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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.

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I

(Legislative acts)

DECISIONS

DECISION (EU) 2022/1201 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 12 July 2022
providing exceptional macro-financial assistance to Ukraine

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) An association agreement between the Union and Ukraine ⁽²⁾, including a Deep and Comprehensive Free Trade Area, entered into force on 1 September 2017. Given that the European Council of 23 June 2022 recognised the European perspective of Ukraine and decided to grant the status of candidate country to Ukraine, Ukraine should be considered to be eligible to receive macro-financial assistance from the Union.
- (2) In spring 2014, Ukraine embarked on an ambitious reform programme with the aim of stabilising its economy and improving the livelihoods of its citizens. The fight against corruption, as well as constitutional, electoral and judicial reforms are among the top priorities on the agenda. The implementation of those reforms was supported by six consecutive macro-financial assistance programmes, under which Ukraine has received assistance in the form of loans for a total of EUR 6,2 billion. The latest emergency macro-financial assistance, which was made available in the context of mounting tensions at the border with Russia, pursuant to Decision (EU) 2022/313 of the European Parliament and of the Council ⁽³⁾, provided EUR 1,2 billion in loans to Ukraine, disbursed in two instalments of EUR 600 million in March and May 2022.
- (3) Russia's unprovoked and unjustified war of aggression against Ukraine since 24 February 2022 has caused Ukraine a loss of market access and a drastic drop in public revenues, while public expenditures to address the humanitarian situation and to maintain the continuity of State services have increased markedly. In this very uncertain and

⁽¹⁾ Position of the European Parliament of 7 July 2022 (not yet published in the Official Journal) and decision of the Council of 12 July 2022.

⁽²⁾ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (OJ L 161, 29.5.2014, p. 3).

⁽³⁾ Decision (EU) 2022/313 of the European Parliament and of the Council of 24 February 2022 providing macro-financial assistance to Ukraine (OJ L 55, 28.2.2022, p. 4).

volatile situation, the best estimates of Ukraine's funding needs by the International Monetary Fund (IMF) point to an extraordinary funding gap of around USD 39 billion in 2022, of which around half could be met if the international support pledged thus far would be fully disbursed. The swift provision by the Union of macro-financial assistance to Ukraine under this Decision, as a first stage of the implementation of the full exceptional macro-financial assistance of up to EUR 9 billion, is, under the current extraordinary circumstances, considered to be an appropriate short-term response to the immediate most urgent funding needs of Ukraine and to the sizeable risks to the macro-financial stability of the country. The Union's macro-financial assistance is to support Ukraine's macro-financial stabilisation and strengthen the resilience of the country, thereby contributing to the public debt sustainability of Ukraine and its ability to ultimately be in a position to repay its financial obligations.

- (4) The determination of the amount of the Union's macro-financial assistance under this Decision, while also taking into account the planned full exceptional macro-financial assistance, is based on a quantitative assessment of Ukraine's residual external funding needs, conducted in cooperation with the IMF and other international financial institutions, and takes into account Ukraine's capacity to finance itself with its own resources. This determination also takes into account expected financial contributions from bilateral and multilateral donors, the need to ensure fair burden sharing between the Union and other donors, as well as the pre-existing deployment of the Union's other external financing instruments in Ukraine and the added value of the overall Union involvement. The Ukrainian authorities' commitment to close cooperation with the IMF on the design and implementation of short-term emergency measures and their intent to work with the IMF on an appropriate economic programme when conditions permit should be acknowledged. The Union's macro-financial assistance should aim to maintain macro-financial stability and resilience under the war circumstances. The Commission should ensure that the Union's macro-financial assistance is legally and substantially in accordance with the key principles and objectives of the measures taken within the different areas of external action and other relevant Union policies.
- (5) The Union's macro-financial assistance should support the Union's external policy towards Ukraine. The Commission and the European External Action Service should work closely together throughout the macro-financial assistance operation in order to coordinate, and ensure the consistency of, Union external policy.
- (6) A precondition for granting the Union's macro-financial assistance should be that Ukraine respect effective democratic mechanisms, including a multi-party parliamentary system, and the rule of law, and guarantee respect for human rights. The ongoing war, and in particular the current state of martial law, should not encroach on those principles, despite the concentration of power in the executive branch.
- (7) In order to ensure that the Union's financial interests linked to the Union's exceptional macro-financial assistance are protected efficiently, Ukraine should take appropriate measures relating to the prevention of, and fight against, fraud, corruption and any other irregularities linked to that assistance. In addition, provision should be made in the loan agreement for the Commission to carry out checks, for the Court of Auditors to carry out audits, and for the European Public Prosecutor's Office to exercise its competences, in accordance with Articles 129 and 220 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽⁴⁾ (the 'Financial Regulation').
- (8) The Union's macro-financial assistance under this Decision, as a first stage of the implementation of the planned full exceptional macro-financial assistance to Ukraine, should be linked to stringent reporting requirements, to be set out in a memorandum of understanding (MoU). Those stringent reporting requirements should aim, under the current war circumstances, to ensure that the funds are used in an efficient, transparent and accountable manner. Policy conditions, which should aim to strengthen the immediate resilience of Ukraine and its longer-term debt sustainability, thereby reducing risks linked to the repayment of its outstanding and future financial obligations, will be attached to future macro-financial assistance operations.

