of Moldova** 22

⁽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.

★ Commission Implementing Decision (EU) 2022/1094 of 29 June 2022 authorising the placing on the market of products containing, consisting of or produced from genetically modified maize DP4114 × MON 810 × MIR604 × NK603 and genetically modified maize combining two or three of the single events DP4114, MON 810, MIR604 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (notified under document C(2022) 4333) ⁽¹⁾	26
★ Commission Implementing Decision (EU) 2022/1095 of 29 June 2022 amending Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to authorise certain national derogations (notified under document C(2022) 4302) ⁽¹⁾	33
★ Commission Implementing Decision (EU) 2022/1096 of 30 June 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Korea to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council ⁽¹⁾	64
★ Commission Implementing Decision (EU) 2022/1097 of 30 June 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Madagascar to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council ⁽¹⁾	67
★ Commission Implementing Decision (EU) 2022/1098 of 30 June 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by Kosovo to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council ⁽¹⁾	70
★ Commission Implementing Decision (EU) 2022/1099 of 30 June 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Kingdom of Bahrain to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council ⁽¹⁾	73
★ Commission Implementing Decision (EU) 2022/1100 of 30 June 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Ecuador to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council ⁽¹⁾	76

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

★ Recommendation No 1/2022 of the EU-Egypt Association Council of 19 June 2022 on the EU-Egypt Partnership Priorities 2021–2027 [2022/1101]	79
★ Decision No 1/2022 of the ACP-EU Committee of Ambassadors of 21 June 2022 to amend Decision No 3/2019 of the ACP-EU Committee of Ambassadors to adopt transitional measures pursuant to Article 95(4) of the ACP-EU Partnership Agreement [2022/1102]	88

⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2022/1089

of 27 June 2022

on the extension of the Agreement on the promotion, provision and use of Galileo and GPS satellite-based navigation systems and related applications between the European Community and its Member States, of the one part, and the United States of America, of the other part

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 189, in conjunction with Article 218(6), second subparagraph, point (a)(v), thereof,

Having regard to the proposal from the European Commission,

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

Whereas:

- (1) The Council, by Decision 2011/901/EU ⁽²⁾, approved the conclusion of the Agreement on the promotion, provision and use of Galileo and GPS satellite based navigation systems and related applications between the European Community and its Member States, of the one part, and the United States of America, of the other part ⁽³⁾ ('the Agreement'). The Agreement was signed at Dromoland Castle, Ireland, on 26 June 2004, and entered into force on 12 December 2011.
- (2) In accordance with Article 20(5) of the Agreement, the Agreement is to remain in force for 10 years; and, at least three months before the end of the initial 10-year period, the Parties are to inform each other of their intention as regards extending the Agreement for a period of 5 years. The Agreement expired on 11 December 2021.
- (3) Both Parties have confirmed their intention to extend the Agreement for an additional period of 5 years without any amendment to the Agreement. For the purpose of ensuring continuity of the Agreement, this Decision should enter into force as a matter of urgency and should apply from 12 December 2021.
- (4) Since the Union has the competence to extend the Agreement on its own, the United States of America should be notified that, as of the date of the extension, the Union will ensure the respect of all obligations under the Agreement vis-à-vis the United States of America.
- (5) The extension of the Agreement should therefore be approved on behalf of the Union,

⁽¹⁾ Consent of 7 June 2022 (not yet published in the Official Journal).

⁽²⁾ Council Decision 2011/901/EU of 12 December 2011 on the conclusion of the Agreement on the promotion, provision and use of Galileo and GPS satellite-based navigation systems and related applications between the European Community and its Member States, of the one part, and the United States of America, of the other part (OJ L 348, 31.12.2011, p. 1).

⁽³⁾ Agreement on the promotion, provision and use of Galileo and GPS satellite-based navigation systems and related applications between the European Community and its Member States, of the one part, and the United States of America, of the other part (OJ L 348, 31.12.2011, p. 3).

HAS ADOPTED THIS DECISION:

Article 1

The extension of the Agreement on the promotion, provision and use of Galileo and GPS satellite-based navigation systems and related applications between the European Community and its Member States, of the one part, and the United States of America, of the other part for an additional period of 5 years is hereby approved on behalf of the Union.

Article 2

The President of the Council shall, on behalf of the Union, give the notification to the Government of the United States of America that the Union has completed its internal procedures necessary for the extension of the Agreement in accordance with Article 20(5) of the Agreement.

Article 3

The President of the Council shall, on behalf of the Union, make the following notification:

‘As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to “the European Community” in the text of the Agreement are, where appropriate, to be read as to “the European Union”.

As of the date of extension, the European Union shall ensure the respect of all obligations under the Agreement vis-à-vis the United States of America.’

Article 4

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

It shall apply from 12 December 2021.

Done at Luxembourg, 27 June 2022.

For the Council
The President
A. PANNIER-RUNACHER

COUNCIL DECISION (EU) 2022/1090**of 27 June 2022**

on the signing, on behalf of the Union, of the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), Article 88 and Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Regulation (EU) 2016/794 of the European Parliament and of the Council ⁽¹⁾ provides that it is possible for the European Union Agency for Law Enforcement Cooperation (Europol) to transfer personal data to an authority of a third country, inter alia, on the basis of an international agreement concluded between the Union and that third country pursuant to Article 218 of the Treaty on the Functioning of the European Union (TFEU), adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals.
- (2) On 13 May 2020, the Council authorised the Commission to open negotiations with New Zealand for an agreement on the exchange of personal data between Europol and the authorities of New Zealand competent for fighting serious crime and terrorism.
- (3) The negotiations on the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism (the 'Agreement') were successfully concluded and followed by the exchange of the initialled text of the Agreement, received on 3 December 2021.
- (4) The Agreement ensures full respect of the fundamental rights of the Union, in particular the right to respect for private and family life, the right to the protection of personal data and the right to an effective remedy and to a fair trial recognised in Articles 7, 8 and 47 of the Charter of Fundamental Rights of the European Union ⁽²⁾, respectively.
- (5) The Agreement does not affect, and is without prejudice to, the transfer of personal data or other forms of cooperation between the authorities responsible for safeguarding national security.
- (6) Ireland is bound by Regulation (EU) 2016/794 and is therefore taking part in the adoption of this Decision.
- (7) 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 Decision and is not bound by it or subject to its application.
- (8) The European Data Protection Supervisor delivered its Opinion 11/2022 on 10 June 2022.
- (9) The Agreement should be signed on behalf of the Union, subject to its conclusion at a later date,

⁽¹⁾ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

⁽²⁾ OJ C 326, 26.10.2012, p. 391.

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism (the 'Agreement') is hereby authorised, subject to the conclusion of the said Agreement ⁽³⁾.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 3

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

Done at Luxembourg, 27 June 2022.

For the Council
The President
A. PANNIER-RUNACHER

⁽³⁾ The text of the Agreement will be published together with the decision on its conclusion.

REGULATIONS

COUNCIL REGULATION (EU) 2022/1091

of 30 June 2022

amending Regulation (EU) 2022/109 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Regulation (EU) 2022/109 ⁽¹⁾ fixes for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters.
- (2) Regulation (EU) 2022/109 set a provisional total allowable catch (TAC) for northern prawn (*Pandalus borealis*) in ICES division 3a (Kattegat/Skagerrak), pending the publication of the relevant scientific advice provided by the International Council for the Exploration of the Sea (ICES), which it published on 9 May 2022. In accordance with the Agreed Record of fisheries consultations between the Union and Norway for the Skagerrak for 2022, the Union held bilateral consultations with Norway on the level of the definitive fishing opportunities for northern prawn in ICES divisions 3a and 4a East for 2022. The Union and Norway agreed on a TAC of 7 712 tonnes in ICES divisions 3a and 4a East, of which 5 398 tonnes are to be allocated to ICES division 3a.
- (3) Regulation (EU) 2022/109 set provisional zero TACs for sprat (*Sprattus sprattus*) in ICES divisions 3a (Kattegat/Skagerrak), 2a (Norwegian Sea) and in ICES subarea 4 (North Sea) for the period from 1 July 2022 to 30 June 2023, pending the publication of the relevant scientific advice provided by the ICES, which it published on 9 May 2022. In accordance with the Agreed Record of fisheries consultations between the Union, Norway and the United Kingdom for 2022, the Union held trilateral consultations with Norway and the United Kingdom on the level of the definitive fishing opportunities for sprat in ICES divisions 3a, 2a and subarea 4 for the period from 1 July 2022 to 30 June 2023. The Union, Norway and the United Kingdom agreed on a TAC of 12 570 tonnes for ICES division 3a, and of 56 120 tonnes for ICES division 2a and subarea 4.
- (4) Regulation (EU) 2022/109 set a TAC of 550 tonnes for sprat in ICES divisions 7d and 7e (English Channel) from 1 January 2022 to 30 June 2022. For the period 1 July 2022 to 30 June 2023, ICES published its scientific advice on 9 May 2022. In accordance with the Written Record of fisheries consultations between the United Kingdom and the European Union for 2022, the Union held bilateral consultations with the United Kingdom on the level of the fishing opportunities for sprat in ICES divisions 7d and 7e from 1 July 2022 to 30 June 2023. The Union and the United Kingdom agreed on a TAC of 9 200 tonnes for ICES divisions 7d and 7e.
- (5) Regulation (EU) 2022/109 set at zero the TAC for anchovy (*Engraulis encrasicolus*) in ICES subareas 9 and 10 and Union waters of Committee for Eastern Central Atlantic Fisheries (CECAF) division 34.1.1 for the period from 1 July 2022 to 30 June 2023, pending the scientific advice for that period. ICES will issue its advice for that stock in June 2022. In order to ensure that fishing activity may continue until the definitive TAC is set on the basis of the latest scientific advice, a provisional TAC of 10 061 tonnes, based on the catches in the third quarter of 2021, should be established for July, August and September 2022.

⁽¹⁾ Council Regulation (EU) 2022/109 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (OJ L 21, 31.1.2022, p. 1).

- (6) A meeting of the International Commission for the Conservation of Atlantic Tunas Working Group on Mediterranean Albacore took place on 9-10 February 2022. At that meeting, it was agreed that those Contracting Parties and Cooperating Non-Contracting Parties who had agreed to the allocation scheme adopted at the meeting would submit monthly catch reports for fisheries targeting Mediterranean albacore (*Thunnus alalunga*) and quarterly catch reports for by-catches of this species. It is therefore necessary to specify dedicated codes to be used by Member States when reporting those catches.
- (7) Regulation (EU) 2022/109 implemented in Union law the revised catch limits for yellowfin tuna (*Thunnus albacares*) in the Indian Ocean Tuna Commission (IOTC) Area of Competence. The revised catch limits under IOTC resolution 2021/01 are no longer limited to purse seiners and now include all gears involved in the yellowfin tuna fishery. Since, by the end of 2021, an agreement among the Member States concerned had not been found on the most appropriate way to share the revised catch limits for these fishing opportunities, Regulation (EU) 2022/109 attributed, for the first half of 2022 as a provisional solution, an initial portion (50 %) of the Union share for yellowfin tuna in the IOTC area for 2022 to Member States. Given the need to allocate the Union fishing opportunities for yellowfin tuna in the IOTC Area of Competence to the Member States so that they can be fished by the Union fishing fleet in 2022, it is necessary for the Council to decide on the final allocation of these fishing opportunities that otherwise could not be fished. Since a small amount of yellowfin tuna is caught as by-catch by the longline fleet of Portugal, it was agreed that it is appropriate to allocate 100 tonnes to Portugal for those by-catches. Taking into account that catches by other gears than purse seiners represent a very limited part of the overall catches, it is appropriate to allocate these fishing opportunities, with the exception of those 100 tonnes, in accordance with the allocation key that previously existed for the TAC for purse seiners.
- (8) Regulation (EU) 2022/109 should therefore be amended accordingly.
- (9) The catch limits provided for in Regulation (EU) 2022/109 apply from 1 January 2022. The provisions introduced by this Regulation concerning catch limits should therefore also apply from that date. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations, as the fishing opportunities concerned are increased or have not yet been exhausted. Given the urgency of avoiding interruptions of fishing activities, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Regulation (EU) 2022/109

Regulation (EU) 2022/109 is amended in accordance with the Annex to this Regulation.

Article 2

Entry into force and date of application

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

It shall apply from 1 January 2022.

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

Done at Brussels, 30 June 2022.

For the Council
The President
J.-Y. LE DRIAN

ANNEX

The Annexes to Regulation (EU) 2022/109 are amended as follows:

(1) in Annex IA:

(a) in Part A, concerning autonomous Union stocks, the first table is replaced by the following:

‘Species: Anchovy <i>Engraulis encrasicolus</i>			Zone: 9 and 10; Union waters of CECAF 34.1.1 (ANE/9/3411)
Spain	4 812	(1)	Precautionary TAC
Portugal	5 249	(1)	
Union	10 061	(1)	
TAC	10 061	(1)	

(1) The quota may be fished only from 1 July 2022 to 30 September 2022.’

(b) in Part B, concerning shared stocks, the tables for the stocks listed below are replaced by the following:

(i) the table for fishing opportunities for northern prawn in ICES division 3a is replaced by the following:

‘Species: Northern prawn <i>Pandalus borealis</i>			Zone: 3a (PRA/03A.)
Denmark	1 874		Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply’
Sweden	1 009		
Union	2 883		
TAC	5 398		

(ii) the table for fishing opportunities for sprat and associated by-catches in ICES division 3a is replaced by the following:

‘Species: Sprat and associated by-catches <i>Sprattus</i>			Zone: 3a (SPR/03A.)
Denmark	8 422	(1)(2)(3)	Analytical TAC
Germany	18	(1)(2)(3)	
Sweden	3 187	(1)(2)(3)	
Union	11 627	(1)(2)(3)	
TAC	12 570	(2)	

(1) Up to 5 % of the quota may consist of by-catches of whiting and haddock (OTH/*03A.). By-catches of whiting and haddock counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together not exceed 9 % of the quota.

(2) This quota may be fished only from 1 July 2022 to 30 June 2023.

(3) Transfers of this quota may be effected to United Kingdom and Union waters of 2a and 4. However, such transfers shall be notified in advance to the Commission and to the United Kingdom.’

- (iii) the table for fishing opportunities for sprat and associated by-catches in United Kingdom and Union waters of subarea 4 and United Kingdom waters of ICES division 2a is replaced by the following:

'Species:	Sprat and associated by-catches <i>Sprattus</i>	Zone:	United Kingdom and Union waters of 4; United Kingdom waters of 2a (SPR/2AC4-C)
Belgium	633 (1)(2)	Analytical TAC	
Denmark	50 114 (1)(2)		
Germany	633 (1)(2)		
France	633 (1)(2)		
Netherlands	633 (1)(2)		
Sweden	1 330 (1)(2)(3)		
Union	53 976 (1)(2)		
Norway	0 (1)		
Faroe Islands	0 (1)(4)		
United Kingdom	2 144 (1)		
TAC	56 120 (1)		
(1)	The quota may be fished only from 1 July 2022 to 30 June 2023.		
(2)	Up to 2 % of the quota may consist of by-catches of whiting (OTH/*2AC4C). By-catches of whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/ 2013 shall together not exceed 9 % of the quota.		
(3)	Including sandeels.		
(4)	May contain up to 4% of by-catch of herring.'		

- (iv) the following fishing opportunities table for sprat in 7d and 7e for the period from 1 July 2022 to 30 June 2023 is added:

'Species: Sprat <i>Sprattus</i>		Zone: 7d and 7e (SPR/7DE.2)
Belgium	25 ⁽¹⁾	Analytical TAC
Denmark	1 601 ⁽¹⁾	
Germany	25 ⁽¹⁾	
France	345 ⁽¹⁾	
Netherlands	345 ⁽¹⁾	
Union	2 341 ⁽¹⁾	
United Kingdom	6 859 ⁽¹⁾	
TAC	9 200 ⁽¹⁾	
⁽¹⁾ The quota may be fished only from 1 July 2022 to 30 June 2023.'		

(2) in Annex ID, for the table of Mediterranean albacore (ALB/MED), in the row for the final TAC, a third footnote is added as follows:

‘(3) Special condition: by-catches of Mediterranean albacore are to be counted against this quota, but shall be reported separately (ALB/MED-BC).’;

(3) Annex IJ is replaced by the following:

‘ANNEX IJ

IOTC AREA OF COMPETENCE

Catches of yellowfin tuna (*Thunnus albacares*) by Union fishing vessels shall not exceed the catch limits set out in this Annex.

Species:	Yellowfin tuna <i>Thunnus albacares</i>	Zone:	IOTC Area of Competence (YFT/IOTC)
France	27 736	Analytical TAC	
Italy	2 367	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	42 943	Article 4 of Regulation (EC) No 847/96 shall not apply	
Portugal	100 ⁽¹⁾		
Union	73 146		
TAC	Not relevant		

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.’

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1092**of 30 June 2022****laying down technical specifications of data requirements for the topic ‘Innovation’ pursuant to Regulation (EU) 2019/2152 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/2152 of the European Parliament and of the Council of 27 November 2019 on European business statistics, repealing 10 legal acts in the field of business statistics ⁽¹⁾, and in particular Article 7(1) thereof,

Whereas:

- (1) In order to produce and transmit to the Commission every even calendar year, pursuant to Annex II to Regulation (EU) 2019/2152, data on the topic ‘Innovation’, listed in Annex I to that Regulation, that is comparable between Member States, as well as to ensure the correct implementation of the topic ‘Innovation’ based on harmonised concepts, the Commission may specify variables, the measurement unit, the statistical population, classifications and breakdowns, the use of approximations and quality requirements, the data transmission deadline, and the first reference period.
- (2) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

For the topic ‘Innovation’, as referred to in Annex I to Regulation (EU) 2019/2152, Member States shall transmit to the Commission (Eurostat) data for the reference period in accordance with Annexes I to III to this Regulation.

Article 2

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

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

Done at Brussels, 30 June 2022.

For the Commission
The President
Ursula VON DER LEYEN

⁽¹⁾ OJ L 327, 17.12.2019, p. 1.

Data to be transmitted

Variables	As specified in Annex II
Measurement unit	As specified in Annex II
Statistical population	All enterprises with economic activity in NACE Sections B, C, D, E, H, J, K, and Divisions 46, 71, 72 or 73 with 10 or more employees and self-employed persons in the reference period ⁽¹⁾ .
Breakdowns	Data sets as specified in Annex II (variable breakdowns) and Annex III (enterprise breakdowns)
Use of approximations and Quality requirements	<i>Statistical unit 'enterprise'</i> Where the reporting unit is part of an enterprise, Member States may use appropriate statistical methodology to produce, and transmit data to Eurostat, for the statistical unit 'enterprise'. The methodology shall be described in the metadata and quality reporting. <i>Coherence with national Business Register</i> Member States shall assess the coherence between data collected and information that is available in national Business Register as referred to in Article 8(2) of Regulation (EU) 2019/2152 for, at least, the variables 'Number of enterprises', 'Employees and self-employed persons in the enterprise', 'Total turnover of the enterprise', and 'Age of the enterprise'. Member States shall report the results of the assessment in the metadata and quality reporting.
Data transmission deadline	Final and validated data: T + 18 months after the reference year
First reference year	2022

⁽¹⁾ According to Annex II to Regulation (EU) 2019/2152 (Topic 'Innovation') the 'reference period is the three-year period before the end of every even calendar year', i.e. the time period consisting of the two years preceding the reference year and the reference year.

Data sets

Variable name	Variable breakdown categories	Enterprise scope/ Enterprise breakdown(s) ⁽¹⁾ Measurement unit
Introduction of product innovation during the reference period ⁽²⁾	Introduction of new or improved (1) goods (2) services	All enterprises/ DA/ Incidence (number of enterprises)
Introduction, during the reference period, of product innovation that was new to the market	Introduction of new or improved goods or services that were: (1) not previously offered by competitors (2) identical or very similar to products already offered by competitors	Enterprises with product innovation/ DA/ Incidence (number of enterprises)
Turnover from innovative products in the reference year	Turnover from products (1) introduced during the reference period that were not previously offered by competitors (2) introduced during the reference period that were identical or very similar to products already offered by competitors (3) that were unchanged or only marginally modified during the reference period	Enterprises with product innovation/ DA; ICC/ Incidence (number of enterprises), Thousand Euros
Developer of product innovations introduced during the reference period	Product innovations developed by: (1) the enterprise by itself (2) the enterprise together with other enterprises or organisations (3) the enterprise by adapting or modifying products originally developed by other enterprises or organisations (4) other enterprises or organisations	Enterprises with product innovation/ DA/ Incidence (number of enterprises)
Introduction of business process innovation during the reference period	Introduction of new or improved processes: (1) methods for producing or developing goods or providing services (2) logistics, delivery or distribution methods (3) methods for information processing or communication (4) methods for accounting or other administrative operations (5) business practices for organising procedures or external relations (6) methods of organising work responsibility, decision making or human resource management (7) marketing methods for promotion, packaging, pricing, product placement or after sales services	All enterprises/ DA/ Incidence (number of enterprises)

⁽¹⁾ For the meaning of the abbreviations see Annex III.

⁽²⁾ According to Annex II to Regulation (EU) 2019/2152 (Topic 'Innovation') the 'reference period is the three-year period before the end of every even calendar year', i.e. the time period consisting of the two years preceding the reference year and the reference year.

