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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2022/1321

of 25 July 2022

amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for fluoride ion, oxyfluorfen, pyroxsulam, quinmerac and sulfonyl fluoride in or on certain products

(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 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ⁽¹⁾, and in particular Article 14(1)(a) and Article 49(2) thereof,

Whereas:

- (1) For fluoride ion, oxyfluorfen, pyroxsulam, quinmerac and sulfonyl fluoride, maximum residue levels (MRLs) were set in Part A of Annex III to Regulation (EC) No 396/2005.
- (2) For oxyfluorfen, the European Food Safety Authority ("the Authority") submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005 ⁽²⁾. It recommended lowering the MRLs for citrus fruits, tree nuts, pome fruits, stone fruits, grapes, table olives, kaki/Japanese persimmons, granate apples/pomegranates, onions, head brassicas and sunflower seeds. For other products, the Authority recommended keeping the existing MRLs. As there is no risk for consumers, MRLs should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority.
- (3) For pyroxsulam, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005 ⁽³⁾. It recommended keeping the existing MRLs at the specific limit of determination (LOD) or the default MRL. For some commodities, specific LODs require adaptations to higher values in the light of analytical feasibility. These LODs should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for oxyfluorfen according to Article 12 of Regulation (EC) No 396/2005. *EFSA Journal* 2020;18(10):6269.

⁽³⁾ European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for pyroxsulam according to Article 12 of Regulation (EC) No 396/2005. *EFSA Journal* 2020;18(10):6260.

- (4) For quinmerac, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005 ⁽⁴⁾. It proposed to change the residue definition for plant products and honey to sum of quinmerac and its metabolites BH 518-2 and BH 518-4 expressed as quinmerac. It recommended lowering the MRLs for sugar beet roots, muscle (swine, bovine, sheep, goat, equine, poultry), fat (swine, bovine, sheep, goat, equine, poultry), liver (swine, poultry), swine kidney, milk (cattle, sheep, goat, horse) and birds' eggs. For other products, it recommended raising or keeping the existing MRLs. As there is no risk for consumers, those MRLs should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. The Authority concluded that concerning the MRLs for liver and kidney from ruminants and equine some information was not available and that further consideration by risk managers was required. These MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation.
- (5) For sulfuryl fluoride the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005 ⁽⁵⁾. It proposed to maintain the existing two residue definitions (sulfuryl fluoride and fluoride ion) as tentative given that further data are required to confirm them. It also concluded that concerning the MRLs for sulfuryl fluoride and fluoride ion for all the commodities listed in Annex I to Regulation (EC) No 396/2005 some information was not available and that further consideration by risk managers was required. Taking into account additional monitoring data provided by food business operators, as there is no risk for consumers fluoride ion MRLs for herbal infusions, rose hips, elderberries and "basil and edible flowers" should be set in Annex II to Regulation (EC) No 396/2005 at the existing level. These MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation.
- (6) As regards products on which the use of the plant protection product concerned is not authorised, and for which no import tolerances or Codex maximum residue limits (CXLs) exist, MRLs should be set at the specific LOD or the default MRL should apply, as provided for in Article 18(1)(b) of Regulation (EC) No 396/2005.
- (7) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt certain LODs. As regards several substances, those laboratories concluded that for certain commodities technical development requires the setting of specific LODs.
- (8) Based on the reasoned opinions of the Authority and taking into account the factors relevant to the matter under consideration, the appropriate modifications to the MRLs fulfil the requirements Article 14(2) of Regulation (EC) No 396/2005.
- (9) Through the World Trade Organisation, the trading partners of the Union were consulted on the new MRLs and their comments have been taken into account.
- (10) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (11) In order to allow for the normal marketing, processing and consumption of products, this Regulation should provide for a transitional arrangement for products which have been produced before the modification of the MRLs and for which information shows that a high level of consumer protection is maintained.
- (12) A reasonable period should be allowed to elapse before the modified MRLs become applicable in order to permit Member States, third countries and food business operators to prepare themselves to meet the new requirements which will result from the modification of the MRLs.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽⁴⁾ European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for quinmerac according to Article 12 of Regulation (EC) No 396/2005. *EFSA Journal* 2020;18(10):6257.

⁽⁵⁾ European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for sulfuryl fluoride according to Article 12 of Regulation (EC) No 396/2005. *EFSA Journal* 2021;19(1):6390.

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and III to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue to apply to products which were produced in the Union or imported into the Union before 21 February 2023.

Article 3

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

It shall apply from 21 February 2023.

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

Done at Brussels, 25 July 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes II and III to Regulation (EC) No 396/2005 are amended as follows:

- (1) in Annex II, the following columns for fluoride ion, oxyfluorfen, pyroxsulam, quinmerac and sulfuryl fluoride are added:

Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply (*)	Fluoride ion	Oxyfluorfen (F)	Pyroxsulam	Quinmerac (sum of quinmerac and its metabolites BH 518-2 and BH 518-4 expressed as quinmerac) (R)	Sulfuryl fluoride
0100000	FRUITS, FRESH or FROZEN; TREE NUTS		0,01 (*)	0,01 (*)		
0110000	Citrus fruits	0,2(+)			0,1 (*)	0,01 (*)
0110010	Grapefruits	(+)				
0110020	Oranges	(+)				
0110030	Lemons	(+)				
0110040	Limes	(+)				
0110050	Mandarins	(+)				
0110990	Others (2)	(+)				
0120000	Tree nuts				0,15 (*)	
0120010	Almonds	30(+)				10(+)
0120020	Brazil nuts	30(+)				10(+)
0120030	Cashew nuts	30(+)				10(+)
0120040	Chestnuts	30(+)				10(+)
0120050	Coconuts	15(+)				3(+)
0120060	Hazelnuts/cobnuts	30(+)				10(+)
0120070	Macadamias	30(+)				10(+)
0120080	Pecans	30(+)				10(+)
0120090	Pine nut kernels	30(+)				10(+)
0120100	Pistachios	30(+)				10(+)
0120110	Walnuts	30(+)				10(+)
0120990	Others (2)	30(+)				0,01 (*) (+)
0130000	Pome fruits	0,2(+)			0,1 (*)	0,01 (*)
0130010	Apples	(+)				
0130020	Pears	(+)				
0130030	Quinces	(+)				
0130040	Medlars	(+)				

0130050	Loquats/Japanese medlars	(+)				
0130990	Others (2)	(+)				
0140000	Stone fruits	0,2(+)			0,1 (*)	0,01 (*)
0140010	Apricots	(+)				
0140020	Cherries (sweet)	(+)				
0140030	Peaches	(+)				
0140040	Plums	(+)				
0140990	Others (2)	(+)				
0150000	Berries and small fruits	(+)			0,1 (*)	0,01 (*)
0151000	(a) grapes	0,2(+)				(+)
0151010	Table grapes	(+)				(+)
0151020	Wine grapes	(+)				(+)
0152000	(b) strawberries	0,2(+)				
0153000	(c) cane fruits	0,2(+)				
0153010	Blackberries	(+)				
0153020	Dewberries	(+)				
0153030	Raspberries (red and yellow)	(+)				
0153990	Others (2)	(+)				
0154000	(d) other small fruits and berries					
0154010	Blueberries	0,2(+)				
0154020	Cranberries	0,2(+)				
0154030	Currants (black, red and white)	0,2(+)				
0154040	Gooseberries (green, red and yellow)	0,2(+)				
0154050	Rose hips	2(+)				
0154060	Mulberries (black and white)	0,2(+)				
0154070	Azaroles/Mediterranean medlars	0,2(+)				
0154080	Elderberries	2(+)				
0154990	Others (2)	0,2(+)				
0160000	Miscellaneous fruitswith	0,2(+)				0,01 (*)
0161000	(a) edible peel	(+)				
0161010	Dates	(+)			0,1 (*)	
0161020	Figs	(+)			0,1 (*)	
0161030	Table olives	(+)			0,15 (*)	

0161040	Kumquats	(+)			0,1 (*)	
0161050	Carambolas	(+)			0,1 (*)	
0161060	Kaki/Japanese persimmons	(+)			0,1 (*)	
0161070	Jambuls/jambolans	(+)			0,1 (*)	
0161990	Others (2)	(+)			0,1 (*)	
0162000	(b) inedible peel, small	(+)			0,1 (*)	
0162010	Kiwi fruits (green, red, yellow)	(+)				
0162020	Litchis/lychees	(+)				
0162030	Passionfruits/maracujas	(+)				
0162040	Prickly pears/cactus fruits	(+)				
0162050	Star apples/cainitos	(+)				
0162060	American persimmons/ Virginia kaki	(+)				
0162990	Others (2)	(+)				
0163000	(c) inedible peel, large	(+)				
0163010	Avocados	(+)			0,15 (*)	
0163020	Bananas	(+)			0,1 (*)	
0163030	Mangoes	(+)			0,1 (*)	
0163040	Papayas	(+)			0,1 (*)	
0163050	Granate apples/ pomegranates	(+)			0,1 (*)	
0163060	Cherimoyas	(+)			0,1 (*)	
0163070	Guavas	(+)			0,1 (*)	
0163080	Pineapples	(+)			0,1 (*)	
0163090	Breadfruits	(+)			0,1 (*)	
0163100	Durians	(+)			0,1 (*)	
0163110	Soursops/guanabanas	(+)			0,1 (*)	
0163990	Others (2)	(+)			0,1 (*)	
0200000	VEGETABLES, FRESH or FROZEN	(+)				
0210000	Root and tuber vegetables	0,2(+)	0,01 (*)	0,01 (*)		0,01 (*)
0211000	(a) potatoes	(+)			0,1 (*)	

0212000	(b) tropical root and tuber vegetables	(+)			0,1 (*)	
0212010	Cassava roots/manioc	(+)				
0212020	Sweet potatoes	(+)				
0212030	Yams	(+)				
0212040	Arrowroots	(+)				
0212990	Others (2)	(+)				
0213000	(c) other root and tuber vegetables except sugar beets	(+)				
0213010	Beetroots	(+)			0,15 (*)	
0213020	Carrots	(+)			0,1 (*)	
0213030	Celeriacs/turnip rooted celeries	(+)			0,1 (*)	
0213040	Horseradishes	(+)			0,1 (*)	
0213050	Jerusalem artichokes	(+)			0,1 (*)	
0213060	Parsnips	(+)			0,1 (*)	
0213070	Parsley roots/Hamburg roots parsley	(+)			0,1 (*)	
0213080	Radishes	(+)			0,1 (*)	
0213090	Salsifies	(+)			0,1 (*)	
0213100	Swedes/rutabagas	(+)			0,1 (*)	
0213110	Turnips	(+)			0,1 (*)	
0213990	Others (2)	(+)			0,1 (*)	
0220000	Bulb vegetables	0,2(+)	0,01 (*)	0,01 (*)	0,1 (*)	0,01 (*)
0220010	Garlic	(+)				
0220020	Onions	(+)				
0220030	Shallots	(+)				
0220040	Spring onions/green onions and Welsh onions	(+)				
0220990	Others (2)	(+)				
0230000	Fruiting vegetables	0,2(+)	0,01 (*)	0,01 (*)	0,1 (*)	0,01 (*)
0231000	(a) Solanaceae and Malvaceae	(+)				
0231010	Tomatoes	(+)				
0231020	Sweet peppers/bell peppers	(+)				
0231030	Aubergines/eggplants	(+)				
0231040	Okra/lady's fingers	(+)				
0231990	Others (2)	(+)				

0232000	(b) cucurbits with edible peel	(+)				
0232010	Cucumbers	(+)				
0232020	Gherkins	(+)				
0232030	Courgettes	(+)				
0232990	Others (2)	(+)				
0233000	(c) cucurbits with inedible peel	(+)				
0233010	Melons	(+)				
0233020	Pumpkins	(+)				
0233030	Watermelons	(+)				
0233990	Others (2)	(+)				
0234000	(d) sweet corn	(+)				
0239000	(e) other fruiting vegetables	(+)				
0240000	Brassica vegetables(excluding brassica roots and brassica baby leaf crops)	0,2(+)	0,01 (*)	0,01 (*)	0,1 (*)	0,01 (*)
0241000	(a) flowering brassica	(+)				
0241010	Broccoli	(+)				
0241020	Cauliflowers	(+)				
0241990	Others (2)	(+)				
0242000	(b) head brassica	(+)				
0242010	Brussels sprouts	(+)				
0242020	Head cabbages	(+)				
0242990	Others (2)	(+)				
0243000	(c) leafy brassica	(+)				
0243010	Chinese cabbages/pe-tsai	(+)				
0243020	Kales	(+)				
0243990	Others (2)	(+)				
0244000	(d) kohlrabies	(+)				
0250000	Leaf vegetables, herbs and edible flowers	(+)			0,1 (*)	
0251000	(a) lettuces and salad plants	0,2(+)	0,01 (*)	0,01 (*)		0,01 (*)
0251010	Lamb's lettuces/corn salads	(+)				
0251020	Lettuces	(+)				
0251030	Escaroles/broad-leaved endives	(+)				

0251040	Cresses and other sprouts and shoots	(+)				
0251050	Land cresses	(+)				
0251060	Roman rocket/rucola	(+)				
0251070	Red mustards	(+)				
0251080	Baby leaf crops (including brassica species)	(+)				
0251990	Others (2)	(+)				
0252000	(b) spinaches and similar leaves	0,2(+)	0,01 (*)	0,01 (*)		0,01 (*)
0252010	Spinaches	(+)				
0252020	Purslanes	(+)				
0252030	Chards/beet leaves	(+)				
0252990	Others (2)	(+)				
0253000	(c) grape leaves and similar species	0,2(+)	0,01 (*)	0,01 (*)		0,01 (*)
0254000	(d) watercresses	0,2(+)	0,01 (*)	0,01 (*)		0,01 (*)
0255000	(e) witloofs/Belgian end-ives	0,2(+)	0,01 (*)	0,01 (*)		0,01 (*)
0256000	(f) herbs and edible flowers		0,02 (*)	0,02 (*)		0,02 (*)
0256010	Chervil	0,2(+)				
0256020	Chives	0,2(+)				
0256030	Celery leaves	0,2(+)				
0256040	Parsley	0,2(+)				
0256050	Sage	0,2(+)				
0256060	Rosemary	0,2(+)				
0256070	Thyme	0,2(+)				
0256080	Basil and edible flowers	2(+)				
0256090	Laurel/bay leaves	0,2(+)				
0256100	Tarragon	0,2(+)				
0256990	Others (2)	0,2(+)				
0260000	Legume vegetables	0,2(+)	0,01 (*)	0,01 (*)	0,1 (*)	0,01 (*)
0260010	Beans (with pods)	(+)				
0260020	Beans (without pods)	(+)				
0260030	Peas (with pods)	(+)				
0260040	Peas (without pods)	(+)				
0260050	Lentils	(+)				

0260990	Others (2)	(+)				
0270000	Stem vegetables	0,2(+)	0,01 (*)	0,01 (*)	0,1 (*)	0,01 (*)
0270010	Asparagus	(+)				
0270020	Cardoons	(+)				
0270030	Celeries	(+)				
0270040	Florence fennels	(+)				
0270050	Globe artichokes	(+)				
0270060	Leeks	(+)				
0270070	Rhubarbs	(+)				
0270080	Bamboo shoots	(+)				
0270090	Palm hearts	(+)				
0270990	Others (2)	(+)				
0280000	Fungi, mosses and lichens	0,2(+)	0,01 (*)	0,01 (*)	0,1 (*)	0,01 (*)
0280010	Cultivated fungi	(+)				
0280020	Wild fungi	(+)				
0280990	Mosses and lichens	(+)				
0290000	Algae and prokaryotes organisms	0,2(+)	0,01 (*)	0,01 (*)	0,1 (*)	0,01 (*)
0300000	PULSES	2(+)	0,01 (*)	0,01 (*)	0,1 (*)	0,01 (*)
0300010	Beans	(+)				
0300020	Lentils	(+)				
0300030	Peas	(+)				
0300040	Lupins/lupini beans	(+)				
0300990	Others (2)	(+)				
0400000	OILSEEDS AND OIL FRUITS	2(+)		0,01 (*)	0,15 (*)	0,01 (*)
0401000	Oilseeds	(+)	0,01 (*)			
0401010	Linseeds	(+)				
0401020	Peanuts/groundnuts	(+)				
0401030	Poppy seeds	(+)				
0401040	Sesame seeds	(+)				
0401050	Sunflower seeds	(+)				
0401060	Rapeseeds/canola seeds	(+)				
0401070	Soyabeans	(+)				
0401080	Mustard seeds	(+)				
0401090	Cotton seeds	(+)				

0401100	Pumpkin seeds	(+)				
0401110	Safflower seeds	(+)				
0401120	Borage seeds	(+)				
0401130	Gold of pleasure seeds	(+)				
0401140	Hemp seeds	(+)				
0401150	Castor beans	(+)				
0401990	Others (2)	(+)				
0402000	Oil fruits	(+)				
0402010	Olives for oil production	(+)	1			
0402020	Oil palms kernels	(+)	0,01 (*)			
0402030	Oil palms fruits	(+)	0,01 (*)			
0402040	Kapok	(+)	0,01 (*)			
0402990	Others (2)	(+)	0,01 (*)			
0500000	CEREALS	2(+)	0,01 (*)	0,01 (*)	0,1 (*)	0,01 (*)
0500010	Barley	(+)				
0500020	Buckwheat and other pseudocereals	(+)				
0500030	Maize/corn	(+)				
0500040	Common millet/proso millet	(+)				
0500050	Oat	(+)				
0500060	Rice	(+)				
0500070	Rye	(+)				
0500080	Sorghum	(+)				
0500090	Wheat	(+)				
0500990	Others (2)	(+)				
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS		0,05 (*)	0,05 (*)	0,1 (*)	
0610000	Teas	400(+)				0,05 (*)
0620000	Coffee beans	5(+)				0,05 (*)
0630000	Herbal infusions from	10(+)				0,05 (*)
0631000	(a) flowers	(+)				
0631010	Chamomile	(+)				
0631020	Hibiscus/roselle	(+)				
0631030	Rose	(+)				
0631040	Jasmine	(+)				
0631050	Lime/linden	(+)				

0631990	Others (2)	(+)				
0632000	(b) leaves and herbs	(+)				
0632010	Strawberry	(+)				
0632020	Rooibos	(+)				
0632030	Mate/maté	(+)				
0632990	Others (2)	(+)				
0633000	(c) roots	(+)				
0633010	Valerian	(+)				
0633020	Ginseng	(+)				
0633990	Others (2)	(+)				
0639000	(d) any other parts of the plant	(+)				
0640000	Cocoa beans	5(+)				0,03(+)
0650000	Carobs/Saint John's breads	10(+)				0,05 (*)
0700000	HOPS	10(+)	0,05 (*)	0,05 (*)	0,1 (*)	0,05 (*)
0800000	SPICES	5(+)	0,05 (*)	0,05 (*)	0,1 (*)	0,05 (*)
0810000	Seed spices	(+)				
0810010	Anise/aniseed	(+)				
0810020	Black caraway/black cumin	(+)				
0810030	Celery	(+)				
0810040	Coriander	(+)				
0810050	Cumin	(+)				
0810060	Dill	(+)				
0810070	Fennel	(+)				
0810080	Fenugreek	(+)				
0810090	Nutmeg	(+)				
0810990	Others (2)	(+)				
0820000	Fruit spices	(+)				
0820010	Allspice/pimento	(+)				
0820020	Sichuan pepper	(+)				
0820030	Caraway	(+)				
0820040	Cardamom	(+)				
0820050	Juniper berry	(+)				
0820060	Peppercorn (black, green and white)	(+)				
0820070	Vanilla	(+)				
0820080	Tamarind	(+)				
0820990	Others (2)	(+)				

0830000	Bark spices	(+)				
0830010	Cinnamon	(+)				
0830990	Others (2)	(+)				
0840000	Root and rhizome spices	(+)				
0840010	Liquorice	(+)				
0840020	Ginger (10)	(+)				
0840030	Turmeric/curcuma	(+)				
0840040	Horseradish (11)	(+)				
0840990	Others (2)	(+)				
0850000	Bud spices	(+)				
0850010	Cloves	(+)				
0850020	Capers	(+)				
0850990	Others (2)	(+)				
0860000	Flower pistil spices	(+)				
0860010	Saffron	(+)				
0860990	Others (2)	(+)				
0870000	Aril spices	(+)				
0870010	Mace	(+)				
0870990	Others (2)	(+)				
0900000	SUGAR PLANTS	2(+)	0,01 (*)	0,01 (*)		0,01 (*)
0900010	Sugar beet roots	(+)			0,15 (*)	
0900020	Sugar canes	(+)			0,1 (*)	
0900030	Chicory roots	(+)			0,1 (*)	
0900990	Others (2)	(+)			0,1 (*)	
1000000	PRODUCTS OF ANIMAL ORIGIN - TERRESTRIAL ANIMALS					
1010000	Commodities from	0,3(+)	0,01 (*)	0,01 (*)		0,01 (*)
1011000	(a) swine	(+)			0,02 (*)	
1011010	Muscle	(+)				
1011020	Fat	(+)				
1011030	Liver	(+)				
1011040	Kidney	(+)				
1011050	Edible offals (other than liver and kidney)	(+)				
1011990	Others (2)	(+)				
1012000	(b) bovine	(+)				
1012010	Muscle	(+)			0,02 (*)	

1012020	Fat	(+)			0,02 (*)	
1012030	Liver	(+)			0,07(+)	
1012040	Kidney	(+)			0,05(+)	
1012050	Edible offals (other than liver and kidney)	(+)			0,07(+)	
1012990	Others (2)	(+)			0,02 (*)	
1013000	(c) sheep	(+)				
1013010	Muscle	(+)			0,02 (*)	
1013020	Fat	(+)			0,02 (*)	
1013030	Liver	(+)			0,05(+)	
1013040	Kidney	(+)			0,05(+)	
1013050	Edible offals (other than liver and kidney)	(+)			0,05(+)	
1013990	Others (2)	(+)			0,02 (*)	
1014000	d) goat	(+)				
1014010	Muscle	(+)			0,02 (*)	
1014020	Fat	(+)			0,02 (*)	
1014030	Liver	(+)			0,05(+)	
1014040	Kidney	(+)			0,05(+)	
1014050	Edible offals (other than liver and kidney)	(+)			0,05(+)	
1014990	Others (2)	(+)			0,02 (*)	
1015000	(e) equine	(+)				
1015010	Muscle	(+)			0,02 (*)	
1015020	Fat	(+)			0,02 (*)	
1015030	Liver	(+)			0,07(+)	
1015040	Kidney	(+)			0,05(+)	
1015050	Edible offals (other than liver and kidney)	(+)			0,07(+)	
1015990	Others (2)	(+)			0,02 (*)	
1016000	f) poultry	(+)			0,02 (*)	
1016010	Muscle	(+)				
1016020	Fat	(+)				
1016030	Liver	(+)				
1016040	Kidney	(+)				
1016050	Edible offals (other than liver and kidney)	(+)				
1016990	Others (2)	(+)				

1017000	(g) other farmed terrestrial animals	(+)			0,02 (*)	
1017010	Muscle	(+)				
1017020	Fat	(+)				
1017030	Liver	(+)				
1017040	Kidney	(+)				
1017050	Edible offals (other than liver and kidney)	(+)				
1017990	Others (2)	(+)				
1020000	Milk	0,2(+)	0,01 (*)	0,01 (*)	0,02 (*)	0,01 (*)
1020010	Cattle	(+)				
1020020	Sheep	(+)				
1020030	Goat	(+)				
1020040	Horse	(+)				
1020990	Others (2)	(+)				
1030000	Birds eggs	0,2(+)	0,01 (*)	0,01 (*)	0,02 (*)	0,01 (*)
1030010	Chicken	(+)				
1030020	Duck	(+)				
1030030	Geese	(+)				
1030040	Quail	(+)				
1030990	Others (2)	(+)				
1040000	Honey and other apiculture products (7)	0,5 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)
1050000	Amphibians and Reptiles	0,3(+)	0,01 (*)	0,01 (*)	0,02 (*)	0,01 (*)
1060000	Terrestrial invertebrate animals	0,3(+)	0,01 (*)	0,01 (*)	0,02 (*)	0,01 (*)
1070000	Wild terrestrial vertebrate animals	0,3(+)	0,01 (*)	0,01 (*)	0,02 (*)	0,01 (*)
1100000	PRODUCTS OF ANIMAL ORIGIN - FISH, FISHPRODUCTS AND ANY OTHER MARINE AND FRESHWATER FOOD PRODUCTS (8)					
1200000	PRODUCTS OR PART OF PRODUCTS EXCLUSIVELY USED FOR ANIMAL FEED PRODUCTION (8)					
1300000	PROCESSED FOOD PRODUCTS (9)					

(*) Indicates lower limit of analytical determination

(e) For the complete list of products of plant and animal origin to which MRL's apply, reference should be made to Annex I

Fluoride ion

A) The European Food Safety Authority identified some information on analytical methods as unavailable. Occurrence data show that a lower MRL than 0.2 mg/kg is currently not achievable. Further data are necessary to monitor this level over time in view of its possible reduction. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it. B) A maximum residue level of 3 mg/kg was set to reflect the authorised use of fluoride ion for fumigation of dry raisins. The European Food Safety Authority identified some information on studies on the nature of residues in food matrices upon fumigation and general toxicity as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0151000 (a) grapes

0151010 Table grapes

0151020 Wine grapes

A) The European Food Safety Authority identified some information on field trials, the nature of residues in food matrices upon fumigation and general toxicity profile as unavailable. Occurrence data show that a lower MRL than 2 mg/kg is currently not achievable. Further data are necessary to monitor this level over time in view of its possible reduction. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it. B) A maximum residue level of 0.5 mg/kg, 2 mg/kg and 4 mg/kg was set to reflect the authorised use of fluoride ion for fumigation of polished rice, cereal flour and cereal bran respectively. The European Food Safety Authority identified some information on studies on the nature of residues in food matrices upon fumigation and general toxicity as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0500060 Rice

A) The European Food Safety Authority identified some information on field trials, the nature of residues in food matrices upon fumigation and general toxicity profile as unavailable. Occurrence data show that a lower MRL than 2 mg/kg is currently not achievable. Further data are necessary to monitor this level over time in view of its possible reduction. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it. B) A maximum residue level of 1 mg/kg, 2 mg/kg and 4 mg/kg was set to reflect the authorised use of fluoride ion for fumigation of maize starch, cereal flour and cereal bran respectively. A maximum residue level of 0.5 mg/kg was set to reflect the authorised use of fluoride ion for fumigation of maize grits, maize oil and maize meal. The European Food Safety Authority identified some information on studies on the nature of residues in food matrices upon fumigation and general toxicity as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0500030 Maize/corn

A) The European Food Safety Authority identified some information on field trials, the nature of residues in food matrices upon fumigation and general toxicity profile as unavailable. Occurrence data show that a lower MRL than 2 mg/kg is currently not achievable. Further data are necessary to monitor this level over time in view of its possible reduction. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it. B) A maximum residue level of 1 mg/kg, 2 mg/kg and 4 mg/kg was set to reflect the authorised use of fluoride ion for fumigation of wheat germ, cereal flour and cereal bran respectively. A maximum residue level of 0.5 mg/kg was set to reflect the authorised use of fluoride ion for fumigation of semolina and wheat middlings. The European Food Safety Authority identified some information on studies on the nature of residues in food matrices upon fumigation and general toxicity as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0500090 Wheat

A) The European Food Safety Authority identified some information on field trials, the nature of residues in food matrices upon fumigation and general toxicity profile as unavailable. Occurrence data show that a lower MRL than 2 mg/kg is currently not achievable. Further data are necessary to monitor this level over time in view of its possible reduction. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it. B) A maximum residue level of 2 mg/kg and 4 mg/kg was set to reflect the authorised use of fluoride ion for fumigation of cereal flour and cereal bran respectively. The European Food Safety Authority identified some information on studies on the nature of residues in food matrices upon fumigation and general toxicity as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0500000 CEREALS

0500010 Barley

0500020 Buckwheat and other pseudocereals

0500040 Common millet/proso millet

0500050 Oat

0500070 Rye

0500080 Sorghum

0500990 Others (2)

Occurrence data show that a lower MRL than 0.2 mg/kg is currently not achievable. Further data are necessary to monitor this level over time in view of its possible reduction. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0161030 Table olives

0163010 Avocados

1020000 Milk

1020010 Cattle

1020020 Sheep

1020030 Goat

1020040 Horse

1020990 Others (2)

1030000 Birds eggs

1030010 Chicken

1030020 Duck

1030030 Geese

1030040 Quail

1030990 Others (2)

Occurrence data show that a lower MRL than 0.3 mg/kg is currently not achievable. Further data are necessary to monitor this level over time in view of its possible reduction. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

1010000 Commodities from

1011000 (a) swine

1011010 Muscle

1011020 Fat

1011030 Liver

1011040 Kidney

1011050 Edible offals (other than liver and kidney)

1011990 Others (2)

1012000 (b) bovine

1012010 Muscle

1012020 Fat

1012030 Liver

1012040 Kidney

1012050 Edible offals (other than liver and kidney)

1012990 Others (2)

1013000 (c) sheep

1013010 Muscle

1013020 Fat

1013030 Liver

1013040 Kidney

1013050 Edible offals (other than liver and kidney)

1013990 Others (2)
1014000 d) goat
1014010 Muscle
1014020 Fat
1014030 Liver
1014040 Kidney
1014050 Edible offals (other than liver and kidney)
1014990 Others (2)
1015000 (e) equine
1015010 Muscle
1015020 Fat
1015030 Liver
1015040 Kidney
1015050 Edible offals (other than liver and kidney)
1015990 Others (2)
1016000 (f) poultry
1016010 Muscle
1016020 Fat
1016030 Liver
1016040 Kidney
1016050 Edible offals (other than liver and kidney)
1016990 Others (2)
1017000 (g) other farmed terrestrial animals
1017010 Muscle
1017020 Fat
1017030 Liver
1017040 Kidney
1017050 Edible offals (other than liver and kidney)
1017990 Others (2)
1050000 Amphibians and Reptiles
1060000 Terrestrial invertebrate animals
1070000 Wild terrestrial vertebrate animals

Occurrence data show that a lower MRL than 10 mg/kg is currently not achievable. Further data are necessary to monitor this level over time in view of its possible reduction. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0650000 Carobs/Saint John's breads
0700000 HOPS

Occurrence data show that a lower MRL than 2 mg/kg is currently not achievable. Further data are necessary to monitor this level over time in view of its possible reduction. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0300000 PULSES
0300010 Beans
0300020 Lentils
0300030 Peas
0300040 Lupins/lupini beans
0300990 Others (2)
0400000 OILSEEDS AND OIL FRUITS
0401000 Oilseeds
0401010 Linseeds
0401020 Peanuts/groundnuts
0401030 Poppy seeds
0401040 Sesame seeds
0401050 Sunflower seeds
0401060 Rapeseeds/canola seeds
0401070 Soyabeans
0401080 Mustard seeds
0401090 Cotton seeds
0401100 Pumpkin seeds
0401110 Safflower seeds
0401120 Borage seeds
0401130 Gold of pleasure seeds
0401140 Hemp seeds

0401150 Castor beans
0401990 Others (2)
0402000 Oil fruits
0402010 Olives for oil production
0402020 Oil palms kernels
0402030 Oil palms fruits
0402040 Kapok
0402990 Others (2)

Occurrence data show that a lower MRL than 2 mg/kg is currently not achievable. Further data are necessary to monitor this level over time in view of its possible reduction. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0900000 SUGAR PLANTS
0900010 Sugar beet roots
0900020 Sugar canes
0900030 Chicory roots
0900990 Others (2)

Occurrence data show that a lower MRL than 400 mg/kg is currently not achievable. Further data are necessary to monitor this level over time in view of its possible reduction. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0610000 Teas

Occurrence data show that a lower MRL than 5 mg/kg is currently not achievable. Further data are necessary to monitor this level over time in view of its possible reduction. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0620000 Coffee beans
0800000 SPICES
0810000 Seed spices
0810010 Anise/aniseed
0810020 Black caraway/black cumin
0810030 Celery
0810040 Coriander
0810050 Cumin
0810060 Dill
0810070 Fennel
0810080 Fenugreek
0810090 Nutmeg
0810990 Others (2)
0820000 Fruit spices
0820010 Allspice/pimento
0820020 Sichuan pepper
0820030 Caraway
0820040 Cardamom
0820050 Juniper berry
0820060 Peppercorn (black green and white)
0820070 Vanilla
0820080 Tamarind
0820990 Others (2)
0830000 Bark spices
0830010 Cinnamon
0830990 Others (2)
0840000 Root and rhizome spices
0840010 Liquorice
0840020 Ginger (10)
0840030 Turmeric/curcuma
0840040 Horseradish (11)
0840990 Others (2)
0850000 Bud spices
0850010 Cloves
0850020 Capers

0850990 Others (2)
0860000 Flower pistil spices
0860010 Saffron
0860990 Others (2)
0870000 Aril spices
0870010 Mace
0870990 Others (2)

The European Food Safety Authority identified some information on analytical methods and general toxicity profile as unavailable. Scientific evidence is not conclusive to demonstrate that fluoride ion occurs naturally in the concerned crop and to conclude its mechanism of formation. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0150000 Berries and small fruits

The European Food Safety Authority identified some information on analytical methods as unavailable. Occurrence data show that a lower MRL than 0.2 mg/kg is currently not achievable. Further data are necessary to monitor this level over time in view of its possible reduction. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0110000 Citrus fruits
0110010 Grapefruits
0110020 Oranges
0110030 Lemons
0110040 Limes
0110050 Mandarins
0110990 Others (2)
0130000 Pome fruits
0130010 Apples
0130020 Pears
0130030 Quinces
0130040 Medlars
0130050 Loquats/Japanese medlars
0130990 Others (2)
0140000 Stone fruits
0140010 Apricots
0140020 Cherries (sweet)
0140030 Peaches
0140040 Plums
0140990 Others (2)
0152000 (b) strawberries
0153000 (c) cane fruits
0153010 Blackberries
0153020 Dewberries
0153030 Raspberries (red and yellow)
0153990 Others (2)
0154000 (d) other small fruits and berries
0154010 Blueberries
0154020 Cranberries
0154030 Currants (black red and white)
0154040 Gooseberries (green red and yellow)
0154060 Mulberries (black and white)
0154070 Azaroles/Mediterranean medlars
0154990 Others (2)
0160000 Miscellaneous fruitswith
0161000 (a) edible peel
0161010 Dates
0161020 Figs
0161040 Kumquats
0161050 Carambolas
0161060 Kaki/Japanese persimmons
0161070 Jambuls/jambolans
0161990 Others (2)
0162000 (b) inedible peel small
0162010 Kiwi fruits (green red yellow)
0162020 Litchis/lychees

0162030 Passionfruits/maracujas
0162040 Prickly pears/cactus fruits
0162050 Star apples/cainitos
0162060 American persimmons/Virginia kaki
0162990 Others (2)
0163000 (c) inedible peel large
0163020 Bananas
0163030 Mangoes
0163040 Papayas
0163050 Granate apples/pomegranates
0163060 Cherimoyas
0163070 Guavas
0163080 Pineapples
0163090 Breadfruits
0163100 Durians
0163110 Soursops/guanabanas
0163990 Others (2)
0200000 VEGETABLES FRESH or FROZEN
0210000 Root and tuber vegetables
0211000 (a) potatoes
0212000 (b) tropical root and tuber vegetables
0212010 Cassava roots/manioc
0212020 Sweet potatoes
0212030 Yams
0212040 Arrowroots
0212990 Others (2)
0213000 (c) other root and tuber vegetables except sugar beets
0213010 Beetroots
0213020 Carrots
0213030 Celeriacs/turnip rooted celeries
0213040 Horseradishes
0213050 Jerusalem artichokes
0213060 Parsnips
0213070 Parsley roots/Hamburg roots parsley
0213080 Radishes
0213090 Salsifies
0213100 Swedes/rutabagas
0213110 Turnips
0213990 Others (2)
0220000 Bulb vegetables
0220010 Garlic
0220020 Onions
0220030 Shallots
0220040 Spring onions/green onions and Welsh onions
0220990 Others (2)
0230000 Fruiting vegetables
0231000 (a) Solanaceae and Malvaceae
0231010 Tomatoes
0231020 Sweet peppers/bell peppers
0231030 Aubergines/eggplants
0231040 Okra/lady's fingers
0231990 Others (2)
0232000 (b) cucurbits with edible peel
0232010 Cucumbers
0232020 Gherkins
0232030 Courgettes
0232990 Others (2)
0233000 (c) cucurbits with inedible peel
0233010 Melons
0233020 Pumpkins
0233030 Watermelons
0233990 Others (2)
0234000 (d) sweet corn
0239000 (e) other fruiting vegetables
0240000 Brassica vegetables(excluding brassica roots and brassica baby leaf crops)
0241000 (a) flowering brassica
0241010 Broccoli
0241020 Cauliflowers
0241990 Others (2)

0242000 (b) head brassica
0242010 Brussels sprouts
0242020 Head cabbages
0242990 Others (2)
0243000 (c) leafy brassica
0243010 Chinese cabbages/pe-tsai
0243020 Kales
0243990 Others (2)
0244000 (d) kohlrabies
0250000 Leaf vegetables herbs and edible flowers
0251000 (a) lettuces and salad plants
0251010 Lamb's lettuces/corn salads
0251020 Lettuces
0251030 Escaroles/broad-leaved endives
0251040 Cresses and other sprouts and shoots
0251050 Land cresses
0251060 Roman rocket/rucola
0251070 Red mustards
0251080 Baby leaf crops (including brassica species)
0251990 Others (2)
0252000 (b) spinaches and similar leaves
0252010 Spinaches
0252020 Purslanes
0252030 Chards/beet leaves
0252990 Others (2)
0253000 (c) grape leaves and similar species
0254000 (d) watercresses
0255000 (e) witloofs/Belgian endives
0256000 (f) herbs and edible flowers
0256010 Chervil
0256020 Chives
0256030 Celery leaves
0256040 Parsley
0256050 Sage
0256060 Rosemary
0256070 Thyme
0256090 Laurel/bay leaves
0256100 Tarragon
0256990 Others (2)
0260000 Legume vegetables
0260010 Beans (with pods)
0260020 Beans (without pods)
0260030 Peas (with pods)
0260040 Peas (without pods)
0260050 Lentils
0260990 Others (2)
0270000 Stem vegetables
0270010 Asparagus
0270020 Cardoons
0270030 Celeries
0270040 Florence fennels
0270050 Globe artichokes
0270060 Leeks
0270070 Rhubarbs
0270080 Bamboo shoots
0270090 Palm hearts
0270990 Others (2)
0280000 Fungi mosses and lichens
0280010 Cultivated fungi
0280020 Wild fungi
0280990 Mosses and lichens
0290000 Algae and prokaryotes organisms

The European Food Safety Authority identified some information on analytical methods as unavailable. Occurrence data show that a lower MRL than 10 mg/kg is currently not achievable. Further data are necessary to monitor this level over time in view of its possible reduction. When reviewing the MRL, the Commission will take into account the information, if it is submitted by 29 July 2024 or, if that information is not submitted by that date, the lack of it.

0630000 Herbal infusions from
0631000 (a) flowers
0631010 Chamomile
0631020 Hibiscus/roselle
0631030 Rose
0631040 Jasmine
0631050 Lime/linden
0631990 Others (2)
0632000 (b) leaves and herbs
0632010 Strawberry
0632020 Rooibos
0632030 Mate/maté
0632990 Others (2)
0633000 (c) roots
0633010 Valerian
0633020 Ginseng
0633990 Others (2)
0639000 (d) any other parts of the plant

The European Food Safety Authority identified some information on analytical methods as unavailable. Occurrence data show that a lower MRL than 2 mg/kg is currently not achievable. Further data are necessary to monitor this level over time in view of its possible reduction. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0154050 Rose hips
0154080 Elderberries
0256080 Basil and edible flowers

The European Food Safety Authority identified some information on residue trials, nature of residues in food matrices upon fumigation, analytical methods and general toxicity profile as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0640000 Cocoa beans

The European Food Safety Authority identified some information on the nature of residues in food matrices upon fumigation and general toxicity profile as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0120000 Tree nuts
0120010 Almonds
0120020 Brazil nuts
0120030 Cashew nuts
0120040 Chestnuts
0120050 Coconuts
0120060 Hazelnuts/cobnuts
0120070 Macadamias
0120080 Pecans
0120090 Pine nut kernels
0120100 Pistachios
0120110 Walnuts
0120990 Others (2)

Oxyfluorfen (F)

(F) Fat soluble

Quinmerac (sum of quinmerac and its metabolites BH 518-2 and BH 518-4 expressed as quinmerac) (R)

(R) The residue definition differs for the following combinations pesticide-code number: code 1000000 except 1040000: quinmerac

The European Food Safety Authority identified some information on residue trials on sugar beet and fodder beet tops as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

1012030 Liver

1012040 Kidney
1012050 Edible offals (other than liver and kidney)
1013030 Liver
1013040 Kidney
1013050 Edible offals (other than liver and kidney)
1014030 Liver
1014040 Kidney
1014050 Edible offals (other than liver and kidney)
1015030 Liver
1015040 Kidney
1015050 Edible offals (other than liver and kidney)

Sulfuryl fluoride

A maximum residue level of 0.06 mg/kg was set to reflect the authorised use of sulfuryl fluoride for fumigation of dry raisins. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0151000 (a) grapes
0151010 Table grapes
0151020 Wine grapes

The European Food Safety Authority identified some information on nature of residues in food matrices upon fumigation and toxicity of fluoride ion as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 July 2024, or, if that information is not submitted by that date, the lack of it.

0120000 Tree nuts
0120010 Almonds
0120020 Brazil nuts
0120030 Cashew nuts
0120040 Chestnuts
0120050 Coconuts
0120060 Hazelnuts/cobnuts
0120070 Macadamias
0120080 Pecans
0120090 Pine nut kernels
0120100 Pistachios
0120110 Walnuts
0120990 Others (2)
0640000 Cocoa beans'

- (2) in Part A of Annex III the columns for fluoride ion, oxyfluorfen, pyroxsulam, quinmerac and sulfuryl fluoride are deleted.
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COMMISSION IMPLEMENTING REGULATION (EU) 2022/1322**of 25 July 2022****amending Implementing Regulation (EU) 2021/632 as regards the lists of products of animal origin, animal by-products and composite products subject to official controls at border control posts****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) ⁽¹⁾, and in particular Article 47(2), first subparagraph, point (a), thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2021/632 ⁽²⁾ establishes lists of animals, products of animal origin, germinal products, animal by-products and derived products, composite products, and hay and straw to be presented for official controls at border control posts, with the indication of their respective Combined Nomenclature codes ('CN codes') provided for in Council Regulation (EEC) No 2658/87 ⁽³⁾.
- (2) Articles 3, 5 and 12 of Commission Delegated Regulation (EU) 2019/625 ⁽⁴⁾ provide for import requirements for consignments of goods referred to by certain CN codes and Harmonised System codes ('HS codes') in Part Two of Annex I to Regulation (EEC) No 2658/87. Those provisions have been amended by Commission Delegated Regulation (EU) 2022/887 ⁽⁵⁾. Delegated Regulation (EU) 2022/887 clarifies the applicable codes by adding missing codes and removing codes which are no longer relevant. It is therefore appropriate to add the headings and CN codes 0901, 1902 19, 1904 10 30, 1904 10 90, 1904 20, 1904 90 80, 2008 99, 2906, 2936 and 3002 49 00 in the lists in the Annex to Implementing Regulation (EU) 2021/632 in order to avoid any ambiguity as regards which consignments of goods are subject to official controls at border control posts.

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2021/632 of 13 April 2021 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products, composite products, and hay and straw subject to official controls at border control posts, and repealing Commission Implementing Regulation (EU) 2019/2007 and Commission Decision 2007/275/EC (OJ L 132, 19.4.2021, p. 24).

⁽³⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

⁽⁴⁾ Commission Delegated Regulation (EU) 2019/625 of 4 March 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption (OJ L 131, 17.5.2019, p. 18).

⁽⁵⁾ Commission Delegated Regulation (EU) 2022/887 of 28 March 2022 amending Delegated Regulation (EU) 2019/625 as regards Combined Nomenclature and Harmonised System codes and import conditions of certain composite products, amending Delegated Regulation (EU) 2019/2122 as regards certain goods and pet birds exempted from official controls at border control posts and amending Delegated Regulation (EU) 2021/630 as regards requirements for composite products exempted from official controls at border control posts (OJ L 154, 7.6.2022, p. 23).

- (3) Commission Implementing Regulation (EU) 2021/1832 ⁽⁶⁾ introduced modifications in CN codes and descriptions of goods, including animal by-products. Implementing Regulation (EU) 2021/632 should reflect those modifications.
- (4) Implementing Regulation (EU) 2021/632 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2021/632 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 25 July 2022.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁶⁾ Commission Implementing Regulation (EU) 2021/1832 of 12 October 2021 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 385, 29.10.2021, p. 1).

ANNEX

‘ANNEX

**LISTS OF ANIMALS, PRODUCTS OF ANIMAL ORIGIN, GERMINAL PRODUCTS, ANIMAL BY-PRODUCTS
AND DERIVED PRODUCTS, COMPOSITE PRODUCTS, AND HAY AND STRAW SUBJECT TO OFFICIAL
CONTROLS AT BORDER CONTROL POSTS AS REFERRED TO IN ARTICLE 3**

*Notes:***1. General remarks**

General remarks are added to certain Chapters to clarify, which animals or goods are covered in the relevant chapter. In addition, where necessary, reference is made to specific requirements laid down in Commission Regulation (EU) No 142/2011 ⁽¹⁾.

The list of composite products that meet specific conditions and are exempted from official controls at border control posts are laid down in Commission Delegated Regulation (EU) 2021/630 ⁽²⁾.

2. Note to Chapter

The lists in this Annex are structured in Chapters which correspond to the relevant Chapters in the Combined Nomenclature (CN) as laid down in Annex I to Council Regulation (EEC) No 2658/87 ⁽³⁾.

The Chapter notes are explanations that have been extracted, where necessary, from the Notes to the individual Chapters of the CN.

3. Extract from the Explanatory Notes and the Classification Opinions of the Harmonized System

Additional information on the different Chapters has been extracted, where necessary, from the Explanatory Notes and the Classification Opinions of the Harmonized System of the World Customs Organisation.

*Tables:***4. Column (1) — CN code**

This column indicates the CN code. The CN, established by Regulation (EEC) No 2658/87, is based on the International Convention on Harmonized Commodity Description and Coding System (HS) concluded in Brussels on 14 June 1983 and approved by Council Decision 87/369/EEC ⁽⁴⁾. The CN reproduces the headings and subheadings of the HS to six digits, with only the seventh and eighth figures creating further subheadings which are specific to it.

⁽¹⁾ Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

⁽²⁾ Commission Delegated Regulation (EU) 2021/630 of 16 February 2021 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of goods exempted from official controls at border control posts and amending Commission Decision 2007/275/EC (OJ L 132, 19.4.2021, p. 17).

⁽³⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256 7.9.1987, p. 1).

⁽⁴⁾ Council Decision 87/369/EEC of 7 April 1987 concerning the conclusion of the International Convention on the Harmonized Commodity Description and Coding System and of the Protocol of Amendment thereto (OJ L 198, 20.7.1987, p. 1).

Where a four-digit code is used: Unless otherwise specified, all animals and goods prefixed with or covered by these four digits shall be submitted to official controls at border control posts. In most of these cases, the relevant CN codes included in the Traces system referred to in Article 133(4) of Regulation (EU) 2017/625 of the European Parliament and of the Council ⁽⁵⁾, are broken down to six- or eight-digit codes.

Where only certain specified animals and goods under any four-, six- or eight-digit code are required to be submitted to official controls and no specific subdivision under this code exists in the CN, the code is marked “Ex”. In that case, the animals and goods covered by this Regulation are determined by the scope of the CN code and by that of the corresponding description in column (2) and the qualification and explanation in column (3).