⁽⁴⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

- (9) In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽⁵⁾.
- (10) The macro-financial assistance of up to EUR 1 billion under this Decision constitutes a financial liability for the Union within the overall volume of the External Action Guarantee under Regulation (EU) 2021/947 of the European Parliament and of the Council ⁽⁶⁾.
- (11) In accordance with Article 210(3) of the Financial Regulation the contingent liabilities arising from budgetary guarantees or financial assistance borne by the budget are to be deemed sustainable, if their forecast multiannual evolution is compatible with the limits set by Council Regulation (EU, Euratom) 2020/2093 ⁽⁷⁾ and the ceiling on annual payment appropriations set out in Article 3(1) of Council Decision (EU, Euratom) 2020/2053 ⁽⁸⁾. In order to enable the Union to provide substantial support to Ukraine through macro-financial assistance in a financially safe manner, while preserving the high credit standing of the Union and, hence, its capacity to deliver effective financing in the context of both its internal and external policies, it is essential to adequately protect the Union budget from the materialisation of those contingent liabilities and to ensure they are financially sustainable within the meaning of Article 210(3) of the Financial Regulation.
- (12) In accordance with the principle of sound financial management it is necessary, before proceeding with the provision of additional loans under the exceptional macro-financial assistance to Ukraine, to reinforce the resilience of the common provisioning fund with means commensurate to the risks arising from the contingent liabilities linked to the Union's macro-financial assistance to Ukraine under this Decision. Without such a reinforcement, the Union budget would not be able to provide, on financially safe grounds, the assistance that the war-related needs of Ukraine require. To protect the Union budget, based on the current assessment, the envisaged coverage for the Union's full exceptional macro-financial assistance loans of up to EUR 8,8 billion to Ukraine, including this instalment of EUR 1 billion, should be at 70 % of the loan value.
- (13) On that basis, the provisioning rate for the loan of EUR 1 billion should be set at 70 %, instead of applying the general rule set out in Article 31(5), third subparagraph, of Regulation (EU) 2021/947. The corresponding amount of EUR 700 million should be financed from the financial envelope for geographic programmes under Regulation (EU) 2021/947. This amount should be committed and paid into a dedicated compartment of the common provisioning fund in the period up to 2027.
- (14) Given the increased provisioning rate for this instalment of the Union's macro-financial assistance, it is appropriate to manage the financial liability from the macro-financial assistance under this Decision separately from other financial liabilities under the External Action Guarantee. Furthermore, it is proposed to use the provisioning set aside in the common provisioning fund in respect of macro-financial assistance under this Decision solely for financial liabilities under this Decision, instead of in accordance with the general rule set out in Article 31(6) of Regulation (EU) 2021/947. That should be followed by the exclusion of the provisioning set aside in respect of macro-financial assistance under this Decision from the application of the effective provisioning rate implemented in accordance with Article 213 of the Financial Regulation.

⁽⁵⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁽⁶⁾ Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009 (OJ L 209, 14.6.2021, p. 1).

⁽⁷⁾ Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 (OJ L 433 I, 22.12.2020, p. 11).

⁽⁸⁾ Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union and repealing Decision 2014/335/EU, Euratom (OJ L 424, 15.12.2020, p. 1).

- (15) Since the objective of this Decision, namely to provide the Union's macro-financial assistance to Ukraine with a view to supporting, in particular, its economic resilience and stability, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.
- (16) In view of the urgency entailed by the exceptional circumstances caused by Russia's unprovoked and unjustified war of aggression, it is considered to be appropriate to invoke the exception to the eight-week period provided for in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (17) Given the difficult situation of Ukraine caused by Russia's war of aggression, and to support it on its long-term stability path, it is appropriate to derogate from Article 220(5), point (e), of the Financial Regulation and to allow the Union the possibility to cover the interest rate costs related to the loan under this Decision and to waive the administrative costs otherwise to be borne by Ukraine. The interest rate subsidy should, exceptionally, be granted as an instrument deemed appropriate to ensure the effectiveness of the support within the meaning of Article 220(1) of the Financial Regulation and should be borne by the Union's budget. During the period of the multiannual financial framework 2021-2027 the interest rate subsidy should be borne by the financial envelope referred to in Article 6(2), point (a), first indent, of Regulation (EU) 2021/947. It should be possible for Ukraine to request the interest rate subsidy and the waiver of administrative costs each year by the end of March. To allow for flexibility in the repayment of the principal, it should also be possible to roll over the associated borrowings contracted on behalf of the Union, by derogation from Article 220(2) of the Financial Regulation.
- (18) In light of the situation in Ukraine, this Decision should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS DECISION:

Article 1

1. The Union shall make available to Ukraine macro-financial assistance of a maximum amount of EUR 1 billion (the 'Union's macro-financial assistance') with a view to supporting Ukraine's macro-financial stability. The Union's macro-financial assistance shall be provided to Ukraine in the form of a loan.
2. In order to finance the Union's macro-financial assistance, the Commission shall be empowered, on behalf of the Union, to borrow the necessary funds on the capital markets or from financial institutions and to on-lend them to Ukraine. The loan shall have a maximum average maturity of 25 years.
3. The financial envelope referred to in Article 6(2), point (a), first indent, of Regulation (EU) 2021/947 shall be used to cover the costs of interest payments related to the macro-financial assistance during the period of the multiannual financial framework 2021–2027, as an interest rate subsidy referred to in Article 5(2) of this Decision.
4. The release of the Union's macro-financial assistance shall be managed by the Commission in a manner consistent with the agreements or understandings reached between the Commission and Ukraine in the MoU referred to in Article 3(1).
5. The Commission shall regularly inform the European Parliament and the Council of developments regarding the Union's macro-financial assistance, including disbursements thereof, and shall provide those institutions with the relevant documents in due time.
6. The Union's macro-financial assistance shall be made available for a period of 12 months, starting on the first day after the entry into force of the MoU referred to in Article 3(1).

7. If the financing needs of Ukraine decrease fundamentally during the period of the disbursement of the Union's macro-financial assistance compared to the initial projections, the Commission shall reduce the amount of the assistance, suspend it or cancel it.

Article 2

1. A precondition for granting the Union's macro-financial assistance shall be that Ukraine respect effective democratic mechanisms, including a multi-party parliamentary system, and the rule of law, and guarantee respect for human rights.
2. The Commission and the European External Action Service shall monitor the fulfilment of the precondition set out in paragraph 1 throughout the life-cycle of the Union's macro-financial assistance, in particular before disbursements are made, also taking into account the circumstances in Ukraine and the consequences of the application there of martial law.
3. Paragraphs 1 and 2 of this Article shall apply in accordance with Council Decision 2010/427/EU ^(*).

Article 3

1. The Commission shall agree with Ukraine on clearly defined reporting requirements to which the Union's macro-financial assistance is to be linked. The reporting requirements shall be set out in a Memorandum of Understanding (MoU) and adopted in accordance with the examination procedure referred to in Article 8(2).
2. The reporting requirements shall ensure, in particular, that the Union's macro-financial assistance is used in an efficient, transparent and accountable manner. The Commission shall regularly monitor the implementation of those reporting requirements.
3. The detailed financial terms of the Union's macro-financial assistance shall be laid down in a loan agreement to be concluded between the Commission and Ukraine.
4. The Commission shall verify, at regular intervals, the implementation of the Union's macro-financial assistance, and in particular of the reporting requirements set out in the MoU. The Commission shall inform the European Parliament and the Council about the results of that verification.