Developer of business process innovations introduced during the reference period	Business process innovations developed by: (1) the enterprise by itself (2) the enterprise together with other enterprises or organisations (3) the enterprise by adapting or modifying business processes originally developed by other enterprises or organisations (4) other enterprises or organisations	Enterprises with business process innovation/ DA/ Incidence (number of enterprises)
Business model innovation during the reference period (optional variable)	Fundamental changes: (1) to the value that products/services create for customers (2) in the way how revenues are obtained (3) in the production and delivery of products (4) in the relationship to customers (5) in the relationship to suppliers or cooperation partners	All enterprises/ DA; ICC (optional)/ Incidence (number of enterprises)
Innovation activities during the reference period	Research and Development (R & D) activities: (1) in-house R & D, of which (2) to (3) (2) continuous (3) occasional (4) contracting out R & D Innovation activities that did not lead to the introduction of an innovation during the reference period: (5) ongoing by the end of the reference year (6) abandoned or suspended (7) completed but not leading to the introduction of an innovation	All enterprises/ DA/ Incidence (number of enterprises)
Expenditure on innovation activities in the reference year	Innovation expenditure: (1 to 3 mandatory, 4 to 7 optional) (1) R & D performed in-house (2) R & D contracted out (3) all other innovation expenditure, of which (4) to (7) (4) own personnel working on innovation (5) services, materials, supplies purchased from others for innovation (6) capital goods for innovation (7) other expenditures for innovation	Enterprises with innovation activities/ DA/ Thousand Euros
Reasons for not having more innovation activities during the reference period	(1) Lack of resources, e.g. lack of finance, qualified personnel, material (2) Other reasons than a lack of resources, e.g. strategic reasons; not the right time to innovate; other priorities; risks too high; low expected returns (3) No need for more innovation activities	Enterprises with innovation activities/ DA; ICC/ Incidence (number of enterprises)
Reasons for having no innovation activities at all during the reference period	(1) Lack of resources, e.g. lack of finance, qualified personnel, material (2) Other reasons than a lack of resources, e.g. strategic reasons; not the right time to innovate; other priorities; risks too high; low expected returns (3) No need for any innovation activities	Enterprises with no innovation activity/ DA; ICC/ Incidence (number of enterprises)

Intellectual Property Rights (optional variable)	(1) Application for a patent (2) Registration of an industrial design right (3) Registration of a trademark (4) Claim of a copyright (5) Use of trade secrets (6) Licence out own intellectual property rights (IPRs) (7) Sell (or assign) own IPRs to others (8) Exchange IPRs (pooling, cross-licencing, etc.)	All enterprises/ DA; ICC (optional)/ Incidence (number of enterprises)
Conditions faced by the enterprise during the reference period (optional variable)	Competitive environment characterised by: (1) goods or services become outdated quickly (2) future technological developments are difficult to predict (3) competitor goods or services are easily substituted for those of the enterprise (4) entry of new competitors leads to a major threat of the enterprises' market position (5) competitor's actions are difficult to predict (6) changes in demand are difficult to predict (7) strong competition from abroad (8) price increases lead to loss of clients	All enterprises/ DA; ICC (optional)/ Incidence (number of enterprises) by Likert scale: — Applies fully — Applies somewhat — Applies very little — Applies not at all
Importance of strategies, during the reference period, to the economic performance of the enterprise (optional variable)	Focus on: (1) improving existing goods or services (2) introducing new goods or services (3) low-price (price leadership) (4) high-quality (quality leadership) (5) broad range of goods or services (6) one or a small number of key goods or services (7) satisfying established customers (8) approaching new customers (9) standardised goods or services (10) customer-specific solutions	All enterprises/ DA; ICC (optional)/ Incidence (number of enterprises) by Likert scale: — High — Medium — Low — Not important
Customisation and co-creation during the reference period (optional variable)	Offer of goods or services: (1) co-created with users (co-creation) (2) designed and developed specifically to meet the needs of particular users (customisation) (3) in the same way for different users (standardised goods or services)	All enterprises/ DA; ICC (optional)/ Incidence (number of enterprises)
Cooperation with other enterprises or organisations during the reference period	Cooperation on: (1) R & D (2) other innovation activities (excluding R & D) (3) any other business activities Cooperation on R & D or other innovation activities with cooperation partners: (4) from the business enterprise sector (5) outside the business enterprise sector	All enterprises/ DA; ICC/ Incidence (number of enterprises)

Detailed type of innovation cooperation partner by location during the reference period (optional variable)	Cooperation partners from the business enterprise sector (includes 1 to 6) (1) consultants, commercial labs, or private research institutes (2) suppliers of equipment, materials, components or software (3) clients or customers (4) competitors (5) others Cooperation partners from the own enterprise group: (6) enterprises within the own enterprise group Cooperation partners outside the business enterprise sector (includes 7 to 10): (7) universities or other higher education institutions (8) government or public research institutes (9) clients or customers from the public sector (10) non-profit organisations For each partner: located in: (11) own country (12) other EU or EFTA countries (13) all other countries	Enterprises with innovation cooperation partners/ DA; ICC (optional)/ Incidence (number of enterprises)
Access to finance during the reference period	Type of funding: (1) Equity finance (2) Debt finance For each type of funding: (3) unsuccessful attempt to obtain (4) obtained (5) obtained and used partly or fully for R & D or other innovation activities	All enterprises/ DA; ICC/ Incidence (number of enterprises)
Public financial support from different levels of government during the reference period	Public financial support by: (1) local or regional authorities (2) national government (3) EU Programme for Research and Innovation (Horizon 2020, Horizon Europe) (4) other financial support from a European Union institution For each type of public financial support: (5) obtained (6) obtained and used partly or fully for R & D or other innovation activities	All enterprises/ DA; ICC/ Incidence (number of enterprises)
Tax incentives or allowances during the reference period (optional variable)	Use of tax credits or allowances for: (1) R & D or other innovation activities (2) all other types of activities	All enterprises/ DA; ICC (optional)/ Incidence (number of enterprises)

Importance of factors related to climate change during the reference period (optional variable)	Factors related to climate change: (1) government policies or measures related to climate change (2) increasing customer demand for products that help mitigate or adapt to climate change (e.g. low-carbon products) (3) increasing costs or input prices resulting from climate change (e.g. higher insurance fees, higher prices for water, adaptation of processes or facilities) (4) impacts of extreme weather conditions (e.g. damages/disturbances)	All enterprises/ DA; ICC (optional)/ Incidence (number of enterprises) by Likert scale: — High — Medium — Low — Not relevant
Innovations with environmental benefits during the reference period	Environmental benefits obtained within the enterprise: (1) reduced material or water use per unit of output (2) reduced energy use or CO₂ 'footprint' (i.e. reduced total CO₂ emission) (3) reduced soil, light, noise, water or air pollution (4) replaced a share of materials with less polluting or hazardous substitutes (5) replaced a share of fossil energy with renewable energy sources (6) recycled waste, water, or materials for own use or sale (7) protection of bio-diversity Environmental benefits obtained during the consumption or use of a good or service by the end user: (8) reduced energy use or 'CO₂ footprint' (9) reduced air, water, soil, light or noise pollution (10) facilitated recycling of product after use (11) extended product life through longer-lasting, more durable, or easier-to-repair products (12) protection of bio-diversity	All enterprises/ DA; ICC (optional)/ Incidence (number of enterprises) by contribution to environmental protection being — significant — insignificant
Importance of driving factors for innovations with environmental benefits during the reference period (optional variable)	Driving factors: (1) existing environmental regulations (2) existing environmental taxes, charges or fees (3) environmental regulations or taxes expected in the future (4) government grants, subsidies or other financial incentives for environmental innovations (5) current or expected market demand for environmental innovations (6) improving the enterprise's reputation (7) voluntary actions or initiatives for environmental good practice within the sector (8) high cost of energy, water or materials (9) need to meet requirements for public procurement contracts	Enterprises with innovations with environmental benefits/ DA; ICC (optional)/ Incidence (number of enterprises) by Likert scale: — High — Medium — Low — Not important
Purchase of innovative machinery, equipment or software during the reference period (optional variable)	Purchase of machinery, equipment or software based on (1) the same or improved technology used in the enterprise before (2) new technology that was not used in the enterprise before	All enterprises/ DA; ICC (optional)/ Incidence (number of enterprises)

Enterprises	Year: (mandatory: 1; optional: 2) (1) in the reference year (2) in the year two years before the reference year	All enterprises/ DA; ICC; SG/ Number of enterprises
Employees and self-employed persons in the enterprise	Year: (mandatory: 1; optional: 2) (1) in the reference year (2) in the year two years before the reference year	All enterprises/ DA; ICC; SG/ Number of employees and self-employed persons
Persons with tertiary degree employed in the enterprise in the reference year (optional variable)	(1) 0 % (2) 1 % to less than 5 % (3) 5 % to less than 10 % (4) 10 % to less than 25 % (5) 25 % to less than 50 % (6) 50 % to less than 75 % (7) 75 % or more	All enterprises/ DA; ICC (optional)/ Incidence (number of enterprises)
Total turnover of the enterprise	Year: (mandatory: 1; optional: 2) (1) in the reference year (2) in the year two years before the reference year	All enterprises/ DA; ICC; SG/ Thousand Euros
Turnover by location of customers in the reference year (optional variable)	Customers located in (1) own country (2) other EU and EFTA countries (3) any other countries	All enterprises/ DA; ICC (optional)/ Incidence (number of enterprises), Thousand Euros
Total expenditure of the enterprise in the reference year (optional variable)	Total expenditure on: (1) acquisition of machinery, equipment, buildings and other tangible assets (2) marketing, brand building, advertising (3) training of own staff (4) product design (5) software development, database work and data analysis (6) registering, filing and monitoring own Intellectual Property Rights (IPRs) and purchasing or licensing IPRs from others	All enterprises/ DA; ICC (optional)/ Thousand Euros
Age of the enterprise in the reference year	Enterprise established (1) in 2020 or later (2) in 2018 or 2019 (3) between 2014 and 2017 (4) 2013 or earlier	All enterprises/ DA; ICC/ Incidence (number of enterprises)

Kind of enterprise group in the reference year (optional variable)	Enterprise is: (1) not part of an enterprise group (2) part of an enterprise group For (2), head office located in: (3) own country, of which (4) and (5) (4) with all enterprises of that group located in the country (5) any other country	All enterprises/ DA; ICC (optional)/ Incidence (number of enterprises), Country name
Activities with one or more enterprises of the enterprise group during the reference period (optional variable)	Inflows from other enterprises in the enterprise group: (1) receiving technical knowledge (2) receiving financial resources (3) receiving personnel (4) in-sourcing of business activities Outflows to other enterprises in the enterprise group: (5) transferring technical knowledge (6) transferring financial resources (7) transferring personnel (8) out-sourcing of business activities	Enterprises that are part of an enterprise group/ DA; ICC (optional)/ Incidence (number of enterprises) by — other enterprise in the country — other enterprise abroad
Funding in the form of intra-group loans during the reference period (optional variable)	Funding by intra-group loans: (1) unsuccessful attempt to obtain (2) obtained (3) obtained and used partly or fully for R & D or other innovation activities	Enterprises that are part of an enterprise group/ DA; ICC (optional)/ Incidence (number of enterprises)

Enterprise breakdowns

Enterprise breakdown	Code	Enterprise breakdown categories
Detailed Activity: Economic activity (high level of detail), size class, innovation status	DA ⁽¹⁾	Combined breakdown by economic activity (detailed), size class of number of employed persons (sum of employees and self-employed persons), and innovation status <i>Activity breakdown:</i> NACE aggregates of Sections and Divisions as well as Sections and Divisions: B+C+D+E+46+H+J+K+71 + 72 + 73, B+C+D+E, B, C, 10 + 11 + 12, 13 + 14 + 15, 16 + 17 + 18, 19 + 20 + 21, 22 + 23, 24 + 25, 26 + 27 + 28, 29 + 30, 31 + 32 + 33, D, E, 36 + 37; 38 + 39, 46+H+J+K+71 + 72 + 73, 46, H, 49 + 50 + 51, 52 + 53, J, 58 + 59 + 60, 61 + 62 + 63, K, 71, 72, 73, 71 + 72 + 73 <i>Size class breakdown by number of employed persons (sum of employees and self-employed persons) (only for B+C+D+E+46+H+J+K+71 + 72 + 73, B+C+D+E, B, C, D, E, 46+H+J+K+71 + 72 + 73, 46, H, J, K, 71 + 72 + 73):</i> Total, 10-49, 50-249, 250 or more employed persons <i>Innovation status:</i> All enterprises in the population (Total), Innovation active enterprises ⁽²⁾, Not innovation active enterprises
Innovation Core Concepts: Economic activity (low level of detail), size class, innovation profile	ICC	Combined breakdown by activity (low level of detail), size class of number of employed persons (sum of employees and self-employed persons), and innovation profile <i>Activity breakdown:</i> NACE aggregates of Sections and Divisions: B+C+D+E+46+H+J+K+71 + 72 + 73, B+C+D+E, 46+H+J+K+71 + 72 + 73 <i>Size class breakdown by number of employed persons (sum of employees and self-employed persons):</i> Total, 10-49, 50-249, 250 or more employed persons <i>Innovation profiles breakdown:</i> All enterprises in the population (Total), Innovation active enterprises (Profile I + Profile II + Profile III + Profile IV + Profile V), Not innovation active enterprises (Profile VI + Profile VII),

⁽¹⁾ Member States can also cover NACE Sections A, F, G, I on a voluntary basis.

⁽²⁾ Enterprises with product innovation, business process innovation, completed (but not leading to an implemented innovation during reference period), ongoing or abandoned innovation activities, in-house R & D or contracted-out R & D.

		Enterprises that have introduced an innovation (Profile I + Profile II + Profile III + Profile IV), Enterprises that have not introduced an innovation (Profile V + Profile VI + Profile VII), Enterprises with innovation capabilities (Profile I + Profile II + Profile III + Profile V), Enterprises without innovation capabilities (Profile IV + Profile VI + Profile VII), Enterprises with R & D activities (Profile IA + Profile IIA + Profile IIIA + Profile IVA + Profile VA), Enterprises without R & D activities (Profile IB + Profile IIB + Profile IIIB + Profile IVB + Profile VB + Profile VI + Profile VII), In-house product innovators with market novelties (Profile I), In-house product innovators without market novelties (Profile II), In-house business process innovators without product innovation (Profile III) (optional), Innovators that do not develop innovations themselves (Profile IV) (optional), Non-innovators with innovation activity (Profile V) (optional), Non-innovators without innovation activity but with potential to innovate (Profile VI), Non-innovators without innovation activity and without potential to innovate (Profile VII),
Special Groups of enterprises	SG	Combined breakdown by activity (low level of detail), size class of number of employed persons (sum of employees and self-employed persons), and kind of enterprise (innovation) <i>Activity breakdown:</i> NACE aggregates of Sections and Divisions: B+C+D+E+46+H+J+K+71 + 72 + 73, B+C+D+E, 46+H+J+K+71 + 72 + 73 <i>Size class breakdown by number of employed persons (sum of employees and self-employed persons):</i> Total, 10-49, 50-249, 250 or more employed persons <i>Kind of enterprise (innovation):</i> All enterprises in the population, Enterprises with at least one good innovation, Enterprises with at least one service innovation, Enterprises with at least one product innovation (goods or services) that was not previously available to the market ('new to market'), Enterprises with at least one product innovation (goods or services) already previously available on the market 'new to the firm', Enterprises with at least one business process innovation (independent of kind of business process innovation), Enterprises with product innovation but no business process innovation,

		Enterprises with business process innovation but no product innovation, Enterprises with both product innovation and business process innovation, Enterprises contracting out R & D but with no R & D performed in-house, Enterprises with innovation activities (product innovation, business process innovation, completed, ongoing or abandoned innovation activities) but no in-house or contracting out R & D
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DECISIONS

COUNCIL DECISION (CFSP) 2022/1093

of 30 June 2022

on an assistance measure under the European Peace Facility to support the Armed Forces of the Republic of Moldova

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 41(2) thereof,

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

Whereas:

- (1) In accordance with Council Decision (CFSP) 2021/509 ⁽¹⁾, the European Peace Facility (EPF) was established for the financing by Member States of Union actions under the common foreign and security policy to preserve peace, prevent conflicts and strengthen international security in accordance with Article 21(2), point (c), of the Treaty. In particular, pursuant to Article 1(2) of Decision (CFSP) 2021/509, the EPF can finance actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.
- (2) The 2016 Global Strategy for the European Union's Foreign and Security Policy sets the objectives of strengthening security and defence, investing in the resilience of States and societies to the east of the Union, developing an integrated approach to conflict and crises, promoting and supporting cooperative regional orders, and reinforcing global governance on the basis of international law, including compliance with international human rights law and international humanitarian law.
- (3) On 21 March 2022, the Council approved the Strategic Compass with the objective of becoming a stronger and more capable security provider, including through the increased use of the EPF in support of partners' defence capabilities.
- (4) The Union is committed to a close relationship in support of a strong, independent and prosperous Republic of Moldova, based on the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ⁽²⁾ ('the Association Agreement'), including the Deep and Comprehensive Free Trade Area, and to promoting political association and economic integration while firmly supporting the Republic of Moldova's sovereignty and territorial integrity within its internationally recognised borders. Pursuant to Article 5 of the Association Agreement, the Union and the Republic of Moldova are to intensify their dialogue and cooperation and promote gradual convergence in the area of foreign and security policy, including the common security and defence policy (CSDP), and are to address in particular issues of conflict prevention and crisis management, regional stability, disarmament, non-proliferation, arms control and export control.
- (5) The Union recognises the Republic of Moldova's important contribution to the Union's CSDP, including the continued contribution to the European Union Training Mission in Mali.
- (6) This Decision builds upon Council Decision (CFSP) 2021/2136 ⁽³⁾ with regard to the Union's continued commitment to support the strengthening of the capacities of the Armed Forces of the Republic of Moldova in priority-need areas.

⁽¹⁾ Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528 (OJ L 102, 24.3.2021, p. 14).

⁽²⁾ OJ L 260, 30.8.2014, p. 4.

⁽³⁾ Council Decision (CFSP) 2021/2136 of 2 December 2021 on an Assistance Measure under the European Peace Facility to support the Armed Forces of the Republic of Moldova (OJ L 432, 3.12.2021, p. 63).

- (7) In his letter of 20 April 2022 addressed to the High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative'), the Deputy Prime Minister and Minister of Foreign Affairs and European Integration of the Republic of Moldova requested the Union, in accordance with Article 59(1) of Decision (CFSP) 2021/509, to support the Armed Forces of the Republic of Moldova by strengthening the capacities of the logistics, mobility, command and control, cyber-defence, unmanned aerial reconnaissance and tactical communications services.
- (8) Assistance measures are to be implemented taking into account the principles and requirements set out in Decision (CFSP) 2021/509, and in particular compliance with Council Common Position 2008/944/CFSP ⁽⁴⁾, and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.
- (9) The Council reaffirms its determination to protect, promote and fulfil human rights, fundamental freedoms and democratic principles and to strengthen the rule of law and good governance, in compliance with the United Nations Charter, with the Universal Declaration of Human Rights and with international law, in particular international human rights and international humanitarian law,

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

1. An assistance measure benefitting the Republic of Moldova ('the beneficiary') to be financed under the European Peace Facility (EPF) ('the Assistance Measure') is hereby established.
2. The overall objective of the Assistance Measure is to contribute to strengthening the capacities of the Armed Forces of the Republic of Moldova in order to enhance national security, stability and resilience in the defence sector, in line with Union policy. Building on previous support provided by the European Peace Facility, the Assistance Measure will allow the Armed Forces of the Republic of Moldova to enhance operational effectiveness, accelerate compliance with Union standards and interoperability, and thereby better protect civilians in crises and emergencies. It will also strengthen the beneficiary's capacities with regard to its participation in Union military CSDP missions and operations as well as in other multinational operations. The specific objective of the Assistance Measure is to strengthen the capacities of the Armed Forces of the Republic of Moldova's logistics, mobility, command and control, cyber-defence, unmanned aerial reconnaissance and tactical communications units.
3. To achieve the objectives set out in paragraph 2, the Assistance Measure shall finance the provision of the following equipment not designed to deliver lethal force, supplies and services, including equipment-related training of the units of the Land Forces Command of the Armed Forces of the Republic of Moldova supported under the Assistance Measure:
 - (a) logistics equipment;
 - (b) mobility equipment;
 - (c) command and control equipment;
 - (d) cyber-defence equipment;
 - (e) unmanned aerial reconnaissance equipment;
 - (f) tactical communications equipment.
4. The duration of the Assistance Measure shall be 36 months from the date of conclusion of the first contract between the administrator for assistance measures, acting as authorising officer, and the entities referred to in Article 4(2) of this Decision in accordance with Article 32(2), point (a), of Decision (CFSP) 2021/509.

⁽⁴⁾ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

*Article 2***Financial arrangements**

1. The financial reference amount intended to cover the expenditure related to the Assistance Measure shall be EUR 40 000 000.
2. All expenditure shall be managed in accordance with Decision (CFSP) 2021/509 and the rules for the implementation of revenue and expenditure financed under the EPF.

*Article 3***Arrangements with the beneficiary**

1. The High Representative shall make the necessary arrangements with the beneficiary to ensure its compliance with the requirements and conditions established by this Decision as a condition for the provision of support under the Assistance Measure.
2. The arrangements referred to in paragraph 1 shall include provisions obliging the beneficiary to ensure:
 - (a) the compliance of the units of the Armed Forces of the Republic of Moldova supported under the Assistance Measure with relevant international law, in particular international human rights and international humanitarian law;
 - (b) the proper and efficient use of any assets provided under the Assistance Measure for the purposes for which they were provided;
 - (c) the sufficient maintenance of any assets provided under the Assistance Measure to ensure their usability and their operational availability over their life cycle;
 - (d) that any assets provided under the Assistance Measure will not be lost, or be transferred without the consent of the Facility Committee established under Decision (CFSP) 2021/509 to persons or entities other than those identified in those arrangements, at the end of their life cycle.
3. The arrangements referred to in paragraph 1 shall include provisions on the suspension and termination of support under the Assistance Measure in the event of the beneficiary being found in breach of the obligations set out in paragraph 2.

*Article 4***Implementation**

1. The High Representative shall be responsible for ensuring the implementation of this Decision in accordance with Decision (CFSP) 2021/509 and with the rules for the implementation of revenue and expenditure financed under the EPF, consistently with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.
2. The implementation of the activities referred to in Article 1(3) shall be carried out by:
 - (a) the Estonian Centre for Defence Investment as regards Article 1(3), points (a), (b), (c), (e) and (f); and
 - (b) the e-Governance Academy as regards Article 1(3), point (d).

*Article 5***Monitoring, control and evaluation**

1. The High Representative shall ensure that the compliance of the beneficiary with the obligations established in accordance with Article 3 is monitored. That monitoring shall provide awareness of the context and the risks of breaches of the obligations established in accordance with Article 3, and shall contribute to the prevention of such breaches, including violations of international human rights and international humanitarian law by the units of the Armed Forces of the Republic of Moldova supported under the Assistance Measure.

2. The post-shipment control of equipment and supplies shall be organised as follows:
 - (a) delivery verification, whereby delivery certificates are to be signed by the end-user forces upon transfer of ownership;
 - (b) reporting on the inventory, whereby the beneficiary is to report annually on the inventory of designated items until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);
 - (c) on-site control, whereby the beneficiary is to grant the High Representative access to conduct on-site control upon request.
3. The High Representative shall conduct an evaluation, in the form of a structured first assessment of the Assistance Measure, six months after the first delivery of equipment. This may entail on-site visits to inspect the equipment, supplies and services delivered under the Assistance Measure, or any other effective forms of independently provided information. A final evaluation shall be conducted upon completion of the delivery of equipment, supplies and services under the Assistance Measure to assess whether the Assistance Measure has contributed to reaching the stated objectives.

Article 6

Reporting

During the period of implementation, the High Representative shall provide the PSC with six-monthly reports on the implementation of the Assistance Measure, in accordance with Article 63 of Decision (CFSP) 2021/509. The administrator for assistance measures shall regularly inform the Facility Committee established by Decision (CFSP) 2021/509 on the implementation of revenue and expenditure in accordance with Article 38 of that Decision, including by providing information on the suppliers and subcontractors involved.

Article 7

Suspension and termination

1. The PSC may decide to suspend wholly or partially the implementation of the Assistance Measure in accordance with Article 64 of Decision (CFSP) 2021/509.
2. The PSC may recommend that the Council terminate the Assistance Measure.

Article 8

Entry into force

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

Done at Brussels, 30 June 2022.