5. **Column (2) — Description**

The description of the animals and goods is as laid down in the description column of the CN.

Without prejudice to the rules for the interpretation of the CN, the wording for the description of the animals and goods in column (2) is considered to be of indicative value only, since the animals and goods covered by this Regulation are determined by CN codes.

6. **Column (3) — Qualification and explanation**

This column gives details of the animals or goods covered. Further information on the animals or goods covered in the different Chapters of the CN can be found in the Explanatory Notes to the Combined Nomenclature of the European Union ⁽⁶⁾.

Products derived from animal by-products covered by Regulation (EC) No 1069/2009 of the European Parliament and of the Council ⁽⁷⁾ and Regulation (EU) No 142/2011 are not specifically identified in Union law. Official controls shall be carried out on products that are partly processed but remain raw products to be further processed in an approved or registered establishment at destination. Official inspectors at border control posts shall assess and specify, when necessary, if a derived product is sufficiently processed to not require further official controls provided for in Union law.

CHAPTER 1

LIVE ANIMALS

Note to Chapter 1 (extract from the Notes to this Chapter of the CN)

“1. This chapter covers all live animals, except:

(a) fish and crustaceans, molluscs and other aquatic invertebrates, of heading 0301, 0306, 0307 or 0308;

⁽⁵⁾ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

⁽⁶⁾ OJ C 119, 29.3.2019, p. 1.

⁽⁷⁾ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).

- (b) cultures of micro-organisms and other products of heading 3002; and
- (c) animals of heading 9508.”

Extract from the Harmonized System Explanatory Notes

“Heading 0106 includes, *inter alia*, the following domestic or wild animals:

(A) Mammals

- (1) Primates.
- (2) Whales, dolphins and porpoises (mammals of the order Cetacea); manatees and dugongs (mammals of the order Sirenia); seals, sea lions and walruses (mammals of the suborder Pinnipedia).
- (3) Other (such as reindeer, cats, dogs, lions, tigers, bears, elephants, camels (including dromedaries), zebras, rabbits, hares, deer, antelope (other than those of the sub-family *Bovinae*), chamois, foxes, minks, and other animals for fur farms).

(B) Reptiles (including snakes and turtles)

(C) Birds

- (1) Birds of prey.
- (2) Psittaciformes (including parrots, parakeets, macaws and cockatoos).
- (3) Other (such as partridges, pheasants, quail, woodcocks, snipe, pigeons, grouse, ortolan, wild ducks, wild geese, thrushes, blackbirds, larks, finches, tits, humming birds, peacocks, swans, and other birds not specified in heading 0105).

(D) Insects, such as bees (whether or not travelling in boxes or cages or hives).

(E) Other, e.g. frogs.

This heading excludes animals forming part of circuses, menageries or other similar travelling animal shows (heading 9508).”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
0101	Live horses, asses, mules and hinnies	All
0102	Live bovine animals	All
0103	Live swine	All
0104	Live sheep and goats	All
0105	Live poultry, that is to say, fowls of the species <i>Gallus domesticus</i> , ducks, geese, turkeys and guinea fowls	All

0106	Other live animals	All, covers all animals from the following subheadings: 0106 11 00 (primates) 0106 12 00 (whales, dolphins and porpoises (mammals of the order Cetacea); manatees and dugongs (mammals of the order Sirenia); seals, sea lions and walruses (mammals of the suborder Pinnipedia) 0106 13 00 (camels and other camelids (Camelidae)) 0106 14 (rabbits and hares) 0106 19 00 (other): mammals other than those of heading 0101, 0102, 0103, 0104, 0106 11, 0106 12, 0106 13 and 0106 14; this subheading covers dogs and cats 0106 20 00 (reptiles, including snakes and turtles) 0106 31 00 (birds: birds of prey) 0106 32 00 (birds: psittaciformes, including parrots, parakeets, macaws and cockatoos) 0106 33 00 (ostriches; emus (<i>Dromaius novaehollandiae</i>)) 0106 39 (other): covers birds, other than those of headings 0105, 0106 31, 0106 32 and 0106 33; this subheading includes pigeons 0106 41 00 (bees) 0106 49 00 (other insects than bees) 0106 90 00 (other): all other live animals not covered elsewhere, other than mammals, reptiles, birds and insects. Live frogs whether for vivaria to be kept alive, or to be killed for human consumption, are covered by this CN code.
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CHAPTER 2

MEAT AND EDIBLE MEAT OFFAL

Note to Chapter 2 (extract from the Notes to this Chapter of the CN)

“1. This chapter does not cover:

- (a) Products of the kinds described in headings 0201 to 0208 or 0210 unfit or unsuitable for human consumption;
- (b) edible, non-living insects (heading 0410);
- (c) guts, bladders or stomachs of animals (heading 0504) or animal blood (heading 0511 or 3002); or
- (d) animal fat, other than the products of heading 0209 (Chapter 15).”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
0201	Meat of bovine animals, fresh or chilled	All. However, raw material not suitable for human consumption is not covered in this heading, but under heading 0511.

0202	Meat of bovine animals, frozen	All. However, raw material not intended or suitable for human consumption is not covered in this heading, but under heading 0511.
0203	Meat of swine, fresh, chilled or frozen	All. However, raw material not intended or suitable for human consumption is not covered in this heading, but under heading 0511.
0204	Meat of sheep or goats, fresh, chilled or frozen	All. However, raw material not intended or suitable for human consumption is not covered in this heading, but under heading 0511.
0205 00	Meat of horses, asses, mules or hinnies, fresh, chilled or frozen	All. However, raw material not intended or suitable for human consumption is not covered in this heading, but under heading 0511.
0206	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen	All. However, raw material not intended or suitable for human consumption is not covered in this heading, but under heading 0511.
0207	Meat and edible offal, of the poultry of heading 0105, fresh, chilled or frozen	All. However, raw material not intended or suitable for human consumption is not covered in this heading, but under heading 0511.
0208	Other meat and edible meat offal, fresh, chilled or frozen	All. However, raw material not intended or suitable for human consumption is not covered in this heading, but under heading 0511. This heading covers other raw material for the production of gelatine or collagen for human consumption. It also covers all meat and edible meat offal from the following subheadings: 0208 10 (of rabbits or hares) 0208 30 00 (of primates) 0208 40 (of whales, dolphins and porpoises (mammals of the order Cetacea); of manatees and dugongs (mammals of the order Sirenia); of seals, sea lions and walruses (mammals of the suborder Pinnipedia)) 0208 50 00 (of reptiles, including snakes and turtles) 0208 60 00 (of camels and other camelids (Camelidae)) 0208 90 (other: of domestic pigeons; of game other than of rabbits or hares; etc.): covers meat of quails, reindeer or any other mammal species. This subheading also covers frogs' legs under CN code 0208 90 70.
0209	Pig fat, free of lean meat, and poultry fat, not rendered or otherwise extracted, fresh, chilled frozen, salted, in brine, dried or smoked	All, covers both fat and processed fat as described in column (2), even if suitable only for industrial use (not fit for human consumption).

0210	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal	All, covers meat, meat products and other products of animal origin. However, raw material not intended or suitable for human consumption is not covered in this heading, but under heading 0511. Covers processed animal protein and dried pigs ears for human consumption. Even when such dried pigs ears are used as animal feed, the Annex to Commission Regulation (EC) No 1125/2006 (*) clarifies that they may be covered in 0210 99 49. However, dried offal and pigs ears unfit for human consumption are classified in CN code 0511 99 85. Sausages are covered under heading 1601. Extracts and juices of meat are covered under heading 1603. Greaves are covered under heading 2301.
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(*) Commission Regulation (EC) No 1125/2006 of 21 July 2006 concerning the classification of certain goods in the Combined Nomenclature (OJ L 200, 22.7.2006, p. 3).

CHAPTER 3

FISH AND CRUSTACEANS, MOLLUSCS AND OTHER AQUATIC INVERTEBRATES

General remarks

This chapter covers both live fish for breeding and reproduction, live ornamental fish, and live fish or live crustaceans transported alive but imported for human consumption.

All products in this chapter are subject to official controls.

Notes to Chapter 3 (extract from the Notes to this Chapter of the CN)

“1. This chapter does not cover:

- (a) mammals of heading 0106;
- (b) meat of mammals of heading 0106 (heading 0208 or 0210);
- (c) fish (including livers, roes and milt thereof) or crustaceans, molluscs or other aquatic invertebrates, dead and unfit or unsuitable for human consumption by reason of either their species or their condition (Chapter 5); flours, meals or pellets of fish or of crustaceans, molluscs or other aquatic invertebrates unfit for human consumption (heading 2301); or
- (d) caviar or caviar substitutes prepared from fish eggs (heading 1604).

2. In this chapter, the term ‘pellets’ means products which have been agglomerated either directly by compression or by the addition of a small quantity of binder.

3. Headings 0305 to 0308 do not cover flours, meals and pellets, fit for human consumption (heading 0309).”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
0301	Live fish	All, covers trout, eels, carp, or any other species or any fish imported for breeding or reproduction. Live fish imported for immediate human consumption are treated for official controls purposes as if they were products. Covers ornamental fish in CN codes 0301 11 00 and 0301 19 00.

0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304	All, covers livers, milt and roes, fresh or chilled, in CN code 0302 91 00.
0303	Fish, frozen, excluding fish fillets and other fish meat of heading 0304	All, covers livers, milt and roes, frozen, in subheading 0303 91.
0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen	All.
0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process	All, covers fish heads, tails and maws and other edible fish offal.
0306	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; smoked crustaceans, whether in shell or not, whether or not cooked before or during the smoking process; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine	All. Live crustaceans imported for immediate human consumption are considered and treated for official controls purposes as if they were products. Covers ornamental sea monkeys and their cysts for use as pet animals and all live ornamental crustaceans.
0307	Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; smoked molluscs, whether in shell or not, whether or not cooked before or during the smoking process	This heading also covers smoked molluscs that have been cooked before. Other cooked molluscs are covered in heading 1605. Covers live ornamental molluscs. Live molluscs imported for immediate human consumption are considered and treated for official controls purposes as if they were products. Covers all from the subheadings 0307 11 to 0307 99, such as the following examples: 0307 60 (snails other than sea snails): covers terrestrial gastropods of the species <i>Helix pomatia</i> , <i>Helix aspersa</i> , <i>Helix lucorum</i> and species of the family Achatinidae. Covers live snails (including fresh water snails) for immediate human consumption and also snail meat for human consumption. Covers blanched or pre-processed snails. Further processed products are covered in heading 1605. 0307 91 00 (live, fresh, or chilled other molluscs, i.e. other than oysters, scallops, mussels (<i>Mytilus</i> spp., <i>Perna</i> spp.), cuttle fish, squid, octopus, snails, clams, cockles, ark shells, abalones (<i>Haliotis</i> spp.) and stromboid conchs (<i>Strombus</i> spp.): covers meat of sea water snail species, whether in shell or not. 0307 99 (other molluscs, other than live, fresh, chilled, or frozen, i.e. other than oysters, scallops, mussels (<i>Mytilus</i> spp., <i>Perna</i> spp.), cuttle fish, squid, octopus, sea snails, clams, cockles, ark shells, abalones (<i>Haliotis</i> spp.) and stromboid conchs (<i>Strombus</i> spp.).

0308	Aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine; smoked aquatic invertebrates other than crustaceans and molluscs, whether or not cooked before or during the smoking process	All.
0309	Flours, meals and pellets of fish, crustaceans, molluscs and other aquatic invertebrates, fit for human consumption	All.

CHAPTER 4

DAIRY PRODUCE; BIRDS' EGGS; NATURAL HONEY; EDIBLE PRODUCTS OF ANIMAL ORIGIN, NOT ELSEWHERE SPECIFIED OR INCLUDED**Notes to Chapter 4 (extract from the Notes to this Chapter of the CN)**

- "1. The expression 'milk' means full-cream milk or partially or completely skimmed milk.
2. For the purposes of heading 0403, yogurt may be concentrated or flavoured and may contain added sugar or other sweetening matter, fruit, nuts, cocoa, chocolate, spices, coffee or coffee extracts, plants, parts of plants, cereals or bakers' wares, provided that any added substance is not used for the purpose of replacing, in whole or in part, any milk constituent, and the product retains the essential character of yogurt.
3. For the purposes of heading 0405:
- (a) the term 'butter' means natural butter, whey butter or recombined butter (fresh, salted or rancid, including canned butter) derived exclusively from milk, with a milkfat content of 80 % or more but not more than 95 % by weight, a maximum milk solids-not-fat content of 2 % by weight and a maximum water content of 16 % by weight. Butter does not contain added emulsifiers, but may contain sodium chloride, food colours, neutralising salts and cultures of harmless lactic-acid-producing bacteria;
 - (b) the expression 'dairy spreads' means a spreadable emulsion of the water-in-oil type, containing milkfat as the only fat in the product, with a milkfat content of 39 % or more but less than 80 % by weight.
4. Products obtained by the concentration of whey and with the addition of milk or milkfat are to be classified as cheese in heading 0406 provided that they have the three following characteristics:
- (a) a milk fat content, by weight of the dry matter, of 5 % or more;
 - (b) a dry matter content, by weight, of at least 70 % but not exceeding 85 %; and
 - (c) they are moulded or capable of being moulded.
5. This chapter does not cover:
- (a) non-living insects, unfit for human consumption (heading 0511);
 - (b) products obtained from whey, containing by weight more than 95 % lactose, expressed as anhydrous lactose calculated on the dry matter (heading 1702);
 - (c) products obtained from milk by replacing one or more of its natural constituents (for example, butyric fats) by another substance (for example, oleic fats) (heading 1901 or 2106); or
 - (d) albumins (including concentrates of two or more whey proteins, containing by weight more than 80 % whey proteins, calculated on the dry matter) (heading 3502) or globulins (heading 3504).

6. For the purposes of heading 0410, the term ‘insects’ means edible non-living insects, whole or in parts, fresh, chilled, frozen, dried, smoked, salted or in brine, as well as flours and meals of insects, fit for human consumption. However, it does not cover edible non-living insects otherwise prepared or preserved (generally Section IV).”

Extracts from the Harmonized System Explanatory Notes

“Heading 0408 covers whole eggs not in shell, and egg yolks of all birds. The products of this heading may be fresh, dried, cooked by steaming or by boiling in water, moulded (e.g. cylindrical ‘long eggs’), frozen or otherwise preserved. All these fall in the heading whether or not containing added sugar or other sweetening matter and whether for use as food or for industrial purposes (e.g., in tanning).

This heading does not cover:

- (a) Oil of egg yolk (heading 1506).
- (b) Egg preparations containing seasoning, spices or other additives (heading 2106).
- (c) Lecithin (heading 2923).
- (d) Separate egg white (egg albumin) (heading 3502).
- (...)

Heading 0409 covers honey produced by bees (*Apis mellifera*) or by other insects, centrifuged or in the comb or containing comb chunks, provided that neither sugar nor other substance has been added. Such honey may be designated by floral source, origin or colour.

Heading 0409 excludes artificial honey and mixtures of natural and artificial honey (heading 1702).

(...)

Heading 0410 covers insects (as defined in Note 6 to this Chapter) and other products of animal origin suitable for human consumption, not specified or included elsewhere in the Combined Nomenclature. However, non-living insects unfit for human consumption (including flours and meals thereof) are classified in heading 0511. This includes:

- (a) Turtles eggs. These are eggs laid by river or marine turtles; they may be fresh, dried or otherwise preserved.

Turtle-egg oil is excluded (heading 1506).

- (b) Salanganes’ nests (‘birds nests’). These consist of a substance secreted by the bird which solidifies rapidly on exposure to air.

The nests may be presented untreated, or they may have been cleaned to remove feathers, down, dust and other impurities in order to render them suitable for consumption. They are generally in the form of whitish strips or threads.

Salanganes’ nests have a high protein content and are used almost exclusively to make soups or other food preparations.

Heading 0410 excludes animal blood, edible or not, liquid or dried (heading 0511 or 3002).”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter	All. Milk for animal feed is covered under this heading, whereas animal feed containing milk is covered in heading 2309. Milk for therapeutic/prophylactic uses is covered in heading 3001.
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter	All.

0403	Yogurt; buttermilk, curdled milk and cream, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa	All. Covers cream, flavoured or containing fruits, frozen and fermented milk, for human consumption. Ice cream is covered in heading 2105. Beverages containing milk flavoured with cocoa or other substances are covered in heading 2202.
0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included	All. Covers milk products for infants. CN code 0404 10 48 covers bovine colostrum, in liquid form, defatted and de-caseinated, for human consumption. CN code 0404 90 21 covers spray-dried, reduced-fat colostrum powder which has not been de-caseinated, for human consumption.
0405	Butter and other fats and oils derived from milk; dairy spreads	All.
0406	Cheese and curd	All.
0407	Birds' eggs, in shell, fresh, preserved or cooked	All. Covers hatching eggs and specified pathogen free eggs, fertilised eggs for incubation (0407 11 and 0407 19). Covers fresh eggs (0407 21 to 0407 29) and other eggs (0407 90), not fit and fit for human consumption. Covers '100 year old eggs'. Egg albumin not fit and fit for human consumption is covered in heading 3502.
0408	Birds' eggs, not in shell, and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter	All. Covers egg products whether or not heat-treated and products not fit for human consumption.
0409 00 00	Natural honey	All.
0410 10	Insects	All. Insects or insect eggs for human consumption are covered in this heading. Non-living insects unfit for human consumption (including flours and meals thereof) are excluded (heading 0511) as well as edible non-living insects otherwise prepared or preserved (generally Section IV).
0410 90 00	Other edible products of animal origin, not elsewhere specified or included	All. This CN code covers 'royal jelly' and propolis (used in manufacture for pharmaceutical products and food supplements) and other animal-derived material for human consumption. This CN code covers edible bones and bone products directly consumed (e.g. bone flour, powdered bone, soup bones), if derived from carcasses that have been slaughtered for human consumption.

CHAPTER 5

PRODUCTS OF ANIMAL ORIGIN, NOT ELSEWHERE SPECIFIED OR INCLUDED

General remarks

Specific requirements for certain products in this Chapter are laid down in Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011:

- Row 7: pig bristles;
 Row 8: untreated wool and hair produced from animals other than those of the porcine species;
 Row 9: treated feathers, parts of feathers and down.

Notes to Chapter 5 (extract from the Notes to this Chapter of the CN)

“1. This chapter does not cover:

- (a) edible products (other than guts, bladders and stomachs of animals, whole and pieces thereof, and animal blood, liquid or dried);
 - (b) hides or skins (including furskins), other than goods of heading 0505 and parings and similar waste of raw hides or skins of heading 0511 (Chapter 41 or 43);
 - (c) animal textile materials, other than horsehair and horsehair waste (Section XI); or
 - (d) prepared knots or tufts for broom or brush making (heading 9603).
- (...)

3. Throughout the nomenclature, elephant, hippopotamus, walrus, narwhal and wild boar tusks, rhinoceros horns and the teeth of all animals are regarded as ‘ivory’.
4. Throughout the nomenclature, the expression ‘horsehair’ means hair of the manes or tails of equine or bovine animals. Heading 0511 covers, *inter alia*, horsehair and horsehair waste, whether or not put up as a layer with or without supporting material.”

Extract from the Harmonized System Explanatory Notes

“Heading 0505 covers

- (1) Skins and other parts of birds (e.g., heads, wings) with their feathers or down, and
- (2) Feathers and parts of feathers (whether or not with trimmed edges), and down, provided they are either unworked, or merely cleaned, disinfected or treated for preservation but not otherwise worked or mounted.

Heading 0505 also covers powder, meal and waste of feathers or parts of feathers.”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
0502 10 00	Pigs', hogs' or boars' bristles and hair and waste thereof	All, treated and untreated.
0504 00 00	Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof, fresh, chilled, frozen, salted, in brine, dried or smoked	All. Covers stomachs, bladders and intestines which have been cleaned, salted, dried, or heated, of bovine, porcine, ovine, caprine, or poultry origin.

ex 0505	Skins and other parts of birds, with their feathers or down, feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation; powder and waste of feathers or parts of feathers	All, including game trophies of birds, but excluding treated decorative feathers, treated feathers carried by travellers for their private use or consignments of treated feathers sent to private individuals for non-industrial purposes as referred to in Chapter II, Section 6(a), of Annex XIV to Regulation (EU) No 142/2011. Article 25(1), point (b), of Regulation (EU) No 142/2011 prohibits the importation into and transit through the Union of untreated feathers and parts of feathers and down. Official controls are applicable for feathers independent from their treatment as referred to in Chapter VII, point C, of Annex XIII to Regulation (EU) No 142/2011. Further specific requirements for game trophies are laid down in Chapter II, Section 5, of Annex XIV to Regulation (EU) No 142/2011. Chapter II, Section 6, of Annex XIV to Regulation (EU) No 142/2011 covers feathers used for stuffing, down, raw or other feathers.
0506	Bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or de-gelatinised; powder and waste of these products	Covers bones used as dog chews and bones used for production of gelatine. Edible bones and boneflour for human consumption are covered under CN code 0410 90 00. Specific requirements for such products not intended for human consumption are laid down in Row 6 (game trophies), in Row 11 (bones and bone products (excluding bone meal), horns and horn products (excluding horn meal) and hooves and hoof products (excluding hoof meal) for uses other than as feed material, organic fertiliser or soil improver) and in Row 12 (dog chews) of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011.
0507	Ivory, tortoise-shell, whalebone and whalebone hair, horns, antlers, hooves, nails, claws and beaks, unworked or simply prepared but not cut to shape; powder and waste of these products	Covers treated game trophies from birds and ungulates being solely bones, horns, hooves, claws, antlers and teeth. Specific requirements for game trophies are laid down in Row 6 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011.
ex 0508 00	Coral and similar materials, unworked or simply prepared but not otherwise worked; shells of molluscs, crustaceans or echinoderms and cuttle-bone, unworked or simply prepared but not cut to shape, powder and waste thereof	Covers empty shells for food use and use as raw material for glucosamine. In addition, this heading covers shells, including cuttle-bones, containing soft tissue and flesh, as referred to in Article 10, point (k)(i), of Regulation (EC) No 1069/2009.
ex 0510 00 00	Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried; glands and other animal products used in the preparation of pharmaceutical products, fresh, chilled, frozen or otherwise provisionally preserved	Ambergris and cantharides are excluded. Glands, other animal products and bile are covered by this CN code. Dried glands and products are covered by heading 3001. Specific requirements may be laid down in Row 14 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011 for animal by-products for the manufacture of pet food other than raw pet food and of derived products for uses outside the feed chain (for pharmaceuticals and other technical products).

ex 0511	Animal products not elsewhere specified or included; dead animals of Chapter 1 or 3, unfit for human consumption	All. Covers genetic material (semen and embryos of animal origin of the bovine, ovine, caprine, equine and porcine species) and animal by-products of Categories 1 and 2 materials as referred to in Articles 8 and 9 of Regulation (EC) No 1069/2009. The following are examples of animal products falling within subheadings 0511 10 to 0511 99: 0511 10 00 (bovine semen). 0511 91 (products of fish or crustaceans, molluscs or other aquatic invertebrates; dead animals of Chapter 3): all. Covers fish eggs for hatching, dead animals, animal by-products for the manufacture of pet food and for pharmaceuticals and other technical products. It also covers inedible or classed unfit for human consumption, for example, daphnids or water fleas, and other ostracoda or phyllopods, dried, for feeding aquarium fish. It also covers fish bait. ex 0511 99 10 (sinews or tendons; parings and similar waste of raw hides and skins). Official controls are necessary for hides and skins not treated, as referred to in Chapter V, point C.2, of Annex XIII to Regulation (EU) No 142/2011, if in compliance with Chapter V, points B.1 or C.1, of Annex XIII to Regulation (EU) No 142/2011. ex 0511 99 31 (raw natural sponges of animal origin): all, if for human consumption; if not for human consumption, only those intended for pet food. Specific requirements for non-human consumption are set out in Row 12 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011. ex 0511 99 39 (natural sponges of animal origin other than raw): all, if for human consumption; if not for human consumption, only those intended for pet food. Specific requirements for non-human consumption are set out in Row 12 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011. ex 0511 99 85 (other animal products not elsewhere specified or included; dead animals of Chapter 1, unfit for human consumption): Covers embryos, ova, semen and genetic material not covered in subheading 0511 10. Covers embryos, ova, semen and genetic material of species other than bovine. Covers animal by-products for the manufacture of pet food or other technical products. Covers untreated horsehair, apiculture products other than waxes for apiculture or technical use, spermaceti for technical use, dead animals referred to in Chapter 1 which are inedible or not for human consumption (for example: dogs, cats, insects), animal material where the essential characteristics have not been changed, and edible animal blood not derived from fish, for human consumption. Covers flours, meals and pellets of insects, unfit for human consumption.
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CHAPTER 6

LIVE TREES AND OTHER PLANTS; BULBS, ROOTS AND THE LIKE; CUT FLOWERS AND ORNAMENTAL FOLIAGE

General remarks

This chapter covers mushroom spawn in a compost of sterilised manure of animal origin.

Extract from the Explanatory Notes to the CN

“0602 90 10 Mushroom spawn:

Mushroom spawn is the term given to a net of fragile threads (*Thallus* or *Mycelium*), often found underground, which lives and grows on the surface of decomposing animal or vegetable matter and develops in the tissues themselves and produces mushrooms.

This subheading also includes a product consisting of mushroom spawn, not fully developed, placed in microscopic amounts on a layer of cereal grains enclosed in a compost of sterilized horse manure (a mixture of straw and horse dung).”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 0602 90 10	Mushroom spawn	Only if containing processed manure of animal origin. Specific requirements are set out in Row 1 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011.

CHAPTER 9

COFFEE, TEA, MATÉ AND SPICES

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion	Only if containing products of animal origin.

CHAPTER 12

OIL SEEDS AND OLEAGINOUS FRUITS; MISCELLANEOUS GRAINS, SEEDS AND FRUIT; INDUSTRIAL OR MEDICINAL PLANTS; STRAW AND FODDER

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 1212 99 95	Other vegetable products of a kind used primarily for human consumption, not elsewhere specified or included	Bee pollen is covered under this CN code.
ex 1213 00 00	Cereal straw and husks, unprepared, whether or not chopped, ground, pressed or in the form of pellets	Only straw.

ex 1214 90	Swedes, mangolds, fodder roots, hay, lucerne (alfalfa), clover, sainfoin, forage kale, lupines, vetches and similar forage products whether or not in form of pellets: other than lucerne (alfalfa) meal and pellets	Only hay.
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CHAPTER 15

**ANIMAL, VEGETABLE OR MICROBIAL FATS AND OILS AND THEIR CLEAVAGE PRODUCTS; PREPARED EDIBLE FATS;
ANIMAL OR VEGETABLE WAXES**

General remarks

All animal-derived fats and oils. Specific requirements for the following products are set out in Annex XIV to Regulation (EU) No 142/2011:

1. rendered fats and fish oils in Row 3 of Table 1 in Chapter I, Section 1;
2. rendered fats from Category 2 materials for certain purposes outside the feed chain for farmed animals (for example, for oleochemical purposes) in Row 17 of Table 2 in Chapter II, Section 1;
3. fat derivatives in Row 18 of Table 2 in Chapter II, Section 1.

Fat derivatives include first stage products derived from fats and oils when in their pure state, produced by a method set out in Chapter XI, point 1, of Annex XIII to Regulation (EU) No 142/2011.

Derivatives mixed with other materials are subjected to official controls.

Notes to Chapter 15 (extract from the Notes to this Chapter of the CN)

“1. This chapter does not cover:

- (a) pig fat or poultry fat on heading 0209;
- (b) cocoa butter, fat and oil (heading 1804);
- (c) edible preparations containing by weight more than 15 % of the products of heading 0405 (generally Chapter 21);
- (d) greaves (heading 2301) or residues of headings 2304 to 2306;
- (...)

3. Heading 1518 does not cover fats or oils or their fractions, merely denatured, which are classified in the heading appropriate to the corresponding undenatured fats and oils and their fractions.

4. Soap stocks, oil foots and dregs, stearin pitch, glycerol pitch and wool grease residues fall in heading 1522.”

Extract from the Harmonized System Explanatory Notes

“Heading 1516 covers animal, vegetable or microbial fats and oils, which have undergone a specific chemical transformation of a kind mentioned below, but have not been further prepared.

The heading also covers similarly treated fractions of animal, vegetable or microbial fats and oils.

Hydrogenation, which is effected by bringing the products into contact with pure hydrogen at a suitable temperature and pressure in the presence of a catalyst (usually finely divided nickel), raises the melting points of fats and increases the consistency of oils by transforming unsaturated glycerides (e.g. of oleic, linoleic, etc. acids) into saturated glycerides of higher melting points (e.g. of palmitic, stearic, etc. acids).

Heading 1518 also covers inedible mixtures or preparations of animal, vegetable or microbial fats or oils or of fractions of different fats or oils of the Chapter, not elsewhere specified or included.

The heading also covers, *inter alia*, used deep-frying oil containing, for example, rape oil, soya-bean oil and a small quantity of animal fat, for use in the preparation of animal feeds.

The heading also includes hydrogenated, inter-esterified, re-esterified or elaidinised fats and oils or their fractions, where modification involves more than one fat or oil.”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
1501	Pig fat (including lard) and poultry fat, other than that of heading 0209 or 1503	All.
1502	Fats of bovine animals, sheep or goats, other than those of heading 1503	All.
1503 00	Lard stearin, lard oil, oleostearin, oleo-oil and tallow oil, not emulsified or mixed or otherwise prepared	All.
1504	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified	All. Covers fish oils and oils from fishery products and marine mammals. Miscellaneous edible preparations are covered under heading 1517 or Chapter 21.
1505 00	Wool grease and fatty substances derived therefrom (including lanolin)	All. Covers wool grease imported as rendered fat, as set out in Annex XIV to Regulation (EU) No 142/2011, or lanolin imported as intermediate product.
1506 00 00	Other animal fats and oils and their fractions, whether or not refined, but not chemically modified	All. Covers unsplit fats or oils, and also their initial fractions produced by a method set out in Chapter XI, point 1, of Annex XIII to Regulation (EU) No 142/2011.
1516 10	Animal fats and oils and their fractions	All animal fats and oils. For official controls, fat derivatives include first stage products derived from animal fats and oils when in their pure state, produced by a method set out in Chapter XI, point 1, of Annex XIII to Regulation (EU) No 142/2011.
ex 1517	Margarine; edible mixtures or preparations of animal, vegetable or microbial fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading 1516	Only if containing products of animal origin.

ex 1518 00 91	Animal, vegetable or microbial fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading 1516	Only if containing animal fats and oils. Fat derivatives produced by a method set out in Chapter XI, point 1, of Annex XIII to Regulation (EU) No 142/2011. Specific requirements are set out in Row 17 (rendered fats) and Row 18 (fat derivatives) of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011.
ex 1518 00 95	Inedible mixtures or preparations of animal or of animal, vegetable or microbial fats and oils and their fractions	Only fats and oil preparations, rendered fats and derivatives from animals. Covers used cooking oil, intended to be used within the scope of Regulation (EC) No 1069/2009. Covers fat derivatives produced by a method set out in Chapter XI, point 1, of Annex XIII to Regulation (EU) No 142/2011.
ex 1518 00 99	Other vegetable or microbial fats and oils and their fractions, not elsewhere specified or included, than animal, vegetable or microbial fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading 1516 and other than inedible mixtures or preparations of animal, vegetable or microbial fats and their fractions.	Only if containing fat from animal origin.
ex 1520 00 00	Glycerol, crude; glycerol waters and glycerol lyes	Only if containing animal products.
1521 90 91	Raw beeswax and other insect waxes, whether or not refined or coloured	All. Covers waxes in natural combs and raw beeswax for apiculture or technical purposes. Article 25(1), point (c), of Regulation (EU) No 142/2011 prohibits the importation into and transit through the Union of beeswax in the form of honeycomb. Specific requirements for apiculture by-products are set out in Row 10 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011.
ex 1521 90 99	Beeswax and other insect waxes, whether or not refined or coloured, other than raw	All. Covers waxes, processed or refined, whether or not bleached or coloured, for apiculture or technical purposes. Specific requirements for apiculture by-products are set out in Row 10 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011. Apiculture by-products other than beeswaxes shall be submitted for official controls under CN code 0511 99 85 'Other'.

ex 1522 00	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes	Only if containing animal products. Specific requirements are set out in Row 18 (fat derivatives) of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011.
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CHAPTER 16

PREPARATIONS OF MEAT, OF FISH, OF CRUSTACEANS, MOLLUSCS OR OTHER AQUATIC INVERTEBRATES, OR OF INSECTS

Notes to Chapter 16 (extract from the Notes to this Chapter of the CN)

- “1. This chapter does not cover meat, meat offal, fish, crustaceans, molluscs or other aquatic invertebrates, as well as insects, prepared or preserved by the processes specified in Chapter 2 or 3, Note 6 to Chapter 4 or in heading 0504.
2. Food preparations fall in this chapter provided that they contain more than 20 % by weight of sausage, meat, meat offal, blood, insects, fish or crustaceans, molluscs or other aquatic invertebrates, or any combination thereof. In cases where the preparation contains two or more of the products mentioned above, it is classified in the heading of Chapter 16 corresponding to the component or components which predominate by weight. These provisions do not apply to the stuffed products of heading 1902 or to the preparations of heading 2103 or 2104.

For preparations containing liver, the provisions of the second sentence shall not apply in determining the subheadings within heading 1601 or 1602.”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
1601 00	Sausages and similar products, of meat, meat offal, blood or insects; food preparations based on these products	All. Covers preserved meat in various forms.
1602	Other prepared or preserved meat, meat offal, blood or insects	All. Covers preserved meat in various forms.
1603 00	Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates	All. Covers meat extracts and meat concentrates, fish protein in gel form whether chilled or frozen, and also shark cartilage.
1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs	All. Covers cooked or pre-cooked culinary preparations containing or mixed with fish or fishery products. Covers preparations of surimi in CN code 1604 20 05. Covers canned fish and canned caviar in airtight containers, and also sushi (provided that they are not to be classified in a CN code referred to in Chapter 19). Products known as fish skewers (this is, raw fish meat or raw shrimps with vegetables presented on a wooden stick) are classified in CN code 1604 19 97.

1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved	All, including fully prepared or pre-prepared snails, canned crustaceans, or other aquatic invertebrates as well as mussel powder.
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CHAPTER 17

SUGARS AND SUGAR CONFECTIONERY

Notes to Chapter 17 (extract from the Notes to this Chapter of the CN)

“1. This chapter does not cover:

- (a) sugar confectionery containing cocoa (heading 1806);
- (b) chemically pure sugars (other than sucrose, lactose, maltose, glucose and fructose) or other products of heading 2940;”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel	Only if containing products of animal origin. Covers sugars and artificial honey, where mixed with natural honey.
ex 1704	Sugar confectionery (including white chocolate), not containing cocoa	Only if containing products of animal origin.

CHAPTER 18

COCOA AND COCOA PREPARATIONS

Notes to Chapter 18 (extract from the Notes to this Chapter of the CN)

“1. This chapter does not cover

- (a) food preparations containing more than 20 % by weight of sausage, meat, meat offal, blood, insects, fish or crustaceans, molluscs or other aquatic invertebrates, or any combination thereof (Chapter 16);
- (b) preparations of heading 0403, 1901, 1902, 1904, 1905, 2105, 2202, 2208, 3003 or 3004.

- 2. Heading 1806 includes sugar confectionery containing cocoa and, subject to Note 1 to this Chapter, other food preparations containing cocoa.”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 1806	Chocolate and other food preparations containing cocoa	Only if containing products of animal origin.

CHAPTER 19

PREPARATIONS OF CEREALS, FLOUR, STARCH OR MILK; PASTRY COOKS' PRODUCTS

Notes to Chapter 19 (extract from the Notes to this Chapter of the CN)

"1. This chapter does not cover:

- (a) except in the case of stuffed products of heading 1902, food preparations containing more than 20 % by weight of sausage, meat, meat offal, blood, insects, fish, or crustaceans, molluscs or other aquatic invertebrates, or any combination thereof (Chapter 16);"

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 1901	Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included	Only if containing products of animal origin. Covers uncooked foodstuffs (for example, pizzas) containing products of animal origin. Culinary preparations are covered by Chapters 16 and 21.
ex 1902 11 00	Uncooked pasta, not stuffed or otherwise prepared, containing eggs	Only if containing products of animal origin.
ex 1902 19	Uncooked pasta, not stuffed or otherwise prepared, other than containing eggs	Only if containing products of animal origin.
ex 1902 20 10	Stuffed pasta, whether or not cooked or otherwise prepared, containing more than 20 % by weight of fish, crustaceans, molluscs or other aquatic invertebrates	Only if containing products of animal origin.
ex 1902 20 30	Stuffed pasta, whether or not cooked or otherwise prepared, containing more than 20 % by weight of sausages and the like, of meat and meat offal of any kind, including fats of any kind or origin	Only if containing products of animal origin.
ex 1902 20 91	Cooked stuffed pasta	Only if containing products of animal origin.
ex 1902 20 99	Stuffed pasta, other than cooked	Only if containing products of animal origin.
ex 1902 30	Other pasta than pasta of subheadings 1902 11, 1902 19 and 1902 20	Only if containing products of animal origin.
ex 1902 40	Couscous	Only if containing products of animal origin.
ex 1904 10 10	Prepared food obtained by the swelling or roasting of maize	Only if containing products of animal origin.
ex 1904 10 30	Prepared food obtained by the swelling or roasting of rice	Only if containing products of animal origin.

ex 1904 10 90	Prepared food obtained by the swelling or roasting of cereals or cereal products other than maize or rice	Only if containing products of animal origin.
ex 1904 20	Prepared foods obtained from unroasted cereal flakes or from mixtures of unroasted cereal flakes and roasted cereal flakes or swelled cereals	Only if containing products of animal origin.
ex 1904 90 10	Rice in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked or otherwise prepared, not elsewhere specified or included	Only if containing products of animal origin. Covers, for example, sushi (provided the relevant products are not to be classified in Chapter 16).
ex 1904 90 80	Cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked or otherwise prepared, not elsewhere specified or included, other than bulgur wheat and other than obtained from rice	Only if containing products of animal origin.
ex 1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	Only if containing products of animal origin.

CHAPTER 20

PREPARATIONS OF VEGETABLES, FRUIT, NUTS, OR OTHER PARTS OF PLANTS

Notes to Chapter 20 (extract from the Notes to this Chapter of the CN)

"1. This chapter does not cover:

(...)

- (c) food preparations containing more than 20 % by weight of sausage, meat, meat offal, blood, insects, fish or crustaceans, molluscs or other aquatic invertebrates, or any combination thereof (Chapter 16)."

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid	Only if containing products of animal origin.
ex 2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006	Only if containing products of animal origin.
ex 2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006	Only if containing products of animal origin.

ex 2008 99	Other preparations of fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included	Only if containing products of animal origin.
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CHAPTER 21

MISCELLANEOUS EDIBLE PREPARATIONS

Notes to Chapter 21 (extract from the Notes to this Chapter of the CN)

“1. This chapter does not cover:

(...)

- (e) food preparations, other than the products described in 2103 or 2104, containing more than 20 % by weight of sausage, meat, meat offal, blood, insects, fish or crustaceans, molluscs or other aquatic invertebrates, or any other combinations thereof (Chapter 16).

(...)

3. For the purposes of heading 2104, the expression ‘homogenised composite food preparations’ means preparations consisting of a finely homogenised mixture of two or more basic ingredients such as meat, fish, vegetables, fruits or nuts, put up for retail sale as food suitable for infants or young children or for dietetic purposes, in containers of a net weight content not exceeding 250 g. For the application of this definition, no account is to be taken of small quantities of any ingredients which may be added to the mixture for seasoning, preservation or other purposes. Such preparations may contain a small quantity of visible pieces of ingredients.

Additional notes

(...)

5. Other food preparations presented in measured doses, such as capsules, tablets, pastilles and pills, and which are intended for use as food supplements are to be classified under heading 2106, unless elsewhere specified or included.”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof	Only if containing products of animal origin.
ex 2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard	Only if containing products of animal origin.
ex 2104	Soups and broths and preparations therefore; homogenised composite food preparations	Only if containing products of animal origin.
ex 2105 00	Ice cream and other edible ice, whether or not containing cocoa	Only if containing products of animal origin.
ex 2106 10	Protein concentrates and textured protein substances	Only if containing products of animal origin.

ex 2106 90 51	Lactose syrup	Only if containing products of animal origin.
ex 2106 90 92	Other food preparations not elsewhere specified or included, containing no milkfats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milkfat, 5 % sucrose or isoglucose, 5 % glucose or starch	Only if containing products of animal origin.
ex 2106 90 98	Other food preparations not elsewhere specified or included	Only if containing products of animal origin.

CHAPTER 22

BEVERAGES, SPIRITS AND VINEGAR

Notes to Chapter 22 (extract from the Notes to this Chapter of the CN)

- “3. For the purposes of heading 2202, the term ‘non-alcoholic beverages’ means beverages of an alcoholic strength by volume not exceeding 0.5 % vol. Alcoholic beverages are classified in headings 2203 to 2206 or heading 2208 as appropriate.”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 2202 99 91	Non-alcoholic beverages, other than waters containing sweetening matters or flavoured, not including fruit, nut or vegetable juices of heading 2009 and containing less than 0,2 % by weight of fat obtained from the products of heading 0401 to 0404	All.
ex 2202 99 95	Non-alcoholic beverages, other than waters containing sweetening matters or flavoured, not including fruit, nut or vegetable juices of heading 2009 and containing 0,2 % or more but less than 2 % by weight of fat obtained from the products of heading 0401 to 0404	All.
ex 2202 99 99	Non-alcoholic beverages, other than waters containing sweetening matters or flavoured, not including fruit, nut or vegetable juices of heading 2009 and containing 2 % or more by weight of fat obtained from the products of heading 0401 to 0404	All.
ex 2208 70	Liqueurs and cordials	Only if containing products of animal origin.

CHAPTER 23

RESIDUES AND WASTE FROM THE FOOD INDUSTRIES; PREPARED ANIMAL FODDER

Note to Chapter 23 (extract from the Notes to this Chapter of the CN)

"1. Heading 2309 includes products of a kind used in animal feeding, not elsewhere specified or included, obtained by processing vegetable or animal materials to such an extent that they have lost the essential characteristics of the original material, other than vegetable waste, vegetable residues and by-products of such processing."

Extract from the Harmonized System Explanatory Notes

"Greaves, the membraneous tissues remaining after pig or other animal fats have been rendered. They are used mainly in the preparation of animal foods (e.g., dog biscuits), but they remain in heading 2301 even if suitable for human consumption."

CN code	Description	Qualification and explanation
(1)	(2)	(3)
2301	Flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves	All. Covers processed animal protein not for human consumption, meat meal not for human consumption, and greaves, whether or not for human consumption. Flours, meals and pellets of insects, unfit for human consumption are excluded from this heading. They are covered in heading 0511. Feather meal is covered in heading 0505. Specific requirements for processed animal protein are set out in Row 1 of Table 1 in Chapter I, Section 1, of Annex XIV to Regulation (EU) No 142/2011.
ex 2309	Preparations of a kind used in animal feeding	All, if containing animal products, except CN codes 2309 90 20 and 2309 90 91. Covers, among other things, dog or cat food, put up for retail sale (subheading 2309 10), containing animal products and fish or marine mammal solubles (CN code 2309 90 10). It also covers animal products for animal feeding purposes, including mixtures of meals (such as hoof and horn). This heading covers liquid milk, colostrum and products containing milk products, non-decaseinated colostrum, or carbohydrates, all fit for animal feeding but not fit for human consumption (decaseinated colostrum fit for animal feeding is covered in heading 3001). This heading also covers pet food, dog chews and mixtures of meals (mixtures can include dead insects). Specific requirements for pet food including dog chews are set out in Row 12 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011. This heading covers processed egg products not for human consumption and other processed animal products not for human consumption. Specific requirements for egg products are set out in Row 9 of Table 1 in Chapter I, Section 1, of Annex XIV to Regulation (EU) No 142/2011.

CHAPTER 28

INORGANIC CHEMICALS; ORGANIC OR INORGANIC COMPOUNDS OF PRECIOUS METALS, OF RARE-EARTH METALS, OF RADIOACTIVE ELEMENTS OR OF ISOTOPES

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 2835 25 00	Calcium hydrogenorthophosphate ("dicalcium phosphate")	Only of animal origin. Specific requirements for dicalcium phosphate are set out in Row 6 of Table 1 in Chapter I, Section 1, of Annex XIV to Regulation (EU) No 142/2011.
ex 2835 26 00	Phosphates of calcium, other than calcium hydrogenorthophosphate ("dicalcium phosphate")	Only tricalcium phosphate of animal origin. Specific requirements for tricalcium phosphate are set out in Row 7 of Table 1 in Chapter I, Section 1, of Annex XIV to Regulation (EU) No 142/2011.

CHAPTER 29

ORGANIC CHEMICALS

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 2906	Cyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives	Only cholesterol of animal origin.
ex 2922 41	Lysine and its esters; salts thereof	Only of animal origin.
ex 2922 42	Glutamic acid and its salts	Only of animal origin.
ex 2922 43	Anthranilic acid and its salts	Only of animal origin.
ex 2922 49	Other amino-acids, other than those containing more than one kind of oxygen function, and their esters; salts thereof (other than lysine and its esters; salts thereof, glutamic acid and its salts, anthranilic acid and its salts, tilidine (INN) and its salts)	Only of animal origin.
ex 2925 29 00	Other imines and their derivatives than chlordimeform (ISO); salts thereof (other than chlordimeform (ISO))	Covers creatine of animal origin.
ex 2930	Organo-sulphur compounds	Covers amino-acids of animal origin such as: ex 2930 90 13 cysteine and cystine; ex 2930 90 16 derivatives of cysteine or cystine.

ex 2932 99 00	Heterocyclic compounds with oxygen heteroatom(s) only, other than compounds containing an unfused furan ring (whether or not hydrogenated) in the structure and other than lactones or Isosafrole, 1-(1,3-Benzodioxol-5-yl)propan-2-one, Piperonal, Safrole, Tetrahydrocannabinols (all isomers) and Carbofuran (ISO))	Only of animal origin only, for example glucosamine, glucosamine-6-phosphate and their sulphates.
ex 2936	Provitamins and vitamins, natural or reproduced by synthesis (including natural concentrates), derivatives thereof used primarily as vitamins, and intermixtures of the foregoing, whether or not in any solvent	Only vitamin D3 and its precursors of animal origin.
ex 2942 00 00	Other organic compounds	Only of animal origin.

CHAPTER 30

PHARMACEUTICAL PRODUCTS

General remarks

The finished products (cosmetic products, active implantable medical devices, medical devices, in vitro diagnostic medical devices, veterinary medicinal products, medicinal products) as defined in Article 33 of Regulation (EC) No 1069/2009 are excluded from the list.

Intermediate products are included.