Article 4

1. Subject to the requirements referred to in paragraph 2, the Union's macro-financial assistance shall be made available by the Commission in a single instalment, in the form of a loan. The Commission shall decide on the timeframe for the disbursement of the instalment. The instalment may be disbursed in one or more tranches.
2. The Commission shall decide on the release of the instalment, subject to its assessment of the following requirements:
 - (a) respect for the precondition set out in Article 2(1);
 - (b) entry into force of the MoU, which shall provide for the setting-up of a reporting system applicable during the entire period of the loan.
3. Where the requirements set out in paragraph 2 are not met, the Commission shall temporarily suspend or cancel the disbursement of the Union's macro-financial assistance, or take appropriate measures pursuant to the loan agreement. In such cases, it shall inform the European Parliament and the Council of the reasons for the suspension or cancellation.
4. The Union's macro-financial assistance shall in principle be disbursed to the National Bank of Ukraine. Subject to the provisions to be agreed in the MoU, including a confirmation of residual budgetary financing needs, the Union funds may be disbursed to the Ukrainian Ministry of Finance as the final beneficiary.

^(*) Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).

Article 5

1. The borrowing and lending operations shall be carried out in accordance with Article 220 of the Financial Regulation.
2. By derogation from Article 220(5), point (e), of the Financial Regulation, the Union may bear interests, by granting an interest rate subsidy, and administrative costs related to the borrowing and lending, with the exception of costs related to early repayment of the loan, in respect of the loan under this Decision.
3. Ukraine may request the interest rate subsidy and coverage of the administrative costs by the Union by the end of March of each year.
4. Where necessary, by derogation from Article 220(2) of the Financial Regulation, the Commission may roll over the associated borrowings contracted on behalf of the Union.
5. The Commission shall inform the European Parliament and the Council of developments in the operations referred to in paragraphs 2 and 3.

Article 6

During the implementation of the Union's macro-financial assistance, the Commission shall re-assess, by means of an operational assessment, the soundness of Ukraine's financial arrangements, the administrative procedures, and the internal and external control mechanisms which are relevant to the assistance.

Article 7

1. For the Union's macro-financial assistance provided in the form of a loan under this Decision, the provisioning rate of 70 % shall apply instead of the general rule set out in Article 31(5), third subparagraph, of Regulation (EU) 2021/947.
2. Instead of the general rule set out in Article 31(6) of Regulation (EU) 2021/947, the financial liabilities from the Union's macro-financial assistance provided in the form of a loan under this Decision shall be covered separately from other financial liabilities under the External Action Guarantee and the provisioning set aside in the common provisioning fund in respect of the Union's macro-financial assistance provided in the form of a loan under this Decision shall be used solely for the financial liabilities derived therefrom.
3. By way of derogation from Article 213 of the Financial Regulation, the effective provisioning rate shall not apply to the provisioning set aside in the common provisioning fund in respect of the Union's macro-financial assistance provided in the form of a loan under this Decision.

Article 8

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 9

1. By 30 June of each year, the Commission shall submit to the European Parliament and to the Council, as part of its annual report, an assessment of the implementation of this Decision in the preceding year, including an evaluation of that implementation. That report shall:
 - (a) examine the progress made in implementing the Union's macro-financial assistance;
 - (b) assess the economic situation and prospects of Ukraine, as well as the implementation of the requirements referred to in Article 3(1);

- (c) indicate the connection between the requirements and conditions set out in the MoU, Ukraine's ongoing macro-financial situation, and the Commission's decision to release the instalment of the Union's macro-financial assistance.
2. Not later than two years after the end of the availability period, the Commission shall submit to the European Parliament and to the Council an ex-post evaluation report, assessing the results and efficiency of the completed Union's macro-financial assistance and the extent to which it has contributed to the aims of the assistance.

Article 10

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

Done at Brussels, 12 July 2022.

For the European Parliament
The President
R. METSOLA

For the Council
The President
Z. STANJURA

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1202

of 6 July 2022

approving amendments to the specification for a protected designation of origin or a protected geographical indication ('Bouches-du-Rhône' (PGI))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 99 thereof,

Whereas:

- (1) The Commission has examined France's application for the approval of amendments to the specification for the protected geographical indication 'Bouches-du-Rhône', submitted pursuant to Article 105 of Regulation (EU) No 1308/2013. These amendments include changing the name 'Bouches-du-Rhône' to 'Pays des Bouches-du-Rhône'.
- (2) The Commission published the application for the approval of amendments to the specification in the *Official Journal of the European Union*, as required by Article 97(3) of Regulation (EU) No 1308/2013 ⁽²⁾.
- (3) No statement of objection has been received by the Commission under Article 98 of Regulation (EU) No 1308/2013.
- (4) The amendments to the specification should therefore be approved in accordance with Article 99 of Regulation (EU) No 1308/2013.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Bouches-du-Rhône' (PGI) are hereby approved.

Article 2

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ C 88, 24.2.2022, p. 70.

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

Done at Brussels, 6 July 2022.