For the Council
The President
J.-Y. LE DRIAN

COMMISSION IMPLEMENTING DECISION (EU) 2022/1094**of 29 June 2022**

authorising the placing on the market of products containing, consisting of or produced from genetically modified maize DP4114 × MON 810 × MIR604 × NK603 and genetically modified maize combining two or three of the single events DP4114, MON 810, MIR604 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council

*(notified under document C(2022) 4333)***(Only the Dutch text is authentic)****(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 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽¹⁾, and in particular Article 7(3) and Article 19(3) thereof,

Whereas:

- (1) On 2 May 2018, Pioneer Overseas Corporation, based in Belgium, submitted, on behalf of Pioneer Hi-Bred International, Inc., based in the United States, an application to the national competent authority of the Netherlands ('the application') for the placing on the market of foods, food ingredients and feed containing, consisting of or produced from genetically modified maize DP4114 × MON 810 × MIR604 × NK603 in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003. The application also covered the placing on the market of products containing or consisting of genetically modified maize DP4114 × MON 810 × MIR604 × NK603 for uses other than food and feed, with the exception of cultivation. In addition, the application covered the placing on the market of products containing, consisting of or produced from 10 sub-combinations of the single transformation events constituting genetically modified maize DP4114 × MON 810 × MIR604 × NK603. The sub-combination MON 810 × NK603, is already authorised by Commission Implementing Decision (EU) 2018/2045 ⁽²⁾.
- (2) This Decision covers genetically modified maize DP4114 × MON 810 × MIR604 × NK603 and the 9 remaining sub-combinations in the application: MIR604 × NK603 × DP4114, MON 810 × NK603 × DP4114, MON 810 × MIR604 × DP4114, MON 810 × MIR604 × NK603, NK603 × DP4114, MIR604 × DP4114, MIR604 × NK603, MON 810 × DP4114 and MON 810 × MIR604.
- (3) In accordance with Article 5(5) and Article 17(5) of Regulation (EC) No 1829/2003, the application included information and conclusions about the risk assessment carried out in accordance with the principles set out in Annex II to Directive 2001/18/EC of the European Parliament and of the Council ⁽³⁾. It also included the information required pursuant to Annexes III and IV to that Directive and a monitoring plan for environmental effects in accordance with Annex VII to that Directive.

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ Commission Implementing Decision (EU) 2018/2045 of 19 December 2018 renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize NK603 × MON 810 (MON-ØØ6Ø3-6 × MON-ØØ81Ø-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 327, 21.12.2018, p. 65).

⁽³⁾ Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1).

- (4) By a letter dated 24 January 2022, Pioneer Hi-Bred International, Inc. requested that the Commission transfers the rights and obligations of Pioneer Hi-Bred International, Inc. pertaining to all pending applications for genetically modified products to Corteva Agriscience LLC. Corteva Agriscience LLC confirmed its agreement to the change of authorisation holder proposed by Pioneer Hi-Bred International, Inc and informed the Commission that its representative in the Union is Corteva Agriscience Belgium B.V.
- (5) On 7 March 2022, the European Food Safety Authority ('the Authority') issued a favourable opinion ⁽⁴⁾ in accordance with Articles 6 and 18 of Regulation (EC) No 1829/2003. The Authority concluded that genetically modified maize DP4114 × MON 810 × MIR604 × NK603, as described in the application, is as safe as its non-genetically modified comparator and the tested non-genetically modified reference varieties with respect to the potential effects on human and animal health and the environment. The Authority also concluded that the consumption of genetically modified maize DP4114 × MON 810 × MIR604 × NK603 does not represent any nutritional concern. No new safety concerns were identified for the previously assessed sub-combination and therefore previous conclusions on genetically modified maize MON 810 × NK603 remain valid. The Authority concluded that the remaining 9 sub-combinations are expected to be as safe as and nutritionally equivalent to the single transformation events DP4114, MON 810, MIR604 and NK603, the previously assessed sub-combination and the four-event stack maize DP4114 × MON 810 × MIR604 × NK603.
- (6) In its opinion, the Authority considered all the questions and concerns raised by the Member States in the context of the consultation of the national competent authorities as provided for in Articles 6(4) and 18(4) of Regulation (EC) No 1829/2003.
- (7) The Authority also concluded that the monitoring plan for environmental effects submitted by the applicant, consisting of a general surveillance plan, is in line with the intended uses of the products.
- (8) Taking into account those conclusions, the placing on the market of products containing, consisting of or produced from genetically modified maize DP4114 × MON 810 × MIR604 × NK603, and of the sub-combinations referred to above should be authorised for the uses listed in the application.
- (9) A unique identifier should be assigned to each genetically modified organism covered by this Decision, in accordance with Commission Regulation (EC) No 65/2004 ⁽⁵⁾.
- (10) For the products covered by this Decision no specific labelling requirements, other than those provided for in Article 13(1) and Article 25(2) of Regulation (EC) No 1829/2003 and in Article 4(6) of Regulation (EC) No 1830/2003 of the European Parliament and of the Council ⁽⁶⁾, appear to be necessary. However, in order to ensure that the use of those products remains within the limits of the authorisation granted by this Decision, the labelling of those products, with the exception of food products, should contain a clear indication that they are not intended for cultivation.
- (11) The authorisation holder should submit annual reports on the implementation and on the results of the activities set out in the monitoring plan for environmental effects. Those results should be presented in accordance with the requirements laid down in Commission Decision 2009/770/EC ⁽⁷⁾.

⁽⁴⁾ EFSA GMO Panel (EFSA Panel on Genetically Modified Organisms), 2022. Scientific Opinion on the assessment of genetically modified maize DP4114 × MON 810 × MIR604 × NK603 and sub-combinations, for food and feed uses, under Regulation (EC) No 1829/2003 (application EFSA-GMO-NL-2018-150). EFSA Journal 2022;20(3):7134, <https://doi.org/10.2903/j.efsa.2022.7134>

⁽⁵⁾ Commission Regulation (EC) No 65/2004 of 14 January 2004 establishing a system for the development and assignment of unique identifiers for genetically modified organisms (OJ L 10, 16.1.2004, p. 5).

⁽⁶⁾ Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC (OJ L 268, 18.10.2003, p. 24).

⁽⁷⁾ Commission Decision 2009/770/EC of 13 October 2009 establishing standard reporting formats for presenting the monitoring results of the deliberate release into the environment of genetically modified organisms, as or in products, for the purpose of placing on the market, pursuant to Directive 2001/18/EC of the European Parliament and of the Council (OJ L 275, 21.10.2009, p. 9).

- (12) The opinion of the Authority does not justify the imposition of specific conditions or restrictions for the placing on the market, for the use and handling, including post-market monitoring requirements regarding the consumption of food and feed containing, consisting of or produced from genetically modified maize DP4114 × MON 810 × MIR604 × NK603 and its sub-combinations referred to above, or for the protection of particular ecosystems/environment or geographical areas, as provided for in Article 6(5)(e) and Article 18(5)(e) of Regulation (EC) No 1829/2003.
- (13) All relevant information on the authorisation of the products covered by this Decision should be entered in the Community register of genetically modified food and feed referred to in Article 28(1) of Regulation (EC) No 1829/2003.
- (14) This Decision is to be notified through the Biosafety Clearing-House to the Parties to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, pursuant to Article 9(1) and Article 15(2)(c) of Regulation (EC) No 1946/2003 of the European Parliament and of the Council ⁽⁸⁾.
- (15) The Standing Committee on Plants, Animals, Food and Feed has not delivered an opinion within the time limit laid down by its Chairman. This implementing act was deemed to be necessary and the chair submitted it to the appeal committee for further deliberation. The appeal committee did not deliver an opinion,

HAS ADOPTED THIS DECISION:

Article 1

Genetically modified organisms and unique identifiers

Genetically modified maize (*Zea mays* L.), as specified in point (b) of the Annex to this Decision, are assigned the following unique identifiers, in accordance with Regulation (EC) No 65/2004:

- (a) the unique identifier DP-ØØ4114-3 × MON-ØØ81Ø-6 × SYN-IR6Ø4-5 × MON-ØØ6Ø3-6 for genetically modified maize DP4114 × MON 810 × MIR604 × NK603;
- (b) the unique identifier SYN-IR6Ø4-5 × MON-ØØ6Ø3-6 × DP-ØØ4114-3 for genetically modified maize MIR604 × NK603 × DP4114;
- (c) the unique identifier – MON-ØØ81Ø-6 × MON-ØØ6Ø3-6 × DP-ØØ4114-3 for genetically modified maize MON 810 × NK603 × DP4114;
- (d) the unique identifier MON-ØØ81Ø-6 × SYN-IR6Ø4-5 × DP-ØØ4114-3 for genetically modified maize MON 810 × MIR604 × DP4114;
- (e) the unique identifier MON-ØØ81Ø-6 × SYN-IR6Ø4-5 × MON-ØØ6Ø3-6 for genetically modified maize MON 810 × MIR604 × NK603;
- (f) the unique identifier MON-ØØ6Ø3-6 × DP-ØØ4114-3 for genetically modified maize NK603 × DP4114;
- (g) the unique identifier SYN-IR6Ø4-5 × DP-ØØ4114-3 for genetically modified maize MIR604 × DP4114;
- (h) the unique identifier SYN-IR6Ø4-5 × MON-ØØ6Ø3-6 for genetically modified maize MIR604 × NK603;

⁽⁸⁾ Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms (OJ L 287, 5.11.2003, p. 1).

- (i) the unique identifier MON-ØØ81Ø-6 × DP-ØØ4114-3 for genetically modified maize MON 810 × DP4114;
- (j) the unique identifier MON-ØØ81Ø-6 × SYN-IR6Ø4-5 for genetically modified maize MON 810 × MIR604.

Article 2

Authorisation

The following products are authorised for the purposes of Article 4(2) and Article 16(2) of Regulation (EC) No 1829/2003 in accordance with the conditions set out in this Decision:

- (a) foods and food ingredients containing, consisting of or produced from genetically modified maize as referred to in Article 1;
- (b) feed containing, consisting of or produced from genetically modified maize as referred to in Article 1;
- (c) products containing or consisting of genetically modified maize as referred to in Article 1 for uses other than those provided for in points (a) and (b), with the exception of cultivation.

Article 3

Labelling

1. For the purposes of the labelling requirements laid down in Article 13(1) and Article 25(2) of Regulation (EC) No 1829/2003 and in Article 4(6) of Regulation (EC) No 1830/2003, the 'name of the organism' shall be 'maize'.
2. The words 'not for cultivation' shall appear on the label of and in the documents accompanying products containing or consisting of genetically modified maize as referred to in Article 1, with the exception of products referred to in Article 2, point (a).

Article 4

Method for detection

The method set out in point (d) of the Annex shall apply for the detection of genetically modified maize as referred to in Article 1.

Article 5

Monitoring for environmental effects

1. The authorisation holder shall ensure that the monitoring plan for environmental effects, as set out in point (h) of the Annex, is put in place and implemented.
2. The authorisation holder shall submit to the Commission annual reports on the implementation and the results of the activities set out in the monitoring plan in accordance with the format set out in Decision 2009/770/EC.

Article 6

Community register

The information set out in the Annex shall be entered in the Community register of genetically modified food and feed, as referred to in Article 28(1) of Regulation (EC) No 1829/2003.

*Article 7***Authorisation holder**

The authorisation holder shall be Corteva Agriscience LLC, represented in the Union by Corteva Agriscience Belgium B.V.

*Article 8***Validity**

This Decision shall apply for a period of 10 years from the date of its notification.

*Article 9***Addressee**

This Decision is addressed to Corteva Agriscience LLC, 9330 Zionsville Road Indianapolis, Indiana, 46268-1054, United States, represented in the Union by Corteva Agriscience Belgium B.V., Bedrijvenlaan 9, 2800 Mechelen, Belgium.

Done at Brussels, 29 June 2022.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

(a) **Applicant and authorisation holder:**

Name: Corteva Agriscience LLC

Address: 9330 Zionsville Road, Indianapolis, IN 46268-1054, United States;

represented in the Union by Corteva Agriscience Belgium B.V., Bedrijvenlaan 9, 2800 Mechelen, Belgium.

(b) **Designation and specification of the products:**

- (1) foods and food ingredients containing, consisting of or produced from genetically modified maize (*Zea mays* L.) as referred to in point (e);
- (2) feed containing, consisting of or produced from genetically modified maize (*Zea mays* L.) as referred to in point (e);
- (3) products containing or consisting of genetically modified maize (*Zea mays* L.) as referred to in point (e) for uses other than those provided for in points (1) and (2), with the exception of cultivation.

The genetically modified maize DP-ØØ4114-3 expresses the *pat* gene, which confers tolerance to glufosinate ammonium-based herbicides and the *cry1F*, the *cry34Ab1* and *cry35Ab1* genes, which confer resistance to certain lepidopteran and certain coleopteran pests.

The genetically modified maize MON-ØØ81Ø-6 expresses the *cry1Ab* gene, which confers resistance to certain lepidopteran pests.

The genetically modified maize SYN-IR6Ø4-5 expresses the *mary3A* gene, which confers resistance to certain coleopteran pests. In addition, the *pmi* gene, coding for the PMI protein, was used as a selection marker in the genetic modification process.

The genetically modified maize MON-ØØ6Ø3-6 expresses the CP4 *epsps* and the CP4 *epsps* L214P genes, which confer tolerance to glyphosate-based herbicides.

(c) **Labelling:**

- (1) For the purposes of the labelling requirements laid down in Article 13(1) and Article 25(2) of Regulation (EC) No 1829/2003, and in Article 4(6) of Regulation (EC) No 1830/2003, the 'name of the organism' shall be 'maize';
- (2) The words 'not for cultivation' shall appear on the label of and in documents accompanying the products containing or consisting of the genetically modified maize specified in point (e), with the exception of products referred to in point (b)(1).

(d) **Method for detection:**

- (1) The quantitative event-specific PCR detection methods are those individually validated for genetically modified maize events DP-ØØ4114-3, MON-ØØ81Ø-6, SYN-IR6Ø4-5 and MON-ØØ6Ø3-6 and further verified on maize DP-ØØ4114-3 × MON-ØØ81Ø-6 × SYN-IR6Ø4-5 × MON-ØØ6Ø3-6.
- (2) Validated by the EU Reference Laboratory established under Regulation (EC) No 1829/2003, published at <http://gmo-crl.jrc.ec.europa.eu/statusofdossiers.aspx>
- (3) Reference Material: AOCs 0607 (for SYN-IR6Ø4-5) is accessible via the American Oil Chemists Society at <https://www.aocs.org/crm#maize> ERM®-BF439 (for DP-ØØ4114-3), ERM®-BF413 (for MON-ØØ81Ø-6) and ERM®-BF415 (for MON-ØØ6Ø3-6) are accessible via the Joint Research Centre (JRC) of the European Commission at <https://crm.jrc.ec.europa.eu/>

(e) **Unique identifiers:**

DP-ØØ4114-3 × MON-ØØ81Ø-6 × SYN-IR6Ø4-5 × MON-ØØ6Ø3-6;

SYN-IR6Ø4-5 × MON-ØØ6Ø3-6 × DP-ØØ4114-3;

MON-ØØ81Ø-6 × MON-ØØ6Ø3-6 × DP-ØØ4114-3;

MON-ØØ81Ø-6 × SYN-IR6Ø4-5 × DP-ØØ4114-3;
MON-ØØ81Ø-6 × SYN-IR6Ø4-5 × MON-ØØ6Ø3-6;
MON-ØØ6Ø3-6 × DP-ØØ4114-3;
SYN-IR6Ø4-5 × DP-ØØ4114-3;
SYN-IR6Ø4-5 × MON-ØØ6Ø3-6;
MON-ØØ81Ø-6 × DP-ØØ4114-3;
MON-ØØ81Ø-6 × SYN-IR6Ø4-5.

(f) **Information required pursuant to Annex II to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity:**

[Biosafety Clearing-House, Record ID number: *published in the Community register of genetically modified food and feed when notified*].

(g) **Conditions or restrictions on the placing on the market, use or handling of the products:**

Not required.

(h) **Monitoring plan for environmental effects:**

Monitoring plan for environmental effects in accordance with Annex VII to Directive 2001/18/EC. *[It is has already been mentioned in recital 3.]*

[Link: *plan published in the Community register of genetically modified food and feed*]

(i) **Post-market monitoring requirements for the use of the food for human consumption**

Not required.

Note: links to relevant documents may need to be modified over time. Those modifications will be made available to the public via the updating of the Community register of genetically modified food and feed.

COMMISSION IMPLEMENTING DECISION (EU) 2022/1095**of 29 June 2022****amending Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to authorise certain national derogations***(notified under document C(2022) 4302)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods ⁽¹⁾, and in particular Article 6(2) and (4) thereof,

Whereas:

- (1) Section I.3 of Annex I, Section II.3 of Annex II and Section III.3 of Annex III to Directive 2008/68/EC contain lists of national derogations, allowing specific national circumstances to be taken into account. Several amendments to authorised derogations were requested by certain Member States.
- (2) The Commission has examined or reviewed those requests for derogations and found that they fulfil the conditions referred to in Article 6(2) and (4) of Directive 2008/68/EC. The derogations should therefore be authorised.
- (3) As Section I.3 of Annex I and Section II.3 of Annex II to Directive 2008/68/EC should therefore be adapted, it is appropriate, for reasons of clarity, to replace them.
- (4) Directive 2008/68/EC should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee on the transport of dangerous goods,

HAS ADOPTED THIS DECISION:

Article 1

The Member States listed in the Annex are authorised to implement the derogations set out in the Annex regarding the transport of dangerous goods in their territory.

Article 2

Annexes I and II to Directive 2008/68/EC are amended in accordance with the Annex to this Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 June 2022.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

⁽¹⁾ OJ L 260, 30.9.2008, p. 13.

ANNEX

Annexes I and II to Directive 2008/68/EC are amended as follows:

(1) in Annex I, Section I.3 is replaced by the following:

I.3. National derogations

Derogations for Member States for the transport of dangerous goods within their territory on the basis of Article 6(2) of Directive 2008/68/EC.

Numbering of derogations: RO-a/bi/bii-MS-nn

RO = Road

a/bi/bii = Article 6(2) a/bi/bii

MS = Abbreviation of Member State

nn = order number

Based on Article 6(2)(a) of Directive 2008/68/EC

BE Belgium

RO-a-BE-2

Subject: Transport of uncleaned empty containers having contained products of different classes.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.6

Content of the national legislation: Indication on the transport document “uncleaned empty packages having contained products of different classes”.

Initial reference to the national legislation: *Derogation 6-97*

Expiry date: 31 December 2028

RO-a-BE-3

Subject: Adoption of RO-a-HU-2.

Initial reference to the national legislation: derogation 4-2004

Expiry date: 31 December 2028

RO-a-BE-4

Subject: exemption of all ADR requirements for the national transport of maximum 1 000 used ionic smoke detectors from private households to the treatment facility in Belgium via the collection points foreseen in the scenario for the selective collection of smoke detectors. Reference to Annex I, Section I.1, to Directive 2008/68/EC: all requirements

Content of the national legislation: The domestic use of ionic smoke detectors is not submitted to regulatory control from a radiological point of view once the smoke detector is of an approved type. The transport of these smoke detectors to the end-user is also exempted from ADR requirements. (see 1.7.1.4. e)).

Directive 2002/96/EC (on waste electric and electronic equipments) requires the selective collection of used smoke detectors for treatment of the circuit boards and, for the ionic smoke detectors, to take out the radioactive substances. To make this selective collection possible a scenario has been developed to stimulate private households to bring their used smoke detectors to a collection point from which these detectors can be carried to a treatment facility sometimes via a second collection point or an intermediate storage place.

At the collection points metal packagings will be made available wherein a maximum of 1 000 smoke detectors can be packed. From these points one such package with the smoke detectors can be transported together with other wastes to an intermediate storage or the treatment facility. The package will be labelled with the word “smoke detector”.

Initial reference to the national legislation: *scenario for the selective collection of smoke detectors makes part of the conditions for removal of approved instruments foreseen in Article 3.1.d.2 of the royal decree of 20 July 2001: the general radiation protection regulation*

Comments: This derogation is necessary to make the selective collection of used ionic smoke detectors possible.

Expiry date: 30 June 2026

DK Denmark

RO-a-DK-2

Subject: Road transport of packaging containing explosive substances and packaging containing detonators on the same vehicle.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.5.2.2

Content of the Annex to the Directive: Mixed packing provisions.

Content of the national legislation: The rules in the ADR must be observed when transporting dangerous goods by road.

Initial reference to the national legislation: *Bekendtgørelse nr. 729 of 15. august 2001 om vejtransport af farligt gods § 4, stk. 1*

Comments: There is a practical need for being able to pack explosive substances together with detonators on the same vehicle when transporting such goods from where they are stored to the workplace and back again.

When the Danish legislation concerning the transport of dangerous goods is amended, the Danish authorities will allow such transport under the following conditions:

1. Not more than 25 kg explosive substances under group D are being transported.
2. Not more than 200 pieces of detonators under group B are being transported.
3. Detonators and explosive substances must be packed separately in UN-certified packaging in accordance with the rules set out in Directive 2000/61/EC amending Directive 94/55/EC.
4. The distance between packaging that contains detonators and packaging that contains explosive substances must be at least 1 metre. This distance has to be observed even after a sudden application of the brakes. Packaging containing explosive substances and packaging containing detonators must be placed in a way that makes it possible quickly to remove them from the vehicle.
5. All other rules concerning the transport of dangerous goods by road must be observed.

Expiry date: 30 June 2026

RO-a-DK-3

Subject: Road transport of packagings and articles containing wastes or residues of dangerous goods of certain classes from households and enterprises for the purpose of disposal.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts and chapters 2, 3, 4.1, 5.1, 5.2, 5.4, 6, 8.1 and 8.2.

Content of the Annex to the Directive: Classification provisions, special provisions, packing provisions, consignment procedures, requirements for the construction and testing of packagings, general requirements concerning transport units and equipment on board and training requirements.

Content of the national legislation: Inner packagings and articles containing waste or residues of dangerous goods of certain classes collected from private households or enterprises for the purpose of disposal may be packed together in certain outer packagings and/or overpacks and carried under special consignment procedures including special packing and marking restrictions. The quantity of dangerous goods per inner packaging, per outer packaging and/or per transport unit is restricted.

Initial reference to the national legislation: *Bekendtgørelse nr. 818 af 28. juni 2011 om vejtransport af farligt gods § 4, stk. 3*

Comments: It is not possible for waste managers to apply all provisions of Annex I, Section I.1 to Directive 2008/68/EC when wastes with residual amounts of dangerous goods have been collected from private households and enterprises to be carried for disposal. The waste is usually contained in packagings that have been sold in retail.

Expiry date: 1 January 2025

DE Germany

RO-a-DE-1

Subject: Mixed packing and mixed loading of car parts with classification 1.4G together with certain dangerous goods (n4).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.10 and 7.5.2.1

Content of the Annex to the Directive: Provisions on mixed packing and mixed loading.

Content of the national legislation: UN 0431 and UN 0503 may be loaded together with certain dangerous goods (products related to car manufacturing) in certain amounts, listed in the exemption. The value 1 000 (comparable with 1.1.3.6.4) shall not be exceeded.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. IS. 4350); Ausnahme 28.*

Comments: The exemption is needed to provide fast delivery of safety car parts depending on local demand. Due to the wide product range storage of these products using local garages is not common.