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 3001 20 90	Extracts of glands or other organs or of their secretions, other than of human origin	Only animal derived products. Covers a product acting as a replacement for maternal colostrum and used in the feeding of calves.
ex 3001 90 91	Animal substances prepared for therapeutic or prophylactic uses: heparin and its salts	Only animal derived products that are destined for further processing, in accordance with Article 34(1) of Regulation (EC) No 1069/2009, for the manufacture of the derived products referred to in Article 33, points (a) to (f), of that Regulation.
ex 3001 90 98	Other animal substances than heparin and its salts prepared for therapeutic or prophylactic uses, not elsewhere specified or included	Only animal derived products. In addition to the glands and other organs mentioned in the Harmonized System Explanatory Notes to heading 3001, this CN code covers the hypophysis, the suprarenal capsules and the thyroid gland.

ex 3002 12 00	Antisera and other blood fractions	Only animal derived products. Excludes antibodies and DNA. Under heading 3002, specific requirements are set out for animal by-products covered by Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011 and specified in the following rows: Row 2: blood products other than from equidae; Row 3: blood and blood products from equidae.
ex 3002 49 00	Toxins, cultures of micro-organisms (excluding yeasts) and similar products	Only pathogens and cultures of pathogens for animals.
ex 3002 51 00	Cell therapy products	Only pathogens and cultures of pathogens for animals.
ex 3002 59 00	Cell cultures, whether or not modified, other than cell therapy products	Only pathogens and cultures of pathogens for animals.
3002 90 30	Animal blood prepared for therapeutic, prophylactic or diagnostic uses	All.
ex 3002 90 90	Other	Only pathogens and cultures of pathogens for animals.
ex 3006 92 00	Waste pharmaceuticals	Only animal-derived products. Covers pharmaceutical waste and pharmaceutical products that are unfit for their original intended purpose.

CHAPTER 31

FERTILISERS

Notes to Chapter 31 (extract from the Notes to this Chapter of the CN)

“1. This chapter does not cover:

(a) animal blood of heading 0511;”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 3101 00 00	Animal or vegetable fertilisers, whether or not mixed together or chemically treated; fertilisers produced by the mixing or chemical treatment of animal or vegetable products	Only animal derived products in an un-adulterated form. Covers guano, except mineralised guano. Covers manure mixed with processed animal protein, if used as fertiliser; but manure-chemical mixtures used as fertilisers are excluded (see heading 3105, which covers only mineral or chemical fertilisers). Specific requirements for processed manure, derived products from processed manure and guano from bats are set out in Row 1 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011.

ex 3105 10 00	Goods of this chapter in tablets or similar forms or in packages of a gross weight not exceeding 10 kg	Only fertilisers containing animal-derived products. Specific requirements for processed manure, derived products from processed manure and guano from bats are set out in Row 1 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011.
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CHAPTER 32

TANNING OR DYEING EXTRACTS; TANNINS AND THEIR DERIVATIVES; DYES, PIGMENTS AND OTHER COLOURING MATTER; PAINTS AND VARNISHES; PUTTY AND OTHER MASTICS; INKS

Notes to Chapter 32 (extract from the Notes to this Chapter of the CN)

“3. Headings 3203, 3204, 3205 and 3206 apply also to preparations based on colouring matter (including, in the case of heading 3206, colouring pigments of heading 2530 or Chapter 28, metal flakes and metal powders), of a kind used for colouring any material or used as ingredients in the manufacture of colouring preparations. The headings do not apply, however, to pigments dispersed in non-aqueous media, in liquid or paste form, of a kind used in the manufacture of paints, including enamels (heading 3212), or to other preparations of headings 3207, 3208, 3209, 3210, 3212, 3213 or 3215.”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 3203 00	Colouring matter of animal origin (including dyeing extracts but excluding animal black), whether or not chemically defined; preparations as specified in note 3 to this chapter based on colouring matter of animal origin	Only colour dispersions in milk fat base, used in food or feed production.
ex 3204	Synthetic organic colouring matter, whether or not chemically defined; preparations as specified in note 3 to this chapter based on synthetic organic colouring matter; synthetic organic products of a kind used as fluorescent brightening agents or as luminophores, whether or not chemically defined	Only colour dispersions in milk fat base, used in food or feed production.

CHAPTER 33

ESSENTIAL OILS AND RESINOIDS; PERFUMERY, COSMETIC OR TOILET PREPARATIONS

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages	Only flavourings in a milk fat base used for in food or feed production.

CHAPTER 35

ALBUMINOIDAL SUBSTANCES; MODIFIED STARCHES; GLUES; ENZYMES

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 3501	Casein, caseinates and other casein derivatives; casein glues	Covers casein for human consumption, animal feeding or technical purposes. Specific requirements for milk, milk-based products and colostrum not for human consumption are set out in Row 4 of Table 1 in Chapter I, Section 1, of Annex XIV to Regulation (EU) No 142/2011.
ex 3502	Albumins (including concentrates of two or more whey proteins, containing by weight more than 80 % whey proteins, calculated on the dry matter), albuminates and other albumin derivatives	Covers products derived from eggs and derived from milk whether for human consumption or not for human consumption (including for animal feed purposes). Albumin for the production of pharmaceutical goods is covered by heading 3002. Specific requirements for milk, milk-based products, colostrum and colostrum products not for human consumption are set out in Row 4 of Table 1 in Chapter I, Section 1, of Annex XIV to Regulation (EU) No 142/2011 and for egg products not for human consumption in Row 9 of Table 1 in Chapter I, Section 1, of Annex XIV to Regulation (EU) No 142/2011.
3503 00	Gelatine (including gelatine in rectangular (including square) sheets, whether or not surface-worked or coloured) and gelatine derivatives; isinglass; other glues of animal origin excluding casein glues of heading 3501	Covers gelatine for human consumption, for animal feed and technical use. Gelatine classified in heading 3913 (hardened proteins) and gelatine classified in heading 9602 (worked, unhardened gelatine and articles of unhardened gelatine) (for example, empty capsules if not for food or animal consumption), are excluded from official controls. Specific requirements are set out in Row 5 of Table 1 in Chapter I, Section 1, of Annex XIV to Regulation (EU) No 142/2011 for gelatine and hydrolysed protein not for human consumption and in Chapter II, Section 11, of Annex XIV to that Regulation for photogelatine.

ex 3504 00	Peptones and their derivatives; other protein substances and their derivatives, not elsewhere specified or included; hide powder whether or not chromed	Covers collagen and hydrolysed proteins for human consumption, for animal feed and technical use. Covers protein based collagen products derived from hides, skins, bones and tendons of animals. Covers hydrolysed proteins consisting of polypeptides, peptides or amino acids, and mixtures thereof, obtained by the hydrolysis of animal by-products. The goods included in this heading are excluded from official controls when they are used as food additives in food preparations (heading 2106). Covers any milk by-products for human consumption in case they are not covered in heading 0404. Specific requirements for collagen are set out in Row 8 and for gelatine and hydrolysed protein in Row 5 of Table 1 in Chapter I, Section 1, of Annex XIV to Regulation (EU) No 142/2011.
ex 3507 10 00	Rennet and concentrates thereof	Rennet and concentrates for human consumption, derived only from animal products.
ex 3507 90 90	Other enzymes and prepared enzymes, not elsewhere specified or included, than rennet and concentrates thereof or lipoprotein lipase or aspergillus alkaline protease	Only of animal origin.

CHAPTER 38

MISCELLANEOUS CHEMICAL PRODUCTS

Notes to Chapter 38 (extract from the Notes to this Chapter of the CN)

- “4. Throughout the nomenclature, “municipal waste” means waste of a kind collected from households, hotels, restaurants, hospitals, shops, office, etc., road and pavement sweepings, as well as construction and demolition waste. Municipal waste generally contains a large variety of material as such as plastics, rubber, wood, paper, textiles, glass, metals, food materials, broken furniture and other damaged or discarded articles.”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 3822	Diagnostic or laboratory reagents on a backing, prepared diagnostic or laboratory reagents whether or not on a backing, whether or not put up in the form of kits, other than those of heading 3006; certified reference materials	Only animal-derived products, except medical devices as defined in Article 2(1) of Regulation (EU) 2017/745 of the European Parliament and of the Council (*) and <i>in vitro</i> diagnostic medical devices as defined in Article 2(2) of Regulation (EU) 2017/746 of the European Parliament and of the Council (**).

ex 3825 10 00	Municipal waste	Only catering waste containing animal products, if it falls within the scope of Article 2(2), point (g), of Regulation (EC) No 1069/2009, except catering waste originating directly from means of transport operating internationally and disposed of in line with Article 12, point (d), of that Regulation. Used cooking oil intended to be used within the scope of Regulation (EC) No 1069/2009 (for example, for organic fertilisers, biogas, biodiesel or fuel), can be covered by this CN code.
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(*) Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

(**) Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).

CHAPTER 39

PLASTICS AND ARTICLES THEREOF; RUBBER AND ARTICLES THEREOF

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 3913 90 00	Natural polymers and modified natural polymers, not elsewhere specified or included, in primary forms, other than alginic acid, its salts and esters	Only animal-derived products (for example, chondroitin sulphate, chitosan, hardened gelatine).
ex 3917 10	Artificial guts (sausage casings) of hardened protein or of cellulosic materials	Only animal derived products.
ex 3926 90 97	Other articles of plastics and articles of other materials of headings 3901 to 3914, other than those under subheadings/codes 3926 10 00, 3926 20 00, 3926 30 00, 3926 40 00, 3926 90, 3926 90 50 and 3926 90 60	Covers empty capsules of hardened gelatine for food and animal consumption. Specific requirements for gelatine are set out in Row 5 of Table 1 in Chapter I, Section 1, of Annex XIV to Regulation (EU) No 142/2011.

CHAPTER 41

RAW HIDES AND SKINS (OTHER THAN FURSKINS) AND LEATHER

General remarks

Only hides and skins of ungulates covered in headings 4101, 4102 and 4103 are to be subjected to official controls.

Specific requirements for hides and skins of ungulates are laid down in Rows 4 and 5 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011.

Notes to Chapter 41 (extract from the Notes to this Chapter of the CN)

“1. This chapter does not cover:

- (a) parings or similar waste, of raw hides or skins (heading 0511);
- (b) birdskins or parts of birdskins, with their feathers or down, of heading 0505 or 6701; or
- (c) hides or skins, with the hair or wool on, raw, tanned or dressed (Chapter 43); the following are, however, to be classified in Chapter 41, namely, raw hides and skins with the hair or wool on, of bovine animals (including buffalo), of equine animals, of sheep or lambs (except Astrakhan, Broadtail, Caracul, Persian or similar lambs, Indian, Chinese, Mongolian or Tibetan lambs), of goats and kids (except Yemen, Mongolian or Tibetan goats and kids), of swine (including peccary), of chamois, of gazelle, of camels (including dromedaries), of reindeer, of elk, of deer, of roebucks or of dogs.”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 4101	Raw hides and skins of bovine (including buffalo) or equine animals (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split	Only fresh, chilled or treated hides and skins, including dried, dry-salted, wet-salted, or preserved by a process other than by tanning or an equivalent process. Import without restrictions may be possible for treated hides and skins as referred to in Chapter V, point C.2, of Annex XIII to Regulation (EU) No 142/2011, if in compliance with Article 41(3) of Regulation (EC) No 1069/2009, in particular for CN codes ex 4101 20 80 and ex 4101 50 90.
ex 4102	Raw skins of sheep or lambs (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not with wool on or split, other than those excluded by note 1(c) to this chapter	Only fresh, chilled or treated hides and skins, including dried, dry-salted, wet-salted, or preserved by a process other than by tanning or an equivalent process. Import without restrictions may be possible for treated hides and skins as referred to in Chapter V, point C.2, of Annex XIII to Regulation (EU) No 142/2011, if in compliance with Article 41(3) of Regulation (EC) No 1069/2009, in particular for CN ex 4102 21 00 and ex 4102 29 00.
ex 4103	Other raw hides and skins (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split, other than those excluded by note 1(b) or 1(c) to this chapter	Only fresh, chilled or treated hides and skins, including dried, dry-salted, wet-salted, or preserved by a process other than by tanning or an equivalent process. Import without restrictions may be possible for treated hides and skins as referred to in Chapter V, point C.2, of Annex XIII to Regulation (EU) No 142/2011, if in compliance with Article 41(3) of Regulation (EC) No 1069/2009, in particular for CN ex 4103 90 00.

CHAPTER 42

**ARTICLES OF LEATHER; SADDLERY AND HARNESS; TRAVEL GOODS, HANDBAGS AND SIMILAR CONTAINERS;
ARTICLES OF ANIMAL GUT (OTHER THAN SILKWORM GUT)****Notes to Chapter 42 (extract from the Notes to this Chapter of the CN)**

“2. This chapter does not cover:

(a) sterile surgical catgut or similar sterile suture materials (heading 3006);

(...)

(ij) strings, skins for drums or the like, or other parts of musical instruments (heading 9209).”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 4205 00 90	Other articles of leather or of composition leather, other than of a kind used in machinery or mechanical appliances or for other technical uses	Only dog chews and raw material for manufacture of dog chews.
ex 4206 00 00	Articles of gut (other than silkworm gut), of goldbeater's skin, of bladders or of tendons	Only petfood and raw material for manufacture of processed petfood.

CHAPTER 43

FURSKINS AND ARTIFICIAL FUR; MANUFACTURES THEREOF**Notes to Chapter 43 (extract from the Notes to this Chapter of the CN)**

“1. Throughout the nomenclature, references to ‘furskins’, other than to raw furskins of heading 4301, apply to hides and skins of all animals which have been tanned or dressed with the hair or wool on.

2. This chapter does not cover:

(a) bird skins or parts of bird skins, with their feathers or down (heading 0505 or 6701);

(b) raw hides or skins, with the hair or wool on, of Chapter 41 (see note 1(c) to that chapter);”

Extract from the Harmonized System Explanatory Notes

“Heading 4301: Furskins are regarded as raw and falling in this heading not only when in the natural state, but also if cleaned and preserved from deterioration, e.g., by drying or salting (wet or dry). The fur may also be ‘pulled’ or ‘sheared’, i. e., the coarse hairs extracted or cut down, or the skin surface may be “fleshed” or scraped.”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 4301	Raw furskins (including heads, tails, paws and other pieces or cuttings, suitable for furriers' use), other than raw hides and skins of headings 4101, 4102 or 4103	All, excluding furskins treated in accordance with Chapter VIII of Annex XIII to Regulation (EU) No 142/2011, if in compliance with Article 41(3) of Regulation (EC) No 1069/2009. Covers the following subheadings: ex 4301 10 00 (of mink, whole, with or without head, tail or paws): specific requirements for derived products for uses outside the feed chain (fur) are set out in Row 14 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011. ex 4301 30 00 (of lamb, the following: Astrakhan, Broadtail, Caracul, Persian and similar lamb, Indian, Chinese, Mongolian, or Tibetan lamb, whole, with or without head, tail, or paws): specific requirements for hides and skins of ungulates are set out in Row 5 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011. ex 4301 60 00 (of fox, whole, with or without head, tail or paws): specific requirements for derived products for uses outside the feed chain (fur) are set out in Row 14 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011. ex 4301 80 00 (other furskins, whole, with or without head, tail or paws): other than ungulates, for example marmots, wild felines, seals, nutria. Specific requirements for derived products for uses outside the feed chain (fur) are set out in Row 14 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011. ex 4301 90 00 (heads, tails, paws and other pieces or cuttings, suitable for furriers' use): specific requirements for derived products for uses outside the feed chain (fur) are set out in Row 14 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011.

CHAPTER 51

WOOL, FINE OR COARSE ANIMAL HAIR; HORSEHAIR YARN AND WOVEN FABRIC**General remarks**

For headings 5101 to 5103, specific requirements for untreated wool and hair are set out in Row 8 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011.

Note to Chapter 51 (extract from the Notes to this Chapter of the CN)

“1. Throughout the nomenclature:

- (a) ‘Wool’ means the natural fibre grown by sheep or lambs.
- (b) ‘Fine animal hair’ means the hair of alpaca, llama, vicuna, camel (including dromedary), yak, angora, Tibetan, Kashmir or similar goats (but not common goats), rabbit, (including angora rabbit), hare, beaver, nutria or muskrat.
- (c) ‘Coarse animal hair’ means the hair of animals not mentioned above, excluding brush-making hair and bristles (heading 0502) and horsehair (heading 0511).”

Extract from the Harmonized System Explanatory Notes

“Throughout the Nomenclature the expression ‘coarse animal hair’ means all other animal hair than ‘fine animal hair’ except wool (heading 5101), hair of the manes or tails of equine or bovine animals (classified as “horsehair” heading 0511), pigs’ or hogs’ or boars’ bristles or hair and badger hair or other brush-making hair (heading 0502) (see Chapter Note 1(c)).”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 5101	Wool, not carded or combed	Covers untreated wool.
ex 5102	Fine or coarse animal hair, not carded or combed	Covers untreated fine or coarse animal hair, including coarse hair from the flanks of bovine or equine animals.
ex 5103	Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock	Covers untreated wool or fine or coarse animal hair.

CHAPTER 67

**PREPARED FEATHERS AND DOWN AND ARTICLES MADE OF FEATHERS OR OF DOWN; ARTIFICIAL FLOWERS;
ARTICLES OF HUMAN HAIR**

Extract from the Harmonized System Explanatory Notes

“Heading 6701 covers:

- (A) Skins and other parts of birds with their feathers or down, feathers and down, and parts of feathers, which though not yet constituting made up articles, have undergone a process other than a simple treatment of cleaning, disinfection or preservation (see Explanatory Note to heading 0505); the goods of this heading may, for example, be bleached, dyed, curled or waved.
- (B) Articles made of skins or of other parts of birds with their feathers or down, articles made of feathers, of down or of parts of feathers, even if the feathers or down, etc., are unworked or merely cleaned, but not including articles made of scapes or quills. The heading therefore includes:
 - (1) Single feathers the quills of which have been wired or bound for use as, for example, millinery mounts, and also single composite feathers assembled from different elements.
 - (2) Feathers assembled in the form of clusters, and feathers or down assembled by glueing or fixing on textile fabric or other base.
 - (3) Trimmings made of birds, parts of birds, of feathers or down, for hats, boas, collars, capes or other articles of apparel or clothing accessories.
 - (4) Fans made of ornamental feathers, with frames of any material. However, fans with frames of precious metal are classified in heading 7113.”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 6701 00 00	Skins and other parts of birds with their feathers or down, feathers, parts of feathers, down and articles thereof (other than goods of heading 0505 and worked quills and scapes)	Only skins and other parts of birds with their feathers or down, feathers and down, and parts of feathers. Covers articles of unworked or merely cleaned skins, feathers or down, and parts of feathers. Excluding treated decorative feathers, treated feathers carried by travellers for their private use or consignments of treated feathers sent to private individuals for non- industrial purposes as referred to in Chapter II, Section 6(a), of Annex XIV to Regulation (EU) No 142/2011. Specific requirements for feathers are set out in Row 9 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011.

CHAPTER 71

NATURAL OR CULTURED PEARLS, PRECIOUS OR SEMI-PRECIOUS STONES, PRECIOUS METALS, METALS CLAD WITH PRECIOUS METAL, AND ARTICLES THEREOF; IMITATION JEWELLERY; COIN

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 7101 21 00	Unworked cultured pearls	Includes oysters unfit for human consumption, containing one or more cultured pearls, preserved in brine or by different methods, packaged in airtight containers. Covers unworked cultured pearls referred to in Chapter IV, Section 2, of Annex XIV to Regulation (EU) No 142/2011, unless they are excluded from the scope of Regulation (EC) No 1069/2009 as provided for in Article 2(2), point (f), of that Regulation.

CHAPTER 95

TOYS, GAMES AND SPORTS REQUISITES; PARTS AND ACCESSORIES THEREOF

Extract from the Harmonized System Explanatory Notes

“Fairground amusements, travelling circuses, travelling menageries and travelling theatres fall in heading 9508 provided they comprise all the essential units required for their normal operation. The heading also includes items of auxiliary equipment provided they are presented with, and as components of, these various amusements, notwithstanding that when presented separately such items (e.g., tents, animals, musical instruments, power plants, motors, lighting fittings, seats and arms and ammunition) would fall in other headings of the Nomenclature.”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 9508 10 00	Travelling circuses and travelling menageries	Only live animals.
ex 9508 30	Fairground amusements	Only live animals.
ex 9508 40	Travelling theatres	Only live animals.

CHAPTER 96

MISCELLANEOUS MANUFACTURED ARTICLES

Extract from the Harmonized System Explanatory Notes

“For the purposes of heading 9601, the expression “worked” refers to materials which have undergone processes extending beyond the simple preparations permitted in the heading for the raw material in question (see the Explanatory Notes to headings 0505 to 0508). The heading 9601 therefore covers pieces of ivory, rods, etc., cut to shape (including square or rectangular) or polished or otherwise worked by grinding, drilling, milling, turning, etc. However, pieces which are identifiable as parts of articles are excluded from heading 9601 if such parts are covered by another heading of the Nomenclature. Thus, piano-key plates and plates for insertion in butts of firearms fall in headings 9209 and 9305 respectively. However, worked materials not identifiable as parts of articles remain classified in heading 9601 (e.g., simple discs, plates or strips for inlaying, etc., or for subsequent use in the manufacture of piano-keys).

Heading 9602 includes sheets of unhardened gelatine cut to shape other than square or rectangular. Sheets cut to rectangular (including square) shape, whether or not surface worked, fall in heading 3503 or in Chapter 49 (e.g., postcards) (see the Explanatory Note to heading 3503). Articles of unhardened gelatine include, for example:

- (i) Small discs for sticking billiard cue tips.
- (ii) Capsules for pharmaceutical products and for mechanical lighter fuel.”

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 9602 00 00	Worked vegetable or mineral carving material and articles of these materials; moulded or carved articles of wax, of stearin, of natural gums or natural resins or of modelling pastes, and other moulded or carved articles, not elsewhere specified or included; worked, unhardened gelatin (except gelatine of heading 3503) and articles of unhardened gelatine	Covers empty capsules of unhardened gelatine for food or animal consumption; specific requirements are set out in Row 5 of Table 1 in Chapter I, Section 1, of Annex XIV to Regulation (EU) No 142/2011 for animal consumption.

CHAPTER 97

WORKS OF ART, COLLECTORS' PIECES AND ANTIQUES

Extract from the Harmonized System Explanatory Notes

“(A) The heading includes collections and collectors’ pieces of zoological, botanical, mineralogical or anatomical interest, such as:

- (1) Dead animals of any species, preserved dry or in liquid; stuffed animals for collections.
- (2) Blown or sucked eggs; insects in boxes, frames, etc. (other than mounted articles constituting imitation jewellery or trinkets); empty shells, other than those of a kind suitable for industrial use.
- (3) Seeds or plants, dried or preserved in liquid; herbariums.
- (4) Specimens of minerals (not being precious or semi-precious stones falling in Chapter 71); specimens of petrification.
- (5) Osteological specimens (skeletons, skulls, bones).
- (6) Anatomical and pathological specimens."

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 9705	Collections and collectors' pieces of archaeological, ethnographic, historical, zoological, botanical, mineralogical, anatomical, palaeontological or numismatic interest	Only animal-derived products. Excludes game trophies and other preparations of any animal species having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures. Excludes game trophies and other preparations from other species than ungulates and birds (whether treated or untreated). Specific requirements for game trophies are set out in Row 6 of Table 2 in Chapter II, Section 1, of Annex XIV to Regulation (EU) No 142/2011.

CHAPTER 99

SPECIAL COMBINED NOMENCLATURE CODES

SUB-CHAPTER II

*Statistical codes for certain specific movements of goods***General remarks**

This chapter covers goods originating from third countries and delivered to vessels and aircrafts within the Union under the customs transit procedure (T1).

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 9930 24 00	Goods of CN Chapters 1 to 24 delivered to vessels and aircraft	Covers products of animal origin and composite products destined for ship supply as provided for in Articles 21 and 29 of Commission Delegated Regulation (EU) 2019/2124 (*).
ex 9930 99 00	Goods classified elsewhere delivered to vessels and aircraft	Covers products of animal origin and composite products destined for ship supply as provided for in Articles 21 and 29 of Delegated Regulation (EU) 2019/2124.'

(*) Commission Delegated Regulation (EU) 2019/2124 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union, and amending Commission Regulations (EC) No 798/2008, (EC) No 1251/2008, (EC) No 119/2009, (EU) No 206/2010, (EU) No 605/2010, (EU) No 142/2011, (EU) No 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC (OJ L 321, 12.12.2019, p. 73).

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1323**of 27 July 2022****amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin**

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 183(b) thereof,

Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ⁽²⁾, and in particular Article 5(6)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.
- (3) Regulation (EC) No 1484/95 should therefore be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 150, 20.5.2014, p. 1.

⁽³⁾ Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC (OJ L 145, 29.6.1995, p. 47).

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

Done at Brussels, 27 July 2022.

*For the Commission,
On behalf of the President,
Wolfgang BURTSCHER
Director-General
Directorate-General for Agriculture and Rural
Development*

ANNEX

‘ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin ⁽¹⁾
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	270,4 256,6	9 13	BR TH

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7).’

COMMISSION REGULATION (EU) 2022/1324

of 28 July 2022

amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for benzovindiflupyr, boscalid, fenazaquin, fluazifop-P, flupyradifurone, fluxapyroxad, fosetyl-Al, isofetamid, metaflumizone, pyraclostrobin, spirotetramat, thiabendazole and tolclofos-methyl in or on certain products

(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 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ⁽¹⁾, and in particular Article 14(1)(a) thereof,

Whereas:

- (1) On 14 December 2021, the Codex Alimentarius Commission adopted new Codex maximum residue limits (CXLs) for acetochlor, afidopyropen, benzovindiflupyr, bifenthrin, boscalid, buprofezin, carbendazim, chlorantraniliprole, cyclaniliprole, cypermethrins (including alpha- and zeta- cypermethrin), dicamba, fenazaquin, flonicamid, fluazifop-P, fluensulfone, flupyradifurone, fluxapyroxad, fosetyl-Al, glyphosate, isofetamid, kresoxim-methyl, mandestrobin, mesotrione, metaflumizone, metconazole, methoprene, pendimethalin, penhiopyrad, picoxystrobin, propiconazole, pydiflumetofen, pyraclostrobin, pyriofenone, pyriproxyfen, spirotetramat, tebuconazole, thiabendazole, tolclofos-methyl and tolfenpyrad ⁽²⁾.
- (2) Maximum residue levels (MRLs) had been set for those substances in Annexes II, III and V to Regulation (EC) No 396/2005, except for afidopyropen, fluensulfone, pydiflumetofen and tolfenpyrad, for which no specific MRLs were set nor were those substances included in Annex IV to Regulation (EC) No 396/2005, so the default value of 0,01 mg/kg laid down in Article 18(1)(b) of that Regulation applies.
- (3) In accordance with Article 5(3) of Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽³⁾, where international standards exist or their completion is imminent, they are to be taken into consideration in the development or adaptation of food law, except where such standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives of food law or where there is a scientific justification, or where they would result in a different level of protection from the one determined as appropriate in the Union. Moreover, in accordance with Article 13, point (e), of that Regulation, the Union is to promote consistency between international technical standards and food law while ensuring that the high level of protection adopted in the Union is not reduced.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252Fmeetings%252FCX-701-44%252FFINAL%252520REPORT%252FRep21_CACe.pdf
Joint FAO/WHO Food Standards Programme Codex Alimentarius Commission. Appendix III. Forty-fourth Session. Virtual, 8–15, 17–18 November and 14 December 2021.

⁽³⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

- (4) The Union presented reservations ⁽⁴⁾ ⁽⁵⁾ to the Codex Committee on Pesticides Residues on the CXLs proposed for the following pesticide/product combinations: acetochlor (all products), afidopyropen (all products), bifenthrin (all products), boscalid (pome fruits subgroup), buprofezin (all products), carbendazim (all products), cyclaniliprole (all products), cypermethrin (including alpha and zeta-cypermethrin) (all products), dicamba (all products), flonicamid (all products), fluazifop-P (elderberries, strawberry), fluensulfone (all products), fosetyl-Al (coffee beans), glyphosate (all products), mandestrobin (rape seed), metaflumizone (grape), metconazole (all products), methoprene (all products), penthiopyrad (all products), picoxystrobin (all products), propiconazole (all products), pydiflumetofen (all products), tebuconazole (all products), tolclofos-methyl (potatoes) and tolfenpyrad (all products).
- (5) In addition, the European Food Safety Authority ('the Authority') identified a potential acute intake concern for thiabendazole in sweet potatoes ⁽⁶⁾. Therefore, the CXL concerned will not be included in Regulation (EC) No 396/2005 as MRL.
- (6) The CXLs for which the Union did not present a reservation to the Codex Committee on Pesticides Residues and for which the Authority did not identify a potential acute intake concern, which concern certain CXLs for benzovindiflupyr, boscalid, fenazaquin, fluazifop-P, flupyradifurone, fluxapyroxad, fosetyl-Al, isofetamid, metaflumizone, pyraclostrobin, spirotetramat, thiabendazole and tolclofos-methyl, are safe for consumers in the Union ⁽⁷⁾. These CXLs should therefore be included in Regulation (EC) No 396/2005 as MRLs, except where they relate to products which are not referred to in Annex I to that Regulation or where they are at a lower level than the current MRLs. Thus, no change should be made as regards the MRLs for chlorantraniliprole, kresoxim-methyl, mesotrione, pendimethalin, pyriofenone, pyriproxifen and tebuconazole.
- (7) Based on the scientific report of the Authority and taking into account the factors relevant to the matter under consideration, the appropriate modifications to the MRLs fulfil the requirements of Article 14(2) of Regulation (EC) No 396/2005.
- (8) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and III to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

⁽⁴⁾ European Union comments on Codex CX/PR 21/52/5(REV): https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-718-52%252FCRDs%252Fpr52_CRD22x.pdf

⁽⁵⁾ Report of the 52nd session of the Codex Committee on Pesticide Residues REP21/PR: https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-718-52%252FREPORT%252FFINAL%252FBREPORT%252FREP21_PR52e.pdf

⁽⁶⁾ Scientific support for preparing an EU position for the 52nd Session of the Codex Committee on Pesticide Residues (CCPR). *EFSA Journal* 2021;19(8):6766.

⁽⁷⁾ Scientific support for preparing an EU position for the 52nd Session of the Codex Committee on Pesticide Residues (CCPR). *EFSA Journal* 2021;19(8):6766.

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, 28 July 2022.

For the Commission
The President
Ursula VON DER LEYEN

Annexes II and III to Regulation (EC) No 396/2005 are amended as follows:

- (1) in Annex II, the columns for benzovindiflupyr, boscalid, fenazaquin, fluazifop-P, flupyradifurone, fluxapyroxad, isofetamid, metaflumizone, pyraclostrobin, spirotetramat, thiabendazole and tolclofos-methyl are replaced by the following:

‘ANNEX II

Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply ⁽¹⁾	Benzovindiflupyr	Boscalid (R) (F)	Fenazaquin (F)	Fluazifop-P (sum of all the constituent isomers of fluazifop, its esters and its conjugates, expressed as fluazifop)	Flupyradifurone	Fluxapyroxad (F)	Isofetamid	Metaflumizone (sum of E- and Z- isomers)	Pyraclostrobin (F)	Spirotetramat and spirotetramat-enol (sum of), expressed as spirotetramat (R)	Thiabendazole (R)	Tolclofos-methyl (F)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS												0,01 (*)
0110000	Citrus fruits	0,01 (*)	2(+)	0,3	0,01 (*)			0,01 (*)		2	0,5	7	
0110010	Grapefruits		(+)	(+)		3	0,6		0,02 (*)				
0110020	Oranges		(+)	(+)		3	1,5		3				
0110030	Lemons		(+)	(+)		1,5	1		2				
0110040	Limes		(+)	(+)		1,5	1		2				
0110050	Mandarins		(+)	(+)		1,5	1		0,02 (*)				
0110990	Others (2)		(+)			0,01 (*)	0,01 (*)		0,02 (*)				
0120000	Tree nuts	0,01 (*)			0,01 (*)	0,02	0,04	0,01 (*)	0,02 (*)		0,5	0,02 (*)	
0120010	Almonds		0,05 (*) (+)	0,02						0,02 (*)			
0120020	Brazil nuts		0,05 (*) (+)	0,02						0,02 (*)			
0120030	Cashew nuts		0,05 (*) (+)	0,02						0,02 (*)			
0120040	Chestnuts		0,05 (*) (+)	0,02						0,02 (*)			

0120050	Coconuts		0,05 (*) (+)	0,01 (*)						0,02 (*)			
0120060	Hazelnuts/cobnuts		0,05 (*) (+)	0,02						0,02 (*)			
0120070	Macadamias		0,05 (*) (+)	0,02						0,02 (*)			
0120080	Pecans		0,05 (*) (+)	0,02						0,02 (*)			
0120090	Pine nut kernels		0,05 (*) (+)	0,02						0,02 (*)			
0120100	Pistachios		1 (+)	0,02						1			
0120110	Walnuts		0,05 (*) (+)	0,02						0,02 (*)			
0120990	Others (2)		0,05 (*) (+)	0,02						0,02 (*)			
0130000	Pome fruits	0,2		0,15	0,01 (*)	0,6	0,9	0,6		0,5	0,7		
0130010	Apples		2 (+)	(+)					0,9			4 (+)	
0130020	Pears		1,5 (+)	(+)					0,02 (*)			4	
0130030	Quinces		1,5 (+)	(+)					0,02 (*)			3	
0130040	Medlars		0,01 (*)	(+)					0,02 (*)			3	
0130050	Loquats/Japanese medlars		0,01 (*)	(+)					0,02 (*)			3	
0130990	Others (2)		0,01 (*)						0,02 (*)			0,01 (*)	
0140000	Stone fruits	0,01 (*)		0,01 (*)	0,01 (*)	0,01 (*)			0,02 (*)		3	0,01 (*)	
0140010	Apricots		5 (+)				1,5	3		1			
0140020	Cherries (sweet)		5 (+)				3	4		3			
0140030	Peaches		5 (+)				1,5	3		0,3			
0140040	Plums		3 (+)				1,5	0,8		0,8			
0140990	Others (2)		0,01 (*)				0,01 (*)	0,01 (*)		0,02 (*)			
0150000	Berries and small fruits								0,02 (*)			0,01 (*)	
0151000	(a) grapes	1	5 (+)	0,01 (*)	0,01 (*)	3	3	4			2		
0151010	Table grapes		(+)							0,3			
0151020	Wine grapes		(+)							2			

0152000	(b) strawberries	0,01 (*)	6(+)	0,4(+)	0,3	0,4	4	4		1,5	0,3		
0153000	(c) cane fruits	0,01 (*)	10(+)	0,01 (*)	0,08	6	0,01 (*)	7			0,02 (*)		
0153010	Blackberries		(+)							3			
0153020	Dewberries		(+)							2			
0153030	Raspberries (red and yellow)		(+)							3			
0153990	Others (2)		(+)							2			
0154000	(d) other small fruits and berries		15(+)	0,01 (*)							1,5		
0154010	Blueberries	0,01 (*)	(+)		0,3	4	7	4		4			
0154020	Cranberries	0,01 (*)	(+)		0,1	0,01 (*)	0,01 (*)	4		3			
0154030	Currants (black, red and white)	0,01 (*)	(+)		0,3	0,01 (*)	0,01 (*)	4		3			
0154040	Gooseberries (green, red and yellow)	0,01 (*)	(+)		0,3	0,01 (*)	0,01 (*)	4		3			
0154050	Rose hips	0,01 (*)	(+)		0,3	0,01 (*)	0,01 (*)	4		3			
0154060	Mulberries (black and white)	0,01 (*)	(+)		0,1	0,01 (*)	0,01 (*)	0,01 (*)		3			
0154070	Azaroles/Mediterranean medlars	0,2	(+)		0,1	0,01 (*)	0,01 (*)	0,6		3			
0154080	Elderberries	0,01 (*)	(+)		0,1	0,01 (*)	0,01 (*)	0,01 (*)		3			
0154990	Others (2)	0,01 (*)	(+)		0,1	0,01 (*)	0,01 (*)	0,01 (*)		3			
0160000	Miscellaneous fruits with			0,01 (*)	0,01 (*)								
0161000	(a) edible peel		0,01 (*)							0,02 (*)			
0161010	Dates	0,01 (*)				0,01 (*)	0,01 (*)	0,01 (*)	0,02 (*)		0,02 (*)	0,01 (*)	
0161020	Figs	0,01 (*)				0,01 (*)	0,01 (*)	0,01 (*)	0,02 (*)		0,02 (*)	0,01 (*)	
0161030	Table olives	0,01 (*)				5	0,01 (*)	0,01 (*)	0,02 (*)		1,5	0,01 (*)	
0161040	Kumquats	0,01 (*)				0,01 (*)	1	0,01 (*)	2		0,02 (*)	7	
0161050	Carambolas	0,01 (*)				0,01 (*)	0,01 (*)	0,01 (*)	0,02 (*)		0,02 (*)	0,01 (*)	
0161060	Kaki/Japanese persimmons	0,2				0,01 (*)	0,01 (*)	0,6	0,02 (*)		0,4	0,01 (*)	
0161070	Jambuls/jambolans	0,01 (*)				0,01 (*)	0,01 (*)	0,01 (*)	0,02 (*)		0,02 (*)	0,01 (*)	
0161990	Others (2)	0,01 (*)				0,01 (*)	0,01 (*)	0,01 (*)	0,02 (*)		0,02 (*)	0,01 (*)	

0162000	(b) inedible peel, small	0,01 (*)				0,01 (*)	0,01 (*)	0,01 (*)	0,02 (*)			0,01 (*)	
0162010	Kiwi fruits (green, red, yellow)		5(+)							0,02 (*)	3		
0162020	Litchis/lychees		0,01 (*)							0,02 (*)	15		
0162030	Passionfruits/maracujas		0,01 (*)							0,2	0,02 (*)		
0162040	Prickly pears/cactus fruits		0,01 (*)							0,02 (*)	0,02 (*)		
0162050	Star apples/cainitos		0,01 (*)							0,02 (*)	0,02 (*)		
0162060	American persimmons/Virginia kaki		0,01 (*)							0,02 (*)	0,02 (*)		
0162990	Others (2)		0,01 (*)							0,02 (*)	0,02 (*)		
0163000	(c) inedible peel, large	0,01 (*)						0,01 (*)	0,02 (*)				
0163010	Avocados		0,01 (*)			0,6	0,01 (*)			0,2	0,4	20(+)	
0163020	Bananas		0,6(+)			0,01 (*)	3			0,02 (*)	0,4	6	
0163030	Mangoes		2			0,01 (*)	0,7			0,6	0,3	7	
0163040	Papayas		0,01 (*)			0,01 (*)	1			0,07	0,4	10	
0163050	Granate apples/pomegranates		2			0,01 (*)	0,01 (*)			0,02 (*)	0,4	0,01 (*)	
0163060	Cherimoyas		0,01 (*)			0,01 (*)	0,01 (*)			0,02 (*)	0,02 (*)	0,01 (*)	
0163070	Guavas		0,01 (*)			0,01 (*)	0,01 (*)			0,02 (*)	2	0,01 (*)	
0163080	Pineapples		0,01 (*)			0,01 (*)	0,01 (*)			0,3	0,15	0,01 (*)	
0163090	Breadfruits		0,01 (*)			0,01 (*)	0,01 (*)			0,02 (*)	0,02 (*)	0,01 (*)	
0163100	Durians		0,01 (*)			0,01 (*)	0,01 (*)			0,02 (*)	0,02 (*)	0,01 (*)	
0163110	Soursops/guanabanas		0,01 (*)			0,01 (*)	0,01 (*)			0,02 (*)	0,02 (*)	0,01 (*)	
0163990	Others (2)		0,01 (*)			0,01 (*)	0,01 (*)			0,02 (*)	0,02 (*)	0,01 (*)	
0200000	VEGETABLES, FRESH or FROZEN												
0210000	Root and tuber vegetables			0,01 (*)				0,01 (*)	0,02 (*)				
0211000	(a) potatoes	0,02	2(+)		0,15	0,05	0,3(+)			0,02 (*)	0,8	0,04(+)	0,2
0212000	(b) tropical root and tuber vegetables	0,02	2			0,05	0,2(+)			0,02 (*)	0,02 (*)		0,01 (*)
0212010	Cassava roots/manioc		(+)		0,01 (*)		(+)					0,01 (*)	
0212020	Sweet potatoes		(+)		0,01 (*)		(+)					3	
0212030	Yams		(+)		0,15		(+)					0,01 (*)	
0212040	Arrowroots		(+)		0,01 (*)		(+)					0,01 (*)	

0212990	Others (2)				0,01 (*)		(+)					0,01 (*)	
0213000	(c) other root and tuber vegetables except sugar beets					0,9	0,9(+)				0,07	0,01 (*)	
0213010	Beetroots	0,01 (*)	4(+)		0,5		(+)			0,5			0,01 (*)
0213020	Carrots	0,01 (*)	2(+)		0,4		(+)			0,5			0,01 (*)
0213030	Celeriacs/turnip rooted celeries	0,01 (*)	2(+)		0,5		(+)			0,5			0,01 (*)
0213040	Horseradishes	0,01 (*)	2(+)		0,5		(+)			0,5			0,01 (*)
0213050	Jerusalem artichokes	0,02	2(+)		0,5		(+)			0,06			0,01 (*)
0213060	Parsnips	0,01 (*)	2(+)		0,5		(+)			0,5			0,01 (*)
0213070	Parsley roots/Hamburg roots parsley	0,01 (*)	2(+)		0,5		(+)			0,5			0,01 (*)
0213080	Radishes	0,01 (*)	2(+)		0,5		(+)			0,5			0,1(+)
0213090	Salsifies	0,01 (*)	2(+)		0,5		(+)			0,5			0,01 (*)
0213100	Swedes/rutabagas	0,01 (*)	2(+)		0,5		(+)			0,5			0,01 (*)
0213110	Turnips	0,01 (*)	2(+)		0,5		(+)			0,5			0,01 (*)
0213990	Others (2)	0,01 (*)	2(+)		0,5		(+)			0,02 (*)			0,01 (*)
0220000	Bulb vegetables			0,01 (*)		0,01 (*)		0,01 (*)	0,02 (*)			0,01 (*)	0,01 (*)
0220010	Garlic	0,02	5(+)		0,3		0,2(+)			0,3	0,3		
0220020	Onions	0,02	5(+)		0,3		0,2(+)			1,5	0,4		
0220030	Shallots	0,02	5(+)		0,3		0,2(+)			0,3	0,3		
0220040	Spring onions/green onions and Welsh onions	0,09	6(+)		0,01 (*)		0,7(+)			1,5	0,9		
0220990	Others (2)	0,01 (*)	0,5(+)		0,01 (*)		0,01 (*) (+)			0,02 (*)	0,02 (*)		
0230000	Fruiting vegetables											0,01 (*)	0,01 (*)
0231000	(a) Solanaceae and Malvaceae		3(+)				0,6				1		
0231010	Tomatoes	0,9	(+)	0,05(+)	0,06	0,7		1,5	0,7(+)	0,3			
0231020	Sweet peppers/bell peppers	1	(+)	0,01 (*)	0,01 (*)	0,9		3	1,5(+)	0,5			
0231030	Aubergines/eggplants	0,9	(+)	0,01 (*)	1	1		1,5	0,7	0,3			
0231040	Okra/lady's fingers	1	(+)	0,01 (*)	0,01 (*)	0,9		3	0,02 (*)	0,02 (*)			
0231990	Others (2)	1	(+)	0,01 (*)	0,01 (*)	0,01 (*)		3	0,02 (*)	0,02 (*)			

0232000	(b) cucurbits with edible peel	0,08	4(+)		0,03	0,6	0,2	1	0,4	0,5	0,2		
0232010	Cucumbers		(+)	0,15									
0232020	Gherkins		(+)	0,01 (*)					(+)				
0232030	Courgettes		(+)	0,01 (*)									
0232990	Others (2)		(+)	0,01 (*)									
0233000	(c) cucurbits with inedible peel	0,01 (*)	3(+)		0,01 (*)		0,15	0,01 (*)		0,5	0,2		
0233010	Melons		(+)	0,07		0,01 (*)			1				
0233020	Pumpkins		(+)	0,01 (*)		0,01 (*)			0,02 (*)				
0233030	Watermelons		(+)	0,07		0,15			0,02 (*)				
0233990	Others (2)		(+)	0,01 (*)		0,01 (*)			0,02 (*)				
0234000	(d) sweet corn	0,01 (*)	0,05(+)	0,01 (*)	0,01 (*)	0,05	0,15	0,01 (*)	0,02 (*)	0,04	1,5		
0239000	(e) other fruiting vegetables	0,9	0,9(+)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,02 (*)	0,02 (*)	0,02 (*)		
0240000	Brassica vegetables(excluding brassica roots and brassica baby leaf crops)	0,01 (*)		0,01 (*)	0,01 (*)		(+)	0,01 (*)				0,01 (*)	0,01 (*)
0241000	(a) flowering brassica		5(+)			0,6				0,5	1		
0241010	Broccoli		(+)				2(+)		0,02 (*) (+)				(+)
0241020	Cauliflowers		(+)				0,2(+)		0,5(+)				(+)
0241990	Others (2)		(+)				0,01 (*) (+)		0,02 (*)				
0242000	(b) head brassica		5(+)										
0242010	Brussels sprouts		(+)			0,09	0,4(+)		1	0,3	0,3(+)		(+)
0242020	Head cabbages		(+)			0,3	0,5(+)		0,15	0,4	2		(+)
0242990	Others (2)		(+)			0,01 (*)	0,01 (*) (+)		0,02 (*)	0,02 (*)	0,02 (*)		
0243000	(c) leafy brassica		9(+)							1,5	7		
0243010	Chinese cabbages/pe-tsai		(+)			0,01 (*)	4(+)		8(+)				
0243020	Kales		(+)			5	0,15(+)		0,02 (*)				
0243990	Others (2)		(+)			0,01 (*)	0,01 (*) (+)		0,02 (*)				
0244000	(d) kohlrabies		5(+)			0,09	0,15(+)		0,02 (*)	0,02 (*)	1,5(+)		

0250000	Leaf vegetables, herbs and edible flowers												
0251000	(a) lettuces and salad plants	0,01 (*)	50(+)	0,01 (*)	0,02		4(+)				7	0,01 (*)	
0251010	Lamb's lettuces/corn salads		(+)			6	(+)	0,01 (*)	20(+)	10			0,9(+)
0251020	Lettuces		(+)			6	(+)	20	6(+)	2			2(+)
0251030	Escaroles/broad-leaved endives		(+)			0,07	(+)	0,01 (*)	0,02 (*) (+)	0,4			0,9(+)
0251040	Cresses and other sprouts and shoots		(+)			6	(+)	0,01 (*)	20(+)	10			0,9(+)
0251050	Land cresses		(+)			6	(+)	0,01 (*)	20(+)	10			0,9(+)
0251060	Roman rocket/rucola		(+)			6	(+)	0,01 (*)	20(+)	10			0,9(+)
0251070	Red mustards		(+)			6	(+)	0,01 (*)	20(+)	10			0,9(+)
0251080	Baby leaf crops (including brassica species)		(+)			6	(+)	0,01 (*)	20(+)	10			0,9(+)
0251990	Others (2)		(+)			6	(+)	0,01 (*)	0,02 (*)	10			0,9(+)
0252000	(b) spinaches and similar leaves	0,01 (*)		0,01 (*)	0,02	6	3(+)	20	0,02 (*)		7	0,01 (*)	0,01 (*)
0252010	Spinaches		50(+)				(+)			0,6			
0252020	Purslanes		0,9(+)				(+)			0,02 (*)			
0252030	Chards/beet leaves		30(+)				(+)			1,5			
0252990	Others (2)		0,9(+)				(+)			0,02 (*)			
0253000	(c) grape leaves and similar species	0,01 (*)	0,01 (*) (+)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,02 (*)	0,02 (*)	0,02 (*)	0,01 (*)	0,7
0254000	(d) watercresses	0,01 (*)	0,01 (*) (+)	0,01 (*)	0,01 (*)	0,07	0,01 (*)	0,01 (*)	0,02 (*)	0,02 (*)	7	0,01 (*)	0,01 (*)
0255000	(e) witloofs/Belgian endives	0,01 (*)	7(+)	0,01 (*)	0,01 (*)	0,07	6(+)	0,01 (*)	0,02 (*)	0,09	0,03	0,15	0,01 (*)
0256000	(f) herbs and edible flowers	1	50(+)	0,02 (*)	0,02	6	3(+)	20	0,04 (*)	2	4	0,02 (*)	
0256010	Chervil		(+)				(+)						0,7
0256020	Chives		(+)				(+)						0,02 (*)
0256030	Celery leaves		(+)				(+)						0,7
0256040	Parsley		(+)				(+)						0,02 (*)
0256050	Sage		(+)				(+)						0,02 (*)
0256060	Rosemary		(+)				(+)						0,02 (*)