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

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1203**of 12 July 2022****amending Implementing Regulation (EU) 2016/1141 to update the list of invasive alien species of Union concern**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species ⁽¹⁾, and in particular Article 4(1) and (2) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2016/1141 ⁽²⁾ establishes a list of invasive alien species of Union concern ('the Union list'), which is to be kept updated as appropriate, in accordance with Article 4(2) of Regulation (EU) No 1143/2014.
- (2) The Commission has concluded, on the basis of the available evidence and the risk assessments carried out pursuant to Article 5(1) of Regulation (EU) No 1143/2014, that all criteria set out in Article 4(3) of that Regulation are met for the following invasive alien species: *Ameiurus melas* (Rafinesque, 1820), *Axis axis* (Erxleben, 1777), *Callosciurus finlaysonii* (Horsfield, 1823), *Celastrus orbiculatus* Thunb., *Channa argus* (Cantor, 1842), *Faxonius rusticus* (Girard, 1852), *Fundulus heteroclitus* (Linnaeus, 1766), *Gambusia affinis* (Baird & Girard, 1853), *Gambusia holbrooki* Girard, 1859, *Hakea sericea* Schrad. & J.C.Wendl., *Koenigia polystachya* (Wall. ex Meisn.) T.M.Schust. & Reveal, *Lampropeltis getula* (Linnaeus, 1766), *Limnoperna fortunei* (Dunker, 1857), *Morone americana* (Gmelin, 1789), *Pistia stratiotes* L., *Pycnonotus cafer* (Linnaeus, 1766), *Rugulopteryx okamurae* (E.Y.Dawson) I.K.Hwang, W.J.Lee & H.S.Kim, 2009, *Solenopsis geminata* (Fabricius, 1804), *Solenopsis invicta* Buren, 1972, *Solenopsis richteri* Forel, 1909, *Wasmannia auropunctata* (Roger, 1863) and *Xenopus laevis* (Daudin, 1802).
- (3) The Commission has concluded that for all those invasive alien species all elements set out in Article 4(6) of Regulation (EU) No 1143/2014 have been duly considered.
- (4) The species *Xenopus laevis* (Daudin, 1802) and *Fundulus heteroclitus* (Linnaeus, 1766) are used for scientific research that should not be disrupted. The inclusion of those species on the Union list should be deferred in order to give Member States time to prepare for issuing the permits referred to in Article 8(1) of Regulation (EU) No 1143/2014 before the listing of these species takes effect.
- (5) Taking into account the long-term investments made by the growers of *Pistia stratiotes* L. and *Celastrus orbiculatus* Thunb. in some Member States, the inclusion of these species on the Union list should be subject to a transition period.
- (6) Implementing Regulation (EU) 2016/1141 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Invasive Alien Species,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2016/1141 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 317, 4.11.2014, p. 35.⁽²⁾ Commission Implementing Regulation (EU) 2016/1141 of 13 July 2016 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council (OJ L 189, 14.7.2016, p. 4).

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*.

Point (2) of the Annex shall apply from 2 August 2024.

Point (3) of the Annex shall apply from 2 August 2027.

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

Done at Brussels, 12 July 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The Annex to Implementing Regulation (EU) 2016/1141 is amended as follows:

(1) in the table, the following species are inserted in alphabetical order:

Species	CN codes for live specimens	CN codes for parts that can reproduce	Categories of associated goods
(i)	(ii)	(iii)	(iv)
' <i>Ameiurus melas</i> (Rafinesque, 1820)	ex 0301 99 17	ex 0511 91 90 (fertile fish eggs for hatching)	
' <i>Axis axis</i> (Erxleben, 1777)	ex 0106 19 00	-	
' <i>Callosciurus finlaysonii</i> (Horsfield, 1823)	ex 0106 19 00	-	
' <i>Channa argus</i> (Cantor, 1842)	ex 0301 11 00 ex 0301 99 17	ex 0511 91 90 (fertile fish eggs for hatching)	
' <i>Faxonius rusticus</i> (Girard, 1852)	ex 0306 39 10	-	
' <i>Gambusia affinis</i> (Baird & Girard, 1853)	ex 0301 11 00 ex 0301 99 17	ex 0511 91 90 (fertile fish eggs for hatching)	(4)
' <i>Gambusia holbrooki</i> Girard, 1859	ex 0301 11 00 ex 0301 99 17	ex 0511 91 90 (fertile fish eggs for hatching)	(4)
' <i>Hakea sericea</i> Schrad. & J.C.Wendl.	ex 0602 90 50	ex 1209 99 99 (seeds)	
' <i>Koenigia polystachya</i> (Wall. ex Meisn.) T.M. Schust. & Reveal	ex 0602 90 50	ex 1209 99 99 (seeds)	(7)
' <i>Lampropeltis getula</i> (Linnaeus, 1766)	ex 0106 20 00	-	(5)
' <i>Limnoperna fortunei</i> (Dunker, 1857)	ex 0307 91 00	-	
' <i>Morone americana</i> (Gmelin, 1789)	ex 0301 99 17 ex 0301 99 85	ex 0511 91 90 (fertile fish eggs for hatching)	(4)
' <i>Pycnonotus cafer</i> (Linnaeus, 1766)	ex 0106 39 80	ex 0407 19 90 (fertilised eggs for incubation)	
' <i>Rugulopteryx okamurae</i> (E.Y.Dawson) I.K. Hwang, W.J.Lee & H.S.Kim, 2009	ex 1212 29 00	-	(14), (15)
' <i>Solenopsis geminata</i> (Fabricius, 1804)	ex 0106 49 00	-	(5), (7)
' <i>Solenopsis invicta</i> Buren, 1972	ex 0106 49 00	-	(5), (7)
' <i>Solenopsis richteri</i> Forel, 1909	ex 0106 49 00	-	(5), (7)
' <i>Wasmannia auropunctata</i> (Roger, 1863)	ex 0106 49 00	-	(5), (7)

(2) in the table, the following species are inserted in alphabetical order:

Species	CN codes for live specimens	CN codes for parts that can reproduce	Categories of associated goods
(i)	(ii)	(iii)	(iv)
' <i>Fundulus heteroclitus</i> (Linnaeus, 1766)	ex 0301 11 00 ex 0301 19 00 ex 0301 99 17 ex 0301 99 85	ex 0511 91 90 (fertile fish eggs for hatching)	(4)'
' <i>Pistia stratiotes</i> L.	ex 0602 90 50	-'	
' <i>Xenopus laevis</i> (Daudin, 1802)	ex 0106 90 00	-'	

(3) in the table, the following species is inserted:

Species	CN codes for live specimens	CN codes for parts that can reproduce	Categories of associated goods
(i)	(ii)	(iii)	(iv)
' <i>Celastrus orbiculatus</i> Thunb.	ex 0602 90 50	ex 1209 99 99 (seeds)'	

(4) in the notes to the table for column (iv), the following points are added:

'(14) ex 0307 11: Live oysters

(15) ex 0307 31: Live mussels'.