Expiry date: 30 June 2027

RO-a-DE-2

Subject: Exemption from the requirement to carry a transport document and a shippers' declaration for certain quantities of dangerous goods as defined in 1.1.3.6 (n1).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.1 and 5.4.1.1.6

Content of the Annex to the Directive: contents of the transport document.

Content of the national legislation: For all classes except Class 7: no transport document is needed if the quantity of the goods transported does not exceed the quantities given in 1.1.3.6.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. IS. 4350); Ausnahme 18.*

Comments: The information provided by the marking and labelling of packages is considered sufficient for national transport, as a transport document is not always appropriate where local distribution is involved.

Derogation registered by the Commission as No 22 (under Article 6(10) of Directive 94/55/EC).

Expiry date: 30 June 2027

RO-a-DE-3

Subject: Transportation of measurement standards and fuel pumps (empty, non-cleaned).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Provisions for UN numbers 1 202, 1 203 and 1 223.

Content of the Annex to the Directive: Packaging, marking, documents, transport and handling instructions, instructions for vehicle crews.

Content of the national legislation: Specification of applicable regulations and ancillary provisions for applying the derogation; up to 1 000 l: comparable with empty, non-cleaned packaging; above 1 000 l: compliance with certain regulations for tanks; transportation empty and non-cleaned only.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. IS. 4350); Ausnahme 24.*

Comments: List No 7, 38, 38a.

Expiry date: 30 June 2027

RO-a-DE-5

Subject: Combined packaging authorisation.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.10.4 MP2

Content of the Annex to the Directive: Prohibition of combined packaging.

Content of the national legislation: Classes 1.4S, 2, 3 and 6.1; authorisation of combined packaging of objects in Class 1.4S (cartridges for small weapons), aerosols (Class 2) and cleaning and treatment materials in Classes 3 and 6.1 (UN numbers listed) as sets to be sold in combined packaging in packaging group II and in small quantities.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 21.*

Comments: List No 30*, 30a, 30b, 30c, 30d, 30e, 30f, 30g.

Expiry date: 30 June 2027

IE Ireland

RO-a-IE-1

Subject: Exemption from the requirement of 5.4.0 of the ADR for a transport document for the carriage of pesticides of ADR Class 3, listed under 2.2.3.3 as FT2 pesticides (f.p. < 23 °C) and ADR Class 6.1, listed under 2.2.61.3 as T6 pesticides, liquid (flash point not less than 23 °C), where the quantities of dangerous goods being carried do not exceed the quantities set out in 1.1.3.6 of the ADR.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4

Content of the Annex to the Directive: Requirement for transport document.

Content of the national legislation: A transport document is not required for the carriage of pesticides of ADR Classes 3 and 6.1, where the quantity of dangerous goods being carried does not exceed the quantities set out in 1.1.3.6 of the ADR.

Initial reference to the national legislation: *Regulation 82(9) of the “Carriage of Dangerous Goods by Road Regulations 2004”*

Comments: Unnecessary, onerous requirement for local transport and delivery of such pesticides.

Expiry date: 30 June 2027

RO-a-IE-4

Subject: Exemption from the requirements of 5.3, 5.4, 7 and Annex B of the ADR, in relation to the carriage of gas cylinders of dispensing agents (for beverages) where they are carried on the same vehicle as the beverages (for which they are to be used).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.3, 5.4, 7 and Annex B.

Content of the Annex to the Directive: The marking of the vehicles, the documentation to be carried and the provisions concerning transport equipment and transport operations.

Content of the national legislation: Exemption from the requirements of 5.3, 5.4, 7 and Annex B of the ADR for cylinders of gases, used as dispensing agents for beverages, where these cylinders of gases are carried on the same vehicle as the beverages (for which they are to be used).

Initial reference to the national legislation: *Proposed amendment to “Carriage of Dangerous Goods by Road Regulations, 2004”*

Comments: The main activity consists of the distribution of packages of beverages, which are not substances according to the ADR, together with small quantities of small cylinders of associated dispensing gases.

Previously under Article 6(10) of Directive 94/55/EC.

Expiry date: 30 June 2027

RO-a-IE-5

Subject: Exemption, for national transport within Ireland, from the construction and testing requirements for receptacles, and their provisions on use, contained in 6.2 and 4.1 of the ADR, for cylinders and pressure drums of gases of Class 2 that have undergone a multimodal transport journey, including maritime carriage, where (i) these cylinders and pressure drums are constructed, tested and used in accordance with the IMDG Code; (ii) these cylinders and pressure drums are not refilled in Ireland but returned nominally empty to the country of origin of the multimodal transport journey; and (iii) these cylinders and pressure drums are distributed locally in small quantities.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.1.4.2, 4.1 and 6.2.

Content of the Annex to the Directive: Provisions relating to multimodal transport journeys, including maritime carriage, use of cylinders and pressure drums for gases of ADR Class 2, and construction and testing of these cylinders and pressure drums for gases of ADR Class 2.

Content of the national legislation: The provisions of 4.1 and 6.2 do not apply to cylinders and pressure drums of gases of Class 2, provided (i) these cylinders and pressure drums are constructed and tested in accordance with the IMDG Code; (ii) these cylinders and pressure drums are used in accordance with the IMDG Code; (iii) these cylinders and pressure drums were transported to the consignor by means of multimodal transport, including maritime carriage; (iv) the transport of these cylinders and pressure drums to the final user consists only of a single transport journey, completed within the same day, from the consignee of the multimodal transport operation (referred to in (iii)); (v) these cylinders and pressure drums are not refilled within the State and are returned nominally empty to the country of origin of the multimodal transport operation (referred to in (iii)); and (vi) these cylinders and pressure drums are distributed locally within the State in small quantities.

Initial reference to the national legislation: *Proposed amendment to "Carriage of Dangerous Goods by Road Regulations, 2004"*

Comments: The gases contained in these cylinders and pressure drums are of a specification, required by the final user, which results in the need to import them from outside the ADR area. Following use, these nominally empty cylinders and pressure drums are required to be returned to the country of origin, for refilling with the specially specified gases – they are not to be refilled within Ireland or indeed within any part of the ADR area. Though not in compliance with the ADR, they are in compliance with and accepted for the purposes of the IMDG Code. The multimodal transport, beginning from outside the ADR area, is intended to finish at the importer's premises, from where it is intended that these cylinders and pressure drums be distributed to the final user locally within Ireland in small quantities. This carriage, within Ireland, would fall within the amended Article 6(9) of Directive 94/55/EC.

Expiry date: 30 June 2023

RO-a-IE-6

Subject: Exemption from some of the provisions of Annex I, Section I.1, to Directive 2008/68/EC on the packaging, marking and labelling of small quantities (below the limits in 1.1.3.6) of time expired pyrotechnic articles of classification codes 1.3G, 1.4G and 1.4S of Class 1 of Annex I, Section I.1, to Directive 2008/68/EC, bearing the respective substance identification numbers UN 0092, UN 0093, UN 0191, UN 0195, UN 0197, UN 0240, UN 0312, UN 0403, UN 0404, UN 0453, UN 0505, UN 0506 or UN 0507 for carriage to a military barracks or range for disposal.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts 1, 2, 4, 5 and 6

Content of the Annex to the Directive: General provisions. Classification. Packaging provisions. Consignment provisions. Construction and testing of packages.

Content of the national legislation: The provisions of Annex I, Section I.1, to Directive 2008/68/EC on the packaging, marking and labelling of time expired pyrotechnic articles bearing the respective UN numbers UN 0092, UN 0093, UN 0191, UN 0195, UN 0197, UN 0240, UN 0312, UN 0403, UN 0404, UN 0453, UN 0505, UN 0506 or UN 0507 for carriage to a military barracks or range do not apply provided the general packaging provisions of Annex I, Section I.1, to Directive 2008/68/EC are complied with and additional information is included in the transport document. The derogation applies only to the local transport, to a military barracks or range, of small quantities of these time-expired pyrotechnics for safe disposal.

Initial reference to the national legislation: *S.I. 349 of 2011 Regulation 57(f) and (g)*

Comments: The carriage of small quantities of “time expired” marine pyrotechnics, especially from pleasure boat owners and ship chandlers, to a military barracks or range for their safe disposal has created difficulties, particularly in relation to packaging requirements. The derogation is for small quantities (below those specified in 1.1.3.6) for local transport, encompassing all UN numbers assigned to maritime pyrotechnics.

Expiry date: 30 June 2027

RO-a-IE-7

Subject: Adoption of RO-a-HU-2.

Initial reference to the national legislation: -

Expiry date: 30 June 2027

ES Spain

RO-a-ES-1

Subject: Placarding of containers

Legal basis: Directive 2008/68/EC, Article 6(2)(a).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.3.1.2.

Content of the Annex to the Directive: The placards shall be affixed to both sides and at each end of the container, MEGC, tank-container or portable tank.

Content of the national legislation: The placard doesn't have to be fixed to the containers carrying packages when used exclusively in road transport operations. This exemption does not apply to classes 1 or 7.

Initial reference to the national legislation: *Real Decreto 97/2014. Anejo 1. Apartado 8*

Comments: When a container, other than a tank container, is used only for road transport, and is not related to an intermodal transport operation, it is fulfilling the functions of a swap body. Swap bodies for packaged goods carriage do not require any type of danger placards, except for classes 1 and 7.

Therefore, it has been considered convenient to exempt containers used as swap bodies in road transport operations exclusively from the requirement of placarding, excluding the container carrying goods of classes 1 or 7.

In this exemption containers are assimilated to swap bodies in relation to security conditions, there are no reasons to call for more requirements for containers than for swap bodies since these comply with more security requirements due to their specific design and construction. The rest of placarding and marking required for vehicles carrying dangerous goods shall comply with the provisions of Chapter 5.3 of Annex I, Section I.1 to Directive 2008/68/EC.

Expiry date: 1 January 2025

FR France

RO-a-FR-2

Subject: Transport of waste arising from care activities involving a risk of infection covered by UN 3291 with a mass less than or equal to 15 kg.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the national legislation: Exemption from the requirements of the ADR for the transport of waste arising from care activities presenting a risk of infection covered by UN 3291 with a mass less than or equal to 15 kg.

Initial reference to the national legislation: *Arrêté du 1er juin 2001 relatif au transport des marchandises dangereuses par route – Article 12*

Expiry date: 30 June 2027

RO-a-FR-5

Subject: Transport of dangerous goods in public passenger transport vehicles (18).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.3.1.

Content of the Annex to the Directive: Transport of passengers and dangerous goods.

Content of the national legislation: Transport of dangerous goods other than those of class 7, authorised in public transport vehicles as hand luggage: only the provisions relating to the packaging, marking and labelling of parcels set out in 4.1, 5.2 and 3.4 apply.

Initial reference to the national legislation: *Arrêté du 29 mai 2009 relatif au transport des marchandises dangereuses par voies terrestres, annexe I paragraphe 3.1*

Comments: Only dangerous goods for personal or own professional use are permitted to be carried in hand luggage. Portable gas receptacles are allowed for patients with respiratory problems in the necessary amount for one journey.

Expiry date: 30 June 2027

RO-a-FR-6

Subject: Own-account transport of small quantities of dangerous goods (18).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Obligation to have a transport document.

Content of the national legislation: Own-account transport of small quantities of dangerous goods other than class 7, not exceeding the limits set in 1.1.3.6 is not subject to the obligation to have a transport document provided for in 5.4.1.

Initial reference to the national legislation: *Arrêté du 29 mai 2009 relatif au transport des marchandises dangereuses par voies terrestres annexe I, paragraphe 3.2.1*

Expiry date: 30 June 2027

RO-a-FR-7

Subject: Road transport of samples of chemical substances, mixtures and articles containing dangerous goods for the purpose of market surveillance.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts 1 to 9

Content of the Annex to the Directive: General provisions, classification, special provisions and exemptions concerning the carriage of dangerous goods packed in limited quantities, provisions concerning the use of packaging and tanks, consignment procedures, packaging construction requirements, provisions concerning transport conditions, handling, loading and unloading, requirements concerning transport equipment and transport operations, requirements concerning the construction and approval of vehicles.

Content of the national legislation: Samples of chemical substances, mixtures and articles containing dangerous goods and carried for analysis as a part of market surveillance activity shall be packed in combination packagings. They shall comply with the rules concerning maximum quantities for inner packaging depending on the type of the dangerous good involved. The outer packaging shall comply with the requirements for solid plastic boxes (4H2, Chapter 6.1 of Annex I, Section I.1 to Directive 2008/68/EC). The outer packaging must bear the marking of Section 3.4.7, Annex I, Section I.1 to Directive 2008/68/EC and the text "Samples for analysis" (in French: "Échantillons destinés à l'analyse"). Provided that these provisions are complied with, the carriage is not subject to the provisions of Annex I, Section I.1 to Directive 2008/68/EC.

Initial reference to the national legislation: *Arrêté du 12 décembre 2012 modifiant l'arrêté du 29 mai 2009 relatif aux transports de marchandises dangereuses par voies terrestres*

Comments: The exemption of Section 1.1.3, Annex I, Section I.1 to Directive 2008/68/EC does not provide for the transport of samples of dangerous goods for analysis taken by or on behalf of the competent authorities. To ensure effective market surveillance, France has introduced a procedure based on the system applicable to limited quantities for ensuring the safety of transport of samples containing dangerous goods. As it is not always feasible to apply the provisions of table A the quantity limit for the inner packaging has been defined in a more operational way.

Expiry date: 1 January 2025

RO-a-FR-8

Subject: Adoption of RO-a-HU-2. Transport of non-medicinal pharmaceutical products intended for pharmacies and hospitals

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B

Content of the national legislation: Packaging is not required to have marks affixed in accordance with point 6.1.3 of Annex I, Section I.1, to Directive 2008/68/EC or to be identified if it contains dangerous goods in small quantities.

Initial reference to the national legislation: *Arrêté du 29 mai 2009 modifié relatif au transport des marchandises dangereuses par voies terrestres, annexe I, paragraphe 3.10*

Comments: This derogation is strictly limited to companies delivering pharmaceutical products to pharmacies and hospitals. As part of their activities, the companies unpack goods packaged mainly in limited quantities. These products are then placed in sealed outer packaging (plastic or cardboard boxes).

Expiry date: 30 June 2027

HU Hungary

RO-a-HU-1

Subject: Adoption of RO-a-DE-2

Initial reference to the national legislation: *A nemzeti fejlesztési miniszter rendelete az ADR Megállapodás A és B Mellékletének belföldi alkalmazásáról*

Expiry date: 30 January 2025

RO-a-HU-2

Subject: Distribution of goods in inner packagings to retailers or from local distribution depots to retailers or users and from retailers to end-users.

Reference to Annex I, Section I.1 to Directive 2008/68/EC: 6.1.

Content of the Annex to the Directive: Requirements for the construction and testing of packaging.

Content of national legislation: The inner packaging is not required to have been allocated a mark according to Section 6.1.3 of Annex I, Section I.1 to Directive 2008/68/EC or to be otherwise marked if it contains dangerous goods originally packed according to Chapter 3.4 of Annex I, Section I.1 to Directive 2008/68/EC and carried in a quantity as set out in Annex 1. to the national legislation.

Initial reference to the national legislation: *A nemzeti fejlesztési miniszter rendelete az ADR Megállapodás A és B Mellékletének belföldi alkalmazásáról*

Comments: The requirements of Annex I, Section I.1 to Directive 2008/68/EC are inappropriate for the final stages of carriage from a distribution depot to a retailer or user or from a retailer to an end-user. The purpose of this derogation is to allow the inner receptacles of goods for retail distribution to be carried on the final leg of a local distribution journey without an outer packaging.

Expiry date: 30 January 2025

AT Austria

RO-a-AT-1

Subject: Small quantities of all classes except 1, 6.2 and 7

Reference to Annex I, Section I.1 to Directive 2008/68/EC: 3.4

Content of the Annex to the Directive: Transport of dangerous goods packed in limited quantities.

Content of the national legislation: Up to 30 kg or l of dangerous goods not belonging to transport category 0 or 1 in LQ inner packagings or in packages in line with ADR or being robust articles may be packed together in X tested boxes.

End-users are allowed to fetch them from the shop and to bring them back, retailers to carry them to end-users or between their own shops.

The limit per transport unit is 333 kg or l, the permitted perimeter 100 km.

The boxes have to be marked uniformly and accompanied by a simplified transport document.

Only a few loading and handling provisions apply.

Initial reference to the national legislation: „Gefahrgutbeförderungsverordnung Geringe Mengen – GGBV-GM“ from 5.7.2019, BGBl. II Nr. 203/2019“

Expiry date: 30 June 2028

PT Portugal

RO-a-PT-3

Subject: Adoption of RO-a-HU-2

Initial reference to the national legislation: *Deliberação n.º 2053/2015, de 9 de novembro 2015*

Expiry date: 30 June 2027

FI Finland

RO-a-FI-1

Subject: Transport of dangerous goods in certain amounts in buses

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Part 1, 4 and 5

Content of the Annex to the Directive: Exemptions, Packaging provisions, Marking and Documentations.

Content of the national legislation: In buses with passengers, small amounts of specified dangerous goods may be transported as freight so that the total quantity does not exceed 200 kilos. In a bus, a private individual may transport dangerous goods referred to in section 1.1.3 where the goods in question are packaged for retail sale and are intended for their personal use. The total quantity of flammable liquids filled in refillable receptacles may not exceed 5 litres.

Initial reference to the national legislation: *The Finnish Transport and Communications Agency Regulation on the Transport of Dangerous Goods by Road and Government Decree on the Transport of Dangerous Goods by Road (194/2002)*

Expiry date: 30 June 2027

RO-a-FI-2

Subject: Description of empty tanks in the transport document

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Part 5, 5.4.1

Content of the Annex to the Directive: Special provisions for carriage in tank-vehicles or transport units with more than one tank

Content of the national legislation: When transporting empty, uncleaned tank-vehicles or transport units having one or more tanks marked in accordance with 5.3.2.1.3, the last transported substance marked in the transport document may be the substance with the lowest flash-point.

Initial reference to the national legislation: *The Finnish Transport and Communications Agency Regulation on the Transport of Dangerous Goods by Road*

Expiry date: 30 June 2027

RO-a-FI-3

Subject: Placarding and marking of the transport unit for explosives.

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.3.2.1.1

Content of the Annex to the Directive: General orange-coloured plate marking provisions

Content of the national legislation: Transport units (normally vans) transporting small amounts of explosives (maximum net mass 1 000 kg) to quarries and working sites may be affixed at the front and the rear with a placard model No 1.

Initial reference to the national legislation: *The Finnish Transport and Communications Agency Regulation on the Transport of Dangerous Goods by Road*

Expiry date: 30 June 2027

SE Sweden

RO-a-SE-1

Subject: Adoption of RO-a-FR-7

Legal basis: Directive 2008/68/EC, Article 6(2)(a) (Small quantities)

Reference to the Annex I, Section I.1 to Directive 2008/68/EC: Part 1 to 9.

Context of the Directive:

Reference to the national legislation: *Särskilda bestämmelser om visa inrikes transporter av farligt gods på väg och i terräng.*

Comments:

Expiry date: 30 June 2027

Based on Article 6(2)(b)(i) of Directive 2008/68/EC

BE Belgium

RO-bi-BE-5

Subject: Carriage of waste to waste disposal plants.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.2, 5.4, 6.1.

Content of the Annex to the Directive: Classification, marking and requirements concerning the packaging.

Content of the national legislation: Instead of classifying waste according to the ADR, waste is assigned to different groups (flammable solvents, paints, acids, batteries, etc.) to avoid dangerous reactions within one group. The requirements for the manufacture of packaging are less restrictive.

Initial reference to the national legislation: *Arrêté royal relatif au transport des marchandises dangereuses par route*

Comments: This regulation may be used for the carriage of small quantities of waste to disposal plants.

Expiry date: 31 December 2028

RO-bi-BE-6

Subject: Adoption of RO-bi-SE-5

Initial reference to the national legislation: *derogation 01-2004*

Expiry date: 31 December 2028

RO-bi-BE-7

Subject: Adoption of RO-bi-SE-6

Initial reference to the national legislation: derogation 02-2003

Expiry date: 31 December 2028

RO-bi-BE-8

Subject: Exemption from prohibition on driver or driver's assistant opening packages of dangerous goods in a local distribution chain from a local distribution depot to a retailer or end-user and from the retailer to the end-user (except for Class 7).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.3.3.

Content of the Annex to the Directive: Prohibition on driver or driver's assistant opening packages of dangerous goods.

Content of the national legislation: Prohibition of opening packages is qualified by the proviso "Unless authorised to do so by the operator of the vehicle".

Initial reference to the national legislation: *Arrêté royal relatif au transport des marchandises dangereuses par route*

Comments: If taken literally, the prohibition in the Annex as worded can create serious problems for retail distribution.

Expiry date: 31 December 2028

RO-bi-BE-10

Subject: Transport in close proximity of industrial sites including transport on public road.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Annexes A and B.

Content of the national legislation: The derogations concern the documentation, the driver's certificate, labelling and/or marking of packages.

Initial reference to the national legislation: *derogations 10-2012, 12-2012, 24-2013, 31-2013, 07-2014, 08-2014, 09-2014 and 38-2014.*

Expiry date: 31 December 2028

RO-bi-BE-11

Subject: collection of butane-propane cylinders without conforming labelling

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.2.2.1.1

Content of the Annex to the Directive: gas cylinders need to have hazard labels affixed.

Content of the national legislation: during the collection of cylinders which contained UN 1965, the missing hazard labels don't need to be replaced if the vehicle is correctly labelled (model 2.1)

Initial reference to the national legislation: *derogation 14-2016.*

Expiry date: 31 December 2028

RO-bi-BE-12

Subject: transport of UN 3509 in sheeted bulk containers

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.3.2.1

Content of the Annex to the Directive: UN 3509 has to be carried in closed bulk containers

Initial reference to the national legislation: *derogation 15-2016*

Expiry date: 31 December 2028

RO-bi-BE-13

Subject: transport of DOT cylinders

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 6.2.3.4 to 6.2.3.9

Content of the Annex to the Directive: gas cylinders need to be manufactured and tested according to Chapter 6.2 of ADR

Content of the national legislation: gas cylinders constructed and tested according to the prescriptions of United States Department of Transportation (DOT) can be used for transport of a limited list of gases annexed to the derogation

Initial reference to the national legislation: *derogation BWV01-2017*

Expiry date: 31 December 2028

DK Denmark

RO-bi-DK-1

Subject: UN 1202, 1203, 1223 and Class 2 – no transport document.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Transport document needed.

Content of the national legislation: When transporting mineral oil products in Class 3, UN 1202, 1203 and 1223 and gases in Class 2 in connection with distribution (goods to be delivered to two or more recipients and collection of returned goods in similar situations), a transport document is not required provided the written instructions besides the information requested in the ADR, contain information relating to the UN-No, name and class.