0256070	Thyme		(+)				(+)						0,02 (*)
0256080	Basil and edible flowers		(+)				(+)						0,02 (*)
0256090	Laurel/bay leaves		(+)				(+)						0,02 (*)
0256100	Tarragon		(+)				(+)						0,02 (*)
0256990	Others (2)		(+)				(+)						0,02 (*)
0260000	Legume vegetables	0,01 (*)		0,01 (*)					0,02 (*)			0,01 (*)	0,01 (*)
0260010	Beans (with pods)		5(+)		1,5	0,5	2	0,6		0,6	2		
0260020	Beans (without pods)		3(+)		0,01 (*)	0,4	0,09	0,01 (*)		0,3	1,5		
0260030	Peas (with pods)		5(+)		2	0,5	2	0,6		0,6	2		
0260040	Peas (without pods)		3(+)		1,5	0,4	0,3	0,01 (*)		0,15	1,5		
0260050	Lentils		3(+)		0,01 (*)	0,4	0,01 (*)	0,01 (*)		0,02 (*)	1,5		
0260990	Others (2)		0,06(+)		0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)		0,02 (*)	0,02 (*)		
0270000	Stem vegetables			0,01 (*)		0,01 (*)		0,01 (*)	0,02 (*)			0,01 (*)	0,01 (*)
0270010	Asparagus	0,01 (*)	0,9(+)		0,01 (*)		0,01 (*)			0,02 (*)	0,02 (*)		
0270020	Cardoons	0,01 (*)	0,9(+)		0,3		9(+)			0,02 (*)	0,02 (*)		
0270030	Celeries	0,01 (*)	9(+)		0,3		9(+)			1,5	4		
0270040	Florence fennels	0,01 (*)	9(+)		0,3		9(+)			1,5	4		
0270050	Globe artichokes	0,01 (*)	5(+)		0,9		0,4(+)			3	1		
0270060	Leeks	0,09	9(+)		0,01 (*)		0,7(+)			0,8	0,9		
0270070	Rhubarbs	0,01 (*)	0,9(+)		0,3		9(+)			0,02 (*)	4		
0270080	Bamboo shoots	0,01 (*)	0,01 (*) (+)		0,01 (*)		0,01 (*)			0,02 (*)	0,02 (*)		
0270090	Palm hearts	0,01 (*)	0,01 (*) (+)		0,01 (*)		0,01 (*)			0,02 (*)	0,02 (*)		
0270990	Others (2)	0,01 (*)	0,5(+)		0,01 (*)		0,01 (*)			0,02 (*)	0,02 (*)		
0280000	Fungi, mosses and lichens	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,02 (*)	0,02 (*)	0,02 (*)	0,01 (*)	0,01 (*)
0280010	Cultivated fungi												
0280020	Wild fungi												
0280990	Mosses and lichens												

0290000	Algae and prokaryotes organisms	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,02 (*)	0,02 (*)	0,02 (*)	0,01 (*)	0,01 (*)
0300000	PULSES	0,2	3(+)	0,01 (*)	4	3		0,09	0,02 (*)		2	0,01 (*)	0,01 (*)
0300010	Beans		(+)				0,3(+)			0,3			
0300020	Lentils		(+)				0,4(+)			0,5			
0300030	Peas		(+)				0,4(+)			0,3			
0300040	Lupins/lupini beans		(+)				0,2(+)			0,05			
0300990	Others (2)		(+)				0,01 (*) (+)			0,3			
0400000	OILSEEDS AND OIL FRUITS			0,01 (*)								0,02 (*)	0,01 (*)
0401000	Oilseeds												
0401010	Linseeds	0,15	1(+)		9	0,01 (*)	0,9	0,01 (*)	0,02 (*)	0,2	0,02 (*)		
0401020	Peanuts/groundnuts	0,04	1(+)		0,01 (*)	0,04	0,01 (*)	0,01 (*)	0,02 (*)	0,04	0,02 (*)		
0401030	Poppy seeds	0,15	1(+)		9	0,01 (*)	0,9	0,01 (*)	0,02 (*)	0,2	0,02 (*)		
0401040	Sesame seeds	0,01 (*)	1(+)		0,01 (*)	0,01 (*)	0,9	0,01 (*)	0,02 (*)	0,2	0,02 (*)		
0401050	Sunflower seeds	0,01 (*)	1(+)		0,1	0,01 (*)	0,9	0,01 (*)	0,02 (*)	0,3	0,02 (*)		
0401060	Rapeseeds/canola seeds	0,2	1(+)		9	0,3	0,9	0,015	0,02 (*)	0,2	0,02 (*)		
0401070	Soyabeans	0,08	3(+)		15	1,5	0,15	0,01 (*)	0,2	0,2	4		
0401080	Mustard seeds	0,15	1(+)		4	0,3	0,9	0,01 (*)	0,02 (*)	0,2	0,02 (*)		
0401090	Cotton seeds	0,15	1(+)		0,7	0,8	0,5	0,01 (*)	0,05	0,3	0,4		
0401100	Pumpkin seeds	0,01 (*)	1(+)		5	0,01 (*)	0,9	0,01 (*)	0,02 (*)	0,02 (*)	0,02 (*)		
0401110	Safflower seeds	0,01 (*)	1(+)		9	0,01 (*)	0,9	0,01 (*)	0,02 (*)	0,2	0,02 (*)		
0401120	Borage seeds	0,01 (*)	1(+)		4	0,01 (*)	0,9	0,01 (*)	0,02 (*)	0,2	0,02 (*)		
0401130	Gold of pleasure seeds	0,15	1(+)		9	0,01 (*)	0,9	0,01 (*)	0,02 (*)	0,2	0,02 (*)		
0401140	Hemp seeds	0,01 (*)	1(+)		0,01 (*)	0,01 (*)	0,9	0,01 (*)	0,02 (*)	0,02 (*)	0,02 (*)		
0401150	Castor beans	0,01 (*)	1(+)		0,01 (*)	0,01 (*)	0,9	0,01 (*)	0,02 (*)	0,2	0,02 (*)		
0401990	Others (2)	0,01 (*)	0,06(+)		0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,02 (*)	0,02 (*)	0,02 (*)		
0402000	Oil fruits	0,01 (*)	0,01 (*)		0,01 (*)			0,01 (*)	0,02 (*)	0,02 (*)			
0402010	Olives for oil production					5	0,01 (*)				1,5		
0402020	Oil palms kernels					0,01 (*)	0,01 (*)				0,02 (*)		

0402030	Oil palms fruits					0,01 (*)	0,8				0,02 (*)		
0402040	Kapok					0,01 (*)	0,8				0,02 (*)		
0402990	Others (2)					0,01 (*)	0,01 (*)				0,02 (*)		
0500000	CEREALS			0,01 (*)	0,01 (*)			0,01 (*)			0,02 (*)	0,01 (*)	0,01 (*)
0500010	Barley	1,5	4(+)			3	3(+)		0,02 (*)	1			
0500020	Buckwheat and other pseudocereals	0,01 (*)	0,15(+)			0,01 (*)	0,01 (*) (+)		0,02 (*)	0,02 (*)			
0500030	Maize/corn	0,02	0,15(+)			0,02	0,01 (*) (+)		0,04	0,02 (*)			
0500040	Common millet/proso millet	0,01 (*)	0,15(+)			0,01 (*)	0,01 (*) (+)		0,02 (*)	0,02 (*)			
0500050	Oat	1,5	4(+)			0,01 (*)	3(+)		0,02 (*)	1			
0500060	Rice	0,01 (*)	0,15(+)			0,01 (*)	5(+)		0,02 (*)	0,09			
0500070	Rye	0,1	0,8(+)			0,01 (*)	0,4(+)		0,02 (*)	0,2			
0500080	Sorghum	0,01 (*)	0,15(+)			3	0,8(+)		0,02 (*)	0,5			
0500090	Wheat	0,1	0,8(+)			1	0,4(+)		0,02 (*)	0,2			
0500990	Others (2)	0,01 (*)	0,15(+)			0,01 (*)	0,01 (*) (+)		0,02 (*)	0,02 (*)			
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS							0,05 (*)				0,05 (*)	0,05 (*)
0610000	Teas	0,05 (*)	40	9(+)	0,05 (*)	0,05 (*)	0,05 (*)		0,1 (*)	0,1 (*)	0,1 (*)		
0620000	Coffee beans	0,15	0,05 (*) (+)	0,05 (*)	0,05 (*)	1	0,2		0,15	0,3	0,1 (*)		
0630000	Herbal infusions from	0,05 (*)		0,05 (*)		0,05 (*)			0,1 (*)	0,1 (*)			
0631000	(a) flowers		0,9(+)		0,04 (*) (+)		0,05 (*)				0,1 (*)		
0631010	Chamomile		(+)		(+)								
0631020	Hibiscus/roselle		(+)		(+)								
0631030	Rose		(+)		(+)								
0631040	Jasmine		(+)		(+)								
0631050	Lime/linden		(+)		(+)								
0631990	Others (2)		(+)		(+)								

0632000	(b) leaves and herbs		0,9(+)		0,04 (*) (+)		30(+)				50		
0632010	Strawberry		(+)		(+)		(+)						
0632020	Rooibos		(+)		(+)		(+)						
0632030	Mate/maté		(+)		(+)		(+)						
0632990	Others (2)		(+)		(+)		(+)						
0633000	(c) roots		3(+)		4(+)		2(+)				0,1 (*)		
0633010	Valerian		(+)		(+)		(+)						
0633020	Ginseng		(+)		(+)		(+)						
0633990	Others (2)		(+)		(+)		(+)						
0639000	(d) any other parts of the plant		0,01 (*) (+)		0,05 (*)		0,05 (*)				0,1 (*)		
0640000	Cocoa beans	0,05 (*)	0,01 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)		0,1 (*)	0,1 (*)	0,1 (*)		
0650000	Carobs/Saint John's breads	0,05 (*)	0,01 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)		0,1 (*)	0,1 (*)	0,1 (*)		
0700000	HOPS	0,05 (*)	80(+)	0,05 (*)	0,05 (*) (+)	10	0,05 (*)	0,05 (*)	0,1 (*)	15	15	0,05 (*)	0,05 (*)
0800000	SPICES		(+)										
0810000	Seed spices	0,05 (*)	0,9(+)	0,05 (*)	0,03 (*) (+)	0,05 (*)	0,05 (*)	0,05 (*)	0,1 (*)	0,1 (*)	0,1 (*)	0,05 (*)	0,05 (*)
0810010	Anise/aniseed		(+)		(+)								
0810020	Black caraway/black cumin		(+)		(+)								
0810030	Celery		(+)		(+)								
0810040	Coriander		(+)		(+)								
0810050	Cumin		(+)		(+)								
0810060	Dill		(+)		(+)								
0810070	Fennel		(+)		(+)								
0810080	Fenugreek		(+)		(+)								
0810090	Nutmeg		(+)		(+)								
0810990	Others (2)		(+)		(+)								
0820000	Fruit spices	0,05 (*)	0,9(+)	0,05 (*)	0,03 (*) (+)	0,05 (*)	0,05 (*)	0,05 (*)	0,1 (*)	0,1 (*)	0,1 (*)	0,05 (*)	0,05 (*)

0820010	Allspice/pimento		(+)		(+)								
0820020	Sichuan pepper		(+)		(+)								
0820030	Caraway		(+)		(+)								
0820040	Cardamom		(+)		(+)								
0820050	Juniper berry		(+)		(+)								
0820060	Peppercorn (black, green and white)		(+)		(+)								
0820070	Vanilla		(+)		(+)								
0820080	Tamarind		(+)		(+)								
0820990	Others (2)		(+)		(+)								
0830000	Bark spices	0,05 (*)	0,9(+)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,1 (*)	0,1 (*)	0,1 (*)	0,05 (*)	0,05 (*)
0830010	Cinnamon		(+)										
0830990	Others (2)		(+)										
0840000	Root and rhizome spices		(+)		(+)								
0840010	Liquorice	0,05 (*)	0,4(+)	0,05 (*)	4(+)	0,05 (*)	0,05 (*)	0,05 (*)	0,1 (*)	0,1 (*)	0,1 (*)	0,05 (*)	0,05 (*)
0840020	Ginger (10)		(+)										
0840030	Turmeric/curcuma	0,15	0,4(+)	0,05 (*)	4(+)	0,05 (*)	0,05 (*)	0,05 (*)	0,1 (*)	0,1 (*)	0,1 (*)	0,05 (*)	0,05 (*)
0840040	Horseradish (11)		(+)										
0840990	Others (2)	0,05 (*)	0,4(+)	0,05 (*)	4(+)	0,05 (*)	0,05 (*)	0,05 (*)	0,1 (*)	0,1 (*)	0,1 (*)	0,05 (*)	0,05 (*)
0850000	Bud spices	0,05 (*)	0,9(+)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,1 (*)	0,1 (*)	0,1 (*)	0,05 (*)	0,05 (*)
0850010	Cloves		(+)										
0850020	Capers		(+)										
0850990	Others (2)		(+)										
0860000	Flower pistil spices	0,05 (*)	0,9(+)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,1 (*)	0,1 (*)	0,1 (*)	0,05 (*)	0,05 (*)
0860010	Saffron		(+)										
0860990	Others (2)		(+)										
0870000	Aril spices	0,05 (*)	0,9(+)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,1 (*)	0,1 (*)	0,1 (*)	0,05 (*)	0,05 (*)
0870010	Mace		(+)										
0870990	Others (2)		(+)										
0900000	SUGAR PLANTS			0,01 (*)		0,01 (*)		0,01 (*)	0,02 (*)			0,01 (*)	0,01 (*)

0900010	Sugar beet roots	0,01 (*)	0,4(+)		0,5		0,4(+)			0,2	0,06		
0900020	Sugar canes	0,4	7(+)		0,01 (*)		3(+)			0,08	0,02 (*)		
0900030	Chicory roots	0,01 (*)	0,4(+)		0,01 (*)		0,3(+)			0,5	0,07		
0900990	Others (2)	0,01 (*)	0,5		0,01 (*)		0,01 (*) (+)			0,02 (*)	0,02 (*)		
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS												
1010000	Commodities from							0,01 (*)		0,05 (*)		(+)	0,01 (*)
1011000	(a) swine			0,02 (*)									
1011010	Muscle	0,01 (*)	0,01 (*)		0,02(+)	0,03	0,015		0,02 (*)		0,05	0,05 (*) (+)	
1011020	Fat	0,03	0,07		0,04(+)	0,015	0,2		0,15		0,02 (*)	0,05 (*) (+)	
1011030	Liver	0,1	0,05 (*)		0,03(+)	0,08	0,1		0,02 (*)		0,7	0,15(+)	
1011040	Kidney	0,1	0,05 (*)		0,06(+)	0,09	0,1		0,02 (*)		0,7	0,3(+)	
1011050	Edible offals (other than liver and kidney)	0,1	0,07		0,06	0,09	0,2		0,02 (*)		0,7	0,3(+)	
1011990	Others (2)	0,01 (*)	0,05 (*)		0,01 (*)	0,09	0,01 (*)		0,02 (*)		0,02 (*)	0,01 (*) (+)	
1012000	(b) bovine			0,02 (*)									
1012010	Muscle	0,01 (*)	0,01 (*)		0,02(+)	0,3	0,015		0,02 (*)		0,05	0,1(+)	
1012020	Fat	0,03	0,3		0,04(+)	0,2	0,2		0,15		0,02 (*)	0,1(+)	
1012030	Liver	0,1	0,2(+)		0,03(+)	1	0,1		0,02 (*)		0,7	0,3(+)	
1012040	Kidney	0,1	0,2		0,07(+)	1	0,1		0,02 (*)		0,7	1(+)	
1012050	Edible offals (other than liver and kidney)	0,1	0,3		0,07	1	0,2		0,02 (*)		0,7	1(+)	
1012990	Others (2)	0,01 (*)	0,05 (*)		0,01 (*)	1	0,01 (*)		0,02 (*)		0,02 (*)	0,01 (*) (+)	
1013000	(c) sheep			0,02 (*)									
1013010	Muscle	0,01 (*)	0,01 (*)		0,02(+)	0,3	0,015		0,02 (*)		0,05	0,05 (*) (+)	
1013020	Fat	0,03	0,3		0,04(+)	0,2	0,2		0,15		0,02 (*)	0,05 (*) (+)	
1013030	Liver	0,1	0,2(+)		0,03(+)	1	0,1		0,02 (*)		0,7	0,15(+)	

1013040	Kidney	0,1	0,2		0,07(+)	1	0,1		0,02 (*)		0,7	0,3(+)	
1013050	Edible offals (other than liver and kidney)	0,1	0,3		0,07	1	0,2		0,02 (*)		0,7	0,3(+)	
1013990	Others (2)	0,01 (*)	0,05 (*)		0,01 (*)	1	0,01 (*)		0,02 (*)		0,02 (*)	0,01 (*) (+)	
1014000	(d) goat			0,02 (*)									
1014010	Muscle	0,01 (*)	0,2		0,02(+)	0,3	0,015		0,02 (*)		0,05	0,1(+)	
1014020	Fat	0,03	0,3		0,04(+)	0,2	0,2		0,15		0,02 (*)	0,1(+)	
1014030	Liver	0,1	0,2(+)		0,03(+)	1	0,1		0,02 (*)		0,7	0,15(+)	
1014040	Kidney	0,1	0,2		0,07(+)	1	0,1		0,02 (*)		0,7	0,3(+)	
1014050	Edible offals (other than liver and kidney)	0,1	0,3		0,07	1	0,2		0,02 (*)		0,7	0,3(+)	
1014990	Others (2)	0,01 (*)	0,05 (*)		0,01 (*)	1	0,01 (*)		0,02 (*)		0,02 (*)	0,01 (*) (+)	
1015000	(e) equine			0,02 (*)									
1015010	Muscle	0,01 (*)	0,01 (*)		0,02	0,3	0,015		0,02 (*)		0,05	0,05 (*) (+)	
1015020	Fat	0,03	0,3		0,04	0,2	0,2		0,15		0,02 (*)	0,05 (*) (+)	
1015030	Liver	0,1	0,2		0,03	1	0,1		0,02 (*)		0,7	0,15(+)	
1015040	Kidney	0,1	0,2		0,07	1	0,1		0,02 (*)		0,7	0,3(+)	
1015050	Edible offals (other than liver and kidney)	0,1	0,3		0,07	1	0,2		0,02 (*)		0,7	0,3(+)	
1015990	Others (2)	0,01 (*)	0,05 (*)		0,01 (*)	1	0,01 (*)		0,02 (*)		0,02 (*)	0,01 (*) (+)	
1016000	(f) poultry	0,01 (*)		0,01 (*)		0,01 (*)					0,02 (*)		
1016010	Muscle		0,01 (*)		0,02(+)		0,02		0,02 (*)			0,05(+)	
1016020	Fat		0,08		0,02(+)		0,05		0,08			0,05(+)	
1016030	Liver		0,15(+)		0,04(+)		0,02		0,02 (*)			0,2(+)	
1016040	Kidney		0,05 (*)		0,01 (*)		0,01 (*)		0,02 (*)			0,2(+)	
1016050	Edible offals (other than liver and kidney)		0,15		0,04		0,05		0,02 (*)			0,2(+)	
1016990	Others (2)		0,05 (*)		0,01 (*)		0,01 (*)		0,02 (*)			0,01 (*) (+)	

[illegible]

1 200000	PRODUCTS OR PART OF PRODUCTS EXCLUSIVELY USED FOR ANIMAL FEED PRODUCTION (8)												
1 300000	PROCESSED FOOD PRODUCTS (9)												

(*) Indicates lower limit of analytical determination

(†) For the complete list of products of plant and animal origin to which MRL's apply, reference should be made to Annex I

Boscalid (R) (F)

(R) The residue definition differs for the following combinations pesticide-code number: code 1000000 except 1040000, 1011010, 1011020, 1011050, 1012010, 1012020, 1012050, 1013010, 1013020, 1013050, 1014010, 1014020, 1014050, 1015010, 1015020, 1015050, 1016010, 1016020, 1017010, 1017020, 1017050, 1020000, 1030000: Sum of boscalid and its hydroxy metabolite 2-chloro-N-(4'-chloro-5-hydroxybiphenyl-2-yl)nicotinamide (free and conjugated) expressed as boscalid

(F) Fat soluble

The European Food Safety Authority identified some information on analytical methods, residues after repeated applications in permanent crops and data to confirm the plateau level in soil as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 6 February 2018, or, if that information is not submitted by that date, the lack of it.

0700000 HOPS

The European Food Safety Authority identified some information on residues trials (after repeated applications in permanent crops and to support the authorisation) and data to confirm the plateau level in soil as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 6 February 2018, or, if that information is not submitted by that date, the lack of it.

0140010 Apricots

The European Food Safety Authority identified some information on residues after repeated applications in permanent crops and data to confirm the plateau level in soil as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 6 February 2018, or, if that information is not submitted by that date, the lack of it.

0110000 Citrus fruits

0110010 Grapefruits

0110020 Oranges

0110030 Lemons

0110040 Limes

0110050 Mandarins

0110990 Others (2)

0120000 Tree nuts

0120010 Almonds

0120020 Brazil nuts

0120030 Cashew nuts

0120040 Chestnuts

0120050 Coconuts

0120060 Hazelnuts/cobnuts

0120070 Macadamias

0120080 Pecans

0120090 Pine nut kernels

0120100 Pistachios

0120110 Walnuts

0120990 Others (2)

0130010 Apples

0130020 Pears

0130030 Quinces

0140020 Cherries (sweet)

0140030 Peaches

0140040 Plums

0151000 (a) grapes

0151010 Table grapes

0151020 Wine grapes

0153000 (c) cane fruits

0153010 Blackberries
 0153020 Dewberries
 0153030 Raspberries (red and yellow)
 0153990 Others (2)
 0154000 (d) other small fruits and berries
 0154010 Blueberries
 0154020 Cranberries
 0154030 Currants (black red and white)
 0154040 Gooseberries (green red and yellow)
 0154050 Rose hips
 0154060 Mulberries (black and white)
 0154070 Azaroles/Mediterranean medlars
 0154080 Elderberries
 0154990 Others (2)
 0162010 Kiwi fruits (green red yellow)
 0163020 Bananas
 0620000 Coffee beans
 0630000 Herbal infusions from
 0631000 (a) flowers
 0631010 Chamomile
 0631020 Hibiscus/roselle
 0631030 Rose
 0631040 Jasmine
 0631050 Lime/linden
 0631990 Others (2)
 0632000 (b) leaves and herbs
 0632010 Strawberry
 0632020 Rooibos
 0632030 Mate/maté
 0632990 Others (2)
 0633000 (c) roots
 0633010 Valerian
 0633020 Ginseng
 0633990 Others (2)
 0639000 (d) any other parts of the plant
 0900020 Sugar canes

The European Food Safety Authority identified some information on residues for rotational crops and data to confirm the plateau level in soil as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 6 February 2018, or, if that information is not submitted by that date, the lack of it.

0152000 (b) strawberries
 0211000 (a) potatoes
 0212010 Cassava roots/manioc
 0212020 Sweet potatoes
 0212030 Yams
 0212040 Arrowroots
 0213000 (c) other root and tuber vegetables except sugar beets
 0213010 Beetroots
 0213020 Carrots
 0213030 Celeriacs/turnip rooted celeries
 0213040 Horseradishes
 0213050 Jerusalem artichokes
 0213060 Parsnips
 0213070 Parsley roots/Hamburg roots parsley
 0213080 Radishes
 0213090 Salsifies
 0213100 Swedes/rutabagas
 0213110 Turnips
 0213990 Others (2)
 0220000 Bulb vegetables
 0220010 Garlic
 0220020 Onions

0220030 Shallots
 0220040 Spring onions/green onions and Welsh onions
 0220990 Others (2)
 0230000 Fruiting vegetables
 0231000 (a) Solanaceae and Malvaceae
 0231010 Tomatoes
 0231020 Sweet peppers/bell peppers
 0231030 Aubergines/eggplants
 0231040 Okra/lady's fingers
 0231990 Others (2)
 0232000 (b) cucurbits with edible peel
 0232010 Cucumbers
 0232020 Gherkins
 0232030 Courgettes
 0232990 Others (2)
 0233000 (c) cucurbits with inedible peel
 0233010 Melons
 0233020 Pumpkins
 0233030 Watermelons
 0233990 Others (2)
 0234000 (d) sweet corn
 0239000 (e) other fruiting vegetables
 0240000 Brassica vegetables(excluding brassica roots and brassica baby leaf crops)
 0241000 (a) flowering brassica
 0241010 Broccoli
 0241990 Others (2)
 0242000 (b) head brassica
 0242010 Brussels sprouts
 0242020 Head cabbages
 0242990 Others (2)
 0243000 (c) leafy brassica
 0243010 Chinese cabbages/pe-tsai
 0243020 Kales
 0243990 Others (2)
 0244000 (d) kohlrabies
 0250000 Leaf vegetables herbs and edible flowers
 0251000 (a) lettuces and salad plants
 0251010 Lamb's lettuces/corn salads
 0251020 Lettuces
 0251030 Escaroles/broad-leaved endives
 0251040 Cresses and other sprouts and shoots
 0251050 Land cresses
 0251060 Roman rocket/rucola
 0251070 Red mustards
 0251080 Baby leaf crops (including brassica species)
 0251990 Others (2)
 0252000 (b) spinaches and similar leaves
 0252010 Spinaches
 0252020 Purslanes
 0252990 Others (2)
 0253000 (c) grape leaves and similar species
 0254000 (d) watercresses
 0255000 (e) witloofs/Belgian endives
 0256000 (f) herbs and edible flowers
 0256010 Chervil
 0256020 Chives
 0256030 Celery leaves
 0256040 Parsley
 0256050 Sage
 0256060 Rosemary
 0256070 Thyme

0256080 Basil and edible flowers
 0256090 Laurel/bay leaves
 0256100 Tarragon
 0256990 Others (2)
 0260000 Legume vegetables
 0260010 Beans (with pods)
 0260030 Peas (with pods)
 0260990 Others (2)
 0270000 Stem vegetables
 0270010 Asparagus
 0270020 Cardoons
 0270050 Globe artichokes
 0270060 Leeks
 0270070 Rhubarbs
 0270080 Bamboo shoots
 0270090 Palm hearts
 0270990 Others (2)
 0300000 PULSES
 0300010 Beans
 0300020 Lentils
 0300030 Peas
 0300040 Lupins/lupini beans
 0300990 Others (2)
 0401000 Oilseeds
 0401010 Linseeds
 0401020 Peanuts/groundnuts
 0401030 Poppy seeds
 0401040 Sesame seeds
 0401050 Sunflower seeds
 0401060 Rapeseeds/canola seeds
 0401070 Soyabeans
 0401080 Mustard seeds
 0401090 Cotton seeds
 0401100 Pumpkin seeds
 0401110 Safflower seeds
 0401120 Borage seeds
 0401130 Gold of pleasure seeds
 0401140 Hemp seeds
 0401150 Castor beans
 0401990 Others (2)
 0500000 CEREALS
 0500010 Barley
 0500020 Buckwheat and other pseudocereals
 0500030 Maize/corn
 0500040 Common millet/proso millet
 0500050 Oat
 0500060 Rice
 0500070 Rye
 0500080 Sorghum
 0500090 Wheat
 0500990 Others (2)
 0900010 Sugar beet roots
 0900030 Chicory roots

The European Food Safety Authority identified some information on residues trials (for rotational crops and to support the authorisation) and data to confirm the plateau level in soil as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 6 February 2018, or, if that information is not submitted by that date, the lack of it.

0241020 Cauliflowers
 0252030 Chards/beet leaves
 0260020 Beans (without pods)
 0260040 Peas (without pods)

0260050 Lentils
0270030 Celeries
0270040 Florence fennels

The European Food Safety Authority identified some information on the analytical methods, residues after repeated applications in permanent crops and data to confirm the plateau level in soil as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 6 February 2018, or, if that information is not submitted by that date, the lack of it.

0800000 SPICES
0810000 Seed spices
0810010 Anise/aniseed
0810020 Black caraway/black cumin
0810030 Celery
0810040 Coriander
0810050 Cumin
0810060 Dill
0810070 Fennel
0810080 Fenugreek
0810090 Nutmeg
0810990 Others (2)
0820000 Fruit spices
0820010 Allspice/pimento
0820020 Sichuan pepper
0820030 Caraway
0820040 Cardamom
0820050 Juniper berry
0820060 Peppercorn (black green and white)
0820070 Vanilla
0820080 Tamarind
0820990 Others (2)
0830000 Bark spices
0830010 Cinnamon
0830990 Others (2)
0840000 Root and rhizome spices
0840010 Liquorice
0840020 Ginger (10)
0840030 Turmeric/curcuma
0840040 Horseradish (11)
0840990 Others (2)
0850000 Bud spices
0850010 Cloves
0850020 Capers
0850990 Others (2)
0860000 Flower pistil spices
0860010 Saffron
0860990 Others (2)
0870000 Aril spices
0870010 Mace
0870990 Others (2)

The European Food Safety Authority identified some information on the fate of the pyridine moiety and the nature and magnitude of bound residues as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 6 February 2018, or, if that information is not submitted by that date, the lack of it.

1016030 Liver

The European Food Safety Authority identified some information on the fate of the pyridine moiety as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 6 February 2018, or, if that information is not submitted by that date, the lack of it.

1012030 Liver
1013030 Liver
1014030 Liver

Fenazaquin (F)

(F) Fat soluble

The European Food Safety Authority identified some information on residue trials analysing 2-(4-tert-butylphenyl) ethanol and analytical methods as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 7 July 2023, or, if that information is not submitted by that date, the lack of it.

0610000 Teas

The European Food Safety Authority identified some information on residue trials as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 7 July 2023, or, if that information is not submitted by that date, the lack of it.

0110010 Grapefruits**0110020 Oranges****0110030 Lemons****0110040 Limes****0110050 Mandarins****0130010 Apples****0130020 Pears****0130030 Quinces****0130040 Medlars****0130050 Loquats/Japanese medlars****0152000 (b) strawberries****0231010 Tomatoes****Fluazifop-P (sum of all the constituent isomers of fluazifop, its esters and its conjugates, expressed as fluazifop)**

The European Food Safety Authority identified some information on analytical methods as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 29 June 2018, or, if that information is not submitted by that date, the lack of it.

0631000 (a) flowers**0631010 Chamomile****0631020 Hibiscus/roselle****0631030 Rose****0631040 Jasmine****0631050 Lime/linden****0631990 Others (2)****0632000 (b) leaves and herbs****0632010 Strawberry****0632020 Rooibos****0632030 Mate/maté****0632990 Others (2)****0633000 (c) roots****0633010 Valerian****0633020 Ginseng****0633990 Others (2)****0700000 HOPS****0810000 Seed spices****0810010 Anise/aniseed****0810020 Black caraway/black cumin****0810030 Celery****0810040 Coriander****0810050 Cumin****0810060 Dill****0810070 Fennel****0810080 Fenugreek****0810090 Nutmeg****0810990 Others (2)****0820000 Fruit spices****0820010 Allspice/pimento****0820020 Sichuan pepper****0820030 Caraway****0820040 Cardamom****0820050 Juniper berry**

0820060 Peppercorn (black green and white)
0820070 Vanilla
0820080 Tamarind
0820990 Others (2)
0840000 Root and rhizome spices
0840010 Liquorice
0840030 Turmeric/curcuma
0840990 Others (2)
1011010 Muscle
1011020 Fat
1011030 Liver
1011040 Kidney
1012010 Muscle
1012020 Fat
1012030 Liver
1012040 Kidney
1013010 Muscle
1013020 Fat
1013030 Liver
1013040 Kidney
1014010 Muscle
1014020 Fat
1014030 Liver
1014040 Kidney
1016010 Muscle
1016020 Fat
1016030 Liver
1020010 Cattle
1020020 Sheep
1020030 Goat
1030000 Birds eggs
1030010 Chicken
1030020 Duck
1030030 Geese
1030040 Quail
1030990 Others (2)

Fluxapyroxad (F)

(F) Fat soluble

The European Food Safety Authority identified some information on analytical methods and on residues for rotational crops as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 20 April 2023, or, if that information is not submitted by that date, the lack of it.

0632000 (b) leaves and herbs
0632010 Strawberry
0632020 Rooibos
0632030 Mate/maté
0632990 Others (2)
0633000 (c) roots
0633010 Valerian
0633020 Ginseng
0633990 Others (2)

The European Food Safety Authority identified some information on residue trials and on residues for rotational crops as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 20 April 2023, or, if that information is not submitted by that date, the lack of it.

0220010 Garlic
0220020 Onions
0220030 Shallots

The European Food Safety Authority identified some information on residues for rotational crops as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 20 April 2023, or, if that information is not submitted by that date, the lack of it.

0211000 (a) potatoes
0212000 (b) tropical root and tuber vegetables
0212010 Cassava roots/manioc
0212020 Sweet potatoes
0212030 Yams
0212040 Arrowroots
0212990 Others (2)
0213000 (c) other root and tuber vegetables except sugar beets
0213010 Beetroots
0213020 Carrots
0213030 Celeriacs/turnip rooted celeries
0213040 Horseradishes
0213050 Jerusalem artichokes
0213060 Parsnips
0213070 Parsley roots/Hamburg roots parsley
0213080 Radishes
0213090 Salsifies
0213100 Swedes/rutabagas
0213110 Turnips
0213990 Others (2)
0220000 Bulb vegetables
0220040 Spring onions/green onions and Welsh onions
0220990 Others (2)
0240000 Brassica vegetables(excluding brassica roots and brassica baby leaf crops)
0241000 (a) flowering brassica
0241010 Broccoli
0241020 Cauliflowers
0241990 Others (2)
0242000 (b) head brassica
0242010 Brussels sprouts
0242020 Head cabbages
0242990 Others (2)
0243000 (c) leafy brassica
0243010 Chinese cabbages/pe-tsai
0243020 Kales
0243990 Others (2)
0244000 (d) kohlrabies
0251000 (a) lettuces and salad plants
0251010 Lamb's lettuces/corn salads
0251020 Lettuces
0251030 Escaroles/broad-leaved endives
0251040 Cresses and other sprouts and shoots
0251050 Land cresses
0251060 Roman rocket/rucola
0251070 Red mustards
0251080 Baby leaf crops (including brassica species)
0251990 Others (2)
0252000 (b) spinaches and similar leaves
0252010 Spinaches
0252020 Purslanes
0252030 Chards/beet leaves
0252990 Others (2)
0255000 (e) witloofs/Belgian endives
0256000 (f) herbs and edible flowers
0256010 Chervil
0256020 Chives
0256030 Celery leaves

0256040 Parsley
0256050 Sage
0256060 Rosemary
0256070 Thyme
0256080 Basil and edible flowers
0256090 Laurel/bay leaves
0256100 Tarragon
0256990 Others (2)
0270020 Cardoons
0270030 Celeries
0270040 Florence fennels
0270050 Globe artichokes
0270060 Leeks
0270070 Rhubarbs
0300000 PULSES
0300010 Beans
0300020 Lentils
0300030 Peas
0300040 Lupins/lupini beans
0300990 Others (2)
0500000 CEREALS
0500010 Barley
0500020 Buckwheat and other pseudocereals
0500030 Maize/corn
0500040 Common millet/proso millet
0500050 Oat
0500060 Rice
0500070 Rye
0500080 Sorghum
0500090 Wheat
0500990 Others (2)
0900000 SUGAR PLANTS
0900010 Sugar beet roots
0900020 Sugar canes
0900030 Chicory roots
0900990 Others (2)

Metaflumizone (sum of E- and Z- isomers)

For this product the MRL shall apply from 14/11/2021

0241010 Broccoli

0251030 Escaroles/broad-leaved endives

The European Food Safety Authority identified some information on residue trials as unavailable. When reviewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 25 October 2023, or, if that information is not submitted by that date, the lack of it.

0241020 Cauliflowers

The European Food Safety Authority identified some information on the toxicological profile of metabolite M320104 as unavailable. When reviewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 25 October 2023, or, if that information is not submitted by that date, the lack of it.

0231010 Tomatoes

0231020 Sweet peppers/bell peppers

0232020 Gherkins

0243010 Chinese cabbages/pe-tsai

0251010 Lamb's lettuces/corn salads

0251020 Lettuces

0251040 Cresses and other sprouts and shoots

0251050 Land cresses

0251060 Roman rocket/rucola

0251070 Red mustards

0251080 Baby leaf crops (including brassica species)

Pyraclostrobin (F)

(F) Fat soluble

Spirotetramat and spirotetramat-enol (sum of), expressed as spirotetramat (R)

(R) The residue definition differs for the following combinations pesticide-code number: Spirotetramat - Code 1000000 except 1040000: spirotetramat-enol expressed as spirotetramat

The European Food Safety Authority identified some information on residue trials as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 20 April 2023, or, if that information is not submitted by that date, the lack of it.

0242010 Brussels sprouts**0244000 (d) kohlrabies****Thiabendazole (R)**

(R) The residue definition differs for the following combinations pesticide-code number: Thiabendazole — code 100000, except 1020000 and 1040000: sum of thiabendazole and 5-hydroxythiabendazole, expressed as thiabendazole

Thiabendazole — code 1020000: sum of thiabendazole, 5-hydroxythiabendazole and its sulfate conjugate, expressed as thiabendazole

The European Food Safety Authority identified some information on analytical methods and on the magnitude of residues of the metabolite benzimidazole as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

1000000 PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS**1010000 Commodities from****1011000 (a) swine****1011010 Muscle****1011020 Fat****1011030 Liver****1011040 Kidney****1011050 Edible offals (other than liver and kidney)****1011990 Others (2)****1012000 (b) bovine****1012010 Muscle****1012020 Fat****1012030 Liver****1012040 Kidney****1012050 Edible offals (other than liver and kidney)****1012990 Others (2)****1013000 (c) sheep****1013010 Muscle****1013020 Fat****1013030 Liver****1013040 Kidney****1013050 Edible offals (other than liver and kidney)****1013990 Others (2)****1014000 d) goat****1014010 Muscle****1014020 Fat****1014030 Liver****1014040 Kidney****1014050 Edible offals (other than liver and kidney)****1014990 Others (2)****1015000 (e) equine****1015010 Muscle****1015020 Fat****1015030 Liver****1015040 Kidney****1015050 Edible offals (other than liver and kidney)****1015990 Others (2)**

1016000 (f) poultry
1016010 Muscle
1016020 Fat
1016030 Liver
1016040 Kidney
1016050 Edible offals (other than liver and kidney)
1016990 Others (2)
1017000 (g) other farmed terrestrial animals
1017010 Muscle
1017020 Fat
1017030 Liver
1017040 Kidney
1017050 Edible offals (other than liver and kidney)
1017990 Others (2)
1020000 Milk
1020010 Cattle
1020020 Sheep
1020030 Goat
1020040 Horse
1020990 Others (2)
1030000 Birds eggs
1030010 Chicken
1030020 Duck
1030030 Geese
1030040 Quail
1030990 Others (2)
1050000 Amphibians and Reptiles
1060000 Terrestrial invertebrate animals
1070000 Wild terrestrial vertebrate animals

The European Food Safety Authority identified some information on residue trials as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0163010 Avocados

The European Food Safety Authority identified some information on storage stability and on the magnitude of residues of the metabolite benzimidazole as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0211000 (a) potatoes

The European Food Safety Authority identified some information on the magnitude of residues of the metabolite benzimidazole as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0130010 Apples

Tolclofos-methyl (F)

(F) Fat soluble

The European Food Safety Authority identified some information on crop metabolism as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 6 February 2018, or, if that information is not submitted by that date, the lack of it.

0213080 Radishes

The European Food Safety Authority identified some information on residues trials, toxicological data on the sugar conjugates of metabolites ph-CH₃ and TM-CH₂OH and on residue trials including analysis of the sugar conjugates of metabolites ph-CH₃ and TM-CH₂OH as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 6 February 2018, or, if that information is not submitted by that date, the lack of it.

0241010 Broccoli

0241020 Cauliflowers

0242010 Brussels sprouts

0242020 Head cabbages

0251000 (a) lettuces and salad plants

0251010 Lamb's lettuces/corn salads

0251020 Lettuces
0251030 Escaroles/broad-leaved endives
0251040 Cresses and other sprouts and shoots
0251050 Land cresses
0251060 Roman rocket/rucola
0251070 Red mustards
0251080 Baby leaf crops (including brassica species)
0251990 Others (2)'

(2) in Part A of Annex III, the column for fosetyl-Al is replaced by the following:

‘ANNEX IIIA

Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply ^(*)	Fosetyl-Al (sum of fosetyl, phosphonic acid and their salts, expressed as fosetyl)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS	
0110000	Citrus fruits	
0110010	Grapefruits	75
0110020	Oranges	75
0110030	Lemons	150
0110040	Limes	150
0110050	Mandarins	150
0110990	Others (2)	75
0120000	Tree nuts	
0120010	Almonds	1 500
0120020	Brazil nuts	500
0120030	Cashew nuts	500
0120040	Chestnuts	1 500
0120050	Coconuts	500
0120060	Hazelnuts/cobnuts	1 500
0120070	Macadamias	500
0120080	Pecans	500
0120090	Pine nut kernels	500
0120100	Pistachios	1 500
0120110	Walnuts	1 500
0120990	Others (2)	500
0130000	Pome fruits	150
0130010	Apples	
0130020	Pears	
0130030	Quinces	
0130040	Medlars	
0130050	Loquats/Japanese medlars	
0130990	Others (2)	

0140000	Stone fruits	
0140010	Apricots	2 (*)
0140020	Cherries (sweet)	2 (*)
0140030	Peaches	50
0140040	Plums	2 (*)
0140990	Others (2)	2 (*)
0150000	Berries and small fruits	
0151000	(a) grapes	
0151010	Table grapes	100
0151020	Wine grapes	200
0152000	(b) strawberries	100
0153000	(c) cane fruits	
0153010	Blackberries	300
0153020	Dewberries	2 (*)
0153030	Raspberries (red and yellow)	300
0153990	Others (2)	2 (*)
0154000	(d) other small fruits and berries	
0154010	Blueberries	200
0154020	Cranberries	2 (*)
0154030	Currants (black, red and white)	200
0154040	Gooseberries (green, red and yellow)	200
0154050	Rose hips	2 (*)
0154060	Mulberries (black and white)	2 (*)
0154070	Azaroles/Mediterranean medlars	50
0154080	Elderberries	80
0154990	Others (2)	2 (*)
0160000	Miscellaneous fruitswith	
0161000	(a) edible peel	
0161010	Dates	2 (*)
0161020	Figs	2 (*)
0161030	Table olives	100
0161040	Kumquats	2 (*)
0161050	Carambolas	2 (*)
0161060	Kaki/Japanese persimmons	50
0161070	Jambuls/jambolans	2 (*)
0161990	Others (2)	2 (*)
0162000	(b) inedible peel, small	
0162010	Kiwi fruits (green, red, yellow)	200
0162020	Litchis/lychees	2 (*)
0162030	Passionfruits/maracujas	2 (*)

0162040	Prickly pears/cactus fruits	2 (*)
0162050	Star apples/cainitos	2 (*)
0162060	American persimmons/Virginia kaki	2 (*)
0162990	Others (2)	2 (*)
0163000	(c) inedible peel, large	
0163010	Avocados	70
0163020	Bananas	2 (*)
0163030	Mangoes	2 (*)
0163040	Papayas	2 (*)
0163050	Granate apples/pomegranates	90
0163060	Cherimoyas	2 (*)
0163070	Guavas	2 (*)
0163080	Pineapples	50
0163090	Breadfruits	2 (*)
0163100	Durians	2 (*)
0163110	Soursops/guanabanas	2 (*)
0163990	Others (2)	2 (*)
0200000	VEGETABLES, FRESH or FROZEN	
0210000	Root and tuber vegetables	
0211000	(a) potatoes	200
0212000	(b) tropical root and tuber vegetables	2 (*)
0212010	Cassava roots/manioc	
0212020	Sweet potatoes	
0212030	Yams	
0212040	Arrowroots	
0212990	Others (2)	
0213000	(c) other root and tuber vegetables except sugar beets	
0213010	Beetroots	2 (*)
0213020	Carrots	2 (*)
0213030	Celeriacs/turnip rooted celeries	8
0213040	Horseradishes	200
0213050	Jerusalem artichokes	2 (*)
0213060	Parsnips	2 (*)
0213070	Parsley roots/Hamburg roots parsley	2 (*)
0213080	Radishes	25
0213090	Salsifies	2 (*)
0213100	Swedes/rutabagas	2 (*)
0213110	Turnips	2 (*)
0213990	Others (2)	2 (*)

0220000	Bulb vegetables	
0220010	Garlic	30
0220020	Onions	50
0220030	Shallots	30
0220040	Spring onions/green onions and Welsh onions	30
0220990	Others (2)	2 (*)
0230000	Fruiting vegetables	
0231000	(a) Solanaceae and Malvaceae	
0231010	Tomatoes	100
0231020	Sweet peppers/bell peppers	130
0231030	Aubergines/eggplants	100
0231040	Okra/lady's fingers	2 (*)
0231990	Others (2)	2 (*)
0232000	(b) cucurbits with edible peel	
0232010	Cucumbers	80
0232020	Gherkins	75
0232030	Courgettes	100
0232990	Others (2)	75
0233000	(c) cucurbits with inedible peel	75
0233010	Melons	
0233020	Pumpkins	
0233030	Watermelons	
0233990	Others (2)	
0234000	(d) sweet corn	5
0239000	(e) other fruiting vegetables	5
0240000	Brassica vegetables(excluding brassica roots and brassica baby leaf crops)	
0241000	(a) flowering brassica	70
0241010	Broccoli	
0241020	Cauliflowers	
0241990	Others (2)	
0242000	(b) head brassica	10
0242010	Brussels sprouts	
0242020	Head cabbages	
0242990	Others (2)	
0243000	(c) leafy brassica	30
0243010	Chinese cabbages/pe-tsai	
0243020	Kales	
0243990	Others (2)	

0244000	(d) kohlrabies	10
0250000	Leaf vegetables, herbs and edible flowers	
0251000	(a) lettuces and salad plants	
0251010	Lamb's lettuces/corn salads	75
0251020	Lettuces	300
0251030	Escaroles/broad-leaved endives	75
0251040	Cresses and other sprouts and shoots	75
0251050	Land cresses	75
0251060	Roman rocket/rucola	75
0251070	Red mustards	75
0251080	Baby leaf crops (including brassica species)	75
0251990	Others (2)	75
0252000	(b) spinaches and similar leaves	
0252010	Spinaches	300
0252020	Purslanes	2 (*)
0252030	Chards/beet leaves	15
0252990	Others (2)	2 (*)
0253000	(c) grape leaves and similar species	2 (*)
0254000	(d) watercresses	2 (*)
0255000	(e) witloofs/Belgian endives	75
0256000	(f) herbs and edible flowers	400
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves	
0256040	Parsley	
0256050	Sage	
0256060	Rosemary	
0256070	Thyme	
0256080	Basil and edible flowers	
0256090	Laurel/bay leaves	
0256100	Tarragon	
0256990	Others (2)	
0260000	Legume vegetables	2 (*)
0260010	Beans (with pods)	
0260020	Beans (without pods)	
0260030	Peas (with pods)	
0260040	Peas (without pods)	
0260050	Lentils	
0260990	Others (2)	