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2022/1204

of 16 June 2022

setting up the Microbial Resource Research Infrastructure – European Research Infrastructure Consortium (MIRRI-ERIC)

(notified under document C(2022) 3894)

(Text with EEA relevance)

(only the Dutch, French, Latvian, Portuguese and Spanish texts are authentic)

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Belgium, Spain, France, Latvia and Portugal submitted to the Commission an application to set up the Microbial Resource Research Infrastructure – European Research Infrastructure Consortium (MIRRI-ERIC) ('the application').
- (2) The applicants have agreed that Portugal would be the host Member State of MIRRI-ERIC.
- (3) Regulation (EC) No 723/2009 has been incorporated in the Agreement on the European Economic Area (EEA) by Decision of the EEA Joint Committee No 72/2015 ⁽²⁾.
- (4) The Commission has, pursuant to Article 5(2) of Regulation (EC) No 723/2009, assessed the application and concluded that it meets the requirements set out in that Regulation. In the course of the assessment, the Commission obtained the views of independent experts in the field of Microbial Resource Research Infrastructure.
- (5) The measures set out in this Decision are in accordance with the opinion of the Committee established under Article 20 of Regulation (EC) No 723/2009.

HAS ADOPTED THIS DECISION:

Article 1

1. The Microbial Resource Research Infrastructure – European Research Infrastructure Consortium (MIRRI-ERIC) is hereby set up.
2. The essential elements of the Statutes of MIRRI-ERIC are set out in the Annex.

⁽¹⁾ OJ L 206, 8.8.2009, p. 1.

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

Article 2

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Spain, the French Republic, the Republic of Latvia and the Portuguese Republic.

Done at Brussels, 16 June 2022.

For the Commission
Mariya GABRIEL
Member of the Commission

ANNEX

ESSENTIAL ELEMENTS OF THE STATUTES OF MIRRI-ERIC

The following Articles and paragraphs of the Articles of the Statutes of MIRRI-ERIC provide for the essential elements in accordance with Article 6(3) of Council Regulation (EC) No 723/2009.

1. The name of the ERIC

(Article 1 of the Statutes of MIRRI-ERIC)

The name of the Research Infrastructure shall be Microbial Resource Research Infrastructure – European Research Infrastructure Consortium, herein after called 'MIRRI-ERIC'.

2. The statutory seat

(Article 2 of the Statutes of MIRRI-ERIC)

The statutory seat of MIRRI-ERIC shall be located in the city of Braga on the territory of the Portuguese Republic, hereinafter referred to as 'Member hosting the statutory seat'.

3. The tasks and activities of MIRRI-ERIC

(Article 3 of the Statutes of MIRRI-ERIC)

1. The mission of MIRRI-ERIC is to serve Bioscience and Bioindustry users by facilitating access to a broad range of high quality bioresources and data in a legally compliant way. By offering access to human expertise and providing a collaborative platform for long-term sustainability of microbial biodiversity MIRRI-ERIC will increase knowledge and promote professional development.
2. The principal task of MIRRI-ERIC shall be to establish, operate and develop a pan-European distributed research infrastructure of Microbial domain Biological Resource Centres (mBRCs) in order to ensure access to high quality resources and related services, as well as state-of-the art facilities.
3. MIRRI-ERIC shall have legal personality as from the date on which the Commission Implementing Decision setting it up as an ERIC takes effect. It shall have in each Member the most extensive legal capacity in accordance with the EU Regulation and the national law of that Member. It may, in particular, acquire, own and dispose of movable, immovable and intellectual property, conclude contracts and be a party to legal proceedings.
4. MIRRI-ERIC shall pursue its principal task on a non-economic basis. MIRRI-ERIC may carry out limited economic activities provided that these are closely related to its principal task and do not jeopardise its achievement. Any income generated by these limited economic activities shall be used by MIRRI-ERIC to support its mission.
5. MIRRI-ERIC shall carry out the following activities:
 - a. promote legally-protected and regulative-compliant access to authentic microbial resources and associated data in mBRCs to maintain a comprehensive supply of biological material to the research community;
 - b. construct the Collaborative Working Environment (CWE) and the MIRRI Information System (MIRRI-IS) to provide a single-access point to microbial resources and associated data, state-of-the-art microbial services, including digital services, and expert and technical platforms;
 - c. ensure the complementarity of mBRCs as well as the interoperability of their data offers for the functioning of the MIRRI-IS;

- d. establish and implement quality management, including standardised procedures, best practices and appropriate tools to increase the quality of the resources, the associated data and performed services;
 - e. establish relationships with other European Research Infrastructures and relevant organisations to increase the characterization of the genetic resources held in MIRRI-ERIC and increase the quantity and quality of the RI associated information;
 - f. perform research matching and pooling services for public and private institutions and launch joint activities;
 - g. provide external user access to the material, expertise and scientific facilities of the MIRRI-ERIC Partners that will be coordinated to enable researchers to carry out in-house research on microbial genetic resources;
 - h. provide education and training to mBRCs staff, students and users, in the field of microbiology, such as taxonomy, identification and preservation techniques and in biotechnology, such as bioprospecting, exploitation, strain optimisation and fermentation;
 - i. undertake any other related action necessary to achieve its mission.
6. The activities of MIRRI-ERIC shall be pan-European in scope and foster excellence in scientific research and bioindustry in the microbial field in Europe and continuously keep up with the demands of the academic and industrial communities. Thus, MIRRI-ERIC shall contribute to increased use and dissemination of knowledge as well as optimisation of the results of mBRC-based research activities throughout Europe and globally.
 7. The activities of MIRRI-ERIC shall be guided by transparency, responsiveness, ethical awareness, legal compliance, openness, equal treatment and non-discrimination.

4. Duration

(Article 4 of the Statutes of MIRRI-ERIC)

MIRRI-ERIC is established for an indefinite period of time. It may be wound-up in accordance with Article 5 of the Statutes.

5. Winding up

(Article 5 of the Statutes of MIRRI-ERIC)

1. The winding up of MIRRI-ERIC shall follow a decision by the Assembly of Members in accordance with Article 17(8)(c) of the Statutes and in compliance with the Applicable Law as defined in Article 36 of the Statutes.
2. Without undue delay and in any event within 10 days after adoption of the decision to wind up MIRRI-ERIC, MIRRI-ERIC shall notify the European Commission about the decision.
3. Without prejudice to Article 6 of the Statutes, any assets and liabilities remaining after payment of MIRRI-ERIC's debts shall be apportioned among the Members in proportion to their actual contribution to MIRRI-ERIC at the time of dissolution.
4. Without undue delay and in any event within 10 days of the closure of the winding up procedure, MIRRI-ERIC shall notify the Commission thereof.
5. MIRRI-ERIC shall cease to exist on the day on which the European Commission publishes the appropriate notice in the *Official Journal of the European Union*.