Initial reference to the national legislation: *Bekendtgørelse nr. 729 af 15.8.2001 om vejtransport af farligt gods.*

Comments: The reason for having that national derogation is that the development of electronic equipment makes it possible for e.g. the oil companies using such equipment to transmit continuously to the vehicles information about the customers. As this information is not available at the beginning of the transport operation and will be forwarded to the vehicle during the transport journey, it is not possible – before the transport begins – to draw up the transport documents. These kinds of transport are restricted to limited areas.

Derogation for Denmark for a similar provision under Article 6(10) of Directive 94/55/EC.

Expiry date: 30 June 2026

RO-bi-DK-2

Subject: Adoption of RO-bi-SE-6

Initial reference to the national legislation: *Bekendtgørelse nr. 437 af 6. juni 2005 om vejtransport af farligt gods, as amended.*

Expiry date: 30 June 2026

RO-bi-DK-3

Subject: Transporting dangerous goods within private premises placed in close proximity of one another.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Requirements for the carriage of dangerous goods on public roads.

Content of the national legislation: Regarding transportation of dangerous goods by road between two or more separate private premises placed in close proximity, the transport can happen with a written permit from the competent authority – certain conditions apply.

Initial reference to the national legislation: *Bekendtgørelse nr. 828 af 10. juni 2017 om vejtransport af farligt gods.*

Comments: A situation can easily occur where goods are transferred between private premises situated nearby each other but where it is still necessary to access public road for a very limited distance (e.g. crossing a road). This does not constitute carriage of dangerous goods on a public road in the normal sense of the term, and only more lenient terms apply.

Expiry date: 30 June 2026

RO-bi-DK-4

Subject: Road transport of dangerous goods of certain classes from private households and enterprises to nearby waste collecting points or intermediate processing facilities for the purpose of disposal.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts 1 to 9

Content of the Annex to the Directive: General provisions, classification provisions, special provisions, packing provisions, consignment procedures, requirements for the construction and testing of packagings, provisions concerning the conditions of carriage, loading, unloading and handling, requirements for vehicle crews, equipment, operation and documentation and requirements concerning the construction and approval of vehicles.

Content of the national legislation: Dangerous goods from private households and enterprises may under certain conditions be carried to nearby waste collecting points or intermediate processing facilities for the purpose of disposal. Different provisions shall be complied with depending on the character and risks related to the transport; such as the quantity of dangerous goods per inner packaging, per outer packaging and/or per transport unit, and whether carriage of dangerous goods is ancillary to the main activity of the enterprises or not.

Initial reference to the national legislation: *Bekendtgørelse nr. 818 af 28. juni 2011 om vejtransport af farligt gods § 4, stk. 3.*

Comments: It is not possible for waste managers and enterprises to apply all provisions of Annex I, Section I.1 to Directive 2008/68/EC when wastes that may contain residues of dangerous goods are carried from private households and/or enterprises to nearby waste collecting points for the purpose of disposal. The waste is typically packagings that have been originally carried according to the exemption of sub-section 1.1.3.1 (c) of Annex I, Section I.1 to Directive 2008/68/EC and/or sold in retail. However, exemption 1.1.3.1 (c) does not apply to carriage to waste collecting points, and provisions of chapter 3.4 of Annex I, Section I.1 to Directive 2008/68/EC are not appropriate for carriage of waste inner packagings.

Expiry date: 1 January 2025

RO-bi-DK-5

Subject: Exemption to allow the loading and unloading of dangerous goods, to which the special provision CV1 in 7.5.11 or S1 in 8.5 is assigned, in a public place without special permission from the competent authorities.

Reference to Annex I, section I.1, to this directive: 7.5.11, 8.5

Content of the Annex to the Directive: Additional provisions concerning loading, unloading and handling.

Content of the national legislation: Loading and unloading of dangerous goods in a public place is permitted without special permission from the competent authority, in derogation from the requirements of 7.5.11 or 8.5.

Initial reference to the national legislation: *Bekendtgørelse nr. 828 af 10/06/2017 om vejtransport af farligt gods.*

Comments: For national transport within the state, this provision places a very onerous burden on the competent Authorities as well as on the business community dealing with the dangerous goods in question.

Expiry date: 30 June 2026

DE Germany**RO-bi-DE-1**

Subject: Waiving of certain indications in the transport document (n2).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.1.

Content of the Annex to the Directive: Contents of the transport document.

Content of the national legislation: For all classes except classes 1 (except 1.4S), 5.2 and 7:

No indication needed in the transport document:

- (a) for the consignee in case of local distribution (except for full load and for transport with certain routings);
- (b) for the amount and types of packaging, if 1.1.3.6 is not applied and if the vehicle is in conformity with all the provisions of Annex A and B;
- (c) for empty uncleaned tanks the transport document of the last load is sufficient.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. IS. 4350); Ausnahme 18.*

Comments: Applying all provisions would not be practicable as regards the kind of traffic concerned.

Derogation was registered by the Commission as No 22 (under Article 6(10) of Directive 94/55/EC).

Expiry date: 30 June 2027

RO-bi-DE-3

Subject: Transportation of packaged hazardous waste.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1 to 5.

Content of the Annex to the Directive: Classification, packaging and marking.

Content of the national legislation: Classes 2 to 6.1, 8 and 9: Combined packaging and transportation of hazardous waste in packs and IBCs; waste must be packaged in internal packaging (as collected) and categorised in specific waste groups (avoidance of dangerous reactions within a waste group); use of special written instructions relating to the waste groups and as a waybill; collection of domestic and laboratory waste, etc.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. IS. 4350); Ausnahme 20.*

Comments: List No 6*.

Expiry date: 30 June 2027

RO-bi-DE-5

Subject: Local transport of UN 3343 (nitroglycerine mixture, desensitised, liquid, flammable, not otherwise specified, with not more than 30 % nitroglycerine by mass) in tank-containers, derogating from sub-section 4.3.2.1.1 of Annex I, Section I.1 to Directive 2008/68/EC.

Reference to Annex I, section I.1 to Directive 2008/68/EC: 3.2, 4.3.2.1.1,

Content of the Annex to the Directive: Provisions on the use of tank-containers.

Content of the national legal provisions: local transport of nitroglycerin (UN 3343) in tankcontainers, over short distances, subject to compliance with the following conditions:

1. Requirements for the tank-containers

- 1.1. Only tank-containers specifically authorised for this purpose may be used, which in other respects comply with the provisions on construction, equipment, authorisation of the construction model, tests, labelling and operation in Chapter 6.8 of Annex I, Section I.1 to Directive 2008/68/EC.
- 1.2. The tank-container's closing mechanism must have a pressure-release system which yields to an internal pressure of 300 kPa (3 bar) above normal pressure and in so doing frees an upward-facing opening with a pressure-release area of at least 135 cm² (diameter 132 mm). The opening must not re-close after being activated. As a safety installation, one or more safety elements with the same activation behaviour and a corresponding pressure-release area can be used. The construction type of the safety installation must have successfully undergone type testing and type approval by the authority responsible.

2. Labelling

Each tank-container is to be labelled on both sides with a danger label in accordance with model 3 in sub-section 5.2.2.2.2 of Annex I, Section I.1 to Directive 2008/68/E.

3. Operating provisions

- 3.1. It must be ensured that during transport the nitroglycerine is evenly distributed in the phlegmatisation medium and no de-mixing can take place.
- 3.2. During loading and unloading it is not permitted to remain in or on a vehicle, except in order to operate the loading and unloading equipment.
- 3.3. At the place of unloading, the tank-containers are to be completely emptied. If they cannot be completely emptied, they are to be closed tight after unloading until they are filled again.

Original reference to national legal provisions: *derogation North Rhine-Westphalia*

Remarks: This concerns local transport in tank-containers by road over short distances as part of an industrial process between two fixed production locations. In order to manufacture a pharmaceutical product, production location A delivers as part of a rule-compliant transport in 600 l tank-containers a resin solution, flammable (UN 1866), packaging group II, to production location B. Here a nitroglycerine solution is added and mixing takes place, producing a glue mixture containing nitroglycerine, desensitised, liquid, flammable, not otherwise specified, with not more than 30 % nitroglycerine by mass (UN 3343) for further use. The return transport of this substance to production location A also takes place in the said tank-containers, which have been specially checked and approved by the relevant authority for this specific transport operation and bear the tank code L10DN.

End of the period of validity: 30 June 2028

RO-bi-DE-6

Subject: Adoption of RO-bi-SE-6.

Initial reference to the national legislation: *f 1 Absatz 3 Nummer 1 der Gefahrgutverordnung Straße, Eisenbahn und Binnenschifffahrt (GGVSEB)*

Expiry date: 30 June 2027

RO-bi-DE-7

Subject: Adoption of RO-bi-BE-10

Initial reference to the national legislation:

Expiry date: 31 December 2027

IE Ireland

RO-bi-IE-3

Subject: Exemption to allow the loading and unloading of dangerous goods, to which the special provision CV1 in 7.5.11 or S1 in 8.5 is assigned, in a public place without special permission from the competent authorities.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.5 and 8.5.

Content of the Annex to the Directive: Additional provisions concerning loading, unloading and handling.

Content of the national legislation: Loading and unloading of dangerous goods in a public place is permitted without special permission from the competent authority, in derogation from the requirements of 7.5.11 or 8.5.

Initial reference to the national legislation: *Regulation 82(5) of the "Carriage of Dangerous Goods by Road Regulations, 2004"*.

Comments: For national transport within the state, this provision places a very onerous burden on the competent authorities.

Expiry date: 30 June 2027

RO-bi-IE-6

Subject: Exemption from requirement in 4.3.4.2.2, which requires flexible filling and discharge pipes that are not permanently connected to the shell of a tank-vehicle to be empty during transport.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.3.

Content of the Annex to the Directive: Use of tank-vehicles.

Content of the national legislation: Flexible hose reels (including fixed pipelines associated with them) attached to tank-vehicles engaged in the retail distribution of petroleum products with substance identification numbers UN 1011, UN 1202, UN 1223, UN 1863 and UN 1978 are not required to be empty during carriage by road, provided adequate measures are taken to prevent any loss of contents.

Initial reference to the national legislation: *Regulation 82(8) of the "Carriage of Dangerous Goods by Road Regulations, 2004"*.

Comments: Flexible hoses fitted to home delivery tank-vehicles must remain full at all times even during transport. The discharge system is known as a "wet-line" system that requires the tank-vehicle's meter and hose to be primed so as to ensure the customer receives the correct quantity of product.

Expiry date: 30 June 2027

RO-bi-IE-7

Subject: Exemption from some requirements of 5.4.0, 5.4.1.1.1 and 7.5.11 of the ADR for the transport in bulk of Ammonium Nitrate Fertilizer UN 2067 from ports to consignees.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.0, 5.4.1.1.1 and 7.5.11.

Content of the Annex to the Directive: The requirement for a separate transport document, with the correct total quantity for the particular load included, for each transport journey; and the requirement for the vehicle to be cleaned before and after the journey.

Content of the national legislation: Proposed derogation to allow modifications to the requirements of the ADR on the transport document and vehicle cleaning; to take account of the practicalities of bulk transport from port to consignee.

Initial reference to the national legislation: *Proposed amendment to "Carriage of Dangerous Goods by Road Regulations, 2004"*.

Comments: The provisions of the ADR require (a) a separate transport document, containing the total mass of dangerous goods carried for the particular load; and (b) the Special Provision "CV24" on cleaning for each and every load being transported between the port and the consignee during the unloading of a bulk ship. As the transport is local and as it concerns the unloading of a bulk ship, involving multiple transport loads (on the same or consecutive days) of the same substance between the bulk ship and the consignee, a single transport document, with an approximate total mass of each load, should suffice and it should not be necessary to require the Special Provision "CV24".

Expiry date: 30 June 2027

RO-bi-IE-8

Subject: Transport of dangerous goods between private premises and another vehicle in the immediate vicinity of the premises, or between two parts of private premises situated in the immediate vicinity of each other but separated by a public road.

Reference to the Annex of the Directive: Annex I, Section 1.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Requirements for the carriage of dangerous goods by road.

Content of the national legislation: Disapplication of the regulations where a vehicle is being used to transfer dangerous goods

- (a) between private premises and another vehicle in the immediate vicinity of those premises; or
- (b) between two parts of private premises in the immediate vicinity of each other but which may be separated by a public road,

provided that the transport is carried out by means of the most direct route.

Initial reference to the national legislation: *European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 and 2013, Regulation 56.*

Comments: Various situations can occur where goods are transferred between two parts of private premises or between private premises and an associated vehicle which are separated by a public road. This form of transport does not constitute the carriage of dangerous goods in the usual sense, and thus the regulations pertaining to the carriage of dangerous goods do not need to be applied. See also RO-bi-SE-3 and **RO-bi-DK-3**.

Expiry date: 30 June 2027

EL Greece

RO-bi-EL-1

Subject: Derogation from the safety requirements for fixed tanks (tank-vehicles) with a gross mass of less than 4 t used for the local transport of gas oil (UN 1202), first registered in Greece between 1 January 1991 and 31 December 2002.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.6.3.6, 6.8.2.4.2, 6.8.2.4.3, 6.8.2.4.4, 6.8.2.4.5, 6.8.2.1.17-6.8.2.1.22, 6.8.2.1.28, 6.8.2.2, 6.8.2.2.1, 6.8.2.2.2.

Content of the Annex to the Directive: Requirements for construction, equipment, type approval, inspections and tests, and marking of fixed tanks (tank-vehicles), removable tanks and tank containers and tank swap bodies, with shells made of metallic materials, and battery vehicles and MEGCs.

Content of the national legislation: Transitional provision: Fixed tanks (tank-vehicles) with a gross mass of less than 4 t used for the local transport of gas oil only (UN 1202), first registered in Greece between 1 January 1991 and 31 December 2002 whose shell thickness is less than 3 mm, may still be used. It is intended to cover local transport for vehicles registered during that period. This transitional provision will be in force for tank vehicles only if they are transformed according to 6.8.2.1.20 and adapted according to:

1. Paragraphs of the ADR for inspection and tests: 6.8.2.4.2, 6.8.2.4.3, 6.8.2.4.4, 6.8.2.4.5
2. Tanks shall fulfil the requirements of 6.8.2.1.28, 6.8.2.2.1 and 6.8.2.2.2.

In the field "Notes" of the vehicle's registration certificate, the following shall be written: "VALID UNTIL 30.6.2021".

Initial reference to the national legislation: *Τεχνικές Προδιαγραφές κατασκευής, εξοπλισμού και ελέγχων των δεξαμενών μεταφοράς συγκεκριμένων κατηγοριών επικινδύνων εμπορευμάτων για σταθερές δεξαμενές (οχήματα-δεξαμενές), αποσυναρμολογούμενες δεξαμενές που βρίσκονται σε κυκλοφορία (Requirements for construction, equipment, inspections and tests of fixed tanks (tank-vehicles) and removable tanks in circulation, for some categories of dangerous goods).*

Expiry date: 30 June 2023

ES Spain

RO-bi-ES-2

Subject: Special equipment for distribution of anhydrous ammonia.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 6.8.2.2.2.

Content of the Annex to the Directive: In order to avoid any loss of contents in the event of damage to the external fittings (pipes, lateral shut-off devices), the internal stop valve and its seating must be protected against the danger of being wrenched off by external stresses or be so designed as to resist such stresses. The filling and discharge devices (including flanges or threaded plugs) and protective caps (if any) must be capable of being secured against any unintended opening.

Content of the national legislation: Tanks used for agricultural purposes for the distribution and application of anhydrous ammonia which were brought into service before 1 January 1997 may be equipped with external, instead of internal, safety fittings, provided they offer protection at least equivalent to the protection provided by the wall of the tank.

Initial reference to the national legislation: *Real Decreto 97/2014. Anejo 1. Apartado 3.*

Comments: Before 1 January 1997 a type of tank equipped with external safety fittings was used exclusively in agriculture to apply anhydrous ammonia directly onto the land. Various tanks of this kind are still in use today. They are rarely driven, laden, on the road, but are used solely for fertiliser on large farms.

Expiry date: 30 June 2027

FR France

RO-bi-FR-1

Subject: Utilisation of maritime document as transport document for short-distance trips following unloading of vessel.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1

Content of the Annex to the Directive: Information to appear in the document used as transport document for hazardous goods.

Content of the national legislation: The maritime document is used as transport document within a radius of 15 km.

Initial reference to the national legislation: *Arrêté du 1^{er} juin 2001 relatif au transport des marchandises dangereuses par route – Article 23-4.*

Expiry date: 30 June 2027

RO-bi-FR-3

Subject: Transport of fixed LPG storage tanks (18).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the national legislation: The transport of fixed LPG storage tanks is subject to specific rules. Applicable only to short distances.

Initial reference to the national legislation: *Arrêté du 1^{er} juin 2001 relatif au transport des marchandises dangereuses par route – Article 30.*

Expiry date: 30 June 2027

RO-bi-FR-4

Subject: Adoption of RO-bi-BE-8

Initial reference to the national legislation: *Arrêté du 29 mai 2009 modifié relatif aux transports de marchandises dangereuses par voies terrestres.*

Expiry date: 30 June 2027

RO-bi-FR-5

Subject: Adoption of RO-bi-BE-5

Initial reference to the national legislation: -

Expiry date: 30 June 2024

RO-bi-FR-6

Subject: Transport of waste containing free asbestos

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.4

Content of the Annex to the Directive: Packing instruction P002

Content of the national legislation: Transport of waste containing free asbestos (UN No 2212 ASBESTOS, AMPHIBOLE (amosite, tremolite, actinolite, anthophyllite, crocidolite) or UN No 2590 ASBESTOS, CHRYSOTILE) from construction sites:

— the waste is transported in tipper lorries,

- the waste is packaged in large “container bags” – folding bags of the dimensions of the tipper bed – that are closed tight so as to prevent asbestos fibres escaping during transport,
- the container bags are designed to withstand the stresses encountered under normal transport conditions and during unloading at the landfill site,
- the other conditions that apply under the ADR are fulfilled.
- These transport conditions appear particularly suited to the transport of large quantities of waste produced by roadworks or asbestos removal from buildings. The conditions are also suited to the final storage of the waste at approved landfill sites and offer greater ease of loading and therefore better protection of workers from the asbestos compared with the conditions applicable under the P002 packing instruction in chapter 4.1.4 of the ADR.

Initial reference to the national legislation: -

Expiry date: 30 June 2024

HU Hungary

RO-bi-HU-1

Subject: Adoption of RO-bi-SE-3

Initial reference to the national legislation: *A nemzeti fejlesztési miniszter rendelete az ADR Megállapodás A és B Mellékletének belföldi alkalmazásáról*

Expiry date: 30 January 2025

NL The Netherlands

RO-bi-NL-13

Subject: Scheme for transport of domestic hazardous waste 2015

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.1.3.6, 3.3, 4.1.4, 4.1.6, 4.1.8, 4.1.10, 5.1.2, 5.4.0, 5.4.1, 5.4.3, 6.1, 7.5.4, 7.5.7, 7.5.9, 8 and 9.

Content of the Annex to the Directive: Exemptions for certain quantities; special provisions; use of packaging; use of over-packaging; documentation; construction and testing of packaging; loading, unloading and handling; manning; equipment; operation; vehicles and documentation; construction and approval of vehicles.

Content of the national legislation: provisions relating to the transport of small collected domestic hazardous waste as well as domestic hazardous waste from businesses, which is supplied in appropriate packaging with a maximum capacity of 60 litres. Given the small quantities involved in each instance and given the diverse nature of the various substances, it is not possible to conduct the transport operations in total compliance with ADR rules. Accordingly, a simplified variant deviating from a number of provisions in the ADR is therefore stipulated under the abovementioned scheme.

Initial reference to the national legislation: *Scheme for transport of domestic hazardous waste 2015*

Comments: The scheme was set up to enable individuals and businesses to deposit small chemical waste at a single location. The substances in question therefore consist of residues such as paint waste. The danger level is minimised by the choice of means of transport, involving, inter alia, the use of special transport elements and “no smoking” notices plus a yellow flashing light clearly visible to members of the public. The crucial point as far as transport is concerned is that safety is guaranteed. This can be achieved by, for instance, having the substances transported in sealed packagings so as to avoid dispersal, or the risk of toxic vapours leaking or accumulating in the vehicle. Incorporated in the vehicle are units suitable for storing the various categories of waste and providing protection against shunting and accidental displacement as well as inadvertent opening. At the same time, notwithstanding the small quantities of waste presented, the transport operator must have a certificate of professional competence, given the diverse nature of the substances involved. Because of the lack of knowledge on the part of private individuals regarding the danger levels associated with these substances, written instructions shall be provided, as stipulated in the Annex to the scheme.

Expiry date: 30 June 2027

PT Portugal

RO-bi-PT-1

Subject: Transport documentation for UN 1965

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Requirements for transport documentation.

Content of the national legislation: The proper shipping name to be indicated in the transport document, as provided for in Section 5.4.1 of the RPE (*Regulamento Nacional de Transporte de Mercadorias Perigosas por Estrada*), for commercial butane and propane gases covered by the collective heading “UN No 1965 hydrocarbon gas mixture, liquefied, n.o.s.”, transported in cylinders, may be replaced by other trade names as follows:

“UN 1965 Butane” in the case of mixtures A, A01, A02 and A0, as described in subsection 2.2.2.3 of the RPE, transported in cylinders;

“UN 1965 Propane” in the case of mixture C, as described in subsection 2.2.2.3 of the RPE, transported in cylinders.

Initial reference to the national legislation: *Despacho DGTT 7560/2004, 16 April 2004, under Article 5, No 1, of Decreto-Lei No 267-A/2003 of 27 October*

Comments: The importance of making it easier for economic operators to fill in transport documents for dangerous goods is recognised, provided that the safety of these operations is not affected.

Expiry date: 30 June 2027

RO-bi-PT-2

Subject: Transport documentation for empty uncleaned tanks and containers.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Requirements for transport documentation

Content of the national legislation: For the return journeys of empty tanks and containers that have transported dangerous goods, the transport document referred to in Section 5.4.1 of the RPE may be replaced by the transport document issued for the immediately preceding journey made to deliver the goods.

Initial reference to the national legislation: *Despacho DGTT15162/2004, 28 July 2004, under Article 5, No 1, of Decreto-Lei No 267-A/2003, of 27 October*

Comments: The obligation that the transport of empty tanks and containers that have contained dangerous goods be accompanied by a transport document in accordance with the RPE causes, in certain cases, practical difficulties, which can be kept to the minimum without prejudice to safety.

Expiry date: 30 June 2027

RO-bi-PT-3

Subject: Adoption of RO-bi-BE-8

Initial reference to the national legislation: *Deliberação 12/2021, de 5 Janeiro 2021*

Expiry date: 30 June 2027

FI Finland

RO-bi-FI-1

Subject: Modification of information in the transport document for explosive substances.

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.2.1(a)

Content of the Annex to the Directive: Special provisions for Class 1.

Content of the national legislation: In the transport document it is permissible to use the number of detonators (1 000 detonators correspond to 1 kg explosives) instead of the actual net mass of explosive substances.