0270000	Stem vegetables	
0270010	Asparagus	2 (*)
0270020	Cardoons	2 (*)
0270030	Celeries	2 (*)
0270040	Florence fennels	2 (*)
0270050	Globe artichokes	50
0270060	Leeks	30
0270070	Rhubarbs	2 (*)
0270080	Bamboo shoots	2 (*)
0270090	Palm hearts	2 (*)
0270990	Others (2)	2 (*)
0280000	Fungi, mosses and lichens	2 (*)
0280010	Cultivated fungi	
0280020	Wild fungi	
0280990	Mosses and lichens	
0290000	Algae and prokaryotes organisms	2 (*)
0300000	PULSES	2 (*)
0300010	Beans	
0300020	Lentils	
0300030	Peas	
0300040	Lupins/lupini beans	
0300990	Others (2)	
0400000	OILSEEDS AND OIL FRUITS	
0401000	Oilseeds	2 (*)
0401010	Linseeds	
0401020	Peanuts/groundnuts	
0401030	Poppy seeds	
0401040	Sesame seeds	
0401050	Sunflower seeds	
0401060	Rapeseeds/canola seeds	
0401070	Soyabeans	
0401080	Mustard seeds	
0401090	Cotton seeds	
0401100	Pumpkin seeds	
0401110	Safflower seeds	
0401120	Borage seeds	
0401130	Gold of pleasure seeds	
0401140	Hemp seeds	
0401150	Castor beans	
0401990	Others (2)	

0402000	Oil fruits	
0402010	Olives for oil production	100
0402020	Oil palms kernels	2 (*)
0402030	Oil palms fruits	2 (*)
0402040	Kapok	2 (*)
0402990	Others (2)	2 (*)
0500000	CEREALS	
0500010	Barley	2 (*)
0500020	Buckwheat and other pseudocereals	2 (*)
0500030	Maize/corn	2 (*)
0500040	Common millet/proso millet	2 (*)
0500050	Oat	2 (*)
0500060	Rice	2 (*)
0500070	Rye	2 (*)
0500080	Sorghum	2 (*)
0500090	Wheat	150
0500990	Others (2)	2 (*)
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS	
0610000	Teas	5 (*)
0620000	Coffee beans	5 (*)
0630000	Herbal infusions from	
0631000	(a) flowers	500
0631010	Chamomile	
0631020	Hibiscus/roselle	
0631030	Rose	
0631040	Jasmine	
0631050	Lime/linden	
0631990	Others (2)	
0632000	(b) leaves and herbs	2 000
0632010	Strawberry	
0632020	Rooibos	
0632030	Mate/maté	
0632990	Others (2)	
0633000	(c) roots	500
0633010	Valerian	
0633020	Ginseng	
0633990	Others (2)	
0639000	(d) any other parts of the plant	500

0640000	Cocoa beans	2 (*)
0650000	Carobs/Saint John's breads	2 (*)
0700000	HOPS	2 000
0800000	SPICES	
0810000	Seed spices	400
0810010	Anise/aniseed	
0810020	Black caraway/black cumin	
0810030	Celery	
0810040	Coriander	
0810050	Cumin	
0810060	Dill	
0810070	Fennel	
0810080	Fenugreek	
0810090	Nutmeg	
0810990	Others (2)	
0820000	Fruit spices	400
0820010	Allspice/pimento	
0820020	Sichuan pepper	
0820030	Caraway	
0820040	Cardamom	
0820050	Juniper berry	
0820060	Peppercorn (black, green and white)	
0820070	Vanilla	
0820080	Tamarind	
0820990	Others (2)	
0830000	Bark spices	400
0830010	Cinnamon	
0830990	Others (2)	
0840000	Root and rhizome spices	
0840010	Liquorice	400
0840020	Ginger (10)	400
0840030	Turmeric/curcuma	
0840040	Horseradish (11)	400
0840990	Others (2)	
0850000	Bud spices	400
0850010	Cloves	
0850020	Capers	
0850990	Others (2)	

0860000	Flower pistil spices	400
0860010	Saffron	
0860990	Others (2)	
0870000	Aril spices	400
0870010	Mace	
0870990	Others (2)	
0900000	SUGAR PLANTS	
0900010	Sugar beet roots	2 (*)
0900020	Sugar canes	2 (*)
0900030	Chicory roots	75
0900990	Others (2)	2 (*)
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS	
1010000	Commodities from	
1011000	(a) swine	
1011010	Muscle	0,7
1011020	Fat	1,5
1011030	Liver	0,8
1011040	Kidney	6
1011050	Edible offals (other than liver and kidney)	6
1011990	Others (2)	0,5 (*)
1012000	(b) bovine	
1012010	Muscle	0,7
1012020	Fat	1,5
1012030	Liver	1,5
1012040	Kidney	8
1012050	Edible offals (other than liver and kidney)	8
1012990	Others (2)	0,5 (*)
1013000	(c) sheep	
1013010	Muscle	0,7
1013020	Fat	1,5
1013030	Liver	1,5
1013040	Kidney	8
1013050	Edible offals (other than liver and kidney)	8
1013990	Others (2)	0,5 (*)
1014000	(d) goat	
1014010	Muscle	0,7
1014020	Fat	1,5
1014030	Liver	1,5

1014040	Kidney	8
1014050	Edible offals (other than liver and kidney)	8
1014990	Others (2)	0,5 (*)
1015000	(e) equine	
1015010	Muscle	0,5 (*)
1015020	Fat	0,5 (*)
1015030	Liver	0,5
1015040	Kidney	0,5
1015050	Edible offals (other than liver and kidney)	0,5
1015990	Others (2)	0,5 (*)
1016000	(f) poultry	
1016010	Muscle	0,7
1016020	Fat	0,7
1016030	Liver	0,7
1016040	Kidney	0,5 (*)
1016050	Edible offals (other than liver and kidney)	0,7
1016990	Others (2)	0,5 (*)
1017000	(g) other farmed terrestrial animals	
1017010	Muscle	0,5 (*)
1017020	Fat	0,5 (*)
1017030	Liver	0,5
1017040	Kidney	0,5
1017050	Edible offals (other than liver and kidney)	0,5
1017990	Others (2)	0,5 (*)
1020000	Milk	0,5
1020010	Cattle	
1020020	Sheep	
1020030	Goat	
1020040	Horse	
1020990	Others (2)	
1030000	Birds eggs	0,7
1030010	Chicken	
1030020	Duck	
1030030	Geese	
1030040	Quail	
1030990	Others (2)	
1040000	Honey and other apiculture products (7)	0,5 (*)
1050000	Amphibians and Reptiles	0,5 (*)
1060000	Terrestrial invertebrate animals	0,5 (*)

1070000	Wild terrestrial vertebrate animals	0,5 (*)
1100000	PRODUCTS OF ANIMAL ORIGIN - FISH, FISHPRODUCTS AND ANY OTHER MARINE AND FRESHWATER FOOD PRODUCTS (8)	
1200000	PRODUCTS OR PART OF PRODUCTS EXCLUSIVELY USED FOR ANIMAL FEED PRODUCTION (8)	
1300000	PROCESSED FOOD PRODUCTS (9)	

(*) Indicates lower limit of analytical determination

(^e) For the complete list of products of plant and animal origin to which MRL's apply, reference should be made to Annex I'

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1325**of 28 July 2022****amending Annex I to Implementing Regulation (EU) 2021/605 laying down special control measures for African swine fever****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Article 71(3) thereof,

Whereas:

- (1) African swine fever is an infectious viral disease affecting kept and wild porcine animals and can have a severe impact on the concerned animal population and the profitability of farming causing disturbance to movements of consignments of those animals and products thereof within the Union and exports to third countries.
- (2) Commission Implementing Regulation (EU) 2021/605 ⁽²⁾ was adopted within the framework of Regulation (EU) 2016/429, and it lays down special disease control measures regarding African swine fever to be applied for a limited period of time by the Member States listed in Annex I thereto (the Member States concerned), in restricted zones I, II and III listed in that Annex.
- (3) The areas listed as restricted zones I, II and III in Annex I to Implementing Regulation (EU) 2021/605 are based on the epidemiological situation of African swine fever in the Union. Annex I to Implementing Regulation (EU) 2021/605 was last amended by Commission Implementing Regulation (EU) 2022/1234 ⁽³⁾ following changes in the epidemiological situation as regards that disease in Latvia and Lithuania.
- (4) Any amendments to restricted zones I, II and III in Annex I to Implementing Regulation (EU) 2021/605 should be based on the epidemiological situation as regards African swine fever in the areas affected by that disease and the overall epidemiological situation of African swine fever in the Member State concerned, the level of risk for the further spread of that disease, as well as scientifically based principles and criteria for geographically defining zoning due to African swine fever and the Union's guidelines agreed with the Member States at the Standing Committee on Plants, Animals, Food and Feed and publicly available on the Commission's website ⁽⁴⁾. Such amendments should also take account of international standards, such as the Terrestrial Animal Health Code ⁽⁵⁾ of the World Organisation for Animal Health and justifications for zoning provided by the competent authorities of the Member States concerned.
- (5) There have been new outbreaks of African swine fever in kept porcine animals in Lithuania and Poland.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2021/605 of 7 April 2021 laying down special control measures for African swine fever (OJ L 129, 15.4.2021, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2022/1234 of 18 July 2022 amending Annex I to Implementing Regulation (EU) 2021/605 laying down special control measures for African swine fever (OJ L 190, 19.7.2022, p. 79).

⁽⁴⁾ Working Document SANTE/7112/2015/Rev. 3 'Principles and criteria for geographically defining ASF regionalisation'. https://ec.europa.eu/food/animals/animal-diseases/control-measures/asf_en

⁽⁵⁾ OIE Terrestrial Animal Health Code, 29th Edition, 2021. Volumes I and II ISBN 978-92-95115-40-8; <https://www.woah.org/en/what-we-do/standards/codes-and-manuals/terrestrial-code-online-access/>

- (6) In July 2022, one outbreak of African swine fever in kept porcine animals was observed in the Utena county in Lithuania in an area currently listed as restricted zone II in Annex I to Implementing Regulation (EU) 2021/605. This new outbreak of African swine fever in kept porcine animals constitutes an increased level of risk, which should be reflected in that Annex. Accordingly, this area of Lithuania currently listed as restricted zone II in that Annex, should now be listed as restricted zone III in that Annex instead of as restricted zone II thereof and the current boundaries of restricted zone II also need to be redefined to take account of this recent outbreak.
- (7) Also, in July 2022, one outbreak of African swine fever in kept porcine animals was observed in the Zachodniopomorskie region in Poland in an area currently listed as restricted zone II in Annex I to Implementing Regulation (EU) 2021/605. This new outbreak of African swine fever in kept porcine animals constitutes an increased level of risk, which should be reflected in that Annex. Accordingly, this area of Poland currently listed as restricted zone II in that Annex, should now be listed as restricted zone III in that Annex instead of as restricted zone II thereof and the current boundaries of restricted zone II also need to be redefined to take account of this recent outbreak.
- (8) Following those recent outbreaks of African swine fever in kept porcine animals in Lithuania and Poland and taking into account the current epidemiological situation as regards African swine fever in the Union, zoning in those Member States has been reassessed and updated. In addition, the risk management measures in place have also been reassessed and updated. These changes should be reflected in Annex I to Implementing Regulation (EU) 2021/605. In order to take account of the recent developments in the epidemiological situation of African swine fever in the Union, and in order to combat the risks associated with the spread of that disease in a proactive manner, new restricted zones of a sufficient size should be demarcated for Lithuania and Poland and duly listed as restricted zones II and III in Annex I to Implementing Regulation (EU) 2021/605. As the situation as regards African swine fever is very dynamic in the Union, when demarcating those new restricted zones, account has been taken of the situation in the surrounding areas.
- (9) Given the urgency of the epidemiological situation in the Union as regards the spread of African swine fever, it is important that the amendments to be made to Annex I to Implementing Regulation (EU) 2021/605 by this Implementing Regulation take effect as soon as possible.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Implementing Regulation (EU) 2021/605 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 28 July 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex I to Implementing Regulation (EU) 2021/605 is replaced by the following:

'ANNEX I

RESTRICTED ZONES

PART I

1. Germany

The following restricted zones I in Germany:

Bundesland Brandenburg:

— Landkreis Dahme-Spreewald:

— Gemeinde Alt Zauche-Wußwerk,

— Gemeinde Byhleguhre-Byhlen,

— Gemeinde Märkische Heide, mit den Gemarkungen Alt Schadow, Neu Schadow, Pretschen, Plattkow, Wittmannsdorf, Schuhlen-Wiese, Bückchen, Kuschkow, Gröditsch, Groß Leuthen, Leibchel, Glietz, Groß Leine, Dollgen, Krugau, Dürrenhofe, Biebersdorf und Klein Leine,

— Gemeinde Neu Zauche,

— Gemeinde Schwielochsee mit den Gemarkungen Groß Liebitz, Gühlen, Mochow und Siegadel,

— Gemeinde Spreewaldheide,

— Gemeinde Straupitz,

— Landkreis Märkisch-Oderland:

— Gemeinde Müncheberg mit den Gemarkungen Müncheberg, Eggersdorf bei Müncheberg und Hoppegarten bei Müncheberg,

— Gemeinde Bliesdorf mit den Gemarkungen Kunersdorf - westlich der B167 und Bliesdorf - westlich der B167

— Gemeinde Märkische Höhe mit den Gemarkungen Reichenberg und Batzlow,

— Gemeinde Wriezen mit den Gemarkungen Haselberg, Frankenfelde, Schulzendorf, Lüdersdorf Biesdorf, Rathsdorf - westlich der B 167 und Wriezen - westlich der B167

— Gemeinde Buckow (Märkische Schweiz),

— Gemeinde Strausberg mit den Gemarkungen Hohenstein und Ruhlsdorf,

— Gemeine Garzau-Garzin,

— Gemeinde Waldsiefersdorf,

— Gemeinde Rehfelde mit der Gemarkung Werder,

— Gemeinde Reichenow-Mögelin,

— Gemeinde Prötzel mit den Gemarkungen Harnekop, Sternebeck und Prötzel östlich der B 168 und der L35,

— Gemeinde Oberbarnim,

— Gemeinde Bad Freienwalde mit der Gemarkung Sonnenburg,

— Gemeinde Falkenberg mit den Gemarkungen Dannenberg, Falkenberg westlich der L 35, Gersdorf und Krüge,

— Gemeinde Höhenland mit den Gemarkungen Steinbeck, Wollenberg und Wölsickendorf,

— Landkreis Barnim:

— Gemeinde Joachimsthal östlich der L220 (Eberswalder Straße), östlich der L23 (Töpferstraße und Templiner Straße), östlich der L239 (Glambecker Straße) und Schorfheide (JO) östlich der L238,

- Gemeinde Friedrichswalde mit der Gemarkung Glambeck östlich der L 239,
- Gemeinde Althüttendorf,
- Gemeinde Ziethen mit den Gemarkungen Groß Ziethen und Klein Ziethen westlich der B198,
- Gemeinde Chorin mit den Gemarkungen Golzow, Senftenhütte, Buchholz, Schorfheide (Ch), Chorin westlich der L200 und Sandkrug nördlich der L200,
- Gemeinde Britz,
- Gemeinde Schorfheide mit den Gemarkungen Altenhof, Werbellin, Lichterfelde und Finowfurt,
- Gemeinde (Stadt) Eberswalde mit der Gemarkungen Finow und Spechthausen und der Gemarkung Eberswalde südlich der B167 und westlich der L200,
- Gemeinde Breydin,
- Gemeinde Melchow,
- Gemeinde Sydower Fließ mit der Gemarkung Grüntal nördlich der K6006 (Landstraße nach Tuchen), östlich der Schönholzer Straße und östlich Am Postweg,
- Hohenfinow südlich der B167,
- Landkreis Uckermark:
 - Gemeinde Passow mit den Gemarkungen Briest, Passow und Schönow,
 - Gemeinde Mark Landin mit den Gemarkungen Landin nördlich der B2, Grünow und Schönermark,
 - Gemeinde Angermünde mit den Gemarkungen Frauenhagen, Mürow, Angermünde nördlich und nordwestlich der B2, Dobberzin nördlich der B2, Kerkow, Welsow, Bruchhagen, Greiffenberg, Günterberg, Biesenbrow, Görlsdorf, Wolletz und Altkünkendorf,
 - Gemeinde Zichow,
 - Gemeinde Casekow mit den Gemarkungen Blumberg, Wartin, Luckow-Petershagen und den Gemarkungen Biesendahlshof und Casekow westlich der L272 und nördlich der L27,
 - Gemeinde Hohenselchow-Groß Pinnow mit der Gemarkung Hohenselchow nördlich der L27,
 - Gemeinde Tantow,
 - Gemeinde Mescherin
 - Gemeinde Gartz (Oder) mit der Gemarkung Geesow sowie den Gemarkungen Gartz und Hohenreinkendorf nördlich der L27 und B2 bis Gartenstraße,
 - Gemeinde Pinnow nördlich und westlich der B2,
 - Gemeinde Nordwestuckermark mit den Gemarkungen Zernikow, Holzendorf, Rittgarten, Falkenhagen, Schapow, Schönermark (NWU), Wilhelmshof, Naugarten, Horst, Gollmitz, Klein-Sperrenwalde und Kröchlendorff,
 - Gemeinde Boitzenburger-Land mit den Gemarkungen Berkholz, Wichmannsdorf, Kuhz und Haßleben,
 - Gemeinde Mittenwalde,
 - Gemeinde Gerswalde mit den Gemarkungen Gerswalde, Buchholz, Pinnow (GE), Kaakstedt und Fergitz
 - Gemeinde Flieth-Steglitz,
 - Gemeinde Angermünde mit den Gemarkungen Wilmersdorf und Schmiedeberg,
 - Gemeinde Oberuckersee mit der Gemarkung Grünheide,
 - Gemeinde Gramzow mit der Gemarkung Gramzow östlich der der K7315, Gemarkungen
 - Meichow, Neumeichow, Polßen
 - Gemeinde Randowtal mit den Gemarkungen Wollin, Schmölln, Schwaneberg, Grenz
 - Gemeinde Brüssow mit den Gemarkungen Battin, Grünberg und Trampe,

- Gemeinde Carmzow-Wallmow.
- Gemeinde Grünow mit der Gemarkung Grenz,
- Gemeinde Schenkenberg mit der Gemarkung Kleptow,
- Gemeinde Schönhofeld,
- Gemeinde Göritz,
- Gemeinde Prenzlau mit den Gemarkungen Dedelow, Schönwerder und Dauer,
- Gemeinde Uckerland mit der Gemarkung Bandelow südlich der Straße von Bandelow zum Bandlowsee und der Gemarkung Jagow südlich der Straße vom Bandlowsee zur K7 341,
- Landkreis Oder-Spree:
 - Gemeinde Storkow (Mark),
 - Gemeinde Spreenhagen mit den Gemarkungen Braunsdorf, Markgrafpieske, Lebbin und Spreenhagen,
 - Gemeinde Grünheide (Mark) mit den Gemarkungen Kagel, Kienbaum und Hangelsberg,
 - Gemeinde Fürstenwalde westlich der B 168 und nördlich der L 36,
 - Gemeinde Rauen,
 - Gemeinde Wendisch Rietz bis zur östlichen Uferzone des Scharmützelsees und von der südlichen Spitze des Scharmützelsees südlich der B246,
 - Gemeinde Reichenwalde,
 - Gemeinde Bad Saarow mit der Gemarkung Petersdorf und der Gemarkung Bad Saarow-Pieskow westlich der östlichen Uferzone des Scharmützelsees und ab nördlicher Spitze westlich der L35,
 - Gemeinde Tauche mit der Gemarkung Werder,
 - Gemeinde Steinhöfel mit den Gemarkungen Jänickendorf, Schönfelde, Beerfelde, Gölsdorf, Buchholz, Tempelberg und den Gemarkungen Steinhöfel, Hasenfelde und Heinersdorf westlich der L36 und der Gemarkung Neuendorf im Sande nördlich der L36,
- Landkreis Spree-Neiße:
 - Gemeinde Turnow-Preilack mit der Gemarkung Turnow,
 - Gemeinde Drachhausen,
 - Gemeinde Schmogrow-Fehrow,
 - Gemeinde Drehnöw,
 - Gemeinde Teichland mit den Gemarkungen Maust und Neuendorf,
 - Gemeinde Dissen-Striesow,
 - Gemeinde Briesen,
 - Gemeinde Spremberg mit den Gemarkungen, Klein Buckow, Radewiese, Stradow, Straußdorf, Wolkenberg und der Gemarkung Spremberg westlich der Tagebaurandstraße,
 - Gemeinde Drebkau mit den Gemarkungen Jehserig und Kausche,
 - Gemeinde Neuhausen/Spree mit den Gemarkungen Kathlow, Haasow, Koppatz, Neuhausen, Frauendorf, Groß Oßnig, Groß Döbbern und Klein Döbbern und der Gemarkung Roggosen nördlich der BAB 15,
 - Gemeinde Welzow mit der Gemarkung Welzow,
- Landkreis Oberspreewald-Lausitz:
 - Gemeinde Neupetershain,
 - Gemeinde Lauchhammer,
 - Gemeinde Schwarzheide,
 - Gemeinde Schipkau,

- Gemeinde Senftenberg mit den Gemarkungen Brieske, Niemtsch, Senftenberg, Reppist, Hosena, Großkoschen, Kleinkoschen und Sedlitz,
- die Gemeinde Schwarzbach mit der Gemarkung Biehlen,
- Gemeinde Neu-Seeland mit den Gemarkungen Lieske, Bahnsdorf und Lindchen,
- Gemeinde Großräschen mit den Gemarkungen Dörrwalde und Allmosen,
- Gemeinde Tettau,
- Landkreis Elbe-Elster:
 - Gemeinde Großthiemig,
 - Gemeinde Hirschfeld,
 - Gemeinde Gröden,
 - Gemeinde Schraden,
 - Gemeinde Merzdorf,
 - Gemeinde Röderland mit der Gemarkung Wainsdorf, Präsen, Stolzenhain a.d. Röder,
 - Gemeinde Plessa mit der Gemarkung Plessa,
- Landkreis Prignitz:
 - Gemeinde Groß Pankow mit den Gemarkungen Baek, Tangendorf, Tacken, Hohenvier, Strigleben, Steinberg und Gulow,
 - Gemeinde Perleberg mit der Gemarkung Schönhofeld,
 - Gemeinde Karstädt mit den Gemarkungen Postlin, Strehlen, Blüten, Klockow, Premslin, Glövin, Waterloo, Karstädt, Dargardt, Garlin und die Gemarkungen Groß Warnow, Klein Warnow, Reckenzin, Streesow und Dallmin westlich der Bahnstrecke Berlin/Spandau-Hamburg/Altona,
 - Gemeinde Gülitz-Reetz,
 - Gemeinde Putlitz mit den Gemarkungen Lockstädt, Mansfeld und Laaske,
 - Gemeinde Triglitz,
 - Gemeinde Marienfließ mit der Gemarkung Frehne,
 - Gemeinde Küssernitztal mit der Gemarkungen Buckow, Preddöhl und Grabow,
 - Gemeinde Gerdshagen mit der Gemarkung Gerdshagen,
 - Gemeinde Meyenburg,
 - Gemeinde Pritzwalk mit der Gemarkung Steffenshagen,

Bundesland Sachsen:

- Landkreis Bautzen
 - Gemeinde Arnsdorf, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Cunewalde,
 - Gemeinde Demitz-Thumitz, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Doberschau-Gaußig,
 - Gemeinde Göda, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Großharthau, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Großpostwitz/O.L.,
 - Gemeinde Hochkirch, sofern nicht bereits der Sperrzone II,
 - Gemeinde Kubschütz, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Neukirch/Lausitz,
 - Gemeinde Obergurig,
 - Gemeinde Schmölln-Putzkau,
 - Gemeinde Sohland a. d. Spree,
 - Gemeinde Stadt Bautzen, sofern nicht bereits Teil der Sperrzone II,

- Gemeinde Stadt Bischofswerda, sofern nicht bereits Teil der Sperrzone II,
- Gemeinde Stadt Radeberg, sofern nicht bereits Teil der Sperrzone II,
- Gemeinde Stadt Schirgiswalde-Kirschau,
- Gemeinde Stadt Wilthen,
- Gemeinde Steinigtwolmsdorf,
- Stadt Dresden:
 - Stadtgebiet, sofern nicht bereits Teil der Sperrzone II,
- Landkreis Meißen:
 - Gemeinde Diera-Zehren, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Glaubitz, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Hirschstein,
 - Gemeinde Käbschütztal,
 - Gemeinde Klipphausen, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Niederau, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Nünchritz, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Röderaue, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Stadt Gröditz, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Stadt Lommatzsch,
 - Gemeinde Stadt Meißen, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Stadt Nossen außer Ortsteil Nossen,
 - Gemeinde Stadt Riesa,
 - Gemeinde Stadt Strehla,
 - Gemeinde Stauchitz,
 - Gemeinde Wülknitz, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Zeithain,
- Landkreis Mittelsachsen:
 - Gemeinde Reinsberg,
- Landkreis Sächsische Schweiz-Osterzgebirge:
 - Gemeinde Bannewitz,
 - Gemeinde Dürrröhrsdorf-Dittersbach,
 - Gemeinde Kreischa,
 - Gemeinde Lohmen,
 - Gemeinde Müglitztal,
 - Gemeinde Stadt Dohna,
 - Gemeinde Stadt Freital,
 - Gemeinde Stadt Heidenau,
 - Gemeinde Stadt Hohnstein,
 - Gemeinde Stadt Neustadt i. Sa.,
 - Gemeinde Stadt Pirna,
 - Gemeinde Stadt Rabenau mit den Ortsteilen Lübau, Obernaundorf, Oelsa, Rabenau und Spechtritz,
 - Gemeinde Stadt Stolpen,
 - Gemeinde Stadt Tharandt mit den Ortsteilen Fördergersdorf, Großopitz, Kurort Hartha, Pohrsdorf und Spechtshausen,
 - Gemeinde Stadt Wilsdruff, sofern nicht bereits Teil der Sperrzone II,

Bundesland Mecklenburg-Vorpommern:

- Landkreis Vorpommern Greifswald
 - Gemeinde Penkun südlich der Autobahn A11,
 - Gemeinde Nadrense südlich der Autobahn A11,
- Landkreis Ludwigslust-Parchim:
 - Gemeinde Barkhagen mit den Ortsteilen und Ortslagen: Altenlinden, Kolonie Lalchow, Plauerhagen, Zarchlin, Barkow-Ausbau, Barkow,
 - Gemeinde Blievenstorf mit dem Ortsteil: Blievenstorf,
 - Gemeinde Brenz mit den Ortsteilen und Ortslagen: Neu Brenz, Alt Brenz,
 - Gemeinde Domsühl mit den Ortsteilen und Ortslagen: Severin, Bergrade Hof, Bergrade Dorf, Zieslütbe, Alt Dammerow, Schlieven, Domsühl, Domsühl-Ausbau, Neu Schlieven,
 - Gemeinde Gallin-Kuppentin mit den Ortsteilen und Ortslagen: Kuppentin, Kuppentin-Ausbau, Daschow, Zahren, Gallin, Penzlin,
 - Gemeinde Ganzlin mit den Ortsteilen und Ortslagen: Dresenow, Dresenower Mühle, Twietfort, Ganzlin, Tönchow, Wendisch Priborn, Liebhof, Gnevsdorf,
 - Gemeinde Granzin mit den Ortsteilen und Ortslagen: Lindenbeck, Greven, Beckendorf, Bahlenrade, Granzin,
 - Gemeinde Grabow mit den Ortsteilen und Ortslagen: Fresenbrügge, Grabow, Griemoor, Heidehof, Kaltehof, Winkelmoor,
 - Gemeinde Groß Laasch mit den Ortsteilen und Ortslagen: Groß Laasch,
 - Gemeinde Kremmin mit den Ortsteilen und Ortslagen: Beckentin, Kremmin,
 - Gemeinde Kritzow mit den Ortsteilen und Ortslagen: Schlemmin, Kritzow,
 - Gemeinde Lewitzrand mit dem Ortsteil und Ortslage: Matzlow-Garwitz (teilweise),
 - Gemeinde Lübz mit den Ortsteilen und Ortslagen: Bobzin, Broock, Broock Ausbau, Hof Gischow, Lübz, Lutheran, Lutheran Ausbau, Riederfelde, Ruthen, Wessentin, Wessentin Ausbau,
 - Gemeinde Neustadt-Glewe mit den Ortsteilen und Ortslagen: Hohes Feld, Kiez, Klein Laasch, Liebs Siedlung, Neustadt-Glewe, Tuckhude, Wabel,
 - Gemeinde Obere Warnow mit den Ortsteilen und Ortslagen: Grebbin und Wozinkel, Gemarkung Kossebade teilweise, Gemarkung Herzberg mit dem Waldgebiet Bahlenholz bis an die östliche Gemeindegrenze, Gemarkung Woeten unmittelbar östlich und westlich der L16,
 - Gemeinde Parchim mit den Ortsteilen und Ortslagen: Dargelütz, Neuhof, Kiekindemark, Neu Klockow, Möderitz, Malchow, Damm, Parchim, Voigtsdorf, Neu Matzlow,
 - Gemeinde Passow mit den Ortsteilen und Ortslagen: Unterbrüz, Brüz, Welzin, Neu Brüz, Weisin, Charlottenhof, Passow,
 - Gemeinde Plau am See mit den Ortsteilen und Ortslagen: Reppentin, Gaarz, Silbermühle, Appelburg, Seelust, Plau-Am See, Plötzenhöhe, Klebe, Lalchow, Quetzin, Heidekrug,
 - Gemeinde Rom mit den Ortsteilen und Ortslagen: Lancken, Stralendorf, Rom, Darze, Paarsch,
 - Gemeinde Spornitz mit den Ortsteilen und Ortslagen: Dütschow, Primark, Steinbeck, Spornitz,
 - Gemeinde Werder mit den Ortsteilen und Ortslagen: Neu Benthén, Benthén, Tannenhof, Werder.

2. Estonia

The following restricted zones I in Estonia:

- Hiiu maakond.

3. Greece

The following restricted zones I in Greece:

- in the regional unit of Drama:
 - the community departments of Sidironero and Skaloti and the municipal departments of Livadero and Ksiropotamo (in Drama municipality),
 - the municipal department of Paranesti (in Paranesti municipality),
 - the municipal departments of Kokkinogeia, Mikropoli, Panorama, Pyrgoi (in Prosotsani municipality),
 - the municipal departments of Kato Nevrokopi, Chrysokefalo, Achladea, Vathytopos, Volakas, Granitis, Dasotos, Eksohi, Katafyto, Lefkogeia, Mikrokleisoura, Mikromilea, Ochyro, Pagoneri, Perithorio, Kato Vrontou and Potamoi (in Kato Nevrokopi municipality),
- in the regional unit of Xanthi:
 - the municipal departments of Kimmerion, Stavroupoli, Gerakas, Dafnonas, Komnina, Kariofyto and Neochori (in Xanthi municipality),
 - the community departments of Satres, Thermes, Kotyli, and the municipal departments of Myki, Echinis and Oraio and (in Myki municipality),
 - the community department of Selero and the municipal department of Sounio (in Avdira municipality),
- in the regional unit of Rodopi:
 - the municipal departments of Komotini, Anthochorio, Gratini, Thrylorio, Kalhas, Karydia, Kikidio, Kosmio, Pandrosos, Aigeiros, Kallisti, Meleti, Neo Sidirochori and Mega Doukato (in Komotini municipality),
 - the municipal departments of Ipio, Arriana, Darmeni, Archontika, Fillyra, Ano Drosini, Aratos and the Community Departments Kehros and Organi (in Arriana municipality),
 - the municipal departments of Iasmos, Sostis, Asomatoi, Polyanthos and Amvrosia and the community department of Amaxades (in Iasmos municipality),
 - the municipal department of Amaranta (in Maroneia Sapon municipality),
- in the regional unit of Evros:
 - the municipal departments of Kyriaki, Mandra, Mavrokklisi, Mikro Dereio, Protokklisi, Roussa, Goniko, Geriko, Sidirochori, Megalo Derio, Sidiro, Giannouli, Agriani and Petrolofos (in Soufli municipality),
 - the municipal departments of Dikaia, Arzos, Elaia, Therapio, Komara, Marasia, Ormenio, Pentalofos, Petrola, Plati, Ptelea, Kyprinos, Zoni, Fulakio, Spilaio, Nea Vyssa, Kavili, Kastanies, Rizia, Sterna, Ampelakia, Valtos, Megali Doxipara, Neochori and Chandras (in Orestiada municipality),
 - the municipal departments of Asvestades, Ellinochori, Karoti, Koufovouno, Kiani, Mani, Sitochori, Alepochori, Asproneri, Metaxades, Vrysika, Doksa, Elafoxori, Ladi, Paliouri and Poimeniko (in Didymoteicho municipality),
- in the regional unit of Serres:
 - the municipal departments of Kerkini, Livadia, Makrynitsa, Neochori, Platanakia, Petrissi, Akritochori, Vyroneia, Gonimo, Mandraki, Megalochori, Rodopoli, Ano Poroia, Katw Poroia, Sidirokastro, Vamvakophyto, Promahonas, Kamaroto, Strymonochori, Charopo, Kastanousi and Chorero and the community departments of Achladochori, Agkistro and Kapnophyto (in Sintiki municipality),
 - the municipal departments of Serres, Elaionas and Oinoussa and the community departments of Orini and Ano Vrontou (in Serres municipality),
 - the municipal departments of Dasochoriou, Irakleia, Valtero, Karperi, Koimisi, Lithotopos, Limnochori, Podismeno and Chrysochorafa (in Irakleia municipality).

4. Latvia

The following restricted zones I in Latvia:

- Dienvidkurzemes novads, Grobiņas pagasts, Nīcas pagasta daļa uz ziemeļiem no apdzīvotas vietas Bernāti, autoceļš V1232, A11, V1222, Bārtas upes, Otaņķu pagasts, Grobiņas pilsēta,
- Ropažu novads Stopiņu pagasta daļa, kas atrodas uz rietumiem no autoceļa V36, P4 un P5, Acones ielas, Daugulupes ielas un Daugulupītes.

5. Lithuania

The following restricted zones I in Lithuania:

- Kalvarijos savivaldybė,
- Klaipėdos rajono savivaldybė: Agluonėnų, Dovilų, Gargždų, Priekulės, Vėžaičių, Kretingalės ir Dauparų-Kvietinių seniūnijos,
- Marijampolės savivaldybė,
- Palangos miesto savivaldybė,
- Vilkaviškio rajono savivaldybė.

6. Hungary

The following restricted zones I in Hungary:

- Békés megye 950950, 950960, 950970, 951950, 952050, 952750, 952850, 952950, 953050, 953150, 953650, 953660, 953750, 953850, 953960, 954250, 954260, 954350, 954450, 954550, 954650, 954750, 954850, 954860, 954950, 955050, 955150, 955250, 955260, 955270, 955350, 955450, 955510, 955650, 955750, 955760, 955850, 955950, 956050, 956060, 956150 és 956160 kódszámú vadgazdálkodási egységeinek teljes területe,
- Bács-Kiskun megye 600150, 600850, 601550, 601650, 601660, 601750, 601850, 601950, 602050, 603250, 603750 és 603850 kódszámú vadgazdálkodási egységeinek teljes területe,
- Budapest 1 kódszámú, vadgazdálkodási tevékenységre nem alkalmas területe,
- Csongrád-Csanád megye 800150, 800160, 800250, 802220, 802260, 802310 és 802450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Fejér megye 400150, 400250, 400351, 400352, 400450, 400550, 401150, 401250, 401350, 402050, 402350, 402360, 402850, 402950, 403050, 403450, 403550, 403650, 403750, 403950, 403960, 403970, 404650, 404750, 404850, 404950, 404960, 405050, 405750, 405850, 405950,
- 406050, 406150, 406550, 406650 és 406750 kódszámú vadgazdálkodási egységeinek teljes területe,
- Győr-Moson-Sopron megye 100550, 100650, 100950, 101050, 101350, 101450, 101550, 101560 és 102150 kódszámú vadgazdálkodási egységeinek teljes területe,
- Jász-Nagykun-Szolnok megye 750150, 750160, 750260, 750350, 750450, 750460, 754450, 754550, 754560, 754570, 754650, 754750, 754950, 755050, 755150, 755250, 755350 és 755450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Komárom-Esztergom megye 250150, 250250, 250450, 250460, 250550, 250650, 250750, 251050, 251150, 251250, 251350, 251360, 251650, 251750, 251850, 252250, kódszámú vadgazdálkodási egységeinek teljes területe,
- Pest megye 571550, 572150, 572250, 572350, 572550, 572650, 572750, 572850, 572950, 573150, 573250, 573260, 573350, 573360, 573450, 573850, 573950, 573960, 574050, 574150, 574350, 574360, 574550, 574650, 574750, 574850, 574860, 574950, 575050, 575150, 575250, 575350, 575550, 575650, 575750, 575850, 575950, 576050, 576150, 576250, 576350, 576450, 576650, 576750, 576850, 576950, 577050, 577150, 577350, 577450, 577650, 577850, 577950, 578050, 578150, 578250, 578350, 578360, 578450, 578550, 578560, 578650, 578850, 578950, 579050, 579150, 579250, 579350, 579450, 579460, 579550, 579650, 579750, 580250 és 580450 kódszámú vadgazdálkodási egységeinek teljes területe.

7. Poland

The following restricted zones I in Poland:

w województwie kujawsko - pomorskim:

- powiat rypiński,

- powiat brodnicki,
 - powiat grudziądzki,
 - powiat miejski Grudziądz,
 - powiat wąbrzeski,
- w województwie warmińsko-mazurskim:
- gminy Wielbark i Rozogi w powiecie szczycieńskim,
- w województwie podlaskim:
- gminy Wysokie Mazowieckie z miastem Wysokie Mazowieckie, Czyżew i część gminy Kulesze Kościelne położona na południe od linii wyznaczonej przez linię kolejową w powiecie wysokomazowieckim,
 - gminy Miastkowo, Nowogród, Śniadowo i Zbójna w powiecie łomżyńskim,
 - gminy Szumowo, Zambrów z miastem Zambrów i część gminy Kołaki Kościelne położona na południe od linii wyznaczonej przez linię kolejową w powiecie zambrowskim,
 - gminy Grabowo, Kolno i miasto Kolno, Turośl w powiecie kolneńskim,
- w województwie mazowieckim:
- powiat ostrołęcki,
 - powiat miejski Ostrołęka,
 - gminy Bielsk, Brudzeń Duży, Bulkowo, Drobin, Gąbin, Łąck, Nowy Duninów, Radzanowo, Słupno, Staroźreby i Stara Biała w powiecie płońskim,
 - powiat miejski Płock,
 - powiat ciechanowski,
 - gminy Baboszewo, Dzierżążnia, Joniec, Nowe Miasto, Płońsk i miasto Płońsk, Raciąż i miasto Raciąż, Sochocin w powiecie płońskim,
 - powiat sierpecki,
 - gmina Biezuń, Lutocin, Siemiątkowo i Żuromin w powiecie żuromińskim,
 - część powiatu ostrowskiego niewymieniona w części II załącznika I,
 - gminy Dzieżgowo, Lipowiec Kościelny, Mława, Radzanów, Strzegowo, Stupsk, Szreńsk, Szydłowo, Wiśniewo w powiecie mławskim,
 - powiat przasnyski,
 - powiat makowski,
 - powiat pułtuski,
 - część powiatu wyszkowskiego niewymieniona w części II załącznika I,
 - część powiatu węgrowskiego niewymieniona w części II załącznika I,
 - część powiatu wołomińskiego niewymieniona w części II załącznika I,
 - gminy Mokobody i Suchożebry w powiecie siedleckim,
 - gminy Dobrze, Jakubów, Kałuszyn, Stanisławów w powiecie mińskim,
 - gminy Bielany i gmina wiejska Sokołów Podlaski w powiecie sokołowskim,
 - powiat gostyniński,
- w województwie podkarpackim:
- powiat jasielski,
 - powiat strzyżowski,
 - część powiatu ropczycko – sędziszowskiego niewymieniona w części II i II załącznika I,
 - gminy Pruchnik, Rokietnica, Rożwienica, w powiecie jarosławskim,
 - gminy Fredropol, Krasiczyn, Krzywczyna, Przemyśl, część gminy Orły położona na zachód od linii wyznaczonej przez drogę nr 77, część gminy Żurawica na zachód od linii wyznaczonej przez drogę nr 77 w powiecie przemyskim,
 - powiat miejski Przemyśl,

- gminy Gać, Jawornik Polski, Kańczuga, część gminy Zarzecze położona na południe od linii wyznaczonej przez rzekę Mlecza w powiecie przeworskim,
- powiat łańcucki,
- gminy Trzebownik, Głogów Małopolski, część gminy Świlcza położona na północ od linii wyznaczonej przez drogę nr 94 i część gminy Sokołów Małopolski położona na południe od linii wyznaczonej przez drogę nr 875 w powiecie rzeszowskim,
- gmina Raniżów w powiecie kolbuszowskim,
- gminy Brzostek, Jodłowa, Pilzno, miasto Dębica, część gminy Czarna położona na południe od linii wyznaczonej przez drogę nr A4, część gminy Żyraków położona na południe od linii wyznaczonej przez drogę nr A4, część gminy wiejskiej Dębica położona na południe od linii wyznaczonej przez drogę nr A4 w powiecie dębickim,

w województwie świętokrzyskim:

- gminy Nowy Korczyn, Solec-Zdrój, Wiślica, Stopnica, Tuczępy, Busko Zdrój w powiecie buskim,
- powiat kazimierski,
- powiat skarżyski,
- część powiatu opatowskiego niewymieniona w części II załącznika I,
- część powiatu sandomierskiego niewymieniona w części II załącznika I,
- gminy Bogoria, Osiek, Staszów i część gminy Rytwiany położona na wschód od linii wyznaczonej przez drogę nr 764, część gminy Szydłów położona na wschód od linii wyznaczonej przez drogę nr 756 w powiecie staszowskim,
- gminy Pawłów, Wąchock, część gminy Brody położona na zachód od linii wyznaczonej przez drogę nr 9 oraz na południowy - zachód od linii wyznaczonej przez drogi: nr 0618T biegnącą od północnej granicy gminy do skrzyżowania w miejscowości Lipie, drogę biegnącą od miejscowości Lipie do wschodniej granicy gminy i część gminy Mirzec położona na zachód od linii wyznaczonej przez drogę nr 744 biegnącą od południowej granicy gminy do miejscowości Tychów Stary a następnie przez drogę nr 0566T biegnącą od miejscowości Tychów Stary w kierunku północno - wschodnim do granicy gminy w powiecie starachowickim,
- powiat ostrowiecki,
- gminy Fałków, Ruda Maleniecka, Radoszyce, Smyków, Słupia Konecka, część gminy Końskie położona na zachód od linii kolejowej, część gminy Stąporków położona na południe od linii kolejowej w powiecie koneckim,
- gminy Bodzentyn, Bieliny, Łągów, Morawica, Nowa Słupia, część gminy Raków położona na wschód od linii wyznaczonej przez drogi nr 756 i 764, część gminy Chęciny położona na południe od linii wyznaczonej przez drogę nr 762, część gminy Górno położona na południe od linii wyznaczonej przez drogę biegnącą od wschodniej granicy gminy łączącą miejscowości Leszczyna – Cedzyna oraz na południe od linii wyznaczonej przez ul. Kielecką w miejscowości Cedzyna biegnącą do wschodniej granicy gminy, część gminy Daleszyce położona na północ od linii wyznaczonej przez drogę nr 764 biegnącą od wschodniej granicy gminy do skrzyżowania z drogą łączącą miejscowości Daleszyce – Słopiec – Borków, dalej na północ od linii wyznaczonej przez tę drogę biegnącą od skrzyżowania z drogą nr 764 do przecięcia z linią rzeki Belnianka, następnie na północ od linii wyznaczonej przez rzeki Belnianka i Czarna Nida biegnącej do zachodniej granicy gminy w powiecie kieleckim,
- gminy Działoszyce, Michałów, Pińczów, Złota w powiecie pińczowskim,
- gminy Imielno, Jędrzejów, Nagłowice, Sędziszów, Słupia, Sobków, Wodzisław w powiecie jędrzejowskim,
- gminy Moskorzew, Radków, Secemin, część gminy Włoszczowa położona na zachód od linii wyznaczonej przez drogę nr 742 biegnącą od północnej granicy gminy do miejscowości Konieczno, i dalej na zachód od linii wyznaczonej przez drogę łączącą miejscowości Konieczno – Rogienice – Dąbie – Podłazie, część gminy Kluczewsko położona na północ od linii wyznaczonej przez drogę biegnącą od wschodniej granicy gminy i łączącą miejscowości Krogulec – Nowiny - Komorniki do przecięcia z linią rzeki Czarna, następnie na północ od linii wyznaczonej przez rzekę Czarna biegnącą do przecięcia z linią wyznaczoną przez drogę nr 742 i dalej na zachód od linii wyznaczonej przez drogę nr 742 biegnącą od przecięcia z linią rzeki Czarna do południowej granicy gminy w powiecie włoszczowskim,

w województwie łódzkim:

- gminy Łyszkowice, Kocierzew Południowy, Kiernoza, Chąšno, Nieborów, część gminy wiejskiej Łowicz położona na północ od linii wyznaczonej przez drogę nr 92 biegnącej od granicy miasta Łowicz do zachodniej granicy gminy oraz część gminy wiejskiej Łowicz położona na wschód od granicy miasta Łowicz i na północ od granicy gminy Nieborów w powiecie łowickim,
- gminy Cielądz, Rawa Mazowiecka z miastem Rawa Mazowiecka w powiecie rawskim,
- gminy Bolimów, Głuchów, Godzianów, Lipce Reymontowskie, Maków, Nowy Kawęczyn, Skierniewice, Słupia w powiecie skierniewickim,
- powiat miejski Skierniewice,
- gminy Mniszków, Paradyż, Sławno i Żarnów w powiecie opoczyńskim,
- powiat tomaszowski,
- powiat brzeziński,
- powiat łaski,
- powiat miejski Łódź,
- powiat łódzki wschodni,
- powiat pabianicki,
- powiat wieruszowski,
- gminy Aleksandrów Łódzki, Stryków, miasto Zgierz w powiecie zgierskim,
- gminy Bełchatów z miastem Bełchatów, Drużbice, Kluki, Rusiec, Szczerców, Żelów w powiecie bełchatowskim,
- powiat wieluński,
- powiat sieradzki,
- powiat zduńskowolski,
- gminy Aleksandrów, Czarnocin, Grabica, Moszczenica, Ręczno, Sulejów, Wola Krzysztoporska, Wolbórz w powiecie piotrkowskim,
- powiat miejski Piotrków Trybunalski,
- gminy Masłowice, Przedbórz, Wielgomłyny i Żytno w powiecie radomszczańskim,

w województwie śląskim:

- gmina Koniecpol w powiecie częstochowskim,

w województwie pomorskim:

- gminy Ostaszewo, miasto Krynica Morska oraz część gminy Nowy Dwór Gdański położona na południowy - zachód od linii wyznaczonej przez drogę nr 55 biegnącą od południowej granicy gminy do skrzyżowania z drogą nr 7, następnie przez drogę nr 7 i S7 biegnącą do zachodniej granicy gminy w powiecie nowodworskim,
- gminy Lichnowy, Miłoradz, Malbork z miastem Malbork, część gminy Nowy Staw położona na zachód od linii wyznaczonej przez drogę nr 55 w powiecie malborskim,
- gminy Mikołajki Pomorskie, Stary Targ i Sztum w powiecie sztumskim,
- powiat gdański,
- Miasto Gdańsk,
- powiat tczewski,
- powiat kwidzyński,

w województwie lubuskim:

- gmina Lubiszyn w powiecie gorzowskim,
- gmina Dobiegniew w powiecie strzelecko – drezdeneckim,

w województwie dolnośląskim:

- gminy Dziadowa Kłoda, Międzybórz, Syców, Twardogóra, część gminy wiejskiej Oleśnica położona na północ od linii wyznaczonej przez drogę nr S8, część gminy Dobroszyce położona na wschód od linii wyznaczonej przez linię kolejową biegnącą od północnej do południowej granicy gminy w powiecie oleśnickim,
- gminy Jordanów Śląski, Kobierzyce, Mietków, Sobótka, część gminy Żórawina położona na zachód od linii wyznaczonej przez autostradę A4, część gminy Kąty Wrocławskie położona na południe od linii wyznaczonej przez autostradę A4 w powiecie wrocławskim,
- część gminy Domaniów położona na południowy zachód od linii wyznaczonej przez autostradę A4 w powiecie oławskim,
- gmina Wiązów w powiecie strzelińskim,
- część powiatu średzkiego niewymieniona w części II załącznika I,
- miasto Świeradów - Zdrój w powiecie lubańskim,
- gminy Pielgrzymka, miasto Złotoryja, część gminy wiejskiej Złotoryja położona na zachód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy w miejscowości Nowa Wieś Złotoryjska do granicy miasta Złotoryja oraz na południe od linii wyznaczonej przez drogę nr 382 biegnącą od granicy miasta Złotoryja do wschodniej granicy gminy w powiecie złotoryjskim,
- gmina Mirsk w powiecie lwóweckim,
- gminy Janowice Wielkie, Mysłakowice, Stara Kamienica w powiecie karkonoskim,
- część powiatu miejskiego Jelenia Góra położona na północ od linii wyznaczonej przez drogę nr 366,
- gminy Bolków, Męcinka, Mściwojów, Paszowice, miasto Jawor w powiecie jaworskim,
- gminy Dobromierz, Jaworzyna Śląska, Marcinowice, Strzegom, Żarów w powiecie świdnickim,
- gminy Dzierżoniów, Pieszyce, miasto Bielawa, miasto Dzierżoniów w powiecie dzierzoniowskim,
- gminy Głuszyca, Mieroszów w powiecie wałbrzyskim,
- gmina Nowa Ruda i miasto Nowa Ruda w powiecie kłodzkim,
- gminy Kamienna Góra, Marciszów i miasto Kamienna Góra w powiecie kamiennogórskim,

w województwie wielkopolskim:

- gminy Koźmin Wielkopolski, Rozdrażew, miasto Sulmierzyce, część gminy Krotoszyn położona na wschód od linii wyznaczonej przez drogi: nr 15 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 36, nr 36 biegnącą od skrzyżowania z drogą nr 15 do skrzyżowania z drogą nr 444, nr 444 biegnącą od skrzyżowania z drogą nr 36 do południowej granicy gminy w powiecie krotoszyńskim,
- gminy Brodnica, część gminy Dolsk położona na wschód od linii wyznaczonej przez drogę nr 434 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 437, a następnie na wschód od drogi nr 437 biegnącej od skrzyżowania z drogą nr 434 do południowej granicy gminy, część gminy Śrem położona na wschód od linii wyznaczonej przez drogę nr 310 biegnącą od zachodniej granicy gminy do miejscowości Śrem, następnie na wschód od drogi nr 432 w miejscowości Śrem oraz na wschód od drogi nr 434 biegnącej od skrzyżowania z drogą nr 432 do południowej granicy gminy w powiecie śremskim,
- gminy Borek Wielkopolski, Piaski, Pogorzela, w powiecie gostyńskim,
- gmina Grodzisk Wielkopolski i część gminy Kamieniec położona na wschód od linii wyznaczonej przez drogę nr 308 w powiecie grodzkim,
- gmina Czempiń w powiecie kościańskim,
- gminy Kleszczewo, Kostrzyn, Kórnik, Pobiedziska, Mosina, miasto Puszczykowo, część gminy wiejskiej Murowana Goślina położona na południe od linii kolejowej biegnącej od północnej granicy miasta Murowana Goślina do północno-wschodniej granicy gminy w powiecie poznańskim,

- gmina Kiskowo i część gminy Klecko położona na zachód od rzeki Mała Węlna w powiecie gnieźnieńskim,
 - powiat czarnkowsko-trzcianecki,
 - część gminy Wronki położona na północ od linii wyznaczonej przez rzekę Wartę biegnącą od zachodniej granicy gminy do przecięcia z drogą nr 182, a następnie na wschód od linii wyznaczonej przez drogi nr 182 oraz 184 biegnącą od skrzyżowania z drogą nr 182 do południowej granicy gminy w powiecie szamotulskim,
 - gmina Budzyń w powiecie chodzieskim,
 - gminy Mieścisko, Skoki i Wągrowiec z miastem Wągrowiec w powiecie wągrowieckim,
 - powiat pleszewski,
 - gmina Zagórów w powiecie śłupeckim,
 - gmina Pyzdry w powiecie wrzesińskim,
 - gminy Kotlin, Żerków i część gminy Jarocin położona na wschód od linii wyznaczonej przez drogi nr S11 i 15 w powiecie jarocińskim,
 - powiat ostrowski,
 - powiat miejski Kalisz,
 - powiat kaliski,
 - powiat turecki,
 - gminy Rzgów, Grodziec, Krzymów, Stare Miasto, Rychwał w powiecie konińskim,
 - powiat kępiński,
 - powiat ostrzeszowski,
- w województwie opolskim:
- gminy Domaszowice, Pokój, część gminy Namysłów położona na północ od linii wyznaczonej przez linię kolejową biegnącą od wschodniej do zachodniej granicy gminy w powiecie namysłowskim,
 - gminy Wołczyn, Kluczbork, Byczyna w powiecie kluczborskim,
 - gminy Praszka, Gorzów Śląski część gminy Rudniki położona na północ od linii wyznaczonej przez drogę nr 42 biegnącą od zachodniej granicy gminy do skrzyżowania z drogą nr 43 i na zachód od linii wyznaczonej przez drogę nr 43 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 42 w powiecie oleskim,
 - gmina Grodków w powiecie brzeskim,
 - gminy Komprachcice, Łubniany, Murów, Niemodlin, Tułowice w powiecie opolskim,
 - powiat miejski Opole,
- w województwie zachodniopomorskim:
- gminy Nowogródek Pomorski, Barlinek, Myślibórz, część gminy Dębno położona na wschód od linii wyznaczonej przez drogę nr 126 biegnącą od zachodniej granicy gminy do skrzyżowania z drogą nr 23 w miejscowości Dębno, następnie na wschód od linii wyznaczonej przez drogę nr 23 do skrzyżowania z ul. Jana Pawła II w miejscowości Cychry, następnie na północ od ul. Jana Pawła II do skrzyżowania z ul. Ogrodową i dalej na północ od linii wyznaczonej przez ul. Ogrodową, której przedłużenie biegnie do wschodniej granicy gminy w powiecie myśliborskim,
 - gmina Stare Czarnowo w powiecie gryfińskim,
 - gmina Bielice, Kozielice, Pyrzyce w powiecie pyrzyckim,
 - gminy Bierzwnik, Krzęcin, Pelczyce w powiecie choszczeńskim,
 - część powiatu miejskiego Szczecin położona na zachód od linii wyznaczonej przez rzekę Odra Zachodnia biegnącą od północnej granicy gminy do przecięcia z drogą nr 10, następnie na południe od linii wyznaczonej przez drogę nr 10 biegnącą od przecięcia z linią wyznaczoną przez rzekę Odra Zachodnia do wschodniej granicy gminy,
 - gminy Dobra (Szczecińska), Kołbaskowo, Police w powiecie polickim,

w województwie małopolskim:

- powiat brzeski,
- powiat gorlicki,
- powiat proszowicki,
- część powiatu nowosądeckiego niewymieniona w części II załącznika I,
- gminy Czorsztyn, Krościenko nad Dunajcem, Ochotnica Dolna w powiecie nowotarskim,
- powiat miejski Nowy Sącz,
- powiat tarnowski,
- powiat miejski Tarnów,
- część powiatu dąbrowskiego niewymieniona w części III załącznika I.

8. Slovakia

The following restricted zones I in Slovakia:

- in the district of Nové Zámky, Sikenička, Pavlová, Bíňa, Kamenín, Kamenný Most, Malá nad Hronom, Belá, Ľubá, Šarkan, Gbelce, Bruty, Mužla, Obid, Štúrovo, Nána, Kamenica nad Hronom, Chľaba, Leľa, Bajtava, Salka, Malé Kosihy,
- in the district of Veľký Krtíš, the municipalities of Ipel'ské Predmostie, Veľká nad Ipľom, Hrušov, Kleňany, Sečianky,
- in the district of Levice, the municipalities of Keľ, Čata, Pohronský Ruskov, Hronovce, Želiezovce, Zalaba, Malé Ludince, Šalov, Sikenica, Pastovce, Bielovce, Ipel'ský Sokolec, Lontov, Kubáňovo, Szadice, Demandice, Dolné Semerovce, Vyškovce nad Ipľom, Preseľany nad Ipľom, Hrkovce, Tupá, Horné Semerovce, Hokovce, Slatina, Horné Turovce, Veľké Turovce, Šahy, Tešmak, Plášťovce, Ipel'ské Uľany, Bátovce, Pečenice, Jabloňovce, Bohunice, Pukanec, Uhliská,
- in the district of Krupina, the municipalities of Dudince, Terany, Hontianske Moravce, Sudince, Súdovce, Lišov,
- the whole district of Ružomberok,
- in the region of Turčianske Teplice, municipalities of Turček, Horná Štubňa, Čremošné, Háj, Rakša, Mošovce,
- in the district of Martin, municipalities of Blatnica, Folkušová, Necpaly,
- in the district of Dolný Kubín, the municipalities of Kraľovany, Žaškov, Jasenová, Vyšný Kubín, Oravská Poruba, Leštiny, Osádka, Malatiná, Chlebnice, Krivá,
- in the district of Tvrdošín, the municipalities of Oravský Biely Potok, Habovka, Zuberec,
- in the district of Žarnovica, the municipalities of Rudno nad Hronom, Voznica, Hodruša-Hámre,
- the whole district of Žiar nad Hronom, except municipalities included in zone II.

9. Italy

The following restricted zones I in Italy:

Piedmont Region:

- in the province of Alessandria, the municipalities of Casale Monferrato, Oviglio, Tortona, Viguzzolo, Ponti, Frugarolo, Bergamasco, Castellar Guidobono, Berzano Di Tortona, Castelletto D'erro, Cerreto Grue, Carbonara Scrivia, Casasco, Carentino, Frascaro, Paderna, Montegioco, Spineto Scrivia, Villaromagnano, Pozzolo Formigaro, Momperone, Merana, Monleale, Terzo, Borgoratto Alessandrino, Casal Cermelli, Montemarzino, Bistagno, Castellazzo Bormida, Bosco Marengo, Spigno Monferrato, Castelspina, Denice, Volpigliano, Alice Bel Colle, Gamalero, Volpedo, Pozzol Groppo, Montechiaro D'acqui, Sarezzano,
- in the province of Asti, the municipalities of Olmo Gentile, Nizza Monferrato, Incisa Scapaccino, Roccaverano, Castel Boglione, Mombaruzzo, Maranzana, Castel Rocchero, Rocchetta Palafea, Castelletto Molina, Castelnovo Belbo, Montabone, Quaranti, Mombaldone, Fontanile, Calamandrana, Bruno, Sessame, Monastero Bormida, Bubbio, Cassinasco, Serole,

Liguria Region:

- in the province of Genova, the Municipalities of Rovegno, Rapallo, Portofino, Cicagna, Avegno, Montebruno, Santa Margherita Ligure, Favale Di Malvaro, Recco, Camogli, Moconesi, Tribogna, Fascia, Uscio, Gorreto, Fontanigorda, Neirone, Rondanina, Lorsica, Propata;
- in the province of Savona, the municipalities of Cairo Montenotte, Quiliano, Dego, Altare, Piana Crixia, Mioglia, Giusvalla, Albissola Marina, Savona,

Emilia-Romagna Region:

- in the province of Piacenza, the municipalities of Ottone, Zerba,

Lombardia Region:

- in the province of Pavia, the municipalities of Rocca Susella, Montesegale, Menconico, Val Di Nizza, Bagnaria, Santa Margherita Di Staffora, Ponte Nizza, Brallo Di Pregola, Varzi, Godiasco, Cecima,

Lazio Region:

- in the province of Rome,

North: the municipalities of Riano, Castelnuovo di Porto, Capena, Fiano Romano, Morlupo, Sacrofano, Magliano Romano, Formello, Campagnano di Roma, Anguillara;

West: the municipality of Fiumicino;

South: the municipality of Rome between the boundaries of the municipality of Fiumicino (West), the limits of Zone 3 (North), the Tiber river up to the intersection with the Grande Raccordo Anulare GRA Highway, the Grande Raccordo Anulare GRA Highway up to the intersection with A24 Highway, A24 Highway up to the intersection with Viale del Tecnopolo, viale del Tecnopolo up to the intersection with the boundaries of the municipality of Guidonia Montecelio;

East: the municipalities of Guidonia Montecelio, Montelibretti, Palombara Sabina, Monterotondo, Mentana, Sant'Angelo Romano, Fonte Nuova.

PART II**1. Bulgaria**

The following restricted zones II in Bulgaria:

- the whole region of Haskovo,
- the whole region of Yambol,
- the whole region of Stara Zagora,
- the whole region of Pernik,
- the whole region of Kyustendil,
- the whole region of Plovdiv, excluding the areas in Part III,
- the whole region of Pazardzhik, excluding the areas in Part III,
- the whole region of Smolyan,
- the whole region of Dobrich,
- the whole region of Sofia city,
- the whole region of Sofia Province,
- the whole region of Blagoevgrad excluding the areas in Part III,
- the whole region of Razgrad,
- the whole region of Kardzhali,
- the whole region of Burgas,
- the whole region of Varna excluding the areas in Part III,
- the whole region of Silistra,
- the whole region of Ruse,
- the whole region of Veliko Tarnovo,

- the whole region of Pleven,
- the whole region of Targovishte,
- the whole region of Shumen,
- the whole region of Sliven,
- the whole region of Vidin,
- the whole region of Gabrovo,
- the whole region of Lovech,
- the whole region of Montana,
- the whole region of Vratza.

2. Germany

The following restricted zones II in Germany:

Bundesland Brandenburg:

- Landkreis Oder-Spree:
 - Gemeinde Grunow-Dammendorf,
 - Gemeinde Mixdorf
 - Gemeinde Schlaubetal,
 - Gemeinde Neuzelle,
 - Gemeinde Neißemünde,
 - Gemeinde Lawitz,
 - Gemeinde Eisenhüttenstadt,
 - Gemeinde Vogelsang,
 - Gemeinde Ziltendorf,
 - Gemeinde Wiesenau,
 - Gemeinde Friedland,
 - Gemeinde Siehdichum,
 - Gemeinde Müllrose,
 - Gemeinde Briesen,
 - Gemeinde Jacobsdorf
 - Gemeinde Groß Lindow,
 - Gemeinde Brieskow-Finkenheerd,
 - Gemeinde Ragow-Merz,
 - Gemeinde Beeskow,
 - Gemeinde Rietz-Neuendorf,
 - Gemeinde Tauche mit den Gemarkungen Stremmen, Ranzig, Trebatsch, Sabrodt, Sawall, Mitweide, Lindenberg, Falkenberg (T), Görsdorf (B), Wulfersdorf, Giesensdorf, Briescht, Kossenblatt und Tauche,
 - Gemeinde Langewahl,
 - Gemeinde Berkenbrück,
 - Gemeinde Steinhöfel mit den Gemarkungen Arensdorf und Demitz und den Gemarkungen Steinhöfel, Hasenfelde und Heinersdorf östlich der L 36 und der Gemarkung Neuendorf im Sande südlich der L36,
 - Gemeinde Fürstenwalde östlich der B 168 und südlich der L36,
 - Gemeinde Diensdorf-Radlow,
 - Gemeinde Wendisch Rietz östlich des Scharmützelsees und nördlich der B 246,

- Gemeinde Bad Saarow mit der Gemarkung Neu Golm und der Gemarkung Bad Saarow-Pieskow östlich des Scharmützelsees und ab nördlicher Spitze östlich der L35,
- Landkreis Dahme-Spreewald:
 - Gemeinde Jamlitz,
 - Gemeinde Lieberose,
 - Gemeinde Schwielochsee mit den Gemarkungen Goyatz, Jessern, Lamsfeld, Ressen, Speichrow und Zaue,
- Landkreis Spree-Neiße:
 - Gemeinde Schenkendöbern,
 - Gemeinde Guben,
 - Gemeinde Jänschwalde,
 - Gemeinde Tauer,
 - Gemeinde Peitz,
 - Gemeinde Turnow-Preilack mit der Gemarkung Preilack,
 - Gemeinde Teichland mit der Gemarkung Bärenbrück,
 - Gemeinde Heinersbrück,
 - Gemeinde Forst,
 - Gemeinde Groß Schacksdorf-Simmersdorf,
 - Gemeinde Neiße-Malxetal,
 - Gemeinde Jämlitz-Klein Düben,
 - Gemeinde Tschernitz,
 - Gemeinde Döbern,
 - Gemeinde Felixsee,
 - Gemeinde Wiesengrund,
 - Gemeinde Spremberg mit den Gemarkungen Groß Luja, Sellessen, Türkendorf, Graustein, Waldesdorf, Hornow, Schönheide, Lieskau, Buhlów, Groß Buckow, Jessen, Pulsberg, Roitz, Terpe und der Gemarkung Spremberg östlich der Tagebaurandstraße,
 - Gemeinde Welzow mit den Gemarkungen Proschim und Haidemühl,
 - Gemeinde Neuhausen/Spree mit den Gemarkungen Kahsel, Bagenz, Drieschnitz, Gablenz, Laubsdorf, Komptendorf und Sergen und der Gemarkung Roggosen südlich der BAB 15,
- Landkreis Märkisch-Oderland:
 - Gemeinde Bleyen-Genschmar,
 - Gemeinde Neuhardenberg
 - Gemeinde Golzow,
 - Gemeinde Küstriner Vorland,
 - Gemeinde Alt Tucheband,
 - Gemeinde Reitwein,
 - Gemeinde Podelzig,
 - Gemeinde Gusow-Platkow,
 - Gemeinde Seelow,
 - Gemeinde Vierlinden,
 - Gemeinde Lindendorf,
 - Gemeinde Fichtenhöhe,
 - Gemeinde Lietzen,
 - Gemeinde Falkenhagen (Mark),

- Gemeinde Zeschdorf,
- Gemeinde Treplin,
- Gemeinde Lebus,
- Gemeinde Müncheberg mit den Gemarkungen Jahnsfelde, Trebnitz, Obersdorf, Münchehofe und Hermersdorf,
- Gemeinde Märkische Höhe mit der Gemarkung Ringenwalde,
- Gemeinde Bliesdorf mit der Gemarkung Metzdorf und Gemeinde Bliesdorf – östlich der B167 bis östlicher Teil, begrenzt aus Richtung Gemarkungsgrenze Neutrebbin südlich der Bahnlinie bis Straße „Sophienhof“ dieser westlich folgend bis „Ruesterchegraben“ weiter entlang Feldweg an den Windrädern Richtung „Herrnhof“, weiter entlang „Letschiner Hauptgraben“ nord-östlich bis Gemarkungsgrenze Alttrebbin und Kunersdorf – östlich der B167,
- Gemeinde Bad Freienwalde mit den Gemarkungen Altglietzen, Altranft, Bad Freienwalde, Bralitz, Hohenwutzen, Schiffmühle, Hohensaaten und Neuenhagen,
- Gemeinde Falkenberg mit der Gemarkung Falkenberg östlich der L35,
- Gemeinde Oderaue,
- Gemeinde Wriezen mit den Gemarkungen Altwriezen, Jäckelsbruch, Neugaul, Beauregard, Eichwerder, Rathsdorf – östlich der B167 und Wriezen – östlich der B167,
- Gemeinde Neulewin,
- Gemeinde Neutrebbin,
- Gemeinde Letschin,
- Gemeinde Zechin,
- Landkreis Barnim:
 - Gemeinde Lunow-Stolzenhagen,
 - Gemeinde Parsteinsee,
 - Gemeinde Oderberg,
 - Gemeinde Liepe,
 - Gemeinde Hohenfinow (nördlich der B167),
 - Gemeinde Niederfinow,
 - Gemeinde (Stadt) Eberswalde mit den Gemarkungen Eberswalde nördlich der B167 und östlich der L200, Sommerfelde und Tornow nördlich der B167,
 - Gemeinde Chorin mit den Gemarkungen Brodowin, Chorin östlich der L200, Serwest, Neuehütte, Sandkrug östlich der L200,
 - Gemeinde Ziethen mit der Gemarkung Klein Ziethen östlich der Serwester Dorfstraße und östlich der B198,
- Landkreis Uckermark:
 - Gemeinde Angermünde mit den Gemarkungen Crussow, Stolpe, Gellmersdorf, Neukünkendorf, Bölkendorf, Herzsprung, Schmargendorf und den Gemarkungen Angermünde südlich und südöstlich der B2 und Dobberzin südlich der B2,
 - Gemeinde Schwedt mit den Gemarkungen Criewen, Zützen, Schwedt, Stendell, Kummerow, Kunow, Vierraden, Blumenhagen, Oderbruchwiesen, Enkelsee, Gatow, Hohenfelde, Schöneberg, Flemisdorf und der Gemarkung Felchow östlich der B2,
 - Gemeinde Pinnow südlich und östlich der B2,
 - Gemeinde Berkholz-Meyenburg,
 - Gemeinde Mark Landin mit der Gemarkung Landin südlich der B2,
 - Gemeinde Casekow mit der Gemarkung Woltersdorf und den Gemarkungen Biesendahlshof und Casekow östlich der L272 und südlich der L27,
 - Gemeinde Hohenselchow-Groß Pinnow mit der Gemarkung Groß Pinnow und der Gemarkung Hohenselchow südlich der L27,

- Gemeinde Gartz (Oder) mit der Gemarkung Friedrichsthal und den Gemarkungen Gartz und Hohenreinkendorf südlich der L27 und B2 bis Gartenstraße,
- Gemeinde Passow mit der Gemarkung Jamikow,
- Kreisfreie Stadt Frankfurt (Oder),
- Landkreis Prignitz:
 - Gemeinde Karstädt mit den Gemarkungen Neuhoof und Kribbe und den Gemarkungen Groß Warnow, Klein Warnow, Reckenzin, Streesow und Dallmin östlich der Bahnstrecke Berlin/Spandau-Hamburg/Altona,
 - Gemeinde Berge,
 - Gemeinde Pirow mit den Gemarkungen Hülsebeck, Pirow, Bresch und Burow,
 - Gemeinde Putlitz mit den Gemarkungen Sagast, Nettelbeck, Porep, Lütkenhof, Putlitz, Weitendorf und Telschow,
 - Gemeinde Marienfließ mit den Gemarkungen Jännersdorf, Stepenitz und Krempendorf,
- Landkreis Oberspreewald-Lausitz:
 - Gemeinde Senftenberg mit der Gemarkung Peickwitz,
 - Gemeinde Hohenbocka,
 - Gemeinde Grünewald,
 - Gemeinde Hermsdorf,
 - Gemeinde Kroppen,
 - Gemeinde Ortrand,
 - Gemeinde Großmehlen,
 - Gemeinde Lindenau,
 - Gemeinde Frauendorf,
 - Gemeinde Ruhland,
 - Gemeinde Guteborn
 - Gemeinde Schwarzbach mit der Gemarkung Schwarzbach,

Bundesland Sachsen:

- Landkreis Bautzen:
 - Gemeinde Arnsdorf nördlich der B6,
 - Gemeinde Burkau,
 - Gemeinde Crostwitz,
 - Gemeinde Demitz-Thumitz nördlich der S111,
 - Gemeinde Elsterheide,
 - Gemeinde Frankenthal,
 - Gemeinde Göda nördlich der S111,
 - Gemeinde Großdubrau,
 - Gemeinde Großharthau nördlich der B6,
 - Gemeinde Großnaundorf,
 - Gemeinde Haselbachtal,
 - Gemeinde Hochkirch nördlich der B6,
 - Gemeinde Königswartha,
 - Gemeinde Kubschütz nördlich der B6,
 - Gemeinde Laußnitz,
 - Gemeinde Lichtenberg,
 - Gemeinde Lohsa,

- Gemeinde Malschwitz,
- Gemeinde Nebelschütz,
- Gemeinde Neukirch,
- Gemeinde Neschwitz,
- Gemeinde Ohorn,
- Gemeinde Oßling,
- Gemeinde Ottendorf-Okrilla,
- Gemeinde Panschwitz-Kuckau,
- Gemeinde Puschwitz,
- Gemeinde Räckelwitz,
- Gemeinde Radibor,
- Gemeinde Ralbitz-Rosenthal,
- Gemeinde Rammenau,
- Gemeinde Schwepnitz,
- Gemeinde Spreetal,
- Gemeinde Stadt Bautzen nördlich der S111 bis Abzweig S 156 und nördlich des Verlaufs S 156 bis Abzweig B6 und nördlich des Verlaufs der B 6 bis zur östlichen Gemeindegrenze,
- Gemeinde Stadt Bernsdorf,
- Gemeinde Stadt Bischofswerda nördlich der B6 nördlich der S111,
- Gemeinde Stadt Elstra,
- Gemeinde Stadt Großröhrsdorf,
- Gemeinde Stadt Hoyerswerda,
- Gemeinde Stadt Kamenz,
- Gemeinde Stadt Königsbrück,
- Gemeinde Stadt Lauta,
- Gemeinde Stadt Pulsnitz,
- Gemeinde Stadt Radeberg nördlich der B6,
- Gemeinde Stadt Weißenberg,
- Gemeinde Stadt Wittichenau,
- Gemeinde Steina,
- Gemeinde Wachau,
- Stadt Dresden:
 - Stadtgebiet nördlich der BAB4 bis zum Verlauf westlich der Elbe, dann nördlich der B6,
- Landkreis Görlitz,
- Landkreis Meißen:
 - Gemeinde Diera-Zehren östlich der Elbe,
 - Gemeinde Ebersbach,
 - Gemeinde Glaubitz östlich des Grödel-Elsterwerdaer-Floßkanals,
 - Gemeinde Klipphausen östlich der S177,
 - Gemeinde Lampertswalde,
 - Gemeinde Moritzburg,
 - Gemeinde Niederau östlich der B101,

- Gemeinde Nünchritz östlich der Elbe und südlich des Grödel-Elsterwerdaer-Floßkanals,
 - Gemeinde Priestewitz,
 - Gemeinde Röderaue östlich des Grödel-Elsterwerdaer-Floßkanals,
 - Gemeinde Schönfeld,
 - Gemeinde Stadt Coswig,
 - Gemeinde Stadt Gröditz östlich des Grödel-Elsterwerdaer-Floßkanals,
 - Gemeinde Stadt Großenhain,
 - Gemeinde Stadt Meißen östlich des Straßenverlaufs der S177 bis zur B6, dann B6 bis zur B101, ab der B101 Elbtalbrücke Richtung Norden östlich der Elbe,
 - Gemeinde Stadt Radebeul,
 - Gemeinde Stadt Radeburg,
 - Gemeinde Thendorf,
 - Gemeinde Weinböhla,
 - Gemeinde Wülknitz östlich des Grödel-Elsterwerdaer-Floßkanals,
 - Landkreis Sächsische Schweiz-Osterzgebirge:
 - Gemeinde Stadt Wilsdruff nördlich der BAB4 zwischen den Abfahren Wilsdruff und Dreieck Dresden-West,
- Bundesland Mecklenburg-Vorpommern:
- Landkreis Ludwigslust-Parchim:
 - Gemeinde Balow mit dem Ortsteil: Balow,
 - Gemeinde Brunow mit den Ortsteilen und Ortschaften: Bauerkühl, 1Brunow (bei Ludwigslust), Klüß, Löcknitz (bei Parchim),
 - Gemeinde Dambeck mit dem Ortsteil und der Ortschaft: Dambeck (bei Ludwigslust),
 - Gemeinde Ganzlin mit den Ortsteilen und Ortschaften: Barackendorf, Hof Retzow, Klein Damerow, Retzow, Wangelin,
 - Gemeinde Gehlsbach mit den Ortsteilen und Ortschaften: Ausbau Darß, Darß, Hof Karbow, Karbow, Karbow-Ausbau, Quaßlin, Quaßlin Hof, Quaßliner Mühle, Vietlütbe, Wahlstorf
 - Gemeinde Groß Godems mit den Ortsteilen und Ortschaften: Groß Godems, Klein Godems,
 - Gemeinde Karrenzin mit den Ortsteilen und Ortschaften: Herzfeld, Karrenzin, Karrenzin-Ausbau, Neu Herzfeld, Repzin, Wulfsahl,
 - Gemeinde Kreien mit den Ortsteilen und Ortschaften: Ausbau Kreien, Hof Kreien, Kolonie Kreien, Kreien, Wilsen,
 - Gemeinde Kritzow mit dem Ortsteil und der Ortschaft: Benzin,
 - Gemeinde Lübz mit den Ortsteilen und Ortschaften: Burow, Gischow, Meyerberg,
 - Gemeinde Möllenbeck mit den Ortsteilen und Ortschaften: Carlshof, Horst, Menzendorf, Möllenbeck,
 - Gemeinde Muchow mit dem Ortsteil und Ortschaft: Muchow,
 - Gemeinde Parchim mit dem Ortsteil und Ortschaft: Slate,
 - Gemeinde Prislich mit den Ortsteilen und Ortschaften: Marienhof, Neese, Prislich, Werle,
 - Gemeinde Rom mit dem Ortsteil und Ortschaft: Klein Niendorf,
 - Gemeinde Ruhner Berge mit den Ortsteilen und Ortschaften: Dorf Polnitz, Drenkow, Griebow, Jarchow, Leppin, Malow, Malower Mühle, Marnitz, Mentin, Mooster, Poitendorf, Polnitz, Suckow, Tessenow, Zachow,
 - Gemeinde Siggelkow mit den Ortsteilen und Ortschaften: Groß Pankow, Klein Pankow, Neuburg, Redlin, Siggelkow,

- Gemeinde Stolpe mit den Ortsteilen und Ortschaften: Barkow, Granzin, Stolpe Ausbau, Stolpe,
- Gemeinde Ziegendorf mit den Ortsteilen und Ortschaften: Drefahl, Meierstorf, Neu Drefahl, Pampin, Platschow, Stresendorf, Ziegendorf,
- Gemeinde Zierzow mit den Ortsteilen und Ortschaften: Kolbow, Zierzow.

3. Estonia

The following restricted zones II in Estonia:

- Eesti Vabariik (välja arvatud Hiiu maakond).

4. Latvia

The following restricted zones II in Latvia:

- Aizkraukles novads,
- Alūksnes novads,
- Augšdaugavas novads,
- Ādažu novads,
- Balvu novads,
- Bauskas novads,
- Cēsu novads,
- Dienvidkurzemes novada Aizputes, Cīravas, Lažas, Durbes, Dunalkas, Tadaļķu, Vecpils, Bārtas, Sakas, Bunkas, Priekules, Gramzdas, Kalētu, Virgas, Dunikas, Vainodes, Gaviezes, Rucavas, Vērgales, Medzes pagasts, Nīcas pagasta daļa uz dienvidiem no apdzīvotas vietas Bernāti, autoceļa V1232, A11, V1222, Bārtas upes, Embūtes pagasta daļa uz dienvidiem no autoceļa P116, P106, autoceļa no apdzīvotas vietas Dinsdurbe, Kalvenes pagasta daļa uz rietumiem no ceļa pie Vārtājas upes līdz autoceļam A9, uz dienvidiem no autoceļa A9, uz rietumiem no autoceļa V1200, Kazdangas pagasta daļa uz rietumiem no ceļa V1200, P115, P117, V1296, Aizputes, Durbes, Pāvilostas, Priekules pilsēta,
- Dobeles novads,
- Gulbenes novads,
- Jelgavas novads,
- Jēkabpils novads,
- Krāslavas novads,
- Kuldīgas novada Alsungas, Gudenieku, Kurmāles, Rendas, Kabiles, Vārmes, Pelču, Snēpeles, Turlavas pagasts, Laidu pagasta daļa uz ziemeļiem no autoceļa V1296, V1295, V1272, Raņķu pagasta daļa uz ziemeļiem no autoceļa V1272 līdz robežai ar Ventas upi, Skrundas pagasta daļa uz ziemeļaustrumiem no Skrundas, Cieceres upes un Ventas upes, Ēdoles pagasta daļa uz rietumiem no autoceļa V1269, V1271, V1288, P119, Īvandes pagasta daļa uz dienvidiem no autoceļa P119, Rumbas pagasta daļa uz dienvidiem no autoceļa P120, Kuldīgas pilsēta,
- Ķekavas novads,
- Limbažu novads,
- Līvānu novads,
- Ludzas novads,
- Madonas novads,
- Mārupes novads,
- Ogres novads,
- Olaines novads,
- Preiļu novads,
- Rēzeknes novads,

- Ropažu novada Garkalnes, Ropažu pagasts, Stopiņu pagasta daļa, kas atrodas uz austrumiem no autoceļa V36, P4 un P5, Acones ielas, Daugūļupes ielas un Daugūļupītes, Vangažu pilsēta,
- Salaspils novads,
- Saldus novads,
- Saulkrastu novads,
- Siguldas novads,
- Smiltenes novads,
- Talsu novads,
- Tukuma novads,
- Valkas novads,
- Valmieras novads,
- Varakļānu novads,
- Ventspils novada Ances, Popes, Puzes, Tārgales, Vārves, Užavas, Usmas, Jūrkalnes pagasts, Ugāles pagasta daļa uz ziemeļiem no autoceļa V1347, uz austrumiem no autoceļa P123, Ziru pagasta daļa uz rietumiem no autoceļa V1269, P108, Piltenes pagasta daļa uz ziemeļiem no autoceļa V1310, V1309, autoceļa līdz Ventas upei, Piltenes pilsēta,
- Daugavpils valstspilsētas pašvaldība,
- Jelgavas valstspilsētas pašvaldība,
- Jūrmalas valstspilsētas pašvaldība,
- Rēzeknes valstspilsētas pašvaldība.

5. Lithuania

The following restricted zones II in Lithuania:

- Alytaus miesto savivaldybė,
- Alytaus rajono savivaldybė,
- Anykščių rajono savivaldybė,
- Akmenės rajono savivaldybė,
- Birštono savivaldybė,
- Biržų miesto savivaldybė,
- Biržų rajono savivaldybė,
- Druskininkų savivaldybė,
- Elektrėnų savivaldybė,
- Ignalinos rajono savivaldybė,
- Jonavos rajono savivaldybė,
- Joniškio rajono savivaldybė,
- Jurbarko rajono savivaldybė,
- Kaišiadorių rajono savivaldybė,
- Kauno miesto savivaldybė,
- Kauno rajono savivaldybė,
- Kazlų rūdos savivaldybė,
- Kelmės rajono savivaldybė,
- Kėdainių rajono savivaldybė,
- Klaipėdos rajono savivaldybė: Judrėnų, Endriejavo ir Veiviržėnų seniūnijos,
- Kupiškio rajono savivaldybė,
- Kretingos rajono savivaldybė,

- Lazdijų rajono savivaldybė,
- Mažeikių rajono savivaldybė,
- Molėtų rajono savivaldybė: Alantos, Balninkų, Čiulėnų, Inturkės, Joniškio, Luokesos, Mindūnų, Suginčių ir Videniškių seniūnijos,
- Pagėgių savivaldybė,
- Pakruojo rajono savivaldybė,
- Panevėžio rajono savivaldybė,
- Panevėžio miesto savivaldybė,
- Pasvalio rajono savivaldybė,
- Radviliškio rajono savivaldybė,
- Rietavo savivaldybė,
- Prienų rajono savivaldybė,
- Plungės rajono savivaldybė,
- Raseinių rajono savivaldybė,
- Rokiškio rajono savivaldybė,
- Skuodo rajono savivaldybė,
- Šakių rajono savivaldybė: Griškabūdžio, Kriūkų, Kudirkos Naumiesčio, Lekėčių, Lukšių, Plokščių, Sintautų, Slavikų seniūnijos; Sudargo seniūnijos dalis, išskyrus Pervazninkų kaimą; Šakių seniūnijos dalis, išskyrus Juniškių, Bedalių, Zajošių, Kriaučėnų, Liukų, Gotlybiškių, Ritinių kaimus; Žvirgždaičių seniūnija,
- Šalčininkų rajono savivaldybė,
- Šiaulių miesto savivaldybė,
- Šiaulių rajono savivaldybė,
- Šilutės rajono savivaldybė,
- Širvintų rajono savivaldybė: Čiobiškio, Gelvonų, Jauniūnų, Kernavės, Musninkų ir Širvintų seniūnijos,
- Šilalės rajono savivaldybė,
- Švenčionių rajono savivaldybė,
- Tauragės rajono savivaldybė,
- Telšių rajono savivaldybė,
- Trakų rajono savivaldybė,
- Ukmergės rajono savivaldybė: Deltuvos, Lyduokių, Pabaisko, Pivonijos, Siesikų, Šešuolių, Taujėnų, Ukmergės miesto, Veprių, Vidiškių ir Žemaitkiemo seniūnijos,
- Utenos rajono savivaldybė,
- Varėnos rajono savivaldybė,
- Vilniaus miesto savivaldybė,
- Vilniaus rajono savivaldybė: Avižienių, Bezdonių, Buivydžių, Dūkštų, Juodšilių, Kalvelių, Lavoriškių, Maišiagalos, Marijampolio, Medininkų, Mickūnų, Nemenčinės, Nemenčinės miesto, Nemėžio, Pagirių, Riešės, Rudaminos, Rukainių, Sudervės, Sužionių, Šatrininkų ir Zujūnų seniūnijos,
- Visagino savivaldybė,
- Zarasų rajono savivaldybė.

6. Hungary

The following restricted zones II in Hungary:

- Békés megye 950150, 950250, 950350, 950450, 950550, 950650, 950660, 950750, 950850, 950860, 951050, 951150, 951250, 951260, 951350, 951450, 951460, 951550, 951650, 951750, 952150, 952250, 952350, 952450, 952550, 952650, 953250, 953260, 953270, 953350, 953450, 953550, 953560, 953950, 954050, 954060, 954150, 956250, 956350, 956450, 956550, 956650 és 956750 kódszámú vadgazdálkodási egységeinek teljes területe,
- Borsod-Abaúj-Zemplén megye valamennyi vadgazdálkodási egységének teljes területe,
- Fejér megye 403150, 403160, 403250, 403260, 403350, 404250, 404550, 404560, 404570, 405450, 405550, 405650, 406450 és 407050 kódszámú vadgazdálkodási egységeinek teljes területe,
- Hajdú-Bihar megye valamennyi vadgazdálkodási egységének teljes területe,
- Heves megye valamennyi vadgazdálkodási egységének teljes területe,
- Jász-Nagykun-Szolnok megye 750250, 750550, 750650, 750750, 750850, 750970, 750980, 751050, 751150, 751160, 751250, 751260, 751350, 751360, 751450, 751460, 751470, 751550, 751650, 751750, 751850, 751950, 752150, 752250, 752350, 752450, 752460, 752550, 752560, 752650, 752750, 752850, 752950, 753060, 753070, 753150, 753250, 753310, 753450, 753550, 753650, 753660, 753750, 753850, 753950, 753960, 754050, 754150, 754250, 754360, 754370, 754850, 755550, 755650 és 755750 kódszámú vadgazdálkodási egységeinek teljes területe,
- Komárom-Esztergom megye: 250350, 250850, 250950, 251450, 251550, 251950, 252050, 252150, 252350, 252450, 252460, 252550, 252750, 252850, 252860, 252950, 252960, 253050, 253150, 253250, 253350, 253450 és 253550 kódszámú vadgazdálkodási egységeinek teljes területe,
- Nógrád megye valamennyi vadgazdálkodási egységeinek teljes területe,
- Pest megye 570150, 570250, 570350, 570450, 570550, 570650, 570750, 570850, 570950, 571050, 571150, 571250, 571350, 571650, 571750, 571760, 571850, 571950, 572050, 573550, 573650, 574250, 577250, 580050 és 580150 kódszámú vadgazdálkodási egységeinek teljes területe,
- Szabolcs-Szatmár-Bereg megye valamennyi vadgazdálkodási egységének teljes területe.

7. Poland

The following restricted zones II in Poland:

w województwie warmińsko-mazurskim:

- gminy Kalinowo, Stare Juchy, Prostki oraz gmina wiejska Elk w powiecie elckim,
- powiat elbląski,
- powiat miejski Elbląg,
- powiat gołdapski,
- powiat piski,
- powiat bartoszycki,
- powiat olecki,
- powiat giżycki,
- powiat braniewski,
- powiat kętrzyński,
- powiat lidzbarski,
- gminy Dźwierzuty Jedwabno, Pasym, Świętajno, Szczytno i miasto Szczytno w powiecie szczycieńskim,
- powiat mrągowski,
- powiat węgorzewski,
- powiat olsztyński,
- powiat miejski Olsztyn,
- powiat nidzicki,
- gminy Kisielice, Susz, Zalewo w powiecie iławskim,

- część powiatu ostródzkiego niewymieniona w części III załącznika I,
- gmina Iłowo – Osada, część gminy wiejskiej Działdowo położona na południe od linii wyznaczonej przez linię kolejową biegnącą od wchodniej do zachodniej granicy gminy, część gminy Płońnica położona na południe od linii wyznaczonej przez linię kolejową biegnącą od wchodniej do zachodniej granicy gminy, część gminy Lidzbark położona na południe od linii wyznaczonej przez drogę nr 544 biegnącą od wschodniej granicy gminy do skrzyżowania z drogą nr 541 oraz na zachód od linii wyznaczonej przez drogę nr 541 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 544 w powiecie działdowskim,

w województwie podlaskim:

- powiat bielski,
- powiat grajewski,
- powiat moniecki,
- powiat sejneński,
- gminy Łomża, Piątница, Jedwabne, Przytuły i Wizna w powiecie łomżyńskim,
- powiat miejski Łomża,
- powiat siemiatycki,
- powiat hajnowski,
- gminy Ciechanowiec, Klukowo, Szepietowo, Kobylin-Borzymy, Nowe Piekuty, Sokoły i część gminy Kulesze Kościelne położona na północ od linii wyznaczonej przez linię kolejową w powiecie wysokomazowieckim,
- gmina Rutki i część gminy Kołaki Kościelne położona na północ od linii wyznaczonej przez linię kolejową w powiecie zambrowskim,
- gminy Mały Płock i Stawiski w powiecie kolneńskim,
- powiat białostocki,
- powiat suwalski,
- powiat miejski Suwałki,
- powiat augustowski,
- powiat sokólski,
- powiat miejski Białystok,

w województwie mazowieckim:

- gminy Domanice, Korczew, Kotuń, Mordy, Paprotnia, Przesmyki, Siedlce, Skórzec, Wiśniew, Wodynie, Zbuczyn w powiecie siedleckim,
- powiat miejski Siedlce,
- gminy Ceranów, Jabłonna Lacka, Kosów Lacki, Repki, Sabnie, Sterdyń w powiecie sokołowskim,
- powiat łosicki,
- powiat sochaczewski,
- powiat zwolenński,
- powiat kozienicki,
- powiat lipski,
- powiat radomski
- powiat miejski Radom,
- powiat szydłowiecki,
- gminy Lubowidz i Kuczbork Osada w powiecie żuromińskim,
- gmina Wieczfnia Kościelna w powiecie mławskim,
- gminy Bodzanów, Słubice, Wyszogród i Mała Wieś w powiecie płockim,
- powiat nowodworski,

- gminy Czerwińsk nad Wisłą, Naruszewo, Załuski w powiecie płońskim,
- gminy: miasto Kobyłka, miasto Marki, miasto Żąbki, miasto Zielonka, część gminy Tłuszcz ograniczona liniami kolejowymi: na północ od linii kolejowej biegnącej od wschodniej granicy gminy do miasta Tłuszcz oraz na wschód od linii kolejowej biegnącej od północnej granicy gminy do miasta Tłuszcz, część gminy Jadów położona na północ od linii kolejowej biegnącej od wschodniej do zachodniej granicy gminy w powiecie wołomińskim,
- powiat garwoliński,
- gminy Boguty – Pianki, Brok, Zaręby Kościelne, Nur, Małkinia Górna, część gminy Wąsewo położona na południe od linii wyznaczonej przez drogę nr 60, część gminy wiejskiej Ostrów Mazowiecka położona na południe od miasta Ostrów Mazowiecka i na południe od linii wyznaczonej przez drogę 60 biegnącą od zachodniej granicy miasta Ostrów Mazowiecka do zachodniej granicy gminy w powiecie ostrowskim,
- część gminy Sadowne położona na północny- zachód od linii wyznaczonej przez linię kolejową, część gminy Łochów położona na północny – zachód od linii wyznaczonej przez linię kolejową w powiecie węgrowskim,
- gminy Brańszczyk, Długosiodło, Rząśnik, Wyszaków, część gminy Zabrodzie położona na wschód od linii wyznaczonej przez drogę nr S8 w powiecie wyszkowskim,
- gminy Cegłów, Dębe Wielkie, Halinów, Latowicz, Mińsk Mazowiecki i miasto Mińsk Mazowiecki, Mrozy, Siennica, miasto Sulejówkę w powiecie mińskim,
- powiat otwocki,
- powiat warszawski zachodni,
- powiat legionowski,
- powiat piaseczyński,
- powiat pruszkowski,
- powiat grójecki,
- powiat grodziski,
- powiat żyrardowski,
- powiat białobrzegi,
- powiat przysuski,
- powiat miejski Warszawa,
- w województwie lubelskim:
 - powiat bialski,
 - powiat miejski Biała Podlaska,
 - gminy Batorz, Godziszów, Janów Lubelski, Modliborzyce w powiecie janowskim,
 - powiat puławski,
 - powiat rycki,
 - powiat łukowski,
 - powiat lubelski,
 - powiat miejski Lublin,
 - powiat lubartowski,
 - powiat łęczyński,
 - powiat świdnicki,
 - gminy Aleksandrów, Biszczka, Józefów, Księżpol, Łukowa, Obsza, Potok Górny, Tarnogród w powiecie biłgorajskim,
 - gminy Dołhobyczów, Mircze, Trzeszczany, Uchanie i Werbkowice w powiecie hrubieszowskim,
 - powiat krasnostawski,
 - powiat chełmski,
 - powiat miejski Chełm,

- powiat tomaszowski,
- część powiatu kraśnickiego niewymieniona w części III załącznika I,
- powiat opolski,
- powiat parczewski,
- powiat włodawski,
- powiat radzyński,
- powiat miejski Zamość,
- gminy Adamów, Grabowiec, Komarów – Osada, Krasnobród, Łabunie, Miączyn, Nielisz, Sitno, Skierbieszów, Stary Zamość, Zamość w powiecie zamojskim,

w województwie podkarpackim:

- część powiatu stalowowolskiego niewymieniona w części III załącznika I,
- gminy Cieszanów, Horyniec - Zdrój, Narol, Stary Dzików, Oleszyce, Lubaczów z miastem Lubaczów w powiecie lubaczowskim,
- gminy Medyka, Stubno, część gminy Orły położona na wschód od linii wyznaczonej przez drogę nr 77, część gminy Żurawica na wschód od linii wyznaczonej przez drogę nr 77 w powiecie przemyskim,
- gminy Chłopice, Jarosław z miastem Jarosław, Pawłosiów i Wiązownice w powiecie jarosławskim,
- gmina Kamień w powiecie rzeszowskim,
- gminy Cmolas, Dzikowiec, Kolbuszowa, Majdan Królewski i Niwiska powiecie kolbuszowskim,
- powiat leżajski,
- powiat niżański,
- powiat tarnobrzeski,
- gminy Adamówka, Sieniawa, Tryńcza, Przeworsk z miastem Przeworsk, Zarzecze w powiecie przeworskim,
- część gminy Sędziszów Małopolski położona na północ od linii wyznaczonej przez drogę nr A4, część gminy Ostrów nie wymieniona w części III załącznika I w powiecie ropczycko – sędziszowskim,

w województwie małopolskim:

- gminy Nawojowa, Piwniczna Zdrój, Rytro, Stary Sącz, część gminy Łącko położona na południe od linii wyznaczonej przez rzekę Dunajec w powiecie nowosądeckim,
- gmina Szczawnica w powiecie nowotarskim,

w województwie pomorskim:

- gminy Dzierżgoń i Stary Dzierżgoń w powiecie sztumskim,
- gmina Stare Pole, część gminy Nowy Staw położona na wschód od linii wyznaczonej przez drogę nr 55 w powiecie malborskim,
- gminy Stegny, Sztutowo i część gminy Nowy Dwór Gdański położona na północny - wschód od linii wyznaczonej przez drogę nr 55 biegnącą od południowej granicy gminy do skrzyżowania z drogą nr 7, następnie przez drogę nr 7 i S7 biegnącą do zachodniej granicy gminy w powiecie nowodworskim,

w województwie świętokrzyskim:

- gmina Tarłów i część gminy Ożarów położona na północ od linii wyznaczonej przez drogę nr 74 biegnącą od miejscowości Honorów do zachodniej granicy gminy w powiecie opatowskim,
- część gminy Brody położona wschód od linii wyznaczonej przez drogę nr 9 i na północny - wschód od linii wyznaczonej przez drogę nr 0618T biegnącą od północnej granicy gminy do skrzyżowania w miejscowości Lipie oraz przez drogę biegnącą od miejscowości Lipie do wschodniej granicy gminy i część gminy Mirzec położona na wschód od linii wyznaczonej przez drogę nr 744 biegnącą od południowej granicy gminy do miejscowości Tychów Stary a następnie przez drogę nr 0566T biegnącą od miejscowości Tychów Stary w kierunku północno - wschodnim do granicy gminy w powiecie starachowickim,

- gmina Gowarczów, część gminy Końskie położona na wschód od linii kolejowej, część gminy Stąporków położona na północ od linii kolejowej w powiecie koneckim,
 - gminy Dwikozy i Zawichost w powiecie sandomierskim,
- w województwie lubuskim:
- gminy Bogdaniec, Deszczno, Kłodawa, Kostrzyn nad Odrą, Santok, Witnica w powiecie gorzowskim,
 - powiat miejski Gorzów Wielkopolski,
 - gminy Drezdenko, Strzelce Krajeńskie, Stare Kurowo, Zwierzyn w powiecie strzelecko – drezdeneckim,
 - powiat żarski,
 - powiat słubicki,
 - gminy Brzeźnica, Iłowa, Gozdnicza, Wymiarki i miasto Żagań w powiecie żagańskim,
 - powiat krośnieński,
 - powiat zielonogórski
 - powiat miejski Zielona Góra,
 - powiat nowosolski,
 - część powiatu sulęcińskiego niewymieniona w części III załącznika I,
 - część powiatu międzyrzeckiego niewymieniona w części III załącznika I,
 - część powiatu świebodzińskiego niewymieniona w części III załącznika I,
 - powiat wschowski,
- w województwie dolnośląskim:
- powiat zgorzelecki,
 - gminy Gaworzycze, Grębocice, Polkowice i Radwanice w powiecie polkowickim,
 - część powiatu wołowskiego niewymieniona w części III załącznika I,
 - gmina Jeżów Sudecki w powiecie karkonoskim,
 - gminy Rudna, Ścinawa, miasto Lubin i część gminy Lubin niewymieniona w części III załącznika I w powiecie lubińskim,
 - gmina Malczyce, Miękinia, Środa Śląska, część gminy Kostomłoty położona na północ od linii wyznaczonej przez drogę nr A4, część gminy Udanin położona na północ od linii wyznaczonej przez drogę nr A4 w powiecie średzkim,
 - gmina Wądroże Wielkie w powiecie jaworskim,
 - gminy Kunice, Legnickie Pole, Prochowice, Ruja w powiecie legnickim,
 - gminy Wisznia Mała, Trzebnica, Zawonia, część gminy Oborniki Śląskie położona na południe od linii wyznaczonej przez drogę nr 340 w powiecie trzebnickim,
 - gminy Leśna, Lubań i miasto Lubań, Olszyna, Platerówka, Siekierczyn w powiecie lubańskim,
 - powiat miejski Wrocław,
 - gminy Czernica, Długołęka, Siechnice, część gminy Żórawina położona na wschód od linii wyznaczonej przez autostradę A4, część gminy Kąty Wrocławskie położona na północ od linii wyznaczonej przez autostradę A4 w powiecie wrocławskim,
 - gminy Jelcz - Laskowice, Oława z miastem Oława i część gminy Domaniów położona na północny wschód od linii wyznaczonej przez autostradę A4 w powiecie oławskim,
 - gmina Bierutów, miasto Oleśnica, część gminy wiejskiej Oleśnica położona na południe od linii wyznaczonej przez drogę nr S8, część gminy Dobroszyce położona na zachód od linii wyznaczonej przez linię kolejową biegnącą od północnej do południowej granicy gminy w powiecie oleśnickim,
 - gmina Cieszków, Krośnice, część gminy Milicz położona na wschód od linii łączącej miejscowości Poradów – Piotrkosice – Sulimierz – Sułów - Gruszcza w powiecie milickim,

- część powiatu bolesławieckiego niewymieniona w części III załącznika I,
- powiat głogowski,
- gmina Niechlów w powiecie górowskim,
- gmina Świerzawa, Wojcieszków, część gminy Zagrodno położona na zachód od linii wyznaczonej przez drogę łączącą miejscowości Jadwisin – Modlikowice Zagrodno oraz na zachód od linii wyznaczonej przez drogę nr 382 biegnącą od miejscowości Zagrodno do południowej granicy gminy w powiecie złotoryjskim,
- gmina Gryfów Śląski, Lubomierz, Lwówek Śląski, Wleń w powiecie lwóweckim,
- gminy Czarny Bór, Stare Bogaczowice, Walim, miasto Boguszów - Gorce, miasto Jedlina – Zdrój, miasto Szczawno – Zdrój w powiecie wałbrzyskim,
- powiat miejski Wałbrzych,
- gmina Świdnica, miasto Świdnica, miasto Świebodzice w powiecie świdnickim,

w województwie wielkopolskim:

- gminy Siedlec, Wolsztyn, część gminy Przemęt położona na zachód od linii wyznaczonej przez drogę łączącą miejscowości Borek – Kluczewo – Sączkowo – Przemęt – Błotnica – Starkowo – Boszkowo – Letnisko w powiecie wolsztyńskim,
- gmina Wielichowo, Rakoniewice, Granowo, część gminy Kamieniec położona na zachód od linii wyznaczonej przez drogę nr 308 w powiecie grodziskim,
- część powiatu międzychodzkiego niewymieniona w części III załącznika I,
- część powiatu nowotomyskiego niewymieniona w części III załącznika I,
- powiat obornicki,
- część gminy Połajewo na położona na południe od drogi łączącej miejscowości Chraplewo, Tarnówko-Boruszyn, Krosin, Jakubowo, Połajewo - ul. Ryczywolska do północno-wschodniej granicy gminy w powiecie czarnkowsko-trzcianeckim,
- powiat miejski Poznań,
- gminy Buk, Czerwonak, Dopiewo, Komorniki, Rokietnica, Stęszew, Swarzędz, Suchy Las, Tarnowo Podgórne, część gminy wiejskiej Murowana Goślina położona na północ od linii kolejowej biegnącej od północnej granicy miasta Murowana Goślina do północno-wschodniej granicy gminy w powiecie poznańskim,
- gminy Duszniki, Kaźmierz, Obrzycko z miastem Obrzycko, Ostroróg, Szamotuły, część gminy Wronki położona na południe od linii wyznaczonej przez rzekę Wartę biegnącą od zachodniej granicy gminy do przecięcia z drogą nr 182, a następnie na zachód od linii wyznaczonej przez drogi nr 182 oraz 184 biegnącą od skrzyżowania z drogą nr 182 do południowej granicy gminy, część gminy Pniewy położona na wschód od linii wyznaczonej przez drogę łączącą miejscowości Lubosinek – Lubosina – Buszewo biegnącą od południowej granicy gminy do skrzyżowania z drogą nr 187 i na południe od linii wyznaczonej przez drogę nr 187 biegnącą od wschodniej granicy gminy do skrzyżowania z drogą łączącą miejscowości Lubosinek – Lubosina – Buszewo w powiecie szamotulskim,
- gmina Pępowo w powiecie gostyńskim,
- gminy Kobylin, Zduny, część gminy Krotoszyn położona na zachód od linii wyznaczonej przez drogi: nr 15 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 36, nr 36 biegnącą od skrzyżowania z drogą nr 15 do skrzyżowania z drogą nr 444, nr 444 biegnącą od skrzyżowania z drogą nr 36 do południowej granicy gminy w powiecie krotoszyńskim,
- gmina Wijewo w powiecie leszczyńskim,

w województwie łódzkim:

- gminy Białaczów, Drzewica, Opoczno i Poświętne w powiecie opoczyńskim,
- gminy Biała Rawska, Regnów i Sadkowice w powiecie rawskim,
- gmina Kowiesy w powiecie skierniewickim,

w województwie zachodniopomorskim:

- gmina Boleszkowice i część gminy Dębno położona na zachód od linii wyznaczonej przez drogę nr 126 biegnącą od zachodniej granicy gminy do skrzyżowania z drogą nr 23 w miejscowości Dębno, następnie na zachód od linii wyznaczonej przez drogę nr 23 do skrzyżowania z ul. Jana Pawła II w miejscowości Cychry, następnie na południe od ul. Jana Pawła II do skrzyżowania z ul. Ogrodową i dalej na południe od linii wyznaczonej przez ul. Ogrodową, której przedłużenie biegnie do wschodniej granicy gminy w powiecie myśliborskim,
- gminy Cedynia, Gryfino, Mieszkowice, Moryń, część gminy Chojna położona na zachód od linii wyznaczonej przez drogi nr 31 biegnącą od północnej granicy gminy i 124 biegnącą od południowej granicy gminy w powiecie gryfińskim,

w województwie opolskim:

- gminy Brzeg, Lubsza, Lewin Brzeski, Olszanka, Skarbimierz w powiecie brzeskim,
- gminy Dąbrowa, Dobrzeń Wielki, Popielów w powiecie opolskim,
- gminy Świerczów, Wilków, część gminy Namysłów położona na południe od linii wyznaczonej przez linię kolejową biegnącą od wschodniej do zachodniej granicy gminy w powiecie namysłowskim.

8. Slovakia

The following restricted zones II in Slovakia:

- the whole district of Gelnica except municipalities included in zone III,
- the whole district of Poprad
- the whole district of Spišská Nová Ves,
- the whole district of Levoča,
- the whole district of Kežmarok
- in the whole district of Michalovce except municipalities included in zone III,
- the whole district of Košice-okolie,
- the whole district of Rožnava,
- the whole city of Košice,
- the whole district of Sobrance,
- the whole district of Vranov nad Topľou,
- the whole district of Humenné except municipalities included in zone III,
- the whole district of Snina,
- the whole district of Prešov except municipalities included in zone III,
- the whole district of Sabinov except municipalities included in zone III,
- the whole district of Svidník, except municipalities included in zone III,
- the whole district of Stropkov, except municipalities included in zone III,
- the whole district of Bardejov,
- the whole district of Stará Ľubovňa,
- the whole district of Revúca,
- the whole district of Rimavská Sobota except municipalities included in zone III,
- in the district of Veľký Krtíš, the whole municipalities not included in part I,
- the whole district of Lučenec,
- the whole district of Poltár,
- the whole district of Zvolen,
- the whole district of Detva,
- the whole district of Krupina, except municipalities included in zone I,
- the whole district of Banská Stiavnica,

- in the district of Žiar nad Hronom the municipalities of Hronská Dúbrava, Trnavá Hora,
- the whole district of Banská Bystrica,
- the whole district of Brezno,
- the whole district of Liptovský Mikuláš.

9. Italy

The following restricted zones II in Italy:

Piedmont Region:

- in the Province of Alessandria, the municipalities of Cavatore, Castelnuovo Bormida, Cabella Ligure, Carrega Ligure, Francavilla Bisio, Carpeneto, Costa Vescovato, Grogna, Orsara Bormida, Pasturana, Melazzo, Mornese, Ovada, Predosa, Lerma, Fraconalto, Rivalta Bormida, Fresonara, Malvicino, Ponzzone, San Cristoforo, Sezzadio, Rocca Grimalda, Garbagna, Tassarolo, Mongiardino Ligure, Morsasco, Montaldo Bormida, Prasco, Montaldeo, Belforte Monferrato, Alghero, Bosio, Cantalupo Ligure, Castelletto D'orba, Cartosio, Acqui Terme, Arquata Scrivia, Parodi Ligure, Ricaldone, Gavi, Cremolino, Brignano-Frascata, Novi Ligure, Molare, Cassinelle, Morbello, Avolasca, Carezzano, Basaluzzo, Dernice, Trisobbio, Strevi, Sant'Agata Fossili, Pareto, Visone, Voltaggio, Tagliolo Monferrato, Casaleggio Boiro, Capriata D'orba, Castellania, Carrosio, Cassine, Vignole Borbera, Serravalle Scrivia, Silvano D'orba, Villalvernia, Roccaforte Ligure, Rocchetta Ligure, Sardigliano, Stazzano, Borghetto Di Borbera, Grondona, Cassano Spinola, Montacuto, Gremiasco, San Sebastiano Curone, Fabbria Curone,

Liguria Region:

- in the province of Genova, the municipalities of Bogliasco, Arenzano, Ceranesi, Ronco Scrivia, Mele, Isola Del Cantone, Lumardo, Genova, Masone, Serra Riccò, Campo Ligure, Mignanego, Busalla, Bargagli, Savignone, Torriglia, Rossiglione, Sant'Olcese, Valbrenna, Sori, Tiglieto, Campomorone, Cogoleto, Pieve Ligure, Davagna, Casella, Montoggio, Crocefieschi, Vobbia;
- in the province of Savona, the municipalities of Albisola Superiore, Celle Ligure, Stella, Pontinvrea, Varazze, Urbe, Sassello,

PART III

1. Bulgaria

The following restricted zones III in Bulgaria:

- in Blagoevgrad region:
 - the whole municipality of Sandanski
 - the whole municipality of Strumyani
 - the whole municipality of Petrich,
- the Pazardzhik region:
 - the whole municipality of Pazardzhik,
 - the whole municipality of Panagyurishte,
 - the whole municipality of Lesichevo,
 - the whole municipality of Septemvri,
 - the whole municipality of Strelcha,
- in Plovdiv region
 - the whole municipality of Hisar,
 - the whole municipality of Suedinenie,
 - the whole municipality of Maritsa
 - the whole municipality of Rodopi,
 - the whole municipality of Plovdiv,
- in Varna region:
 - the whole municipality of Byala,
 - the whole municipality of Dolni Chiflik.

2. Germany

The following restricted zones III in Germany:

Bundesland Brandenburg:

— Landkreis Uckermark:

- Gemeinde Schenkenberg mit den Gemarkungen Wittenhof, Schenkenberg, Baumgarten und Ludwigsburg,
- Gemeinde Randowtal mit den Gemarkungen Eickstedt und Ziemkendorf,
- Gemeinde Grünow,
- Gemeinde Uckerfelde,
- Gemeinde Gramzow westlich der K7315,
- Gemeinde Oberuckersee mit den Gemarkungen Melzow, Warnitz, Blankenburg, Seehausen, Potzlow
- Gemeinde Nordwestuckermark mit den Gemarkungen Zollchow, Röpersdorf, Louisenthal, Sternhagen, Schmachtenhagen, Lindenhagen, Beenz (NWU), Groß-Sperrenwalde und Thiesort-Mühle,
- Gemeinde Prenzlau mit den Gemarkungen Blindow, Ellingen, Klinkow, Basedow, Güstow, Seelübbe und die Gemarkung Prenzlau.

3. Italy

The following restricted zones III in Italy:

- Sardinia Region: the whole territory
- Lazio Region: the Area of the Municipality of Rome within the administrative boundaries of the Local Health Unit "ASL RM1".

4. Latvia

The following restricted zones III in Latvia:

- Dienvidkurzemes novada Embūtes pagasta daļa uz ziemeļiem autoceļā P116, P106, autoceļā no apdzīvotas vietas Dinsdurbe, Kalvenes pagasta daļa uz austrumiem no ceļa pie Vārtājas upes līdz autoceļam A9, uz ziemeļiem no autoceļā A9, uz austrumiem no autoceļā V1200, Kazdangas pagasta daļa uz austrumiem no ceļa V1200, P115, P117, V1296,
- Kuldīgas novada Rudbāržu, Nīkrāces, Padures pagasts, Laidu pagasta daļa uz dienvidiem no autoceļā V1296, V1295, V1272, Raņķu pagasta daļa uz dienvidiem no autoceļā V1272 līdz robežai ar Ventas upi, Skrundas pagasts (izņemot pagasta daļu uz ziemeļaustrumiem no Skrundas, Cieceres upes un Ventas upes), Skrundas pilsēta, Ēdoles pagasta daļa uz austrumiem no autoceļā V1269, V1271, V1288, P119, Īvandes pagasta daļa uz ziemeļiem no autoceļā P119, Rumbas pagasta daļa uz ziemeļiem no autoceļā P120,
- Ventspils novada Zlēku pagasts, Ugāles pagasta daļa uz dienvidiem no autoceļā V1347, uz rietumiem no autoceļā P123, Ziru pagasta daļa uz austrumiem no autoceļā V1269, P108, Piltenes pagasta daļa uz dienvidiem no autoceļā V1310, V1309, autoceļā līdz Ventas upei.

5. Lithuania

The following restricted zones III in Lithuania:

- Molėtų rajono savivaldybė: Dubingių ir Giedraičių seniūnijos,
- Šakių rajono savivaldybė: Kidulių ir Gelgaudiškio seniūnijos; Šakių seniūnija: Juniškių, Bedalių, Zajošių, Kriaučėnų, Liukų, Gotlybiškių, Ritinių kaimai; Sudargo seniūnija: Pervazninkų kaimas,
- Širvintų rajono savivaldybė: Alionių ir Zibalų seniūnijos,
- Ukmergės rajono savivaldybė: Želvos seniūnija,
- Vilniaus rajono savivaldybė: Paberžės seniūnija.

6. Poland

The following restricted zones III in Poland:

w województwie zachodniopomorskim:

- gminy Banie, Trzcińsko – Zdrój, Widuchowa, część gminy Chojna położona na wschód linii wyznaczonej przez drogi nr 31 biegnącą od północnej granicy gminy i 124 biegnącą od południowej granicy gminy w powiecie gryfińskim,

w województwie warmińsko-mazurskim:

- część powiatu działdowskiego niewymieniona w części II załącznika I,
- część powiatu iławskiego niewymieniona w części II załącznika I,
- powiat nowomiejski,
- gminy Dąbrówno, Grunwald i Ostróda z miastem Ostróda w powiecie ostródzkim,

w województwie lubelskim:

- gminy Radecznica, Sułów, Szczepleszyn, Zwierzyniec w powiecie zamojskim,
- gminy Biłgoraj z miastem Biłgoraj, Goraj, Frampol, Terespol i Turobin w powiecie biłgorajskim,
- gminy Horodło, Hrubieszów z miastem Hrubieszów w powiecie hrubieszowskim,
- gminy Dzwola, Chrzanów i Potok Wielki w powiecie janowskim,
- gminy Gościeradów i Trzydnik Duży w powiecie krańskim,

w województwie podkarpackim:

- powiat mielecki,
- gminy Radomyśl nad Sanem i Zaklików w powiecie stalowowolskim,
- część gminy Ostrów położona na północ od drogi linii wyznaczonej przez drogę nr A4 biegnącą od zachodniej granicy gminy do skrzyżowania z drogą nr 986, a następnie na zachód od linii wyznaczonej przez drogę nr 986 biegnącą od tego skrzyżowania do miejscowości Osieka i dalej na zachód od linii wyznaczonej przez drogę łączącą miejscowości Osieka – Blizna w powiecie ropczycko – sędziszowskim,
- część gminy Czarna położona na północ wyznaczonej przez drogę nr A4, część gminy Żyraków położona na północ od linii wyznaczonej przez drogę nr A4, część gminy wiejskiej Dębica położona na północ od linii wyznaczonej przez drogę nr A4 w powiecie dębickim
- gmina Wielkie Oczy w powiecie lubaczowskim,
- gminy Laszki, Radymno z miastem Radymno, w powiecie jarosławskim,

w województwie lubuskim:

- gminy Małomice, Niegosławice, Szprotawa, Żagań w powiecie żagańskim,
- gmina Sulęcín w powiecie sulęcińskim,
- gminy Bledzew, Międzyrzecz, Pszczew, Trzciel w powiecie międzyrzeckim,
- część gminy Lubrza położona na północ od linii wyznaczonej przez drogę nr 92, część gminy Łagów położona na północ od linii wyznaczonej przez drogę nr 92, część gminy Świebodzin położona na północ od linii wyznaczonej przez drogę nr 92 w powiecie świebodzińskim,

w województwie wielkopolskim:

- gminy Krzemieniewo, Lipno, Osieczna, Rydzyna, Świąciechowa, Włoszakowice w powiecie leszczyńskim,
- powiat Miejski Leszno,
- gminy Kościan i miasto Kościan, Krzywiń, Śmigiel w powiecie kościańskim,

- część gminy Dolsk położona na zachód od linii wyznaczonej przez drogę nr 434 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 437, a następnie na zachód od drogi nr 437 biegnącej od skrzyżowania z drogą nr 434 do południowej granicy gminy, część gminy Śrem położona na zachód od linii wyznaczonej przez drogę nr 310 biegnącą od zachodniej granicy gminy do miejscowości Śrem, następnie na zachód od drogi nr 432 w miejscowości Śrem oraz na zachód od drogi nr 434 biegnącej od skrzyżowania z drogą nr 432 do południowej granicy gminy w powiecie śremskim,
- gminy Gostyń, Krobia i Poniec w powiecie gostyńskim,
- część gminy Przemęt położona na wschód od linii wyznaczonej przez drogę łączącą miejscowości Borek – Kluczewo – Sączkowo – Przemęt – Błotnica – Starkowo – Boszkowo – Letnisko w powiecie wolsztyńskim,
- powiat rawicki,
- gminy Kuślin, Lwówek, Miedzichowo, Nowy Tomyśl w powiecie nowotomyskim,
- gminy Chrzypsko Wielkie, Kwilcz w powiecie międzychodzkim,
- część gminy Pniewy położona na zachód od linii wyznaczonej przez drogę łączącą miejscowości Lubosinek – Lubosina – Buszewo biegnącą od południowej granicy gminy do skrzyżowania z drogą nr 187 i na północ od linii wyznaczonej przez drogę nr 187 biegnącą od wschodniej granicy gminy do skrzyżowania z drogą łączącą miejscowości Lubosinek – Lubosina – Buszewo w powiecie szamotulskim,

w województwie dolnośląskim:

- część powiatu górowskiego niewymieniona w części II załącznika I,
- część gminy Lubin położona na południe od linii wyznaczonej przez drogę nr 335 biegnącą od zachodniej granicy gminy do granicy miasta Lubin oraz na zachód od linii wyznaczonej przez drogę nr 333 biegnącą od granicy miasta Lubin do południowej granicy gminy w powiecie lubińskim
- gminy Prusice, Żmigród, część gminy Oborniki Śląskie położona na północ od linii wyznaczonej przez drogę nr 340 w powiecie trzebnickim,
- część gminy Zagrodno położona na wschód od linii wyznaczonej przez drogę łączącą miejscowości Jadwisin – Modlikowice - Zagrodno oraz na wschód od linii wyznaczonej przez drogę nr 382 biegnącą od miejscowości Zagrodno do południowej granicy gminy, część gminy wiejskiej Złotoryja położona na wschód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy w miejscowości Nowa Wieś Złotoryjska do granicy miasta Złotoryja oraz na północ od linii wyznaczonej przez drogę nr 382 biegnącą od granicy miasta Złotoryja do wschodniej granicy gminy w powiecie złotoryjskim
- gminy Gromadka i Osiecznica w powiecie bolesławieckim,
- gminy Chocianów i Przemków w powiecie polkowickim,
- gminy Chojnów i miasto Chojnów, Krotoszyce, Miłkowice w powiecie legnickim,
- powiat miejski Legnica,
- część gminy Wołów położona na wschód od linii wyznaczonej przez linię kolejową biegnącą od północnej do południowej granicy gminy, część gminy Wińsko położona na południe od linii wyznaczonej przez drogę nr 36 biegnącą od północnej do zachodniej granicy gminy, część gminy Brzeg Dolny położona na wschód od linii wyznaczonej przez linię kolejową od północnej do południowej granicy gminy w powiecie wołowskim,
- część gminy Milicz położona na zachód od linii wyznaczonej przez drogę łączącą miejscowości Poradów – Piotrkosice - Sulimierz-Sułów - Gruszcza w powiecie milickim,

w województwie świętokrzyskim:

- gminy Gnojno, Pacanów w powiecie buskim,
- gminy Łubnice, Oleśnica, Połaniec, część gminy Rytwiany położona na zachód od linii wyznaczonej przez drogę nr 764, część gminy Szydłów położona na zachód od linii wyznaczonej przez drogę nr 756 w powiecie staszowskim,

- gminy Chmielnik, Masłów, Miedziana Góra, Mniów, Łopuszno, Piekoszów, Pierzchnica, Sitkówka-Nowiny, Strawczyn, Zagnańsk, część gminy Raków położona na zachód od linii wyznaczonej przez drogi nr 756 i 764, część gminy Chęciny położona na północ od linii wyznaczonej przez drogę nr 762, część gminy Górno położona na północ od linii wyznaczonej przez drogę biegnącą od wschodniej granicy gminy łączącą miejscowości Leszczyna – Cedzyna oraz na północ od linii wyznaczonej przez ul. Kielecką w miejscowości Cedzyna biegnącą do wschodniej granicy gminy, część gminy Daleszyce położona na południe od linii wyznaczonej przez drogę nr 764 biegnącą od wschodniej granicy gminy do skrzyżowania z drogą łączącą miejscowości Daleszyce – Słopiec – Borków, dalej na południe od linii wyznaczonej przez tę drogę biegnącą od skrzyżowania z drogą nr 764 do przecięcia z linią rzeki Belnianka, następnie na południe od linii wyznaczonej przez rzeki Belnianka i Czarna Nida biegnącej do zachodniej granicy gminy w powiecie kieleckim,
 - powiat miejski Kielce,
 - gminy Krasocin, część gminy Włoszczowa położona na wschód od linii wyznaczonej przez drogę nr 742 biegnącą od północnej granicy gminy do miejscowości Konieczno, i dalej na wschód od linii wyznaczonej przez drogę łączącą miejscowości Konieczno – Rogienice – Dąbie – Podłazie, część gminy Kluczewsko położona na południe od linii wyznaczonej przez drogę biegnącą od wschodniej granicy gminy i łączącą miejscowości Krogulec – Nowiny - Komorniki do przecięcia z linią rzeki Czarna, następnie na południe od linii wyznaczonej przez rzekę Czarna biegnącą do przecięcia z linią wyznaczoną przez drogę nr 742 i dalej na wschód od linii wyznaczonej przez drogę nr 742 biegnącą od przecięcia z linią rzeki Czarna do południowej granicy gminy w powiecie włoszczowskim,
 - gmina Kije w powiecie pińczowskim,
 - gminy Małogoszcz, Oksa w powiecie jędrzejowskim,
- w województwie małopolskim:
- gminy Dąbrowa Tarnowska, Radgoszcz, Szczucin w powiecie dąbrowskim.

7. Romania

The following restricted zones III in Romania:

- Zona oraşului Bucureşti,
- Judeţul Constanţa,
- Judeţul Satu Mare,
- Judeţul Tulcea,
- Judeţul Bacău,
- Judeţul Bihor,
- Judeţul Bistriţa Năsăud,
- Judeţul Brăila,
- Judeţul Buzău,
- Judeţul Călăraşi,
- Judeţul Dâmboviţa,
- Judeţul Galaţi,
- Judeţul Giurgiu,
- Judeţul Ialomiţa,
- Judeţul Ilfov,
- Judeţul Prahova,
- Judeţul Sălaj,
- Judeţul Suceava
- Judeţul Vaslui,
- Judeţul Vrancea,
- Judeţul Teleorman,
- Judeţul Mehedinţi,

- Județul Gorj,
- Județul Argeș,
- Județul Olt,
- Județul Dolj,
- Județul Arad,
- Județul Timiș,
- Județul Covasna,
- Județul Brașov,
- Județul Botoșani,
- Județul Vâlcea,
- Județul Iași,
- Județul Hunedoara,
- Județul Alba,
- Județul Sibiu,
- Județul Caraș-Severin,
- Județul Neamț,
- Județul Harghita,
- Județul Mureș,
- Județul Cluj,
- Județul Maramureș.

8. Slovakia

The following restricted zones III in Slovakia:

- The whole district of Trebišov,
 - The whole district of Vranov and Topľou,
 - In the district of Humenné: Lieskovec, Myslina, Humenné, Jasenov, Brekov, Závadka, Topoľovka, Hudcovce, Ptičie, Chlmec, Porúbka, Brestov, Gruzovce, Ohradzany, Slovenská Volová, Karná, Lackovce, Kochanovce, Hažín nad Cirochou, Závada, Nižná Sitnica, Vyšná Sitnica, Rohožník, Prituľany, Ruská Poruba, Ruská Kajňa,
 - In the district of Michalovce: Strážske, Staré, Oreské, Zbudza, Voľa, Nacina Ves, Pusté Čemerné, Lesné, Rakovec nad Ondavou, Petríkovce, Oborín, Veľké Raškovce, Beša,
 - In the district of Rimavská Sobota: Jesenské, Gortva, Hodejov, Hodejovec, Širkovce, Šimonovce, Drňa, Hostice, Gemerské Dechtáre, Jestice, Dubovec, Rimavské Janovce, Rimavská Sobota, Belín, Pavlovce, Sútor, Bottovo, Dúžava, Mojín, Konrádovce, Čierny Potok, Blhovce, Gemerček, Hajnáčka,
 - In the district of Gelnica: Hrišovce, Jaklovce, Kluknava, Margecany, Richnava,
 - In the district Of Sabinov: Daletice,
 - In the district of Prešov: Hrabkov, Krížovany, Žipov, Kvačany, Ondrašovce, Chminianske Jakubovany, Klenov, Bajerov, Bertotovce, Brežany, Bzenov, Fričovce, Hendrichovce, Hermanovce, Chmiňany, Chminianska Nová Ves, Janov, Jarovnice, Kojatice, Lažany, Mikušovce, Ovčie, Rokycany, Sedlice, Suchá Dolina, Svinia, Šindliar, Široké, Štefanovce, Vífaz, Župčany,
 - the whole district of Medzilaborce,
 - In the district of Stropkov: Havaj, Malá Poľana, Bystrá, Mikové, Varechovce, Vladiča, Staškovce, Makovce, Veľkrop, Solník, Korunková, Bukovce, Krišľovce, Jakušovce, Kolbovce,
 - In the district of Svidník: Pstruša.
-

DIRECTIVES

COMMISSION DELEGATED DIRECTIVE (EU) 2022/1326

of 18 March 2022

amending the Annex to Council Framework Decision 2004/757/JHA as regards the inclusion of new psychoactive substances in the definition of ‘drug’

THE EUROPEAN COMMISSION,

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

Having regard to Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking ⁽¹⁾, and in particular Articles 1a and 8a thereof,

Whereas:

- (1) Risk assessment reports on the new psychoactive substances 2-(methylamino)-1-(3-methylphenyl)propan-1-one (3-methylmethcathinone, 3-MMC) and 1-(3-chlorophenyl)-2-(methylamino)propan-1-one (3-chloromethcathinone, 3-CMC) were drawn up in compliance with Article 5c of Regulation (EC) No 1920/2006 of the European Parliament and of the Council ⁽²⁾ by the Scientific Committee of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA; the Centre), extended following the procedure laid down in Article 5c(4) of the same Regulation, on 18 and 19 November 2021. The Centre submitted the risk assessment reports to the Commission and to the Member States on 25 November 2021.
- (2) 3-MMC and 3-CMC are synthetic cathinones with psychostimulant effects. They are derivatives of cathinone, and closely related to and sharing similar psychostimulant effects with methcathinone (ephedrone) and mephedrone (4-methylmethcathinone; 4-MMC) and, respectively, with methcathinone and 4-chloromethcathinone (4-CMC; clephedrone). Cathinone, methcathinone, mephedrone, and 4-CMC are controlled under the 1971 United Nations Convention on Psychotropic Substances.
- (3) 3-MMC has been available in the European Union since at least 2012 and has been detected in 23 Member States. After a decline in seizures in Europe between 2016 and 2018, 3-MMC appears to have re-emerged with approximately 740 kilograms of it in powder form seized in 2020 and with continued importation, distribution, and use in 2021, including a single large-scale seizure of just over 120 kilograms of powder at an external Union border.
- (4) Information provided from seizures and collected samples show that 3-MMC is typically available on the drug market as a powder. Other physical forms, such as tablets and capsules, have also been reported, but to a much smaller extent. Occasionally liquids, herbal material, and blotters containing 3-MMC have also been reported.
- (5) A total of 27 deaths with confirmed exposure to 3-MMC have been reported by five Member States. Fourteen acute non-fatal poisonings with confirmed exposure to 3-MMC have also been reported by four Member States.
- (6) 3-CMC has been available in the European Union since at least 2014 and has been detected in 23 Member States. During 2020 and 2021, approximately 2 500 kilograms of 3-CMC in powder form was seized, representing over 90 % of the total quantity of 3-CMC powders seized since monitoring of the substance began in Europe.
- (7) Information provided from seizures and collected samples show that 3-CMC is typically available on the drug market as a powder. Other physical forms, such as tablets and capsules, have also been reported, but to a much smaller extent. Occasionally liquids, herbal material, and blotters containing 3-CMC have also been reported.

⁽¹⁾ OJ L 335, 11.11.2004, p. 8.

⁽²⁾ Regulation (EC) No 1920/2006 of the European Parliament and of the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction (OJ L 376, 27.12.2006, p. 1).

- (8) A total of 10 deaths with confirmed exposure to 3-CMC have been reported by two Member States. One acute non-fatal poisoning with confirmed exposure to 3-CMC has also been reported by one Member State.
- (9) The available information suggests that while 3-MMC and 3-CMC are typically sold and sought after as stimulant drugs in their own right, at least in part it appears that these substances are being manufactured, imported, distributed, sold, and used as a 'legal' replacement to controlled stimulants, including amphetamine, cocaine, and MDMA. In addition, it may also be mislabeled as other drugs.
- (10) There is limited information on the involvement of organised crime in the manufacture, trafficking, and distribution of 3-MMC and of 3-CMC within the Union. However, there is information to suggest criminal acts, such as trafficking, illicit production, and supply offences, involving both substances.
- (11) The available information suggests that 3-MMC and 3-CMC are manufactured by chemical companies outside the Union and imported into it on an industrial-scale. In addition, limited information indicates that some production has taken place in illicit laboratories in Europe.
- (12) 3-MMC and 3-CMC have no recognised human or veterinary medical use in the Union nor, it appears, elsewhere. There are no indications that the substances may be used for any other purpose aside from as an analytical reference standard and in scientific research.
- (13) The health and social risks associated with 3-MMC and 3-CMC are likely to share some similarities with other closely related synthetic cathinones and psychostimulants under international control. The available evidence and information on the health and social risks that the substances pose provide sufficient ground for including 3-MMC and 3-CMC in the definition of 'drug'. Nevertheless, the risk assessment reports reveal also that many of the questions related to 3-MMC and 3-CMC that are posed by the lack of data on the risks to individual health, risks to public health and social risks could be answered through further research.
- (14) 3-MMC and 3-CMC are not listed for control under the 1961 United Nations Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, or under the 1971 United Nations Convention on Psychotropic Substances. 3-CMC has not yet been assessed under the United Nations system whereas 3-MMC has been subject to a non-conclusive critical review by the WHO Expert Committee on Drug Dependence in November 2016. The Committee was unable to reach consensus, and instead it deferred an opinion, and requested the Secretariat to arrange another critical review of 3-MMC at a subsequent meeting of the Expert Committee. A further ECDD review of 3-MMC has not taken place yet. Since this critical review in 2016, significant new information has been reported by the Member States that suggests that 3-MMC might pose health and social threats at Union level and thus needs to be added in the definition of 'drug' in Union law.
- (15) Information from law enforcement seizures that took place in 2020 and 2021 indicates that its availability and potential for diffusion within the Union of both 3-MMC and of 3-CMC has recently increased and may be significant. The available information would suggest that the consumption of 3-MMC and of 3-CMC causes harm to health associated with their acute toxicity and, in the case of 3-MMC, its abuse liability or dependence producing potential. Due to lack of studies, there is uncertainty on the dependence potential and abuse liability of 3-CMC. This harm to health is considered life-threatening because it may cause death or lethal injury, severe disease, severe physical or mental impairment or a spread of diseases, including the transmission of blood-borne viruses, such as hepatitis C and HIV. These effects are comparable with other closely related synthetic cathinones and psychostimulants under international control, although this requires further study.
- (16) The available information would also suggest that the consumption of 3-MMC and of 3-CMC could cause social risks and may result in marginalisation and increased vulnerability. Moreover, it also has a potential for a wider risk to public safety, notably in case of driving under the influence of these substances.

- (17) Fifteen Member States control 3-MMC under national drug control legislation, six Member States control it under new psychoactive substances legislation and one Member State controls it under other legislation. Thirteen Member States control 3-CMC under national drug control legislation, seven Member States control it under new psychoactive substances legislation and one Member State controls it under other legislation. Given that these national control measures are already in place, including 3-MMC and 3-CMC in the definition of 'drug' and thereby covering them by provisions on the criminal offences and sanctions as defined in Framework Decision 2004/757/JHA would help avoiding the emergence of obstacles in cross-border law enforcement and judicial cooperation, and would help protecting from the risks that their availability and use can pose.
- (18) Article 1a of Framework Decision 2004/757/JHA confers the power to adopt delegated acts upon the Commission with a view to giving a quick and expertise-based response at Union level to the emergence of new psychoactive substances detected and reported by the Member States, by amending the Annex to that Framework Decision to include those substances in the definition of 'drug'.
- (19) As the conditions and procedure for triggering the exercise of the powers to adopt a delegated act have been met, a delegated directive should be adopted in order to include 3-MMC and 3-CMC in the Annex to Framework Decision 2004/757/JHA.
- (20) Ireland is bound by Framework Decision 2004/757/JHA, as amended by Directive (EU) 2017/2103 of the European Parliament and of the Council ⁽³⁾, and is therefore taking part in the adoption and application of this Directive.
- (21) Denmark is bound by Framework Decision 2004/757/JHA as applicable until 21 November 2018, but is not bound by Directive (EU) 2017/2103. It is therefore not taking part in the adoption and application of this Directive and is not bound by it or subject to its application.
- (22) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ⁽⁴⁾, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments.
- (23) Framework Decision 2004/757/JHA should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Amendment to Framework Decision 2004/757/JHA

In the Annex to Framework Decision 2004/757/JHA, the following points 20 and 21 are added:

- '20. 2-(methylamino)-1-(3-methylphenyl)propan-1-one (3-MMC) (*).
21. 1-(3-chlorophenyl)-2-(methylamino)propan-1-one (3-CMC) (*).

(*) Commission Delegated Directive (EU) 2022/1326 of 18 March 2022 amending the Annex to Council Framework Decision 2004/757/JHA as regards the inclusion of new psychoactive substances in the definition of 'drug' (OJ L 200, xx.xx.2022, p. 148).'

⁽³⁾ Directive (EU) 2017/2103 of the European Parliament and of the Council of 15 November 2017 amending Council Framework Decision 2004/757/JHA in order to include new psychoactive substances in the definition of 'drug' and repealing Council Decision 2005/387/JHA (OJ L 305, 21.11.2017, p. 12).

⁽⁴⁾ OJ C 369, 17.12.2011, p. 14.

*Article 2***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 18 February 2023 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

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

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

*Article 3***Entry into force**

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

Article 4

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Brussels, 18 March 2022.

For the Commission

The President

Ursula VON DER LEYEN

DECISIONS

COUNCIL DECISION (EU) 2022/1327

of 26 July 2022

requesting the Commission to submit a study on the situation of the internal market of Union postal services, in particular regarding the application of Directive 97/67/EC of the European Parliament and of the Council, and a proposal, if appropriate, in view of the outcomes of the study

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty of the Functioning of the European Union, and in particular Article 241 thereof,

Whereas:

- (1) Letter mail has experienced a yearly decline of 4,9 % in the Union since 2008, and this tendency has been accelerated with the contraction of the economy due to the COVID-19 pandemic, during which letter mail volumes dropped between 12 % and 26 % between 2019 and 2020.
- (2) Parcel delivery services have experienced a yearly increase of an estimated 9 % in the Union since 2008, and this tendency has been accelerated due to the COVID-19 pandemic.
- (3) The cost of the universal service obligation, based on cost scale, has increased due to the sharp decline of the letter-mail market.
- (4) The development of e-commerce and digitalisation has introduced new players, products and services on the market of postal services.
- (5) In each Member State universal postal services are provided nationwide, while the needs of the users of those services have significantly changed.
- (6) The concept of 'universal service' needs to reflect changing user needs and to be flexible and sustainable.
- (7) Directive 97/67/EC of the European Parliament and of the Council ⁽¹⁾ has partially fulfilled its objectives. However, there might be a need to revise it in order to ensure that it is future-proof and that it addresses the above-mentioned challenges in a sustainable way.
- (8) A detailed analysis of the situation of the internal market of Union postal services would justify the need for a revision of Directive 97/67/EC in order to reflect technological developments and changes in that market and would allow the adoption of the revised Directive within the ongoing European legislative cycle,

HAS ADOPTED THIS DECISION:

Article 1

The Council hereby requests the Commission to submit a study on the situation of the internal market of Union postal services, in particular regarding the application of Directive 97/67/EC.

⁽¹⁾ Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 15, 21.1.1998, p. 14).

Article 2

1. The Council requests the Commission to submit a proposal, if appropriate, in view of the outcomes of the study referred to in Article 1, or otherwise to inform the Council of alternative measures required as a follow-up to the study.
2. In accordance with the usual practice, the Council requests the Commission to ensure that the proposal is accompanied by an impact assessment.

Article 3

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

Done at Brussels, 26 July 2022.

For the Council
The President
J. SÍKELA

COMMISSION DECISION (EU) 2022/1328**of 30 September 2021****on the measures SA.32014, SA.32015, SA.32016 (2011/C) (ex 2011/NN) implemented by Italy and the Region of Lazio for Laziomar and its acquirer CLN***(notified under document C(2021) 6989)***(Only the Italian text is authentic)****(Text with EEA relevance)**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 108(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to the provision(s) cited above ⁽¹⁾ and having regard to their comments,

Whereas:

1. PROCEDURE

- (1) On 23 March 2009, 9 December 2009, 21 December 2009, 6 January 2010, 27 September 2010 and 12 October 2010, the Commission received six complaints concerning various support measures adopted by Italy in favour of the companies of the former Tirrenia Group ⁽²⁾. The complaints concerned the public service compensation granted to these companies after the expiry of the initial public service contracts concluded with Italy for the period between January 1989 and December 2008 ('the initial Conventions'), additional support measures laid down in national law in the context of the privatisation process of the companies, as well as certain issues regarding particularly the privatisation procedure of Tirrenia di Navigazione S.p.A. ('Tirrenia') and Siremar – Sicilia Regionale Marittima S.p.A. ('Siremar').
- (2) On 29 July 2010, Italy notified to the Commission the compensation paid in 2008, 2009 and 2010 by Italy to Caremar – Campania Regionale Marittima S.p.A. ('Caremar'). That notification was resubmitted on 1 December 2010 covering the compensation paid to Caremar in 2009 and 2010. The compensation paid to Caremar in 2008 was covered by a separate decision (see recital 20).
- (3) On 5 October 2011, the Commission opened the formal investigation procedure in respect of various measures adopted by Italy in favour of the companies of the former Tirrenia Group ('the 2011 Decision') ⁽³⁾. The investigation concerned *inter alia* the compensation granted to Caremar for the operation of a number of maritime routes as of 1 January 2009 and a number of other measures granted to that company (see recital 38).
- (4) At that time, Caremar operated maritime cabotage ⁽⁴⁾ routes in the Gulf of Naples (Region of Campania) and in the Pontino archipelago (Region of Lazio). Subsequently, the Region of Campania transferred to the Region of Lazio the routes in the Pontino archipelago on a standalone basis under the name Laziomar S.p.A. ('Laziomar'). ⁽⁵⁾ That transfer was formalised on 1 June 2011 (see recitals 32 and 33).
- (5) The 2011 Decision was published in the *Official Journal of the European Union*. The Commission invited interested parties to submit their comments on the measures under investigation.
- (6) By letter dated 28 September 2011, Italy confirmed its intention to privatise the regional companies of the former Tirrenia Group, including Laziomar. On 26 October 2011, the Commission sent a request for information to Italy concerning the privatisation procedure. On 30 November 2011, Italy submitted a reply to the Commission's request for information of 26 October 2011.

⁽¹⁾ OJ C 28, 1.2.2012, p. 18 and OJ C 84, 22.3.2013, p. 58.

⁽²⁾ The former Tirrenia group consisted of the companies Tirrenia di Navigazione S.p.A., Adriatica S.p.A., Caremar – Campania Regionale Marittima S.p.A., Saremar – Sardegna Regionale Marittima S.p.A., Siremar – Sicilia Regionale Marittima S.p.A., and Toremar – Toscana Regionale Marittima S.p.A..

⁽³⁾ State aid – Italian Republic – State aid SA.32014 (11/C) (ex 11/NN), SA.32015 (11/C) (ex 11/NN), SA.32016 (11/C) (ex 11/NN) – State aid to the companies of the former Tirrenia Group – Invitation to submit comments pursuant to Article 108(2) of the TFEU (OJ C 28, 1.2.2012, p. 18).

⁽⁴⁾ See Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage) (OJ L 364, 12.12.1992, p. 7) ('the Maritime Cabotage Regulation').

⁽⁵⁾ Laziomar was established on 1 December 2010, with Region of Lazio being the sole shareholder.

- (7) On 15 November 2011, Italy submitted comments on the measures covered by the 2011 Decision.
- (8) On 25 April 2012, the Commission sent another request for information to Italy concerning the privatisation procedure. Italy replied by letter dated 22 May 2012.
- (9) On 7 November 2012, the Commission extended the investigation procedure *inter alia* to cover certain additional support measures granted by the Region of Lazio to Laziomar in respect of the public service compensation granted to Laziomar under the new public service contract. An amended version of that Decision was adopted by the Commission on 19 December 2012 ('the 2012 Decision') ⁽⁶⁾.
- (10) The 2012 Decision was published in the *Official Journal of the European Union*. The Commission invited interested parties to submit their comments on the measures under investigation.
- (11) On 11 December 2012, Italy submitted its comments.
- (12) On 25 January 2018, 29 March 2018, 31 August 2018, 4 March 2019, 15 April 2020, 9 and 26 February 2021, the Commission requested additional information from Italy. Italy provided this information on 26 April 2018, 8 and 31 May 2018, 2 November 2018, 11 December 2018, 30 April 2019, 22 June 2020, 22 February 2021 and 17 March 2021.
- (13) This Decision only concerns possible aid to Laziomar as specified in Section 2.3. All remaining measures subject to the 2011 and 2012 Decisions are being investigated separately under Cases SA.32014, SA.32015 and SA.32016 and are not therefore covered by this Decision. In particular, those remaining measures concern other companies of the former Tirrenia Group.