6. Liability of Members and Observers

(Article 6 of the Statutes of MIRRI-ERIC)

1. MIRRI-ERIC shall be liable for its debts.
2. The Members and Observers are not jointly liable for the debts of MIRRI-ERIC. The Members' and Observers' financial liability for the debts of MIRRI-ERIC shall be limited to their respective contribution provided to MIRRI-ERIC as specified in Article 25 of the Statutes.
3. MIRRI-ERIC shall take appropriate insurance to cover the risks specific to the construction and operation of MIRRI-ERIC.

7. Access policy

(Article 7 of the Statutes of MIRRI-ERIC)

1. MIRRI-ERIC shall make microbial biological material, associated data in databases, knowledge and services affiliated with or developed by MIRRI-ERIC Partners available to researchers, bioindustry institutions and EU decentralised Agencies such as the European Food Safety Authority or the European Centre for Disease Prevention and Control. MIRRI-ERIC shall ensure that conditions for the use of the microbial biological material set by the material providers and the data providers that affiliate their databases to MIRRI-ERIC are respected.
2. No provision in these Statutes should be understood as seeking to restrict the right of the Partners of MIRRI-ERIC to decide on providing access to any samples and data.
3. Microbial material shall only be distributed to bona fide individuals operating in a professional environment suitable for handling living material of the biohazard group involved. When appropriate, enhanced biosecurity measures will be promoted.
4. Requests from individuals and/or projects to access the scientific installations of the Partners of MIRRI-ERIC shall be evaluated. The evaluation procedure and the criteria used will be set out in the Rules of Operation to be adopted by the Assembly of Members in accordance with Article 17(7)(c) and (e) of the Statutes. In any case, the evaluation process shall consider scientific merit and shall be transparent, fair and impartial.
5. Access will be monitored and user satisfaction measured with a feedback mechanism as part of quality assurance for continuous improvement of access.
6. The Access Policy will be set out in the Rules of Operation to be adopted by the Assembly of Members in accordance with Article 17(7)(c) and (e) of the Statutes.

8. Scientific Evaluation Policy

(Article 8 of the Statutes of MIRRI-ERIC)

1. Every five years, a scientific evaluation of MIRRI-ERIC activities, services and platforms shall take place. The evaluation shall be done by a panel of independent international external evaluators of the highest quality. This panel will produce and submit the evaluation report to the Assembly of Members.
2. The Scientific Evaluation Policy will be set out in the Rules of Operation to be adopted by the Assembly of Members in accordance with Article 17(7)(c) and (e) of the Statutes.

9. Dissemination Policy

(Article 9 of the Statutes of MIRRI-ERIC)

1. MIRRI-ERIC shall promote its activities and its use in research, innovative projects and higher education.
2. The Dissemination Policy shall describe the various target groups, and MIRRI-ERIC shall use several channels to reach the target groups, such as the website, the Collaborative Working Environment portal, workshops and trainings, presence in conferences and social media.
3. The Dissemination Policy shall be set out in the Rules of Operation to be adopted by the Assembly of Members in accordance with Article 17(7)(c) and (e) of the Statutes.

10. Intellectual Property Rights

(Article 10 of the Statutes of MIRRI-ERIC)

1. Nothing in these Statutes shall be read to alter the scope and application of Intellectual Property Rights and Benefit-Sharing Agreements as determined under relevant laws, regulations and international agreements of the Members.
2. The exchange and integration of Intellectual Property between Members, their representing entities and Partners through relevant contractual provision shall be subject to the Rules of Operation to be adopted by the Assembly of Members in accordance with Article 17(7)(c) and (e) of the Statutes.
3. The Intellectual Property Rights of data, results and other knowledge produced and developed within the activities of MIRRI-ERIC shall belong to the entity/ies that has/have generated it.
4. The Intellectual Property Rights generated by users as a result of access to resources or scientific installations of MIRRI-ERIC shall be negotiated, aiming at a fair use by both the user as MIRRI-ERIC or the Partner concerned, taking into account their respective input.
5. MIRRI-ERIC shall provide guidance to researchers to ensure that research undertaken using material and data made accessible through MIRRI-ERIC is undertaken within a framework that recognizes the rights of data owners and privacy of individuals.

11. Employment policy

(Article 11 of the Statutes of MIRRI-ERIC)

1. MIRRI-ERIC is committed to equality of opportunity and shall not discriminate against any person on the grounds of race, ethnic origin, gender, creed, disability, sexual orientation or any other ground.
2. The selection procedures of applicants for MIRRI-ERIC staff positions shall be transparent, non-discriminatory and will respect equal opportunities.
3. Employment contracts shall follow the national laws and regulations of the country in which staff is employed and usually carrying out its activities.
4. The Employment Policy shall be set out in the Rules of Operation to be adopted by the Assembly of Members in accordance with Article 17(7)(c) and (e) of the Statutes.