Initial reference to the national legislation: *The Finnish Transport and Communications Agency Regulation on the Transport of Dangerous Goods by Road*

Comments: The information is considered sufficient for national transport. This derogation is used mainly for the blasting industry in respect of small amounts transported locally.

Expiry date: 30 June 2027

RO-bi-FI-3

Subject: Adoption of RO-bi-DE-1

Initial reference to the national legislation: *The Finnish Transport and Communications Agency Regulation on the Transport of Dangerous Goods by Road*

Expiry date: 30 June 2027

RO-bi-FI-4

Subject: Adoption of RO-bi-SE-6

Initial reference to the national legislation: *Government Decree on a Driving Certificate for Drivers of Vehicles Carrying Dangerous Goods (401/2011)*

Expiry date: 30 June 2027

SE Sweden

RO-bi-SE-1

Subject: Carriage of hazardous waste to hazardous waste disposal plants.

Reference to Annex I, Section I.1 to Directive 2008/68/EC: Part 5 and 6.

Content of the Annex to the Directive: Requirements for construction and testing of packages.

Content of the national legislation: Carriage of packagings containing dangerous goods as waste shall be carried out in accordance with the provisions of ADR from which only a few exemptions are allowed. Exemptions are not permitted for all types of substances and articles.

The main exemptions are:

Small packagings (less than 30 kg) of dangerous goods as waste may be packed in packagings, including IBCs and large packagings, without complying with the provisions of sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex I, Section I.1 to this Directive. Packagings, including IBCs and large packagings need not be tested as prepared for carriage with a representative sample of small inner packages.

This is permitted provided that:

- packagings, IBCs and large packagings conform to a type which has been tested and approved according to packing group I or II of the applicable provisions of Sections 6.1, 6.5 or 6.6 of Annex I, Section I.1 to this Directive,
- the small packagings are packed with absorbent material that retains any free liquid that might escape into the outer packagings, IBCs or large packagings during carriage, and
- the packagings, IBCs or large packagings as prepared for carriage have a gross mass of no more than the permitted gross mass stated on the UN design type marking for packing groups I or II for the packagings, IBCs or large packagings; and
- the following sentence is included in the transport document “Packed according to part 16 of ADR-S”.

Initial reference to the national legislation: *Appendix S – Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act*

Comments: Sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex I, Section I.1 to this Directive are difficult to apply because the packagings, IBCs and large packagings shall be tested with a representative sample of the waste, which is hard to predict on beforehand.

Expiry date: 30 June 2027

RO-bi-SE-2

Subject: The name and address of the consignor in the transport document.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.

Content of the Annex to the Directive: General information required in the transport document.

Content of the national legislation: National legislation states that the name and address of the consignor is not required if empty, uncleaned packaging is returned as part of a distribution system.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Comments: Empty uncleaned packaging being returned will in most cases still contain small quantities of dangerous goods.

This derogation is mainly used by industries when returning empty uncleaned gas receptacles in exchange for full ones.

Expiry date: 30 June 2027

RO-bi-SE-3

Subject: Transport of dangerous goods in the close proximity of industrial site(s), including transport on public roads between various parts of the site(s).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Requirements for the transport of dangerous goods on public roads.

Content of the national legislation: Transport in the close proximity of industrial site(s), including transport on public roads between various parts of the site(s). The derogations concern the labelling and marking of packages, transport documents, driver's certificate and certificate of approval according to 9.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Comments: There are several situations in which dangerous goods are transferred between premises situated on opposite sides of a public road. This form of transport does not constitute carriage of dangerous goods on a private road and shall therefore be associated with the relevant requirements. Compare also with Article 6(14) of Directive 96/49/EC.

Expiry date: 30 June 2027

RO-bi-SE-4

Subject: Transport of dangerous goods that have been seized by the authorities.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annex A and B.

Content of the Annex to the Directive: Requirements for the transport of dangerous goods by road.

Content of the national legislation: Deviations from the regulations may be permitted if they are motivated by reasons of labour protection, unloading risks, submission of evidence etc.

Deviations from the regulations are permitted only if satisfactory safety levels are met during normal conditions of carriage.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Comments: These derogations may be applied only by authorities seizing dangerous goods.

This derogation is intended for local transport e.g. of goods that have been seized by the police, such as explosives or stolen property. The problem with these types of goods is that one can never be sure of classifications. In addition, the goods are often not packed, marked or labelled in accordance with the ADR. There are several hundred such transportations carried out by the police every year. In the case of smuggled liquor, this must be transported from the place where it is seized to a facility where evidence is stored and then on to a facility for destruction; the latter two may be quite far apart from each other. The deviations permitted are: (a) each package does not need to be labelled; and (b) approved packages do not need to be used. However, each pallet containing such packages must be correctly labelled. All other requirements must be fulfilled. There are approximately 20 such transportations each year.

Expiry date: 30 June 2027

RO-bi-SE-5

Subject: Transport of dangerous goods in and in close proximity to ports.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.1.2, 8.1.5, 9.1.2

Content of the Annex to the Directive: Documents to be carried on the transport unit; every transport unit carrying dangerous goods must be equipped with the specified equipment; vehicle approval.

Content of the national legislation: Documents (except for the driver's certificate) need not be carried on the transport unit.

A transport unit need not be equipped with the equipment specified in 8.1.5.

Tractors need not have a certificate of approval.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Comments: Compare Directive 96/49/EC, Article 6(14).

Expiry date: 30 June 2027

RO-bi-SE-6

Subject: Inspectors' ADR training certificate.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.2.1.

Content of the Annex to the Directive: Drivers of vehicles must attend training courses.

Content of the national legislation: Inspectors who perform the yearly technical inspection of the vehicle do not need to attend the training courses mentioned in 8.2 or hold the ADR training certificate.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Comments: In some cases, vehicles being tested in the technical inspection may be carrying dangerous goods as load, e.g. uncleaned, empty tanks.

The requirements in 1.3 and 8.2.3 are still applicable.

Expiry date: 30 June 2027

RO-bi-SE-7

Subject: Local distribution of UN 1202, 1203 and 1223 in tankers.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.6, 5.4.1.4.1.

Content of the Annex to the Directive: For empty uncleaned tanks and tank-containers the description shall be in accordance with 5.4.1.1.6. The name and address of multiple consignees may be entered in other documents.

Content of the national legislation: For empty, uncleaned tanks or tank-containers the description in the transport document according to 5.4.1.1.6 is not needed if the amount of the substance in the loading plan is marked with 0. The name and address of the consignees are not required in any document on board the vehicle.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Expiry date: 30 June 2027

RO-bi-SE-9

Subject: Local transport in relation to agricultural sites or construction sites.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4, 6.8 and 9.1.2.

Content of the Annex to the Directive: Transport document; Construction of tanks; Certificate of approval.

Content of the national legislation: Local transport in relation to agricultural sites or construction sites need not comply with some regulations:

- (a) the dangerous goods declaration is not required;
- (b) older tanks/containers not constructed according to 6.8 but according to older national legislation and fitted on crew wagons may still be used;
- (c) older tankers, not fulfilling the requirements in 6.7 or 6.8, intended for the transport of substances of UN 1268, 1999, 3256 and 3257, with or without road surface coating equipment, may still be used for local transport and in close proximity to road work places;
- (d) certificates of approval for crew wagons and tankers with or without road surface coating equipment are not required.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Comments: A crew wagon is a kind of caravan for a work crew with a crew room and fitted with a non-approved tank/container for diesel fuel intended for the operation of forestry tractors.

Expiry date: 30 June 2027

RO-bi-SE-10

Subject: Tank transport of explosives.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.4.

Content of the Annex to the Directive: Explosives may be packaged only in accordance with 4.1.4.

Content of the national legislation: The competent national authority will approve vehicles intended for tank transport of explosives. Tank transport is permissible only for those explosives listed in the regulation or by special authorisation from the competent authority.

A vehicle loaded with explosives in tanks must be marked and labelled in accordance with 5.3.2.1.1, 5.3.1.1.2 and 5.3.1.4. Only one vehicle in the transport unit may contain dangerous goods.

Initial reference to the national legislation: *Appendix S – Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act and the Swedish regulation SÄIFS 1993:4.*

Comments: This is applicable only to domestic transport and when the transport operation is mostly of a local nature. The regulations in question were in force before Sweden joined the European Union.

Only two companies perform transport operations with explosives in tank-vehicles. In the near future transition to emulsions is expected.

Old derogation No 84.

Expiry date: 30 June 2027

RO-bi-SE-11

Subject: Driver's licence

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.2.

Content of the Annex to the Directive: Requirements concerning the training of the vehicle crew.

Content of the national legislation: Driver training is not permitted with any vehicle referred to in 8.2.1.1.

Initial reference to the national legislation: *Appendix S – Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act*

Comments: Local transport.

Expiry date: 30 June 2027

RO-bi-SE-12

Subject: Carriage of UN 0335 fireworks.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annex B, 7.2.4, V2 (1)

Content of the Annex to the Directive: Provisions for the use of EX/II and EX/III vehicles.

Content of the national legislation: When carrying UN 0335 fireworks, Special Provision V2 (1) in 7.2.4 is applicable only to a net explosive content of more than 3 000 kg (4 000 kg with trailer), provided the fireworks have been assigned to UN 0335 according to the default fireworks classification table in 2.1.3.5.5 of the fourteenth revised edition of the UN Recommendations on the Transport of Dangerous Goods.

Such assignment shall be made with the agreement of the competent authority. A verification of the assignment shall be carried on the transport unit.

Initial reference to the national legislation: *Appendix S – Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act*

Comments: The carriage of fireworks is limited in time to two short periods of the year, the turn of the year and the turn of the month April/May. The carriage from consignors to terminals can be effected by the present fleet of EX-approved vehicles without great problems. However, the distribution both of fireworks from terminals to shopping areas and of the surplus back to the terminal is limited due to a lack of EX-approved vehicles. The carriers are not interested in investing in such approvals because they cannot recover their costs. This places the whole existence of consignors of fireworks in jeopardy because they cannot get their products on the market.

When using this derogation, the classification of the fireworks must be made on the basis of the default list in the UN Recommendations, in order to get the most up-to-date classification possible.

A similar type of exception exists for UN 0336 fireworks incorporated in Special Provision 651, 3.3.1 of the ADR 2005.

Expiry date: 30 June 2027

RO-bi-SE-13

Subject: Adoption of RO-bi-DK-4

Legal basis: Directive 2008/68/EC, Article 6(2)(b)(i) (Local transport over short distances)

Reference to the Annex I, Section n I,1 to Directive 2008/68/EC: Parts 1 to 9.

Content of the Annex to the Directive:

Reference to national legislation: *Särskilda bestämmelser om visa inrikes transporter av farligt gods på väg och i terräng*

Comments:

Expiry date: 30 June 2027.;

(2) in Annex II, Section II.3 is replaced by the following:

II.3. National derogations

Derogations for Member States for the transport of dangerous goods within their territory on the basis of Article 6(2) of Directive 2008/68/EC.

Numbering of derogations: RA-a/bi/bii-MS-nn

RA = Rail
a/bi/bii = Article 6(2) a/bi/bii
MS = Abbreviation of Member State
nn = order number

Based on Article 6(2)(a) of Directive 2008/68/EC

DE Germany

RA-a-DE-2

Subject: Combined packaging authorisation.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 4.1.10.4 MP2.

Content of the Annex to the Directive: Prohibition of combined packaging.

Content of the national legislation: Class 1.4S, 2, 3 and 6.1; authorisation of combined packaging of objects in Class 1.4S (cartridges for small weapons), aerosols (Class 2) and cleaning and treatment materials in Class 3 and 6.1 (UN numbers listed) as sets to be sold in combined packaging in packaging group II and in small quantities.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. IS. 4350); Ausnahme 21.*

Comments: List No 30*, 30a, 30b, 30c, 30d, 30e, 30f, 30g.

Expiry date: 30 June 2027

FR France

RA-a-FR-3

Subject: Transport for the needs of the rail carrier.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Information concerning hazardous materials to be indicated on the consignment note.

Content of the national legislation: Transport for the needs of the rail carrier of quantities not exceeding the limits set in 1.1.3.6 is not subject to the load declaration obligation.

Initial reference to the national legislation: *Arrêté du 5 juin 2001 relatif au transport des marchandises dangereuses par chemin de fer – Article 20.2*

Expiry date: 30 June 2027

RA-a-FR-4

Subject: Exemption from the labelling of certain mail wagons.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 5.3.1.

Content of the Annex to the Directive: Obligation to affix labels on the walls of wagons.

Content of the national legislation: Only mail wagons carrying over 3 tonnes of a material in the same class (other than 1, 6.2 or 7) must be labelled.

Initial reference to the national legislation: *Arrêté du 5 juin 2001 relatif au transport des marchandises dangereuses par chemin de fer – Article 21.1*

Expiry date: 30 June 2027

SE Sweden

RA-a-SE-1

Subject: A railway carriage carrying dangerous goods, as express goods, need not be marked with labels.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 5.3.1.

Content of the Annex to the Directive: Railway carriages carrying dangerous goods must display labels.

Content of the national legislation: A railway carriage carrying dangerous goods, as express goods, need not be marked with labels.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Comments: There are quantity limits in the RID for goods designated as express goods. Therefore it is a small quantity issue.

Expiry date: 30 June 2027

Based on Article 6(2)(b)(i) of Directive 2008/68/EC

DK Denmark

RA-bi-DK-1

Subject: Carriage of dangerous goods in tunnels

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 7.5

Content of the Annex to the Directive: Loading, unloading and protective distances

Content of the national legislation: The legislation provides for alternative provisions than provided for in Annex II, Section II.1 to Directive 2008/68/EC regarding carriage through the rail tunnel of the fixed link across the Great Belt and Øresund. These alternative provisions relate only to load volume and the distance between dangerous goods loads.

Initial reference to the national legislation: *Bestemmelser om transport af Eksplosiver i jernbanetunnellerne på Storebælt og Øresund, 11. maj 2017*

Comments:

Expiry date: 30 June 2027

DE Germany

RA-bi-DE-2

Subject: Transportation of packaged hazardous waste.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 1 to 5.

Content of the Annex to the Directive: Classification, packaging and marking.

Content of the national legislation: Classes 2 to 6.1, 8 and 9: Combined packaging and transportation of hazardous waste in packs and IBCs; waste must be packaged in internal packagings (as collected) and categorised in specific waste groups (avoidance of dangerous reactions within a waste group); use of special written instructions relating to the waste groups and as a waybill; collection of domestic and laboratory waste, etc.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. IS. 4350); Ausnahme 20.*

Comments: List No 6*.

Expiry date: 30 June 2027

RA-bi-DE-3

Subject: Local transport of UN 1381 (phosphorus, yellow, under water), Class 4.2, packaging group I, in railway tank wagons.

Reference to Annex II, section II.1 to Directive 2008/68/EC: 6.8, 6.8.2.3.

Content of the Annex to the Directive: Provisions for the construction of tanks and tank wagons. Chapter 6.8, subsection 6.8.2.3, requires type approval for tanks carrying UN 1381 (phosphorus, yellow, under water).

Content of the national legislation: Local transport of UN 1381 (phosphorus, yellow, under water), Class 4.2, packaging group I, over short distances (from Sassnitz-Mukran to Lutherstadt Wittenberg-Piesteritz and Bitterfeld) in railway tank wagons built according to Russian standards. The transport of the goods is subject to additional operational provisions laid down by the competent safety authorities.

Initial reference to the national legislation: *Ausnahme Eisenbahn-Bundesamt Nr. E 1/92*

Expiry date: 30 January 2025

SE Sweden

RA-bi-SE-1

Subject: Carriage of hazardous waste to hazardous waste disposal plants.

Reference to the Annex II, Section II.1 to Directive 2008/68/EC: Part 5 and 6.

Content of the Annex to the Directive: Requirements for construction and testing of packages.

Content of the national legislation: Carriage of packagings containing dangerous goods as waste shall be carried out in accordance with the provisions of this Directive from which only a few exemptions are allowed. Exemptions are not permitted for all types of substances and articles.

The main exemptions are:

Small packagings (less than 30 kg) of dangerous goods as waste may be packed in packagings, including IBCs and large packagings, without complying with the provisions of sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex II, Section II.1 to this Directive. Packagings, including IBCs and large packagings need not be tested as prepared for carriage with a representative sample of small inner packages.

This is permitted provided that:

- packagings, IBCs and large packagings conform to a type which has been tested and approved according to packing group I or II of the applicable provisions of Sections 6.1, 6.5 or 6.6 of Annex II, Section II.1 to this Directive,
- the small packagings are packed with absorbent material that retains any free liquid that might escape into the outer packagings, IBCs or large packagings during carriage, and
- the packagings, IBCs or large packagings as prepared for carriage has a gross mass of no more than the permitted gross mass stated on the UN design type marking for packing groups I or II for the packagings, IBCs or large packagings, and
- the following sentence is included in the transport document “Packed according to part 16 of RID-S”

Initial reference to the national legislation: *Appendix S – Specific regulations for the domestic transport of dangerous goods by rail issued in accordance with the Transport of Dangerous Goods Act*

Comments: Sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex II, Section II.1 to this Directive are difficult to apply because the packagings, IBCs and large packagings shall be tested with a representative sample of the waste, which is hard to predict on beforehand.

Expiry date: 30 June 2027

Based on Article 6(2)(b)(ii) of Directive 2008/68/EC

DE Germany

RA-bii-DE-1

Subject: Local transport of UN 1051 (Hydrogen Cyanide, stabilised, liquid, containing 1 % or less water by mass), in railway tank wagons, derogating from subsection 1 of Annex II, Section II. 1, to Directive 2008/68/EC.

Reference to Annex II, Section II. 1, to Directive 2008/68/EC: 3.2, 4.3.2.1.1,

Content of the Annex to the Directive: Ban on the transport of UN 1051 (hydrogen cyanide), stabilised, liquid, containing 1 % or less water by mass, in railway tank wagons, RID tanks).

Content of the national legislation: Local transport by rail on particular designated routes as part of a defined industrial process and closely controlled under clearly specified conditions. Transport takes place in tank wagons licensed specifically for this purpose and whose construction and fittings are continually adapted in line with the latest safety requirements. The transport process is regulated in detail by additional operational safety provisions in agreement with the relevant safety and emergency authorities and is monitored by the relevant supervisory authorities.

Original reference to national legal provisions: *Ausnahmezulassung Eisenbahn-Bundesamt, No E 1/97*

Expiry date: 1 January 2023

RA-bii-DE-2

Subject: local transport on designated routes of UN 1402 (calcium carbide), packaging group I, in containers on wagons.

Reference to Annex II, section II.1 to Directive 2008/68/EC: 3.2, 7.3.1.1

Content of the Annex to the Directive: General provisions for transport in bulk. Chapter 3.2, Table A, does not allow calcium carbide to be carried in bulk.

Content of the national legislation: Local transport by rail of UN 1402 (calcium carbide), packaging group I, on specifically designated routes, as part of a defined industrial process and closely controlled under clearly specified conditions. The loads are transported in purpose-built containers in wagons. The transport of the goods is subject to additional operational provisions laid down by the competent safety authorities.

Initial reference to the national legislation: *Ausnahme Eisenbahn-Bundesamt Nr. E 3/10*

Expiry date: 15 January 2024.;

(3) in Annex III, Section III.3 is replaced by the following:

III.3. National derogations

Derogations for Member States for the transport of dangerous goods within their territory on the basis of Article 6(2) of Directive 2008/68/EC.

Numbering of derogations: IW-a/bi/bii-MS-nn

IW = Inland Waterways

a/bi/bii = Article 6(2) a/bi/bii

MS = Abbreviation of Member State

nn = order number

Based on Article 6(2)(bi) of Directive 2008/68/EC

DE Germany

IW-bi-DE-1

Subject: Transportation of packaged hazardous waste.

Reference to Annex III, Section III.1, to Directive 2008/68/EC: 1 to 5.

Content of the Annex to the Directive: Classification, packaging and marking.

Content of the national legislation: Classes 2 to 6.1, 8 and 9: Combined packaging and transportation of hazardous waste in packs and IBCs; waste must be packaged in internal packaging (as collected) and categorised in specific waste groups (avoidance of dangerous reactions within a waste group); use of special written instructions relating to the waste groups and as a waybill; collection of domestic and laboratory waste, etc.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 20.*

Comments: List No 6*.

Expiry date: 30 June 2027.'

COMMISSION IMPLEMENTING DECISION (EU) 2022/1096**of 30 June 2022****establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Korea to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EU) 2021/953 lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates ('EU Digital COVID Certificate') for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. It is also to contribute to facilitating the gradual lifting of restrictions to free movement put in place by Member States, in accordance with Union law, to limit the spread of SARS-CoV-2, in a coordinated manner.
- (2) Regulation (EU) 2021/953 allows for the acceptance of COVID-19 certificates issued by third countries to Union citizens and their family members where the Commission finds that those COVID-19 certificates are issued in accordance with standards that are to be considered as equivalent to those established pursuant to that Regulation. Furthermore, in accordance with Regulation (EU) 2021/954 of the European Parliament and of the Council ⁽²⁾, Member States are to apply the rules laid down in Regulation (EU) 2021/953 to third-country nationals who do not fall within the scope of that Regulation, but who are legally staying or residing in their territory and who are entitled to travel to other Member States in accordance with Union law. Therefore, any equivalence findings laid down in this Decision should apply to COVID-19 vaccination certificates issued by the Republic of Korea to Union citizens and their family members. Similarly, on the basis of Regulation (EU) 2021/954, such equivalence findings should also apply to COVID-19 vaccination certificates issued by the Republic of Korea to third-country nationals legally staying or residing in the territory of the Member States under the conditions laid down in that Regulation.
- (3) On 29 September 2021 the Republic of Korea provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination certificates under the system entitled 'COOV'. The Republic of Korea informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and a technological system, that are interoperable with the trust framework established by Regulation (EU) 2021/953 and that allow for the verification of the authenticity, validity and integrity of the certificates. In this regard, the Republic of Korea informed the Commission that COVID-19 vaccination certificates issued by the Republic of Korea in accordance with the 'COOV' system contain the data set out in the Annex to Regulation (EU) 2021/953.

⁽¹⁾ OJ L 211, 15.6.2021, p. 1.

⁽²⁾ 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).

- (4) The Republic of Korea also informed the Commission that, there are currently no travel restrictions related to COVID-19 for entry and stay into the Republic of Korea. Should there be a need to re-introduce travel requirements, the Republic of Korea confirms that it would accept vaccination and test certificates issued by the Member States and EEA countries in accordance with Regulation (EU) 2021/953. Concerning the vaccination certificates, the Republic of Korea informed the Commission that certificates indicating vaccines with EU-wide authorisation will only be accepted if the vaccine has completed the WHO Emergency Use Listing procedure. Concerning the recognition of the recovery certificates in particular, in case of need to re-introduce travel restrictions, the Republic of Korea confirms that it would not recognise them.
- (5) On 30 May 2022, following a request by the Republic of Korea, the Commission carried out technical tests that demonstrated that the COVID-19 vaccination certificates issued by the Republic of Korea are in accordance with the 'COOV' system that is interoperable with the trust framework established by Regulation (EU) 2021/953, and allows for the verification of the authenticity, validity and integrity of the certificates. The Commission also confirmed that the COVID-19 vaccination certificates issued by the Republic of Korea in accordance with the 'COOV' system contain the necessary data.
- (6) In addition, the Republic of Korea informed the Commission that it issues interoperable vaccination certificates for COVID-19 vaccines. Those vaccines currently include Comirnaty, Spikevax, Vaxzevria, Nuvaxovid and Jcovden.
- (7) The Republic of Korea also informed the Commission that it does not issue interoperable test certificates.
- (8) Furthermore, the Republic of Korea informed the Commission that it does not issue interoperable certificates of recovery.
- (9) In addition, the Republic of Korea informed the Commission that when verifiers in Korea verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination or test result status and will not be retained afterwards.
- (10) The necessary elements for establishing that COVID-19 vaccination certificates issued by the Republic of Korea in accordance with the 'COOV' system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 are thus fulfilled.
- (11) Therefore, COVID-19 vaccination certificates issued by the Republic of Korea in accordance with the 'COOV' system should be accepted under the conditions referred to in Article 5(5) of Regulation (EU) 2021/953.
- (12) In order for this Decision to be operational, the Republic of Korea should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In order to connect the Republic of Korea to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953 as rapidly as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 14 of Regulation (EU) 2021/953,

HAS ADOPTED THIS DECISION:

Article 1

COVID-19 vaccination certificates issued by the Republic of Korea in accordance with the 'COOV' system shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

The Republic of Korea shall be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.

Article 3

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

Done at Brussels, 30 June 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2022/1097**of 30 June 2022****establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Madagascar to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EU) 2021/953 lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates ('EU Digital COVID Certificate') for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. It is also to contribute to facilitating the gradual lifting of restrictions to free movement put in place by Member States, in accordance with Union law, to limit the spread of SARS-CoV-2, in a coordinated manner.
- (2) Regulation (EU) 2021/953 allows for the acceptance of COVID-19 certificates issued by third countries to Union citizens and their family members where the Commission finds that those COVID-19 certificates are issued in accordance with standards that are to be considered as equivalent to those established pursuant to that Regulation. Furthermore, in accordance with Regulation (EU) 2021/954 of the European Parliament and of the Council ⁽²⁾, Member States are to apply the rules laid down in Regulation (EU) 2021/953 to third-country nationals who do not fall within the scope of that Regulation, but who are legally staying or residing in their territory and who are entitled to travel to other Member States in accordance with Union law. Therefore, any equivalence findings laid down in this Decision should apply to COVID-19 vaccination certificates issued by the Republic of Madagascar to Union citizens and their family members. Similarly, on the basis of Regulation (EU) 2021/954, such equivalence findings should also apply to COVID-19 vaccination certificates issued by the Republic of Madagascar to third-country nationals legally staying or residing in the territory of the Member States under the conditions laid down in that Regulation.
- (3) On 28 March 2022 the Republic of Madagascar provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination certificates under the system entitled 'vaksiny.gov.mg'. The Republic of Madagascar informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and a technological system, that are interoperable with the trust framework established by Regulation (EU) 2021/953 and that allow for the verification of the authenticity, validity and integrity of the certificates. In this regard, the Republic of Madagascar informed the Commission that COVID-19 vaccination certificates issued by the Republic of Madagascar in accordance with the 'vaksiny.gov.mg' system contain the data set out in the Annex to Regulation (EU) 2021/953.

⁽¹⁾ OJ L 211, 15.6.2021, p. 1.

⁽²⁾ 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).

- (4) The Republic of Madagascar also informed the Commission that it accepts vaccination, test and recovery certificates issued by the Member States and EEA countries in accordance with Regulation (EU) 2021/953. However, due the current epidemiological situation, the Republic of Madagascar informed the Commission that rapid antigen tests (RATs) are mandatory for all travellers on arrival at Malagasy international airports.
- (5) On 1 June 2022, following a request by the Republic of Madagascar, the Commission carried out technical tests that demonstrated that the COVID-19 vaccination certificates issued by the Republic of Madagascar are in accordance with the 'vaksiny.gov.mg' system that is interoperable with the trust framework established by Regulation (EU) 2021/953, and allows for the verification of the authenticity, validity and integrity of the certificates.
- (6) The Commission also confirmed that the COVID-19 vaccination certificates issued by the Republic of Madagascar in accordance with the 'vaksiny.gov.mg' system contain the necessary data. In addition, the Republic of Madagascar informed the Commission that it issues interoperable vaccination certificates for COVID-19 vaccines. Those vaccines currently include Comirnaty, Covishield, BBIBP-CorV, Vaxzevria and Jcovden.
- (7) The Republic of Madagascar also informed the Commission that it does not issue interoperable test certificates.
- (8) Furthermore, the Republic of Madagascar informed the Commission that it does not issue interoperable certificates of recovery.
- (9) In addition, the Republic of Madagascar informed the Commission that when verifiers in Madagascar verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination, test result or recovery status and will not be retained afterwards.
- (10) The necessary elements for establishing that COVID-19 vaccination certificates issued by the Republic of Madagascar in accordance with the 'vaksiny.gov.mg' system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 are thus fulfilled.
- (11) Therefore, COVID-19 vaccination certificates issued by the Republic of Madagascar in accordance with the 'vaksiny.gov.mg' system should be accepted under the conditions referred to in Article 5(5) of Regulation (EU) 2021/953.
- (12) In order for this Decision to be operational, the Republic of Madagascar should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In order to connect the Republic of Madagascar to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953 as rapidly as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 14 of Regulation (EU) 2021/953,

HAS ADOPTED THIS DECISION:

Article 1

COVID-19 vaccination certificates issued by the Republic of Madagascar in accordance with the 'vaksiny.gov.mg' system shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

The Republic of Madagascar shall be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.

Article 3

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

Done at Brussels, 30 June 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2022/1098**of 30 June 2022****establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by Kosovo *to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EU) 2021/953 lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates ('EU Digital COVID Certificate') for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. It is also to contribute to facilitating the *gradual* lifting of restrictions to free movement put in place by Member States, in accordance with Union law, to limit the spread of SARS-CoV-2, in a coordinated manner.
- (2) Regulation (EU) 2021/953 allows for the acceptance of COVID-19 certificates issued by third countries to Union citizens and their family members where the Commission finds that those COVID-19 certificates are issued in accordance with standards that are to be considered as equivalent to those established pursuant to that Regulation. Furthermore, in accordance with Regulation (EU) 2021/954 of the European Parliament and of the Council ⁽²⁾, Member States are to apply the rules laid down in Regulation (EU) 2021/953 to third-country nationals who do not fall within the scope of that Regulation, but who are legally staying or residing in their territory and who are entitled to travel to other Member States in accordance with Union law. Therefore, any equivalence findings laid down in this Decision should apply to COVID-19 vaccination, test and recovery certificates issued by Kosovo to Union citizens and their family members. Similarly, on the basis of Regulation (EU) 2021/954, such equivalence findings should also apply to COVID-19 vaccination, test and recovery certificates issued by Kosovo to third-country nationals legally staying or residing in the territory of the Member States under the conditions laid down in that Regulation.
- (3) On 23 September 2021 Kosovo provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination, test and recovery certificates under the system entitled 'Basic HIS'. Kosovo informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and a technological system, that are interoperable with the trust framework established by Regulation (EU) 2021/953 and that allow for the verification of the authenticity, validity and integrity of the certificates. In this regard, Kosovo informed the Commission that COVID-19 vaccination, test and recovery certificates issued by Kosovo in accordance with the 'Basic HIS' system contain the data set out in the Annex to Regulation (EU) 2021/953.

(*) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

⁽¹⁾ OJ L 211, 15.6.2021, p. 1.

⁽²⁾ 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).

- (4) Kosovo also informed the Commission that it accepts vaccination, test and recovery certificates issued by the Member States and EEA countries in accordance with Regulation (EU) 2021/953.
- (5) On 6 May 2022, following a request by Kosovo, the Commission carried out technical tests that demonstrated that the COVID-19 vaccination, test and recovery certificates issued by Kosovo are in accordance with the 'Basic HIS' system that is interoperable with the trust framework established by Regulation (EU) 2021/953, and allows for the verification of the authenticity, validity and integrity of the certificates. The Commission also confirmed that the COVID-19 vaccination, test and recovery certificates issued by Kosovo in accordance with the 'Basic HIS' system contain the necessary data.
- (6) In addition, Kosovo informed the Commission that it issues interoperable vaccination certificates for COVID-19 vaccines. Those vaccines currently include Comirnaty and Vaxzevria.
- (7) Kosovo also informed the Commission that it issues interoperable test certificates for nucleic acid amplification tests.
- (8) Furthermore, Kosovo informed the Commission that it issues interoperable certificates of recovery. Those certificates are valid for not more than 180 days after the date of the first positive test.
- (9) In addition, Kosovo informed the Commission that when verifiers in Kosovo verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination, test result or recovery status and will not be retained afterwards.
- (10) The necessary elements for establishing that COVID-19 vaccination, test and recovery certificates issued by Kosovo in accordance with the 'Basic HIS' system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 are thus fulfilled.
- (11) Therefore, COVID-19 vaccination, test and recovery certificates issued by Kosovo in accordance with the 'Basic HIS' system should be accepted under the conditions referred to in Article 5(5), Article 6(5) and Article 7(8) of Regulation (EU) 2021/953.
- (12) In order for this Decision to be operational, Kosovo should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In order to connect Kosovo to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953 as rapidly as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 14 of Regulation (EU) 2021/953,

HAS ADOPTED THIS DECISION:

Article 1

COVID-19 vaccination, test and recovery certificates issued by Kosovo in accordance with the 'Basic HIS' system shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

Kosovo shall be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.

Article 3

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

Done at Brussels, 30 June 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2022/1099**of 30 June 2022****establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Kingdom of Bahrain to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EU) 2021/953 lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates ('EU Digital COVID Certificate') for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. It is also to contribute to facilitating the gradual lifting of restrictions to free movement put in place by Member States, in accordance with Union law, to limit the spread of SARS-CoV-2, in a coordinated manner.
- (2) Regulation (EU) 2021/953 allows for the acceptance of COVID-19 certificates issued by third countries to Union citizens and their family members where the Commission finds that those COVID-19 certificates are issued in accordance with standards that are to be considered as equivalent to those established pursuant to that Regulation. Furthermore, in accordance with Regulation (EU) 2021/954 of the European Parliament and of the Council ⁽²⁾, Member States are to apply the rules laid down in Regulation (EU) 2021/953 to third-country nationals who do not fall within the scope of that Regulation, but who are legally staying or residing in their territory and who are entitled to travel to other Member States in accordance with Union law. Therefore, any equivalence findings laid down in this Decision should apply to COVID-19 vaccination, test and recovery certificates issued by the Kingdom of Bahrain to Union citizens and their family members. Similarly, on the basis of Regulation (EU) 2021/954, such equivalence findings should also apply to COVID-19 vaccination, test and recovery certificates issued by the Kingdom of Bahrain to third-country nationals legally staying or residing in the territory of the Member States under the conditions laid down in that Regulation.
- (3) On 17 February 2022 the Kingdom of Bahrain provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination, test and recovery certificates under the system entitled 'BeAware Bahrain application'. The Kingdom of Bahrain informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and a technological system, that are interoperable with the trust framework established by Regulation (EU) 2021/953 and that allow for the verification of the authenticity, validity and integrity of the certificates. In this regard, the Kingdom of Bahrain informed the Commission that COVID-19 vaccination, test and recovery certificates issued by the Kingdom of Bahrain in accordance with the 'BeAware Bahrain application' system contain the data set out in the Annex to Regulation (EU) 2021/953.

⁽¹⁾ OJ L 211, 15.6.2021, p. 1.

⁽²⁾ 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).

- (4) The Kingdom of Bahrain also informed the Commission that it accepts vaccination, nucleic acid amplification test and recovery certificates issued by the Member States and EEA countries in accordance with Regulation (EU) 2021/953.
- (5) On 10 June 2022, following a request by the Kingdom of Bahrain, the Commission carried out technical tests that demonstrated that the COVID-19 vaccination, test and recovery certificates issued by the Kingdom of Bahrain are in accordance with the 'BeAware Bahrain application' system that is interoperable with the trust framework established by Regulation (EU) 2021/953, and allows for the verification of the authenticity, validity and integrity of the certificates. The Commission also confirmed that the COVID-19 vaccination, test and recovery certificates issued by the Kingdom of Bahrain in accordance with the 'BeAware Bahrain application' system contain the necessary data.
- (6) In addition, the Kingdom of Bahrain informed the Commission that it issues interoperable vaccination certificates for COVID-19 vaccines. Those vaccines currently include Comirnaty, Vaxzevria, BBIBP-CorV, Covaxin, COVID-19 Vaccine Janssen and Sputnik V.
- (7) The Kingdom of Bahrain also informed the Commission that it issues interoperable test certificates for nucleic acid amplification tests, but not for rapid antigen tests.
- (8) Furthermore, the Kingdom of Bahrain informed the Commission that it issues interoperable certificates of recovery. Those certificates are valid for not more than 180 days after the date of the first positive test.
- (9) In addition, the Kingdom of Bahrain informed the Commission that when verifiers in Bahrain verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination, test result or recovery status and will not be retained afterwards.
- (10) The necessary elements for establishing that COVID-19 vaccination, test and recovery certificates issued by the Kingdom of Bahrain in accordance with the 'BeAware Bahrain application' system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 are thus fulfilled.
- (11) Therefore, COVID-19 vaccination, test and recovery certificates issued by the Kingdom of Bahrain in accordance with the 'BeAware Bahrain application' system should be accepted under the conditions referred to in Article 5(5), Article 6(5) and Article 7(8) of Regulation (EU) 2021/953.
- (12) In order for this Decision to be operational, the Kingdom of Bahrain should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In order to connect the Kingdom of Bahrain to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953 as rapidly as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 14 of Regulation (EU) 2021/953,

HAS ADOPTED THIS DECISION:

Article 1

COVID-19 vaccination, test and recovery certificates issued by the Kingdom of Bahrain in accordance with the 'BeAware Bahrain application' system 'shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

The Kingdom of Bahrain shall be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.

Article 3

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

Done at Brussels, 30 June 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2022/1100**of 30 June 2022****establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Ecuador to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EU) 2021/953 lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates ('EU Digital COVID Certificate') for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. It is also to contribute to facilitating the gradual lifting of restrictions to free movement put in place by Member States, in accordance with Union law, to limit the spread of SARS-CoV-2, in a coordinated manner.
- (2) Regulation (EU) 2021/953 allows for the acceptance of COVID-19 certificates issued by third countries to Union citizens and their family members where the Commission finds that those COVID-19 certificates are issued in accordance with standards that are to be considered as equivalent to those established pursuant to that Regulation. Furthermore, in accordance with Regulation (EU) 2021/954 of the European Parliament and of the Council ⁽²⁾, Member States are to apply the rules laid down in Regulation (EU) 2021/953 to third-country nationals who do not fall within the scope of that Regulation, but who are legally staying or residing in their territory and who are entitled to travel to other Member States in accordance with Union law. Therefore, any equivalence findings laid down in this Decision should apply to COVID-19 vaccination certificates issued by the Republic of Ecuador to Union citizens and their family members. Similarly, on the basis of Regulation (EU) 2021/954, such equivalence findings should also apply to COVID-19 vaccination certificates issued by the Republic of Ecuador to third-country nationals legally staying or residing in the territory of the Member States under the conditions laid down in that Regulation.
- (3) On 5 February 2022 the Republic of Ecuador provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination certificates under the system entitled 'New development'. The Republic of Ecuador informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and a technological system, that are interoperable with the trust framework established by Regulation (EU) 2021/953 and that allow for the verification of the authenticity, validity and integrity of the certificates. In this regard, the Republic of Ecuador informed the Commission that COVID-19 vaccination certificates issued by the Republic of Ecuador in accordance with the 'New development' system contain the data set out in the Annex to Regulation (EU) 2021/953.

⁽¹⁾ OJ L 211, 15.6.2021, p. 1.

⁽²⁾ 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).

- (4) The Republic of Ecuador also informed the Commission that it accepts vaccination, test and recovery certificates issued by the Member States and EEA countries in accordance with Regulation (EU) 2021/953.
- (5) On 10 June 2022, following a request by the Republic of Ecuador, the Commission carried out technical tests that demonstrated that the COVID-19 vaccination certificates issued by the Republic of Ecuador are in accordance with the 'New development' system that is interoperable with the trust framework established by Regulation (EU) 2021/953, and allows for the verification of the authenticity, validity and integrity of the certificates. The Commission also confirmed that the COVID-19 vaccination certificates issued by the Republic of Ecuador in accordance with the 'New development' system contain the necessary data.
- (6) In addition, the Republic of Ecuador informed the Commission that it issues interoperable vaccination certificates for COVID-19 vaccines. Those vaccines currently include Comirnaty, Spikevax, Sputnik V, BBIBP-CorV, Nuvaxovid, Soberana 02, Soberana Plus, Convidecia, CoronaVac, Vaxzevria, Abdala and Jcovden.
- (7) The Republic of Ecuador also informed the Commission that it does not issue interoperable test certificates.
- (8) Furthermore, the Republic of Ecuador informed the Commission that it does not issue interoperable certificates of recovery.
- (9) In addition, the Republic of Ecuador informed the Commission that when verifiers in Ecuador verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination, test result or recovery status and will not be retained afterwards.
- (10) The necessary elements for establishing that COVID-19 vaccination certificates issued by the Republic of Ecuador in accordance with the 'New development' system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 are thus fulfilled.
- (11) Therefore, COVID-19 vaccination certificates issued by the Republic of Ecuador in accordance with the 'New development' system should be accepted under the conditions referred to in Article 5(5) of Regulation (EU) 2021/953.
- (12) In order for this Decision to be operational, the Republic of Ecuador should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In order to connect the Republic of Ecuador to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953 as rapidly as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 14 of Regulation (EU) 2021/953,

HAS ADOPTED THIS DECISION:

Article 1

COVID-19 vaccination certificates issued by the Republic of Ecuador in accordance with the 'New development' system shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

The Republic of Ecuador shall be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.

Article 3

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

Done at Brussels, 30 June 2022.

For the Commission
The President
Ursula VON DER LEYEN

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

RECOMMENDATION No 1/2022 OF THE EU-EGYPT ASSOCIATION COUNCIL of 19 June 2022 on the EU-Egypt Partnership Priorities 2021–2027 [2022/1101]

THE EU-EGYPT ASSOCIATION COUNCIL,

Having regard to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part,

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part ('the Agreement') was signed on 25 June 2001 and entered into force on 1 June 2004.
- (2) Article 76 of the Agreement gives the EU-Egypt Association Council the power to take decisions for the purpose of attaining the objectives of the Agreement, and to make appropriate recommendations.
- (3) Pursuant to Article 86 of the Agreement, the Parties are to take any general or specific measures required to fulfil their obligations under the Agreement and to see to it that the objectives set out in the Agreement are attained.
- (4) The review of the European Neighbourhood Policy proposed a new phase of engagement with partners, allowing a greater sense of ownership by both sides.
- (5) The European Union and Egypt have agreed to consolidate their partnership by agreeing on a set of priorities for the period 2021–2027 ('the EU-Egypt Partnership Priorities 2021–2027') with the aim of addressing common challenges facing the Union and Egypt and promoting joint interests.
- (6) The Parties to the Agreement have agreed on the text of the EU-Egypt Partnership Priorities 2021–2027, which will support the implementation of the Agreement, focusing on cooperation in relation to commonly identified shared interests,

HEREBY RECOMMENDS:

Article 1

The Association Council recommends that the Parties to the Agreement implement the EU-Egypt Partnership Priorities 2021–2027 as set out in the Annex to this Recommendation.

Article 2

The EU-Egypt Partnership Priorities 2021–2027 replace the EU-Egypt Partnership Priorities whose implementation was recommended by means of Recommendation No 1/2017 of the Association Council ⁽¹⁾.

⁽¹⁾ Recommendation No 1/2017 of the EU-Egypt Association Council of 25 July 2017 agreeing on the EU-Egypt Partnership Priorities (OJ L 255, 3.10.2017, p. 26).

Article 3

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

Done at Luxembourg, 19 June 2022.

For the Council

The President

J. BORRELL FONTELLES

ANNEX

EU-Egypt Partnership Priorities 2021-2027

I. Introduction

These **Partnership Priorities** aim to address common challenges facing the EU and Egypt, to promote joint interests, to guarantee long-term stability and sustainable development on both sides of the Mediterranean and to reinforce the cooperation and realise the untapped potential of the relationship. They pay particular attention to reinforcing cooperation guided by Egypt's "Sustainable Development Strategy Vision 2030" and the revised European Neighbourhood Policy spelt out in the new EU Agenda for the Mediterranean ⁽¹⁾ and its Economic and Investment Plan for the Southern Neighbours ⁽²⁾, the European Green Deal and the Council Conclusions on a renewed Partnership with the Southern Neighbourhood of 16 April 2021 ⁽³⁾, and to alleviating the adverse socio-economic impact of the COVID-19 pandemic including a green, digital, resilient, and inclusive recovery. The EU-Egypt Association Agreement sets the general framework for the cooperation and the Partnership Priorities. The Partnership Priorities are guided by the 2030 Agenda for Sustainable Development ⁽⁴⁾, the UN Sustainable Development Goals, the Paris Climate Agreement and a shared commitment to the universal values of democracy, the rule of law and the respect of human rights. Moreover, they are aligned with the aspiration stated in the European Council conclusions of 10-11 December 2020 ⁽⁵⁾ for a democratic, more stable, greener and more prosperous Southern Neighbourhood as a strategic priority for the EU.

II. Priorities

The Partnership Priorities should contribute to meeting the aspirations of the people of both sides of the Mediterranean, particularly in ensuring inclusive sustainable development, social justice, decent job opportunities, economic prosperity and substantially improved living conditions. Key aspects of these goals are inclusive growth, underpinned by innovation, effective and participatory governance, governed by the rule of law, human rights and fundamental freedoms, including social and labour rights, women's empowerment with a view to achieve gender equality, and the rights of the child. The priorities also take into account the respective roles of the EU and Egypt as international players and aim to enhance both their bilateral cooperation and their regional and international cooperation. Better connectivity between the EU and Egypt, with particular attention to smart mobility, automated and electronic mobility, digitalisation and green economy, will be important tools offering new opportunities of cooperation in this context. The implementation of the flagship initiatives of the Economic and Investment Plan of the New Agenda for the Mediterranean including through Team Europe initiatives will contribute to delivering on the Partnership Priorities. These constitute an important part of the EU cooperation with Egypt and help to protect our Mediterranean common interests and goods.

The COVID-19 pandemic has challenged the national healthcare systems and impacted deeply the economy and society. The EU and Egypt will cooperate closely on long-term socio-economic recovery, and sustainable development. Both parties aim to maximize the benefits for the recovery of economies post-COVID-19 and alleviate potential repercussions.