12. Procurement policy

(Article 12 of the Statutes of MIRRI-ERIC)

1. MIRRI-ERIC shall treat procurement candidates and tenderers equally and without discrimination. The MIRRI-ERIC procurement policy shall respect the principles of transparency, non-discrimination and open competition.
 2. The MIRRI-ERIC procurement policy shall be set out in the Rules of Operation to be adopted by the Assembly of Members in accordance with Article 17(7)(c) and (e) of the Statutes.
-

COMMISSION IMPLEMENTING DECISION (EU) 2022/1205**of 12 July 2022****authorising grading methods for the classification of pig carcasses in Denmark and repealing
Decision 2009/12/EC***(notified under document C(2022) 4784)***(Only the Danish text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 20, first paragraph, point (p), thereof,

Whereas:

- (1) Article 10 of Regulation (EU) No 1308/2013 provides that Union scales for the classification of pig carcasses are to apply in accordance with point B of Annex IV to that Regulation. Section B.IV, point 1, of Annex IV to that Regulation provides that, for the classification of pig carcasses, the lean-meat content is to be assessed by means of grading methods authorised by the Commission, that only statistically proven assessment methods based on the physical measurement of one or more anatomical parts of the pig carcass are to be authorised and that grading methods are to be authorised subject to compliance with a maximum tolerance for statistical error in assessment. That tolerance is defined in Part A, point 1, subparagraph 2, of Annex V to Commission Delegated Regulation (EU) 2017/1182 ⁽²⁾.
- (2) Commission Decision 2009/12/EC ⁽³⁾ authorises the use of seven methods for grading pig carcasses in Denmark.
- (3) Unless explicitly authorised by Commission Implementing Decision, modifications of the grading methods or apparatuses thereof should not be allowed.
- (4) Denmark has requested the Commission to withdraw the authorisation of the methods 'Klassificeringscenter (KC)', 'Uni-Fat-O-Meater (Unifom)', 'Fully automatic ultrasonic equipment (AutoFOM 1)' and 'Updated fully automatic ultrasonic equipment (AutoFOM DK)'.
- (5) Denmark has also requested the Commission to authorise two new methods: 'Fully automatic ultrasonic equipment (AutoFOM IV)' and 'Manual method (ZP)'. For that purpose, Denmark has presented a detailed description of the dissection trial, indicating the principles on which these new methods are based, the results of its dissection trial and the equations used for assessing the percentage of lean meat in the protocol provided for in Article 11(3) of Delegated Regulation (EU) 2017/1182.
- (6) Denmark has also requested the Commission to authorise updated formulas for three methods ('Fat-O-Meater/Manuel Klassificering (FOM/MK)', 'Fat-O-Meater II (FOM II)' and 'Automatic ultrasound instrument (AutoFOM III)' already authorised by Decision 2009/12/EC for grading pig carcasses on its territory.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Delegated Regulation (EU) 2017/1182 of 20 April 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the Union scales for the classification of beef, pig and sheep carcasses and as regards the reporting of market prices of certain categories of carcasses and live animals (OJ L 171, 4.7.2017, p. 74).

⁽³⁾ Commission Decision 2009/12/EC of 19 December 2008 authorising methods for grading pig carcasses in Denmark (OJ L 6, 10.1.2009, p. 83).

- (7) Examination of that request has revealed that the conditions and minimum requirements for authorising the two new grading methods and updating equations for the other three as laid down in Part A of Annex V to Delegated Regulation (EU) 2017/1182 are fulfilled. These grading methods and formulas should therefore be authorised in Denmark.
- (8) For reasons of clarity and legal certainty Decision 2009/12/EC should therefore be repealed.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS DECISION:

Article 1

The use of the following grading methods is authorised for the classification of pig carcasses pursuant to Section B.IV, point 1, of Annex IV to Regulation (EU) No 1308/2013 in Denmark:

- (a) the 'Automatic ultrasound instrument (AutoFOM III)' apparatus and the assessment methods related thereto, details of which are set out in Part I of the Annex to this Decision;
- (b) the 'Fully automatic ultrasonic equipment (AutoFOM IV)' apparatus and the assessment methods related thereto, details of which are set out in Part II of the Annex to this Decision;
- (c) the 'Fat-O-Meater/Manuel Klassificering (FOM/MK)' apparatus and the assessment methods related thereto, details of which are set out in Part III of the Annex to this Decision;
- (d) the 'Fat-O-Meater II (FOM II)' apparatus and the assessment methods related thereto, details of which are set out in Part IV of the Annex to this Decision;
- (e) the 'Manual method (ZP)' with a ruler and the assessment methods related thereto, details of which are set out in Part V of the Annex to this Decision.

Article 2

Modifications of the authorised grading methods or apparatuses thereof referred to in Article 1 shall not be allowed unless explicitly authorised by Commission Implementing Decision.

Article 3

Decision 2009/12/EC is repealed.

Article 4

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 12 July 2022.

For the Commission
Janusz WOJCIECHOWSKI
Member of the Commission

ANNEX

GRADING METHODS FOR THE CLASSIFICATION OF PIG CARCASSES IN DENMARK

PART I

Automatic ultrasound instrument (AutoFOM III)

1. The rules provided for in this part shall apply when the classification of pig carcasses is carried out by means of the apparatus 'Automatic ultrasound instrument (AutoFOM III)'.
2. The apparatus shall be equipped with sixteen 2 MHz ultrasonic transducers (Frontmatec), with an operating distance between transducers of 25 mm. The ultrasonic data shall comprise measurements of back fat thickness, muscle thickness and related parameters. The results of the measurements are converted into estimates of the percentage of lean meat by the apparatus.
3. The lean meat content of a carcass shall be calculated according to the following formulas:

(a) for female and castrated pigs:

$$Y = 72,37797649 + (R2P1 \times -0,35013939) + (R2P4 \times 0,20785366) + (R2P5 \times -0,44928653) + (R2P8 \times -0,38095230) + (R2P9 \times -0,46950184) + (R2P10 \times -0,69871531) + (R2P15 \times -0,14912761) + (R4P3 \times 0,06461598) + (R4P6 \times -0,05431414);$$

(b) for entire male pigs:

$$Y = 78,75696993 + (R2P1 \times -0,79436326) + (R2P4 \times -0,38023008) + (R2P5 \times -0,78847225) + (R2P8 \times -0,30711330) + (R2P9 \times -0,83062854) + (R2P10 \times -0,49646032) + (R2P15 \times 0,17342717) + (R4P3 \times -0,08364211) + (R4P6 \times -0,10359715)$$

where:

Y =	the estimated percentage of lean meat in a carcass;
R2P1 =	average skin thickness (in mm);
R2P4 =	back fat thickness without skin (in mm) measured at the longitudinal Minimum Fat Thickness position in the loin closest to the bottom of the array ('MFT2'), 70 mm from the spine center;
R2P5 =	skin thickness (in mm) measured at the longitudinal MFT2, 70 mm from the spine center;
R2P8 =	back fat thickness without skin (in mm) measured in the MFT2;
R2P9 =	skin thickness (in mm) measured in the MFT2;
R2P10 =	minimum fat thickness without skin (in mm) in the Minimum Fat Thickness position in the entire carcass ('MFT1');
R2P15 =	average fat thickness with skin (in mm) of the two loin muscles measured at the longitudinal MFT1 70 mm from the spine center;
R4P3 =	fat layer 1 thickness (in mm) measured at the longitudinal MFT2, 70 mm from the spine center;
R4P6 =	fat layer 1 thickness (in mm) in the MFT2.