As such, the following overarching priorities will guide the partnership:

1. *Egypt's Sustainable Modern Economy and Social Development*

The EU and Egypt as key partners will cooperate in advancing socio-economic goals set out in Egypt's "Sustainable Development Strategy – Vision 2030", with particular attention to sustainable development needs.

a) Strengthen resilience, build prosperity and support the transformation to digital and green economy

Egypt is committed to attaining long-term socio-economic sustainability through, *inter alia*, creating a more conducive environment for **inclusive growth and generating decent and productive jobs**, particularly for youth and women, including by encouraging integration of the informal sector into the formal economy. For long-term economic

⁽¹⁾ JOIN(2021) 2 final.

⁽²⁾ SWD(2021) 23 final.

⁽³⁾ https://ec.europa.eu/neighbourhood-enlargement/news_corner/news/new-agenda-mediterranean-council-approves-conclusions-renewed-partnership-southern_en

⁽⁴⁾ UN Resolution 70/1 Transforming our world: the 2030 Agenda for Sustainable Development

⁽⁵⁾ <https://www.consilium.europa.eu/media/47296/1011-12-20-euco-conclusions-en.pdf>

sustainability, this will include measures that can generate a larger fiscal space to better implement its sustainable development strategy, further reform of subsidies and taxation, strengthening the role of the **private sector** and **enhancing the business climate** to attract more foreign direct investment, including through a more open and sustainable trade policy, supporting key infrastructure projects such as the development of an efficient, reliable and sustainable transport system. Given the importance of small and medium enterprises (SMEs) development for sustainable and inclusive growth, this sector will continue to play a central role in EU co-operation with Egypt. Furthermore, the EU will support Egypt's efforts towards **public administration reform and good governance**, including through promoting high quality statistics and taking into account the digital revolution and the related new business and societal models.

The EU will continue to play an important role in supporting the business environment and sustainable economic growth including through concrete flagship initiatives in priority sectors, such as: the development of sustainable transport modes, public transport infrastructure and corroborating Egypt's transition to electric mobility. In keeping with Egypt's realization of its Sustainable Development Strategy 2030, the EU will extend its support to Egypt's transition to a green economy, including the sustainable development of the agricultural and water sectors. In that context, the EU will also support the enhancement of the digital infrastructure and in particular universal access to enhanced, affordable and secure networks as well as raising awareness and exchanging information and knowledge on cybersecurity threats.

Recognising the importance of research and innovation for the progress of their societies, the EU and Egypt will further cooperate across sectors in research and innovation and in advancing digital technologies, including artificial intelligence and cybersecurity while protecting the right to privacy. In this context, Egypt and the EU highlighted their interest in intensifying cooperation in a number of relevant research and higher education activities, including in the framework of Horizon Europe, Erasmus+, PRIMA and the Union for the Mediterranean Regional Platform for Research and Innovation.

Given Egypt's invaluable and diverse heritage, and the significant contribution of the cultural and tourism sector to the country's economic development, Gross Domestic Product (GDP), employment, foreign exchange reserves and society more broadly, a particular emphasis will be placed on the **link between culture, cultural heritage preservation and economic development**. The EU and Egypt will cooperate, inter alia, on identifying ways to protect and preserve cultural heritage, both tangible and intangible, and propose relevant joint cooperation actions in this field. In order to address the negative impact of the COVID-19 pandemic in the tourism sector in Egypt, the EU and Egypt will work together to enhance opportunities in this field.

b) Trade and investment

The EU and Egypt are important **trading partners**. The two sides will jointly identify suitable approaches to enhance bilateral trade and investment relations, improve competitiveness and ensure accessibility of goods and services to the respective markets in accordance with World Trade Organization (WTO) regulations and the EU-Egypt Association Agreement and Egypt's further integration into regional and global value chains.

The EU and Egypt will work closely to provide shared common practical proposals in order to assist Egypt in increasing its competitiveness and market transparency, **strengthening the existing trade and investment relationship**, and ensuring that the trade and competition provisions of the EU-Egypt Association Agreement are respected in full, and the Agreement implemented in a manner that enables it to reach its full potential. To better protect the health and safety of consumers, the EU will support the transformation of sustainable food systems, as well as the development of effective consumer safety frameworks, taking into account the WTO regulations, internationally agreed sanitary and phytosanitary standards and relevant EU rules and principles. Both sides will work closely to attract and enhance European investments, in particular by means of enabling a conducive environment for investment and consider opportunities such as the Suez Canal Economic Zone, a more open and sustainable trade policy and the improvement of the regulatory framework.

The EU will support Egypt's policies in promoting e-commerce, digital trade, competition regulation and in enhancing its investment potential by improving the business climate and the development of the Egyptian Green Information and Communication Technology (ICT) Strategy.

c) Social development and social justice

The EU supports Egypt's endeavour to promote and reform social development and social justice, and meaningful, inclusive social dialogue, and to address the social and demographic challenges linked to rapid population growth, including water scarcity and food security vulnerability. This includes boosting the country's human resources, in particular youth, women and children. The EU will support Egypt's efforts to foster the economic and social **protection of persons in vulnerable situations** in Egypt, particularly those exposed to potential negative impacts of economic reforms and the fallouts of external shocks such as the COVID-19 pandemic through comprehensive **social safety nets and targeted social protection programmes aligned with the targets of the Decent life (Haya Karima) initiative and Takaful and Karama programmes**. Special attention will be given to the promotion of women empowerment and the role of women and girls in society and the economy as reflected in the National Strategy for the Empowerment of Women 2030. Moreover, the EU and Egypt will continue to promote inclusive **rural and urban socio/economic development**, as well as to improve the delivery of basic services, support modern quality **education**, also with a view to ensuring connection to labour market demands, enhancing digital skills and literacy of the population, technical and vocational training, and **health care systems**.

The EU and Egypt will cooperate in the health sector with a view to reducing the pressure COVID-19 is placing on health services, and on vaccines also with a view to supporting Egypt's ambitions to become a regional hub for production and export to Africa and the Middle East. The EU will share its experience in establishing an inclusive health care coverage and improved health care.

d) Energy, environment and climate action

The EU and Egypt will cooperate in the **diversification of energy sources and the transition towards a low-emissions economy**, with a particular focus on **renewable energy sources, energy efficiency** actions, and a gradual shift towards low carbon and sustainable transport modes on-land and in maritime shipping and civil aviation. The EU will, upon request from the Egyptian government, support its efforts to update its integrated energy strategy that aims at satisfying the country's sustainable development requirements and reducing greenhouse gas emissions. **Strengthening the energy and climate dialogue** between the EU and Egypt will contribute to the identification of key areas of cooperation. This could include supporting Egypt's efforts towards becoming an energy hub in the region with focus on renewable energy, ongoing cooperation in the framework of the East Med Gas Forum, and the implementation of mutually beneficial energy projects, including interconnection projects between Egypt and the EU.

The EU and Egypt will also work together on joint research, sharing experience and best practice, technology transfers and promoting sub-regional (intra-Mediterranean) cooperation, with due regard to preserve the Mediterranean marine ecosystems.

The EU and Egypt will enhance cooperation to promote the ecotourism concept, including the protection of bio-diversity in Egypt, and the Mediterranean Sea, particularly in management of nature reserves and restore degraded natural resources.

The EU and Egypt will cooperate in the promotion of **action on climate** and the **environment to achieve sustainable development** in line with their commitments under the UNFCCC, the Paris Agreement and the Glasgow Climate decisions. The EU will support the implementation of Egypt's **Nationally Determined Contributions** in the fields of mitigation and adaptation including through climate finance. Furthermore, the EU and Egypt will cooperate towards achieving the goals identified in, *inter alia*, the 2030 Development Agenda and the Sendai Framework for Disaster Risk Reduction.

The EU will support Egypt's efforts in fostering its green transition, creating green growth and jobs, optimising the potential and use of its energy sources, diversifying further its energy mix through renewable energy, and energy efficiency, strengthening governance and setting environmentally-friendly development pathways.

The EU will support Egypt in promoting sustainable finance, including green bonds, in adopting the environmental sustainability standards in its domestic investment portfolio, as well as enhancing its capabilities to produce and export renewable energy in the form of electricity and renewable hydrogen in particular.

In view of the threat posed by water scarcity at national and regional levels, the EU will support Egypt in **water resources management** as well as other areas of common interest such as **biodiversity conservation, sanitation, solid waste management**, including the abatement of industrial pollutants, chemicals and hazard waste management, and combating desertification and land degradation. Egypt and the EU are also exploring the opportunities provided for in the Union for the Mediterranean (UfM) for cooperation on climate, environment and blue economy.

The EU and Egypt will strengthen cooperation in order to transition to sustainable food systems, including sustainable management of agriculture, fisheries, and preservation of natural production factors to strengthen food security.

2. Partners in Foreign Policy

a) Stabilising the common neighbourhood and beyond

The conflicts and crises in the Mediterranean region constitute a key obstacle to political stability and sustainable development. Joint efforts by the EU and Egypt to prevent and resolve conflicts, promote security cooperation, mitigate the consequences of conflicts and address their root causes are therefore paramount priorities in order to protect our people and allow them to thrive. The partnership between the EU and Egypt is important for the stability and prosperity of the Mediterranean, the Middle East and Africa and cooperation between the EU and Egypt will continue to aim to contribute to the resolution of conflicts, to build peace, deepen regional economic integration, and to tackle political and economic challenges in these regions.

Given the strategic orientation of the partnership, the EU and Egypt are committed to reinforcing cooperation in foreign policy at the bilateral, regional and international organisations levels, notably in the UN and multilateral fora, including the Union for the Mediterranean as well as with the League of Arab States (LAS) and the African Union of which Egypt is a member. EU and Egypt are committed to cooperate also in the framework of yearly Ministerial meetings between the EU and Southern Partners as proposed in the Council Conclusions on a renewed Partnership with the Southern Neighbourhood - A New Agenda for the Mediterranean. Priorities include renewed efforts to support Israelis and the Palestinians in reaching a settlement in the Middle East Peace Process (MEPP) building on the EU's and Egypt's key role in this context. In the Eastern Mediterranean, Egypt and the EU and its Member States, *inter alia* will enhance regional cooperation in accordance with international law, including the United Nations Convention on the Law of the Sea (UNCLOS). Egypt and the EU will work jointly on the implementation of relevant Security Council resolutions, in particular on the MEPP, Libya and Syria. Moreover, Egypt hosts the African Union Post-Conflict Reconstruction and Development Centre and the headquarters of the LAS, with which the EU will continue to deepen and broaden cooperation. Further, the EU and Egypt will seek greater cooperation in the multilateral sphere and on major regional and international challenges that affect both sides including climate action.

In light of Egypt's key role in global development and its further ambitions therein, one of the goals of the EU-Egypt cooperation will be to broaden the EU-Egypt partnership in the wider region, including in Africa, in fields of mutual interest and through initiatives such as the Aswan Forum for Sustainable Peace and Development. Reaching an international agreement as soon as possible in line with the 2015 Declaration of Principles and international law on the issue of the Ethiopian Dam is a top priority to the EU and Egypt in order to protect Egypt's water security, promote peace and stability in the wider region. An international agreement based on a negotiated arrangement will contribute to turn this dispute into an opportunity to attract foreign investments and increase stability for the countries of the region and millions of people. The EU stands ready to support the African Union-led process in cooperation with international partners, including the EU, and to play a more active role, if useful and desirable to all parties, putting forward its experience in the management of shared water resources according to international law. Moreover, the EU and Egypt support proposals to develop inter-regional cooperation, including trilateral cooperation in Africa.

b) Cooperating in crisis management and response

The EU and Egypt will step up cooperation and consultations and the exchange of experience in crisis management and prevention, both bilaterally and regionally, including through the Cairo International Center for Conflict Resolution, Peacekeeping and Peacebuilding (CCCCA), to address the complex challenges to peace, stability and development arising from conflict, climate change, natural disasters and epidemics, including through COVAX, in their common neighbourhood and beyond. Work on climate resilience and adaptation will be enhanced, including investing in preventative measures and reinforcing cooperation on civil protection and disaster risk management.

3. *Enhancing stability*

The EU and Egypt share the objective of stability in their societies and wider region. Human rights, civil, political, economic, social, labour and cultural rights, as set out in international human rights law, the Treaty on European Union, and the principles of democracy enshrined in the Egyptian Constitution, are essential to the stability of both parties, and are a common value and constitute the cornerstone of a modern democratic state. Egypt and the EU reiterate their commitment to further promoting democracy, fundamental freedoms and human rights, gender equality and equal opportunities as constitutional rights of all their citizens, in line with their international obligations as the basis for long term stability and security. Egypt took important steps by lifting the State of Emergency in 2021 and issuing Egypt's National Strategy on Human Rights (2021-2026). The National Strategy, with its four focus areas, reaffirms Egypt's national objective to realise all civil, political, economic, social and cultural rights to achieve stability, progress and sustainable development in the country. In this context, the EU will provide support to Egypt in implementing these rights and objectives.

a) Good Governance and a modern, democratic state

Egypt and the EU reiterate their commitment to ensuring accountability, the rule of law, the full respect of human rights and fundamental freedoms and responding to the demands of their citizens. These commitments guide the EU's further support to Egypt's efforts towards **enhancing the capacity of state institutions** for effective **public sector reform**, advancing the capacity of **law enforcement institutions in ensuring security for all**. In line with international law and best practices, the EU and Egypt will enhance cooperation in **modernising the justice sector**, and in capacity building, particularly in applying modern technology, combating corruption, fraud, money laundering and tackling the recovery of proceeds from crimes. The EU and Egypt will also consider developing judicial cooperation on criminal and civil matters and negotiating cooperation agreements between Egypt and EU law enforcement agencies. The EU and Egypt will also cooperate to ensure a high level of protection of personal data in line with international data protection standards.

Parliamentary cooperation between the EU and Egypt, including through structured exchanges between parliamentary committees and groups, will reinforce coordination and promote mutual understanding. The EU will also support Egypt's efforts in planning and delivery of public services at all levels, as well as in further ensuring equality in economic, social and political opportunities and to promote social integration for all.

b) Security and terrorism

Security is a shared objective. **Terrorism** and violent extremism conducive to terrorism threaten the social fabric of nations across both sides of the Mediterranean. They pose a major threat to the security and well-being of our citizens. Combating these threats represents a common goal of the EU and Egypt who can cooperate through a comprehensive approach. This would address the root causes of terrorism with full respect for human rights and fundamental freedoms, in order to successfully **counter and prevent radicalisation** and promote socio-economic development. The EU and Egypt agree on the necessity to cooperate together to support interfaith dialogue, in order to consolidate the principles of human fraternity, maximising the common foundations of a culture of peace while rejecting violence amongst people, and promote religious tolerance and protect freedom of religion or belief. The EU and Egypt remain committed to cooperating in fighting extremism and any form of discrimination, including Islamophobia, racism and xenophobia.

The EU and Egypt will enhance operational cooperation in areas relating to security and counter-terrorism, including aviation security and protective security as well as the capacity to prevent and fight trans-national organised crime such as migrant smuggling, human trafficking including child trafficking, trafficking of cultural goods and restitution of illicitly trafficked cultural properties in line with international law, the illicit drugs trade, financing of terrorism and money laundering.

Both parties agree to strengthen their cooperation in the area of the implementation of the UN Programme of Action on Combating Illicit trade in Small Arms and Light Weapons, including through exchanging experiences, training and other capacity building activities.

c) Migration and mobility

The EU and Egypt underline the importance of continuing to work together to jointly address in an efficient and effective manner the challenges of irregular migration, as well as all other aspects of migration and mobility, including **legal migration**, in line with EU and Member State competencies, through comprehensive, tailor-made and mutually beneficial partnerships, and in the spirit of the political declaration of the Valletta Summit and the Joint Valletta Action Plan, as well as taking note of the European Commission's Communication on the New Pact on Migration and Asylum ⁽⁶⁾.

⁽⁶⁾ COM(2020) 609 final.

The EU will continue to support the Egyptian government's efforts to strengthen its **migration and asylum governance** framework and mobilise financing under the relevant instruments in a timely manner. Welcoming and building on Egypt's positive results in the handling of irregular migratory flows, the EU will continue to support Egypt's efforts to prevent and combat irregular migration, to strengthen border management as well as to combat trafficking and smuggling of human beings, including identifying and assisting victims of trafficking.

The EU and Egypt are committed to the protection of the rights of migrants, asylum-seekers and refugees, in full respect of human rights law and refugee law. The EU will seek to support and strengthen Egyptian capacity to safeguard these rights, to provide protection, in line with international standards, and access to basic services, such as health and education, including for refugees, migrants and asylum-seekers. The EU will seek to enhance its cooperation with Egypt on voluntary resettlement. The EU and Egypt will foster and facilitate cooperation on identification, return, including on assisted voluntary return, readmission and sustainable reintegration of irregular migrants to their country of origin. The EU and Egypt will explore areas of cooperation on border management.

This will go hand in hand with cooperation in addressing and combating root causes of irregular migration and forced displacement from third countries, in particular conflict and instability, underdevelopment, poverty, and unemployment – and also working on eliminating negative impacts of climate change and drought. This will be based, *inter alia*, on developing socio-economic opportunities, especially improved perspectives for young people, through job-creation initiatives in the context of the COVID-19 recovery.

Orderly, safe, regular and responsible **mobility** of persons, including for educational purposes while avoiding brain drain, can contribute to the development of skills and knowledge which could in turn contribute to the development of Egypt. It can also build sustainable bridges between a high skilled labour force in the EU and Egypt in line with EU and Member State competences.

III. Principles of cooperation

Promoting the human factor and people-to-people contacts will reinforce the links, thereby consolidate the partnership, between the EU and Egypt. Mutual accountability and responsibility towards the European and Egyptian people are an essential aspect of the Partnership Priorities.

Issues of common interest should also be tackled through a **stronger regional and sub-regional (South-South) cooperation**. In this respect, the EU and Egypt will work together within the framework of the UfM and through the Anna Lindh Foundation, particularly on cross-cultural dialogue.

The culture of dialogue has proven to be a valuable tool in developing mutual respect. **Deepening the dialogue** on issues such as democracy, human rights, socio-economic development, trade, investment and regional and international issues of shared interest will be essential. Dialogue will also provide the means to substantiate the partnership and to take stock of its depth and achievements.

In line with the Egyptian government's priorities, a focus on **youth** –on which the long-term stability of our societies lies – and on **women** is a cross-cutting issue throughout in the Partnership Priorities. A key objective is to empower and equip them with the legal and practical tools to assume their due role in society through their active participation in the economy and the governance of their country. The EU and Egypt will continue to exchange experience on fighting discrimination and violence against women and promoting gender equality, as well as in promoting inclusion and providing opportunities for the young.

The EU and Egypt agree that **civil society** is an important and potent contributor to the implementation of their partnership priorities and to transparent, participatory governance of a modern, democratic state and can support the sustainable development process in Egypt. They will work with civil society in contributing effectively in the economic, political and social development process in accordance with the Egyptian Constitution and the respective national legislation.

IV. **Conclusion**

In the spirit of co-ownership, the EU and Egypt jointly defined these Partnership Priorities. In correlation with the review of the Agenda for the Mediterranean and of the Council Conclusions, in 2024 a mid-term review is foreseen, to evaluate the impact of and, when necessary, to adapt the Partnership Priorities. The Association Committee and Association Council will remain the key bodies that will carry out the overall assessment of the implementation of the Partnership Priorities on an annual basis.

DECISION No 1/2022 OF THE ACP-EU COMMITTEE OF AMBASSADORS**of 21 June 2022****to amend Decision No 3/2019 of the ACP-EU Committee of Ambassadors to adopt transitional measures pursuant to Article 95(4) of the ACP-EU Partnership Agreement [2022/1102]**

THE ACP-EU COMMITTEE OF AMBASSADORS,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part ⁽¹⁾, and in particular Article 15(4) and Article 16(2) in conjunction with Article 95(4) thereof,

Whereas:

- (1) The Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part (the 'ACP-EU Partnership Agreement') was signed in Cotonou on 23 June 2000 and entered into force on 1 April 2003. In accordance with Decision No 3/2019 of the ACP-EU Committee of Ambassadors ⁽²⁾ (the 'decision on transitional measures'), it is to be applied until 30 June 2022.
- (2) Pursuant to Article 95(4), first subparagraph, of the ACP-EU Partnership Agreement, negotiations towards a new ACP-EU Partnership Agreement (the 'new Agreement') were launched in September 2018. The new Agreement will not be ready to be applied by 30 June 2022, the expiry date of the current legal framework. It is therefore necessary to amend the decision on transitional measures to further extend the application of the provisions of the ACP-EU Partnership Agreement.
- (3) Article 95(4), second subparagraph, of the ACP-EU Partnership Agreement provides for the ACP-EU Council of Ministers to adopt any transitional measures that may be required until the new Agreement comes into force.
- (4) Pursuant to Article 15(4) of the ACP-EU Partnership Agreement, on 23 May 2019, the ACP-EU Council of Ministers delegated the powers to adopt the transitional measures to the ACP-EU Committee of Ambassadors ⁽³⁾.
- (5) It is therefore appropriate that the ACP-EU Committee of Ambassadors adopt a decision, pursuant to Article 95(4) of the ACP-EU Partnership Agreement, to amend the decision on transitional measures in order to extend the application of the provisions of the ACP-EU Partnership Agreement until 30 June 2023, or until the entry into force of the new Agreement or the provisional application between the Union and the ACP States of the new Agreement, whichever comes first.
- (6) The provisions of the ACP-EU Partnership Agreement will continue to be applied with the aim of maintaining continuity in relations between the Union and its Member States, on the one hand, and the ACP States, on the other. Accordingly, the amended transitional measures are not intended as amendments to the ACP-EU Partnership Agreement as provided for in Article 95(3) thereof,

⁽¹⁾ OJ L 317, 15.12.2000, p. 3. The ACP-EU Partnership Agreement was amended by the Agreement signed in Luxembourg on 25 June 2005 (OJ L 209, 11.8.2005, p. 27) and by the Agreement signed in Ouagadougou on 22 June 2010 (OJ L 287, 4.11.2010, p. 3).

⁽²⁾ Decision No 3/2019 of the ACP-EU Committee of Ambassadors of 17 December 2019 to adopt transitional measures pursuant to Article 95(4) of the ACP-EU Partnership Agreement (OJ L 1, 3.1.2020, p. 3).

⁽³⁾ Decision No 1/2019 of the ACP-EU Council of Ministers of 23 May 2019 on the delegation of powers to the ACP-EU Committee of Ambassadors on the decision to adopt transitional measures pursuant to Article 95(4) of the ACP-EU Partnership Agreement (OJ L 146, 5.6.2019, p. 114).

HAS ADOPTED THIS DECISION:

Article 1

In Article 1 of Decision No 3/2019 of the ACP-EU Committee of Ambassadors, the date '30 June 2022' shall be replaced by that of '30 June 2023'.

Article 2

This Decision shall enter into force on 1 July 2022.

Done at Brussels, 21 June 2022.

For the ACP-EU Council of Ministers
By the ACP-EU Committee of Ambassadors
The President
Daniel Emery DEDE

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