4. This formula shall be valid for carcasses weighing between 50 and 120 kilograms.

PART II

Fully automatic ultrasonic equipment (AutoFOM IV)

1. The rules provided for in this part shall apply when the classification of pig carcasses is carried out by means of the apparatus 'Fully automatic ultrasonic equipment (AutoFOM IV)'.

2. The apparatus shall be equipped with 25 wide band ultrasonic transducers (Frontmatec), with an operating distance between transducers of 16,5 mm. The ultrasonic data shall comprise measurements of back fat thickness, muscle thickness and related parameters. The results of the measurements are converted into estimates of the percentage of lean meat by the apparatus.
3. The lean meat content of a carcass shall be calculated according to the following formulas:

(a) for female and castrated pigs:

$$Y = 69,84677591 + (R2P1 \times -0,26533522) + (R2P4 \times 0,02198992) + (R2P5 \times -0,21983787) + (R2P8 \times -0,33652390) + (R2P9 \times -0,24649355) + (R2P10 \times -0,58982872) + (R2P15 \times -0,05016562) + (R4P3 \times 0,10929868) + (R4P6 \times -0,03863696);$$

(b) for entire male pigs:

$$Y = 74,44553377 + (R2P1 \times -0,38670790) + (R2P4 \times -0,30489132) + (R2P5 \times -0,59474907) + (R2P8 \times -0,08150558) + (R2P9 \times -0,60928997) + (R2P10 \times -0,33877660) + (R2P15 \times -0,44580592) + (R4P3 \times 0,18532086) + (R4P6 \times 0,12614701)$$

where:

Y =	the estimated percentage of lean meat in a carcass;
R2P1 =	average skin thickness (in mm);
R2P4 =	back fat thickness without skin (in mm) measured at the longitudinal MFT2, 70 mm from the spine center;
R2P5 =	skin thickness (in mm) measured at the longitudinal MFT2, 70 mm from the spine center;
R2P8 =	back fat thickness without skin (in mm) measured in the MFT2;
R2P9 =	skin thickness (in mm) measured in the MFT2;
R2P10 =	minimum fat thickness without skin (in mm) in the MFT1;
R2P15 =	average fat thickness with skin (in mm) of the two loin muscles measured at the longitudinal MFT1 70 mm from the spine center;
R4P3 =	fat layer 1 thickness (in mm) measured at the longitudinal MFT2, 70 mm from the spine center;
R4P6 =	fat layer 1 thickness (in mm) in the MFT2.

4. This formula shall be valid for carcasses weighing between 50 and 120 kilograms.

PART III

Fat-O-Meater/Manuel Klassificering (FOM/MK)

1. The rules provided for in this Part shall apply when the classification of pig carcasses is carried out by means of the apparatus 'Fat-O-Meater/Manuel Klassificering (FOM/MK)'.
2. The apparatus is a manual probe type of equipment and it shall be equipped with a probe of six mm diameter containing a photodetector and having an operation distance of between 1 and 94 mm.
3. The lean meat content of carcasses shall be calculated according to the following formula:

$$Y = 69,3882 + (S_1 \times -0,5673) + (S_2 \times -0,3282) + (S_3 \times 0,0397)$$

where:

Y =	the estimated percentage of lean meat in the carcass;
S ₁ =	the thickness of backfat (including rind) in mm, measured at 8 cm off the midline of the carcass between the third and fourth last lumbar vertebrae;

- S_2 = the thickness of backfat (including rind) in mm, measured at 6 cm off the midline of the carcass between the third and fourth last ribs;
- S_3 = the thickness of muscle in mm, measured at the same time and in the same place as S_2 .

4. This formula shall be valid for carcasses weighing between 50 and 120 kg.

PART IV

Fat-O-Meater II (FOM II)

1. The rules provided for in this Part shall apply when the classification of pig carcasses is carried out by means of the apparatus 'Fat-o-Meater II (FOM II)'.
2. The apparatus is a Fat-O-Meater type of equipment and it shall be equipped with a probe of six mm diameter containing a photodetector (Siemens of the type SFH 960 – BP 103 or similar) and having an operating depth up to 125 mm. All legally relevant acquisition and analysis are contained within the FOM II pistol.
3. The lean meat content of carcasses shall be calculated according to the following formula:

$$Y = 69,2265 + (S_1 \times -0,5564) + (S_2 \times -0,3550) + (S_3 \times 0,0408)$$

where:

- Y = the estimated percentage of lean meat in the carcass;
- S_1 = the thickness of backfat (including rind) in mm, measured at 8 cm off the midline of the carcass between the third and fourth last lumbar vertebrae;
- S_2 = the thickness of backfat (including rind) in mm, measured perpendicularly to the back of the carcass at 6 cm of the split line, between the third and fourth last ribs;
- S_3 = the thickness of the longissimus dorsi muscle in mm, measured at the same time and in the same place as S_2 .

4. This formula shall be valid for carcasses weighing between 50 and 120 kg.

PART V

Manual method (ZP)

1. The rules provided for in this Part shall apply when the classification of pig carcasses is carried out by use of the 'Manual method (ZP)' measuring by ruler.
2. This method may be implemented using a ruler, with the grading determined on the basis of the prediction equation. It is based on the manual measurement on the midline of the split carcass of the thickness of the fat and of the thickness of the muscle.
3. The lean meat content of carcasses shall be calculated according to the following formula:

$$Y = 60,3129 + (G \times -0,4788) + (M \times 0,0671)$$

where:

- Y = the estimated percentage of lean meat in the carcass;
- G = fat thickness defined as the short measurement of fat plus skin thicknesses over the muscle gluteus medius;
- M = muscle depth defined as the minimum distance from the vertebral channel to the cranial end of the muscle gluteus medius.

4. This formula shall be valid for carcasses weighing between 50 and 120 kg.

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