2. BACKGROUND AND DESCRIPTION OF THE MEASURES SUBJECT TO INVESTIGATION

2.1. General framework

2.1.1. The initial Conventions

- (14) The Tirrenia Group was traditionally owned by Italy through the company Fintecna ⁽⁷⁾ and initially included six companies, namely Tirrenia, Adriatica, Caremar, Saremar, Siremar and Toremar. These companies provided maritime transport services under separate public service contracts concluded with Italy in 1991, in force for twenty years between January 1989 and December 2008 ('the initial Conventions'). Fintecna held 100 % of Tirrenia's share capital, which in turn wholly owned the regional companies Adriatica, Caremar, Siremar, Saremar and Toremar. Adriatica, which used to operate a number of routes between Italy and respectively Albania, Croatia, Greece, and Montenegro, was merged with Tirrenia in 2004.
- (15) The purpose of these initial Conventions was to guarantee the regularity and reliability of the maritime transport services, the majority of them connecting mainland Italy with Sicily, Sardinia and other smaller Italian islands. To that effect, Italy granted financial support in the form of subsidies paid directly to each of the companies of the Tirrenia Group.
- (16) On 1 June 2011 Laziomar started operating a series of maritime cabotage routes between the Region of Lazio and the smaller neighbouring islands (see recital 33). The exact routes concerned are described under recital 43.

⁽⁶⁾ State aid – Italian Republic – State aid SA.32014 (2011/C), SA.32015 (2011/C), SA.32016 (2011/C) – State aid to the companies of the former Tirrenia Group and their acquirers – Invitation to submit comments pursuant to Article 108(2) of the TFEU (OJ C 84, 22.3.2013, p. 58).

⁽⁷⁾ Fintecna (Finanziaria per i Settori Industriale e dei Servizi S.p.A.) is wholly owned by the Italian Ministry of the Economy and Finance and is specialised in managing shareholding and privatisation processes, as well as dealing with projects to rationalise and restructure companies facing industrial, financial or organisational difficulties.

- (17) On 6 August 1999, the Commission decided to initiate the procedure laid down in Article 108(2) of the Treaty on the Functioning of the European Union ("TFEU") in respect of aid paid on the basis of the initial Conventions to the six companies that then formed the Tirrenia Group.
- (18) During the investigation phase, Italy requested that the Tirrenia Group case would be split up so that priority could be given to reaching a final decision concerning Tirrenia. This request was motivated by Italy's plan to privatise the Group, beginning with Tirrenia, and its intention to speed up the process in relation to that company.
- (19) The Commission decided that it could accede to Italy's request, and by its Decision 2001/851/EC ⁽⁸⁾ ('the 2001 Decision'), it closed the procedure initiated in respect of the aid awarded to Tirrenia. The aid was declared compatible subject to certain commitments by Italy.
- (20) By its Decision 2005/163/EC ⁽⁹⁾ ('the 2004 Decision'), the Commission declared the compensation granted by Italy to the Tirrenia Group companies other than Tirrenia to be partially compatible with the internal market, partially compatible conditional upon the respect of a number of undertakings by the Italian authorities, and partially incompatible with the internal market. The decision was based on accounting data spanning from 1992 to 2001 and contained certain conditions aimed at ensuring the compatibility of the compensation throughout the duration of the initial Conventions.
- (21) By Judgment of 4 March 2009 in Cases T-265/04, T-292/04 and T-504/04 ⁽¹⁰⁾ ('the 2009 Judgment') the General Court annulled the 2004 Decision.
- (22) By its Decision (EU) 2018/261 ⁽¹¹⁾ ('the 2014 Decision'), the Commission closed the formal investigation procedure as concerns various measures adopted by the Region of Sardinia in favour of Saremar. The appeal lodged by Saremar and the Region of Sardinia against that decision was dismissed by the General Court in 2017 ⁽¹²⁾.
- (23) By its Decision (EU) 2020/1411 ⁽¹³⁾ (the '2020 Tirrenia Group Decision'), the Commission concluded the investigation on the Tirrenia Group companies other than Tirrenia for the period 1992–2008. The Commission concluded that the aid granted for the provision of maritime cabotage transport services constituted existing aid, while most aid granted for the provision of international maritime transport services was compatible with the 2011 services of general economic interest ('SGEI') Framework ⁽¹⁴⁾ (the '2011 SGEI Framework').
- (24) By its Decision (EU) 2020/1412 ⁽¹⁵⁾, (the '2020 Tirrenia/CIN Decision') the Commission closed the formal investigation procedure as concerns the measures granted to Tirrenia and its acquirer CIN, for the period 2009–2020.
- (25) By its Decision (EU) 2021/4268 ⁽¹⁶⁾ and its Decision (EU) 2021/4271 ⁽¹⁷⁾, the Commission closed the formal investigation procedure as concerns the measures granted to Siremar and Toremar and their acquirers, for the period from 2009 onwards.

⁽⁸⁾ Commission Decision 2001/851/EC of 21 June 2001 on the State aid awarded to the Tirrenia di Navigazione shipping company by Italy (OJ L 318, 4.12.2001, p. 9).

⁽⁹⁾ Commission Decision 2005/163/EC of 16 March 2004 on the State aid paid by Italy to the Adriatica, Caremar, Siremar, Saremar and Toremar shipping companies (OJ L 53, 26.2.2005, p. 29).

⁽¹⁰⁾ Joined Cases T-265/04, T-292/04 and T-504/04 *Tirrenia di Navigazione v Commission*, ECLI:EU:T:2009:48.

⁽¹¹⁾ Commission Decision (EU) 2018/261 of 22 January 2014 on the measures SA.32014 (2011/C), SA.32015 (2011/C), SA.32016 (2011/C) implemented by the Region of Sardinia in favour of Saremar (OJ L 49, 22.2.2018, p. 22).

⁽¹²⁾ See Judgment of 6 April 2017 in Case T-219/14 *Regione autonoma della Sardegna (Italy) v Commission*, ECLI:EU:T:2017:266.

⁽¹³⁾ Commission Decision (EU) 2020/1411 of 2 March 2020 on the State aid No C 64/99 (ex NN 68/99) implemented by Italy for the Adriatica, Caremar, Siremar, Saremar and Toremar shipping companies (Tirrenia Group) (OJ L 332, 12.10.2020, p. 1).

⁽¹⁴⁾ Communication from the Commission: European Framework for State aid in the form of public service compensation (OJ C 8, 11.1.2012, p. 15).

⁽¹⁵⁾ Commission Decision (EU) 2020/1412 of 2 March 2020 on the measures SA.32014, SA.32015, SA.32016 (11/C) (ex 11/NN) implemented by Italy for Tirrenia di Navigazione and its acquirer Compagnia Italiana di Navigazione (OJ L 332, 12.10.2020, p. 45).

⁽¹⁶⁾ Not yet published in the *Official Journal of the European Union*.

⁽¹⁷⁾ Not yet published in the *Official Journal of the European Union*.

2.1.2. The prolongation of the initial Conventions

- (26) Article 26 of Decree Law No 207 of 30 December 2008, converted into Law No 14 of 27 February 2009, laid down the prolongation of the initial Conventions (including the one applicable to Laziomar) which were initially to expire on 31 December 2008 for one year, until 31 December 2009.
- (27) Article 19-ter of Decree Law No 135 of 25 September 2009, converted into Law No 166 of 20 November 2009 ('the 2009 Law'), laid down that, in view of the privatisation of the Tirrenia Group companies, the shareholding of the regional companies (except for Siremar) would be transferred from parent company Tirrenia without any consideration being paid as follows:
- (a) Caremar would initially be transferred to the Region of Campania. The latter would subsequently transfer to the Region of Lazio Caremar's business operating the transport connections with the Pontino archipelago on a standalone basis under the name Laziomar;
 - (b) Saremar would be transferred to the Region of Sardinia; and
 - (c) Toremar would be transferred to the Region of Tuscany.
- (28) The 2009 Law also specified that new Conventions would be agreed between Italy and Tirrenia and Siremar by 31 December 2009. Likewise, the regional services would be enshrined in draft Public Service Contracts, to be agreed between the Regions of Sardinia and Tuscany and Saremar and Toremar respectively by 31 December 2009 and between the regions of Campania and Lazio and Caremar and Laziomar respectively by 28 February 2010. The draft new Conventions / Public Service Contracts would be put up for tender with the companies themselves and signed with the buyers upon finalisation of the privatisation of each of those companies ⁽¹⁸⁾.
- (29) To that end, the 2009 Law further prolonged the initial Conventions (including the one applicable to Caremar) from 1 January 2010 until 30 September 2010.
- (30) The 2009 Law also set annual compensation ceilings for the operation of the services as of 2010 (under the prolongation of the initial Conventions, as well as under the new Conventions and Public Service Contracts), at a total of EUR 184 942 251, as follows:

Table 1

Compensation ceilings as of 2010

Company	Maximum annual compensation (EUR)
Tirrenia	72 685 642
Siremar	55 694 895
Saremar	13 686 441
Toremar	13 005 441
Caremar	29 869 832 ⁽¹⁾

⁽¹⁾ Out of which EUR 19 839 226 from the Region of Campania and EUR 10 030 606 from the Region of Lazio.

- (31) Article 1 of Law No 163 of 1 October 2010 converting Decree-Law No 125 of 5 August 2010 ('the 2010 Law') laid down the further prolongation of the initial Conventions from 1 October 2010 until the completion of the privatisation processes of Tirrenia and Siremar, which took place on 19 July 2012 and 31 July 2012 respectively.

⁽¹⁸⁾ Article 19-ter, paragraph 10 of the 2009 Law.

- (32) In view of the provisions of Article 19-ter of the 2009 Law, the Region of Lazio has established on 1 December 2010, by means of Regional law No 2/2010, a public limited company for the regional maritime cabotage services, called Laziomar, in order to acquire the branch of Caremar that was operating the Pontino archipelago routes and to subsequently be privatised.
- (33) On 7 March 2011, Caremar sold its branch concerning the Pontino archipelago routes to Laziomar. The latter, commenced operating the routes on 1 June 2011.
- (34) According to the Region of Lazio Decree No 508 of 28 October 2011 ('the Lazio Decree'), guidelines were provided concerning the privatisation process of Laziomar bundled with the conclusion of the new public service contract for the Pontino archipelago routes.
- (35) Further, according to Law No 228 of 24 December 2012, the Region of Lazio entrusted, on the basis of a 'bridge' contract, Laziomar with the obligation to ensure the territorial continuity of the Pontino archipelago routes until its privatisation, under the same conditions. This contract was signed on 12 February 2013 and remained in force until Laziomar's privatisation.

2.1.3. *The privatisation of Laziomar and the conclusion of the new service contract*

- (36) In February 2012, a tender procedure was launched (see Section 2.3.2) to find a buyer for Laziomar bundled together with the new public service contract for the provision of maritime services over a period of 10 years in exchange of public service compensation.
- (37) Following a successful offer in the tender procedure, Compagnia Laziale di Navigazione S.r.l. ('CLN') became the new owner of Laziomar. The sale contract between the Region of Lazio and CLN was signed on 30 December 2013. On 15 January 2014, the Region of Lazio and Laziomar signed the new service contract for the provision of maritime services in the Pontino archipelago.

2.2. **Measures in scope of the 2011 and 2012 Decisions**

- (38) The following measures have been subject to assessment in the formal investigation procedure opened by the 2011 and 2012 Decisions:
 - (a) Compensation for the provision of services of general economic interest ('SGEI') under the prolongation of the initial Conventions (*measure 1*);
 - (b) Potential misuse of rescue aid by Tirrenia and Siremar (*measure 2*);
 - (c) The privatisation of the companies of the former Tirrenia Group ⁽¹⁹⁾ (*measure 3*);
 - (d) Compensation paid for the operation of SGEI under the new Conventions / Public Service Contracts (*measure 4*);
 - (e) The berthing priority (*measure 5*);
 - (f) The measures laid down by the 2010 Law converting Decree Law 125/2010 (*measure 6*);
 - (g) Additional measures adopted by the Region of Sardinia in favour of Saremar (*measure 7*);
- (39) By its 2014 Decision the Commission closed the formal investigation procedure as concerns the measures adopted by the Region of Sardinia in favour of Saremar referred to above as Measure 7 with the exception of one measure ⁽²⁰⁾.

2.3. **Detailed description of the measures subject to this Decision**

- (40) This Decision only deals with measures 1, 3, 4, 5 and 6 as listed in recital 38 in so far as they involve Laziomar and CLN. Those measures are described in more detail in the following sections.

⁽¹⁹⁾ This includes the deferred payment by CIN of part of the purchase price for its acquisition of the Tirrenia business branch and several alleged additional aid measures in the context of the privatisation of the Siremar business branch (e.g. counter-guarantee and capital increase by the State for CdI, the entity that initially acquired the Siremar business branch).

⁽²⁰⁾ In particular, the Bonus Sardo – Vacanza project, which forms part of Measure 7, was not assessed in the 2014 Decision and will also not be assessed in this Decision.

2.3.1. The prolongation of the initial Convention between Laziomar and Italy

2.3.1.1. The public service obligations

- (41) Article 1 of the initial Convention with Caremar provided for five-year plans to detail the ports to be served, the type of vessels to be used and the required frequency of the service entrusted to Caremar (and subsequently to Laziomar following the transfer of the Pontine routes to the Region of Lazio on 1 June 2011).
- (42) According to Italy, the last five-year plan for Caremar (at the time) formally approved is the one relating to the period 2000–2004, whereas a plan for the period 2005–2008 was drawn up but never formally approved by the competent ministries. Instead, *ad hoc* decisions have been taken by the government with a view to bringing the services more closely into line with the needs of the local communities, without however making substantive changes to the public service system.
- (43) Based on the initial Convention, as prolonged, with subsequent legal acts mentioned in recitals 26 to 33, Laziomar operated the following routes all year round:
- On the Ponza – Formia route (**Line T1**) Laziomar operated the only connection to this line. It ensured two daily connections providing mixed services (passengers, vehicles and goods). The vessel, leaving the island at 5.30 a.m. guaranteed the residents the connection with the mainland for study and work reasons with the last return at 17.30 p.m.;
 - On the Ponza – Formia route (**Line A2**); Laziomar operated also the only high-speed passenger service with one daily connection and maintained the vessel on the island overnight;
 - On the Anzio – Ponza route (**Line A1**) Laziomar ensured a daily high-speed passenger service in the high season from Monday to Saturday. The service was however increased on Sundays and holidays and was justified on social and economic development grounds (in particular because tourism is basically the only source of income of the island). One competitor, Vetur, also operated on the same line a high-speed passenger service during the high season;
 - On the Ventotene – Formia route (**Line T2**) Laziomar ensured all year round a daily service using a mixed vessel. The mixed service was the only regular connection for transport of passengers, vehicles and goods all year round;
 - On the Ventotene – Formia route (**Line A3**) Laziomar operated also the only high-speed connection. It departed at 6.45 a.m., thus enabling the residents to travel to the mainland for professional or study reasons, and remained overnight on the island to ensure permanence in case of a medical emergency.

2.3.1.2. Budget and duration

- (44) Table 2 shows the annual compensation paid to Laziomar by Italy for the period 2011–2013:

Table 2

Compensation granted for 2011–2013 (EUR)

Year	Compensation paid (EUR)
2011	8 601 187
2012	13 780 506
2013	12 696 006

- (45) The initial Convention provides for the annual public service compensation to be paid as follows: an initial advance payment is made in March of each year, equivalent to 70 % of the compensation paid the previous year. A second payment, made in June, is equal to 20 % of the compensation. The difference between the amounts paid and the

shortfall between operating costs and revenue during the year in progress constitutes the balance, which is paid by 30 November. If it turned out that Laziomar has received a sum greater than the net cost of the services provided (revenue minus losses), the initial Convention provides that Laziomar is required to reimburse the difference. ⁽²¹⁾

— Compensation granted in 2011–2013

- (46) Presidential Decree No 501 of 1 June 1979 ('Decree No 501/79') specifies the various elements (revenues and costs) which enter into the calculation of the subsidy paid to maritime public service operators. Furthermore, Law No 856 of 5 December 1986 ('Law 856/86') provided for certain alterations to the system of maritime public service obligations in Italy. Regarding the connections with minor and major islands, Article 11 thereof amended the criteria for the calculation of the public service compensation. Indeed, the subsidy had to be calculated based on the difference between the revenues and the costs of the service as determined with reference to average and objective parameters, and had to include a reasonable return on invested capital. Article 11 also lays down that the public service contracts had to include the list of the subsidised routes, the frequency and the types of ships to be used. The subsidies were to be approved by the responsible Ministers. The principles laid down in Presidential Decree No 501/79 and Law No 856/86 were reflected in the initial Conventions.
- (47) As from 2010, the compensation for the operation of the SGEI has been determined by the application of a new methodology laid down in the CIPE ⁽²²⁾ Directive of 9 November 2007 titled 'Criteria for the definition of the public service obligations and the fare dynamics in the sector of maritime cabotage of public interest' ('the CIPE Directive') ⁽²³⁾. According to the preamble, the CIPE Directive was issued in view of the privatisation of the public companies operating maritime services under a public service regime ⁽²⁴⁾. The provisions of the CIPE Directive were applied in respect of the services provided by the companies of the Tirrenia Group as of 2010, even prior to the entry into force of the respective new Conventions and Public Service Contracts following the respective privatisations.
- (48) The method laid down in the CIPE Directive allows the companies operating the maritime public service to make an appropriate return. The rate of return on capital is calculated on the basis of the weighted average cost of capital ('WACC').
- (49) The required return to equity ⁽²⁵⁾ is calculated using the Capital Asset Pricing Model (the 'CAPM'). On the basis of the capital asset pricing model the cost of equity is derived as a function of (i) the risk-free rate; (ii) the Beta (an estimate of risk profile of the company relative to equity market); and (iii) the equity risk premium assigned to the equity market.
- (50) In particular, the cost of equity would be calculated by applying a premium for bearing extra risk to the rate of return on risk-free activities. This premium is calculated as the risk premium of the market multiplied by its Beta, which measures how risky a specific activity is relative to the market.
- (51) According to the CIPE Directive, the rate of return on risk-free activities corresponds to the average gross yield on benchmark ten-year bonds with reference to the previous twelve months for which available data exists.
- (52) The CIPE Directive sets a 4 % market risk premium. However, in case of a service that is operated on a non-exclusive basis, the presumably greater risk borne by the operator is remunerated by the addition of an extra 2,5 % to the market risk premium.

⁽²¹⁾ After 25 November 2010, by decision of the Interdepartmental Conference on the establishment of the annual subsidy set up under Article 11 of Law No 856/1986 between the Ministry of Infrastructure and Transport, the Ministry of Economy and Finance, and the Ministry of Economic Development (the 'Interdepartmental Conference'), any amount of overcompensation is deducted from future advance subsidy payments.

⁽²²⁾ Comitato Interministeriale per la Programmazione Economica.

⁽²³⁾ Gazzetta Ufficiale della Repubblica Italiana ('GURI') No 50 of 28 February 2008.

⁽²⁴⁾ As pursuant to Article 1, letter 999 of Law No 296 of 27 December 2006 and Article 1, letter (e) of Decree Law 430/1997.

⁽²⁵⁾ The desired rate of return for an equity investor given the risk profile of the company and associated cash flows.

- (53) In practice, the amount of compensation paid to Laziomar can however not exceed the ceiling of EUR 10 030 606 per year as laid down by the 2009 Law (see recital 30). Although the 2009 Law caps the annual compensation paid to all Tirrenia companies for the operation of the maritime services subject to the public service regime, the CIPE Directive also contains certain safeguards that enable those operators to sufficiently cover their operating costs. In view of this, as shown in Table 2, the compensation paid in 2012 and 2013 has been increased to cover the totality of the public service cost in those years.
- (54) In particular, according to the CIPE Directive the scope of the services, the maximum fares set out by the new public service contract and the compensation actually granted must be defined such as to grant the service provider coverage of the entirety of admissible costs. The following formula is applicable:

$$VA(RSP) + VA(AI(X)) = VA(CA)$$

where:

- $VA(RSP)$ is the discounted value of the compensation for the discharge of the public service obligations;
 - $VA(AI(X))$ is the discounted value of other revenue (fare receipts and other);
 - $VA(CA)$ is the discounted value of the admissible operating costs, debt repayment and return on invested capital.
- (55) In case the above equation does not hold, the scope of the subsidised activities could be reduced, or alternatively the service organisation (e.g. type of ships) would be reviewed or the fare constraints would be modified.
- (56) Furthermore, the fare ceiling applicable to each service, net of taxes and port dues, is adjusted every year on the basis of a price-cap formula as follows:

$$\Delta T = \Delta P - X$$

where:

- ΔT is the annual percentage change in the fare ceiling;
 - ΔP is the rate of inflation for the year of reference;
 - X is a real annual rate of adjustment of the fare ceiling, laid down in the public service contract, which remains constant over the duration of the contract.
- (57) The CIPE Directive also specifies that the fare ceiling may be adjusted to reflect variations in fuel costs, taking standard publicly available prices as reference.

2.3.2. Laziomar's privatisation

- (58) On 13 February 2013, the Region of Lazio published on its website the call for tenders for the sale of Laziomar and the award of a public service compensation for the discharging of public service obligations in the maritime routes identified in recital 43 ⁽²⁶⁾. This notice was also published in the *Official Journal of the European Union* ⁽²⁷⁾, in the Official Gazette of the Italian Republic ⁽²⁸⁾ and in four daily national and local Italian newspapers.
- (59) Italy chose the restricted tender procedure referred to in Article 55(6) of the Code of Public Contracts – Legislative Decree No 163/2006 (*il Codice dei Contratti pubblici*). The chosen award criterion was that of the most economically advantageous offer.
- (60) In order to encourage the broadest possible participation in the procedure, the call for tenders expressly allowed bidders to take part in joint form through temporary groupings of tenderers, consortia or European Economic Interest Groupings ('EEIGs').

⁽²⁶⁾ www.regione.lazio.it

⁽²⁷⁾ OJ No S/149, 4 August 2012.

⁽²⁸⁾ GURI, No 91, 6 August 2012.

2.3.2.1. The sale procedure and final award

- (61) Following the publication of the call for tenders, on the expiry of the deadline, eight parties expressed an interest to participate in the tender procedure (namely: Navigazione Libera del Golfo S.r.l., Carpoint Motorsport S.p.A., Blu Navy Cruise & Tour S.r.l., Traghetti Lines, CLN, Navigazione Generale Italiana S.p.A., Vetur S.r.l. and Ustica Lines, the latter now operating under the name Liberty Lines) and provided the information requested for the qualitative selection of the first stage of the procedure. Seven of these participants, with the exclusion of Blu Navy Cruise & Tour S.r.l., were admitted to the subsequent stage and invited to submit a tender on 16 May 2013.
- (62) The invitation to submit a tender contained the new draft 10-year contract to be signed between the successful bidder and the Region of Lazio and more detailed information concerning the tendering procedure. Particularly, the invitation letter confirmed that the most economically advantageous offer would be chosen for the service contract with price scoring 30 points and technical qualifications 70 points. As regards the price for the sale of Laziomar, the invitation letter mentioned a fixed amount corresponding to EUR 2 272 000, calculated on the basis of an independent study, which had assessed the total value of Laziomar's assets (see recitals 66 and 67). This price was non-negotiable and was therefore not subject of the financial offer of the tenderers.
- (63) For this reason, all potential tenderers were requested to include the above fixed amount for the sale of Laziomar in their financial offer, while the Region of Lazio would choose the most economically advantageous offer for the tender as a whole based on the price and other, mainly technical, criteria concerning the service, as set out in the invitation letter (see recital 62).
- (64) At the expiry of the deadline, CLN submitted its bid, whose specifications were examined and the outcome was positive. No other bid was submitted.
- (65) The tender was therefore awarded to CLN both as regards the privatisation of Laziomar business and the operation of the maritime services (see Section 2.3.3).

2.3.2.2. The sale contract

- (66) The sale contract was concluded on 30 December 2013 and defines the transfer of Laziomar shares to CLN for the fixed price of EUR 2 272 000, on the basis of an independent expert evaluation commissioned by the Region of Lazio.
- (67) The amount mainly reflects the value of the fixed tangible assets (consisting of four vessels and industrial and commercial equipment) and the value of ticketing for the island of Ventotene, as appeared in the balance sheet of the company at 1 June 2011.
- (68) In accordance with Article 4 of the sale contract, CLN is obliged to notify the Region of Lazio of any future sale of the Laziomar shares to third parties in which case CLN would however remain jointly responsible with the new purchaser of the Laziomar, with respect to the obligations of the service contract.

2.3.2.3. Proceedings at national level

- (69) The result of the tender procedure awarding the Laziomar business and the public service contract to CLN was the subject of a dispute at the Regional Administrative Court of Lazio ("TAR").
- (70) Vetur S.r.l. ("Vetur"), operating also the Anzio-Ponza route with hydrofoils (Line A1) brought an application for interim relief against the legitimacy of the tender procedure before TAR, which was rejected by Order No 2995/2013. The same court also ruled on the merits and rejected Vetur's complaint by Judgement No 467/2014. The Council of State confirmed the above rulings on appeal with Judgement No 5421/2018.

2.3.3. The new service contract between the Region of Lazio and Laziomar

2.3.3.1. The beneficiary

- (71) As mentioned in recital 64, CLN submitted a bid for the new public service contract. Following the successful tender, Laziomar (acquired by CLN but retained its separate legal identity) signed the new public service contract with the Region of Lazio for the operation of maritime routes on 15 January 2014.

2.3.3.2. The routes

- (72) Laziomar provides passenger, mixed (passenger, vehicles and freight) and only freight (goods and special goods) services under the public service regime on multiple cabotage routes as follows:

Table 3

Network of routes operated by Laziomar under the new service contract

Formia – Ponza (ferry – mixed service) – Line T1
Formia – Ventotene (ferry – mixed service) – Line T2
Terracina – Ponza (ferry – mixed and freight ⁽¹⁾ services) – Line T3
Terracina – Ventotene (ferry – freight service) – Line T4
Anzio – Ponza (hydrofoil – passenger service) – Line A1
Formia – Ponza (hydrofoil – passenger service) – Line A2
Formia – Ventotene (hydrofoil – passenger service) – Line A3
⁽¹⁾ Some sailings on this Line are freight only (see Table 9).

2.3.3.3. Duration

- (73) The new service contract between the Region of Lazio and Laziomar has a duration of ten years (2014–2024).

2.3.3.4. The public service obligations

- (74) The public service obligations imposed on Laziomar concern among others the ports served, the type and capacity of the vessels assigned to the maritime routes operated, the frequency of service and the maximum fares.

2.3.3.5. The compensation provisions and final award

- (75) The annual base remuneration on the basis of the tender procedure for the compensation under the new contract for the discharging of public service obligations on the maritime routes identified under recital 43 was set by the Region of Lazio at EUR 14 300 550, subject to downwards revision. The amount was finally fixed at EUR 12 752 074 (totalling EUR 127 520 740 over the 10-year contract period).
- (76) Pursuant to Article 6 of the contract, the Region of Lazio can adjust the compensation, upwards or downwards, to take account of changes concerning the actual sailings made every year. The compensation level is not affected if the number of sailings made every year is higher or lower than the contractually agreed number by 3 % or less. In case of changes, upwards or downwards, by more than 3 %, the compensation is adjusted accordingly, by multiplying the number of extra or fewer sailings by the unit price, as indicated in the bid. In 2017, the service contract was amended to adjust the compensation level at the amount of EUR 13 524 536.
- (77) This amount of compensation is determined on the basis of the methodology laid down by the CIPE Directive (see recitals 47 to 57). The safeguards laid down by the CIPE Directive have been reflected in the new service contract.

- (78) The service contract provides for a payment of compensation that does not exceed what is necessary to cover the net costs incurred for the fulfilment of the public service obligations (economic-financial balance). In case of deviations from this contractual equilibrium, the service contract provides in Article 25 for a rebalancing mechanism that evaluates all the parameters linked to the payment of the compensation. Should, therefore, as a result of a material change ⁽²⁹⁾ in the economic parameters on which it is based, the compensation amount proves insufficient to cover all costs incurred in the provision of the service, the new service contract allows for a revision of the key parameters of the compensation namely: (i) the fare system; (ii) the level of the public services offered; (iii) the level of the annual price cap; and (iv) the capital contributions for investments.
- (79) Under Article 4 (paragraphs 4 to 6) of the service contract the compensation paid to the operator shall be reduced by 80 % in the case of interruption of services because of employees' strikes and 30 % in the case of other unforeseen events, whereas failure to perform the services in circumstances other than strikes or unforeseen events would result in the payment of penalties, pursuant to Article 9 of the service contract.
- (80) Pursuant to Article 22 of the service contract, the operator is required to implement a system of technical, economic and management monitoring, according to which the profit and loss annual accounts related to the service provided on the basis of the service contract are sent to the regional authority for verification.
- (81) Pursuant to Article 4(2) of the service contract, the annual compensation to be paid to Laziomar was estimated to amount to EUR 12 752 074. Nevertheless, according to Article 4(3) of the service contract, the actual price paid to Laziomar is determined as the outcome of the production actually carried out (i.e. price per mile for each route), taking into account the risks involved (commercial and industrial) as laid down in the contract (e.g. compensation reduction in case of the company not sailing, penalties in case of services being disconnected etc.).
- (82) Table 4 shows the compensation fixed on the basis of the tendering procedure over the whole contract period and the compensation actually paid to Laziomar for the period 2014–2019, following amendments concerning the sailing production, pursuant to Article 6 of the service contract.

Table 4

Compensation fixed and paid to Laziomar under the new service contract 2014–2019

Year	Compensation fixed (EUR)	Compensation paid (EUR)
2014	12 752 074	13 374 589
2015	12 752 074	13 376 167
2016	12 752 074	13 330 304
2017	12 752 074	13 370 070
2018	12 752 074	13 356 282
2019	12 752 074	13 366 510

⁽²⁹⁾ Article 25(2) states: 'A positive or negative deviation in the economic and financial balance can be caused by:

- (a) management inefficiencies;
- (b) incorrect communication by Laziomar of the services actually provided for determining the annual price;
- (c) exceptionally unfavourable market conditions beyond Laziomar's control, resulting in a deterioration in operating conditions and thus higher operating costs or lower fare revenues, that lead to a drop in the operating result of more than 10 %;
- (d) financial charges;
- (e) amendments to legislative and regulatory provisions laying down new conditions for the performance of the service provided for in the contract;
- (f) new investment required by the Region to be carried out with public resources provided for by Article 19;
- (g) change in the fare system referred to in Article 3;
- (h) exceptionally favourable market conditions that lead to an increase in the operating result of more than 10 %;
- (i) increases in the unit cost of staff as a result of obligations under the CCNL [National Collective Labour Agreement] and additional company bargaining;
- (j) commercial policy applied by Laziomar up to the maximum levels laid down in Annex G to this contract'. (Commission's unofficial translation).

2.3.4. The berthing priority

- (83) Article 19-ter, paragraph 21 of the 2009 Law laid down that, in order to guarantee the territorial continuity with the islands and in light of their public service obligations, the companies of the former Tirrenia Group, including Laziomar, would keep the berthing already allocated and the priority in the allocation of new slots in line with the procedures set forth by the Maritime Authorities as established by Law No 84 of 28 January 1994 and the Italian Maritime Code.

2.3.5. The measures laid down by the 2010 Law

- (84) The 2010 Law laid down the possibility for the undertakings of the former Tirrenia Group to use, on a temporary basis, the financial resources already committed ⁽³⁰⁾ to the upgrade and modernisation of the fleet to cover pressing liquidity needs instead. The undertakings of the former Tirrenia Group that made use of this possibility were however required to replenish these dedicated funds, so that they could still undertake the necessary upgrades for their ships. These upgrades were necessary to meet new international safety standards following the 1996 Stockholm Agreement. ⁽³¹⁾
- (85) In particular, drawing from two facilities ⁽³²⁾, EUR 23 750 000 were set aside to pay for the upgrades of the entire Tirrenia Group. Laziomar however did not make any use of these facilities (see recital 132).
- (86) In addition, Article 1 of the 2010 Law also laid down the following:
- (a) the initial Conventions are prolonged as from 1 October 2010 until the end of the privatisation process of Tirrenia and Siremar (see also recital 31);
 - (b) Article 19-ter of Decree Law 135/2009, converted with modifications into the 2009 Law is amended by the introduction of paragraph 24 bis. According to that paragraph, all official acts and operations in the implementation of the provisions of paragraphs 1-15 of the 2009 Law benefit from fiscal exemption. Those paragraphs relate to the liberalisation of the maritime cabotage sector through the privatisation of the Tirrenia group, including its preparatory step, i.e. the transfer of the regional companies to the respective regions;
 - (c) in order to ensure the continuity of the public service and to support the privatisation process of the former Tirrenia group companies, the regions in question may make use of the resources of the *Fondo Aree Sottoutilizzate* ('FAS') ⁽³³⁾ pursuant to CIPE Directive No 1/2009 of 6 March 2009. ⁽³⁴⁾

2.4. Infringement procedure No 2007/4609

- (87) Following earlier exchanges between the Commission's services and Italy, the Commission's Director-General responsible for energy and transport on 19 December 2008 sent a request for information to Italy. This request concerned among other things, an overview of the public service routes at that time and the public service remit that Italy envisaged under the proposed new Conventions. Furthermore, Italy was asked to provide more details about the privatisation plans for the Tirrenia Group.
- (88) In its letter of 28 April 2009, Italy provided a detailed reply to the Commission's request of 19 December 2008. In that letter, among other things Italy stated the following:
- (1) the extension of the initial Conventions until 31 December 2009 was necessary to achieve the liberalisation of the maritime cabotage sector in Italy through the privatisation of the Tirrenia Group;

⁽³⁰⁾ As laid down by Article 19, paragraph 13a of Decree Law 78/2009, converted into Law 102/2009 ('Law 102/2009'), and by paragraph 19 of Article 19-ter of the 2009 Law.

⁽³¹⁾ These safety standards were then detailed in the Council Directive 98/18/EC of 17 March 1998, transposed by Legislative Decree No 45 of 4 February 2000, of Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003, transposed by Legislative Decree No 52 of 8 March 2005 and of Directive 2003/25/EC of the European Parliament and of the Council, transposed by Legislative Decree No 65 of 14 March 2005.

⁽³²⁾ All the funds (i.e. EUR 7 000 000) provisioned by paragraph 19 of Article 19-ter of the 2009 Law and EUR 16 750 000 from the funds provisioned by Law 102/2009.

⁽³³⁾ The Fund for Under-utilised Areas (*Fondo Aree Sottoutilizzate*) is a national fund that supports the implementation of Italian Regional policy. Its resources are mainly earmarked for regions identified as such by the Italian authorities.

⁽³⁴⁾ *Gazzetta Ufficiale della Repubblica Italiana*, No 137 of 16 June 2009.

- (2) the public service compensation granted to the Tirrenia Group was necessary to ensure territorial continuity with the islands through maritime links which were not satisfactorily provided by private operators on the market;
 - (3) a thorough rationalisation process of the routes had been concluded on 10 March 2009. This process took into account the relevant social, employment and economic aspects, as well as the need to safeguard essential links for territorial continuity and included a consultation of the six Regions concerned. This rationalisation would result in the reduction of the net cost of the public service of approximately EUR 66 million and the redundancy of some 600 crew members for the entire Tirrenia Group. Italy also recalled that the 2009 rationalisation complemented earlier efforts (in 2004, 2006 and 2008) to reduce the services operated by the Tirrenia Group;
 - (4) the objectives were to (i) maintain the links necessary to ensure territorial continuity with and between islands and the mainland, and the right to health, study and mobility; (ii) rationalise links where there were private operators who provided the same connections over the same time period, with similar guarantees of quality and continuity; and (iii) rationalise summer and high-speed connections which transport only persons;
 - (5) in the letter, Italy gave an overview of the routes operated by the companies of the Tirrenia Group during 2008 and the reduced number of routes the Tirrenia Group companies would operate in 2009. According to Italy, the latter routes would form the basis for the new Conventions that were to be concluded with the new owners of the Tirrenia Group companies.
- (89) On 21 December 2009, the Commission's Director-General responsible for energy and transport sent a letter to Italy noting *inter alia* that in the light of the radical overhauling of the maritime cabotage sector in Italy, and because of the sizable social impact the privatisation would have entailed, if the tenders were carried out on a simple public service contract basis, tendering out the shipping companies endowed with such contracts was acceptable – in principle and as an exception – for the purpose of ensuring compliance with the criterion of non-discrimination among Community ship-owners laid down in Council Regulation (EEC) No 3577/92 ⁽³⁵⁾ ('the Maritime Cabotage Regulation'). The Commission notes that the Maritime Cabotage Regulation does not require Member States to privatise their maritime transport companies but only to liberalise that specific market.
- (90) On 29 January 2010 ⁽³⁶⁾, the Commission sent a letter of formal notice regarding the wrong implementation of the Maritime Cabotage Regulation. In that letter, the Commission recalled that that Regulation requires that, whenever a Member State concludes public service contracts or imposes public service obligations, it is to do so on a non-discriminatory basis in respect of all Union shipowners. The Article 4(3) of that Regulation provides that existing public service contracts may remain in force up to the expiry date of the relevant contract. However, the Commission noted that the companies of the Tirrenia Group continued to operate maritime transport services after the expiry of the respective public service contracts (the initial Conventions). In particular, those Conventions were due to expire at the end of 2008 but were repeatedly prolonged by Italy. Therefore, the Commission invited Italy to present its observations.
- (91) Also on 29 January 2010, the Commission's Director-General responsible for energy and transport replied to Italy's letter of 22 January 2010. The Director-General emphasised that his reply only concerned the compliance with the Maritime Cabotage Regulation and not State aid issues. Against this background, the Director-General indicated that the justifications provided concerning certain routes were sufficient to remove the doubts expressed earlier. The Director-General recalled that public service contracts can only cover routes for which there is market failure.
- (92) On 29 March 2010, Italy replied to the Commission's letter of formal notice of 29 January 2010.
- (93) On 10 September 2010, Italy informed the Commission during an *ad hoc* meeting, that the competitive procedure for the contract involving among others the Pontino archipelago routes operated by Caremar at the time was also delayed. Subsequently, Law No 163 of 1 October 2010 further prolonged the initial Conventions until the completion of the privatisation processes of Tirrenia and Siremar (see also recital 31).

⁽³⁵⁾ Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage) (OJ L 364, 12.12.1992, p. 7).

⁽³⁶⁾ The letter of formal notice was adopted on 28 January 2010 but only notified to Italy the next day.

- (94) In light of these developments, the Commission sent a complementary letter of formal notice on 24 November 2010. In this letter, the Commission stated the following:
- (a) the initial Convention of among others Caremar was extended automatically and without any competitive procedure;
 - (b) while the public service contracts in question continued to be applied, no competitive procedure had been completed, for Caremar among others;
 - (c) it reserved its right to issue a reasoned opinion if necessary (taking into account any comments Italy might make).
- (95) On 21 June 2012, the Commission adopted a reasoned opinion concerning the delay of privatisation of three companies (Caremar, Laziomar and Saremar) of the former Tirrenia Group. Since the tender procedures for the other three companies (Tirrenia, Toremar and Siremar) had been completed in the course of 2011 ⁽³⁷⁾ these companies were not covered by the reasoned opinion. The Commission noted that Italy had not put in place competitive procedures for the award of public service contract for maritime cabotage operated by among others Laziomar, more than three years after the normal expiry of the respective initial Conventions. Those Conventions had been extended automatically and indefinitely thereby preventing other Union ship-owners from competing for the award of these contracts.
- (96) On 8 August 2012, Italy replied to the reasoned opinion stating that tender notices for the award of the companies endowed with new public service contracts were or would be published in the *Official Journal of the European Union*. In particular, for Laziomar the notice was sent for publication on 1 August 2012.
- (97) On 14 January 2014, CLN became the new owner of Laziomar and signed a ten-year public service contract for links with the Pontino archipelago.
- (98) By letter of 15 July 2016, Italy informed the Commission that the privatisation of all companies of the former Tirrenia Group had been completed. On 8 December 2016, the Commission decided to close the infringement procedure.

3. GROUNDS FOR INITIATING AND EXTENDING THE PROCEDURE

3.1. The prolongation of the initial Convention between Laziomar and Italy ⁽³⁸⁾

3.1.1. Observance of *Altmark* and existence of aid

- (99) In its 2011 Decision, the Commission took the preliminary view that the definition of the public service obligations included in the initial Conventions with all the companies of the former Tirrenia group had not been sufficiently clear and hence did not allow the Commission to definitely conclude whether it contained manifest error. In particular, the Commission did not at that stage have a complete view on the actual obligations imposed for the operation of the routes in among others the Pontino archipelago as compared to the services offered by competitors on some of those routes.
- (100) The Commission took the preliminary view that the second condition of the *Altmark* judgment ⁽³⁹⁾ was observed as the parameters at the basis of the calculation of the compensation had been established in advance and observed the transparency requirements. In particular, the Commission noted that these parameters are described in the initial Conventions (for compensation concerning the year 2009) and in the CIPE Directive (for compensation from 2010 onwards).

⁽³⁷⁾ Even if the formal transfer of ownership of Tirrenia, Toremar and Siremar only occurred in 2012.

⁽³⁸⁾ The 2011 Decision contains grounds for initiating the procedure in respect of among others aid paid to the six companies of the former Tirrenia group on the basis of the initial Conventions. At the time of adoption of the 2011 Decision (5 October 2011), the maritime services on the Pontino archipelago routes had just been transferred by Caremar to Laziomar (1 June 2011). Although the 2011 Decision does not make an explicit reference to Laziomar, the Commission's preliminary assessment of the initial Convention covering the said routes, applies equally to Laziomar, as the new operator of those routes.

⁽³⁹⁾ See Judgment of 24 July 2003 in Case C-280/00 *Altmark Trans*, ECLI:EU:C:2003:415.

- (101) The Commission however considered that the third condition of the *Altmark* judgment did not seem to be observed and that the operators might have been over-compensated for the performance of the public service tasks. In particular, the Commission expressed doubts as to the proportionality of the compensation paid to the companies of the former Tirrenia group as from 2009, given the absence of a clear definition of the obligations imposed on those companies. Likewise, the Commission doubted whether the risk premium of 6,5 %, which applies from 2010 onwards, reflects an appropriate level of risk since *prima facie* the operators did not seem to assume the risks normally borne in the operation of such services.
- (102) The Commission also took the preliminary view that the fourth *Altmark* condition was not observed inasmuch as the prolongation of the initial Conventions had not been tendered out. The Commission moreover noted that it had not received any evidence to support the argument that the operators in fact provided the services at stake at the least cost to the community.
- (103) In the 2011 Decision, the Commission therefore came to the preliminary conclusion that the public service compensation paid to the operators during the prolongation of the initial Conventions constitutes State aid within the meaning of Article 107(1) TFEU. In addition, the Commission took the view that this aid should be considered as new aid.

3.1.2. Compatibility

- (104) In the 2011 Decision, the Commission took the preliminary view that the public service compensation for the years 2009–2011 falls outside the scope of both the 2005 SGEI Decision ⁽⁴⁰⁾ and the 2005 SGEI Framework ⁽⁴¹⁾. The Commission therefore assessed this measure directly under Article 106(2) TFEU and found it had doubts on whether the applicable compatibility conditions were fulfilled.
- (105) In the 2012 Decision, the Commission noted that on 31 January 2012, a new SGEI package consisting of the 2011 SGEI Decision ⁽⁴²⁾ and 2011 SGEI Framework ⁽⁴³⁾ had entered into force. The Commission however took the preliminary view that the public service compensation under the prolongation of the initial Conventions could not be considered compatible with the internal market and exempted from the notification requirement under the 2011 SGEI Decision.
- (106) The 2010 Law provided for the prolongation of the initial Conventions from 30 September 2010 up to the end of the privatisation process. As a result, the compensation received by Laziomar as of 1 June 2011 until its privatisation could be assessed on the basis of the 2011 SGEI Framework.

3.2. Laziomar's privatisation

- (107) In the 2012 Decision, the Commission expressed doubts that the tender procedure for the sale of Laziomar had been sufficiently transparent and unconditional so as to ensure that the sale took place at market price.
- (108) The Commission considered that certain conditions imposed in the privatisation might have restricted the number of bidders and/or influenced the sale price. The Commission restated its established practice concerning sales of assets of State owned undertakings by the State (or in this case imputable to the State): non-economic considerations which a private seller would not make, such as public policy reasons, employment requirements or regional development, point to the existence of State aid if they impose onerous obligations on the potential buyer and are therefore liable to reduce the sale price.

⁽⁴⁰⁾ Commission Decision 2005/842/EC of 28 November 2005 on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest (OJ L 312, 29.11.2005, p. 67).

⁽⁴¹⁾ Community framework for State aid in the form of public service compensation (OJ C 297, 29.11.2005, p. 4).

⁽⁴²⁾ Commission Decision 2012/21/EU of 20 December 2011 on the application of Article 106(2) TFEU to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest (OJ L 7, 11.1.2012, p. 3).

⁽⁴³⁾ Communication from the Commission: European Framework for State aid in the form of public service compensation.

- (109) The Commission also considered that the so called *financial requirements* as imposed in the Laziomar tender effectively disrupted the tender by restricting potential bidders to existing maritime companies, given that in the present case, the company itself, endowed with the public service contract, was put up for sale. ⁽⁴⁴⁾
- (110) Likewise, the Commission held that the *technical offers* were scored, carrying out a significantly higher weight than the economic offers (see recital 62), whilst the shares' price was fixed by the public authorities.
- (111) For the above reasons, the Commission preliminarily concluded that the privatisation procedure of Laziomar had not been sufficiently transparent and unconditional so as to ensure by itself that the sale took place at market price and obtained the highest price for the shares. The Commission could therefore at that stage not exclude that an economic advantage was conferred to the buyer.
- (112) The Commission also considered, on the basis of the information available when issuing its 2012 Decision, that any aid that might have arisen in the course of the privatisation process would be incompatible.

3.3. The new service contract between the Region of Lazio and Laziomar

3.3.1. Observance of *Altmark*, existence of aid and compatibility

- (113) In the 2012 Decision, the Commission took the preliminary view that the compensation paid to Laziomar did not fulfil the criteria laid down in the *Altmark* judgment and therefore amounted to aid within the meaning of Article 107(1) TFEU. The Commission came to this conclusion given that: (i) competitors who seemed to be offering similar services were present at least on certain routes operated by Laziomar and there was insufficient information available that would enable the Commission to conclude on whether the SGEI reflected a real public service need which could not be met by market forces alone; (ii) the calculation of the compensation pursuant to the CIPE Directive appeared to have resulted in the operator being overcompensated for the provision of the public service for the same reasons as expressed in the 2011 Decision; and (iii) the fourth criterion of the *Altmark* judgment was seemingly not observed, given that the public service was tendered out on the condition that the successful bidder would acquire the Laziomar company as a whole. The Commission considered that had the public service contract been tendered out without the purchase requirement, it could have resulted in a lower cost for the community.

3.3.2. Compatibility

- (114) With respect to the compatibility of the compensation to Laziomar, the Commission noted that, on the basis of the information provided by the Italian authorities, the 2011 SGEI Decision appeared not to be applicable. In any event, the Commission could not conclude on the application of the 2011 SGEI Decision because at that stage the signed contract had not been provided. The Commission did not receive any information (e.g. number of passengers transported in the two previous years to that of the entrustment) to examine the remaining compatibility conditions of the 2011 SGEI Decision. The Commission then assessed the aid based on the 2011 SGEI Framework but found that it had doubts on whether the compatibility conditions of that Framework were fulfilled and invited Italy to demonstrate that this was the case.

3.4. The berthing priority

- (115) In the 2011 Decision, the Commission took the preliminary view that to the extent that the berthing priority is not remunerated, the measure is a regulatory advantage, which does not involve any transfer of State resources and cannot therefore qualify as State aid. Alternatively, if the berthing priority is remunerated, the Commission considered that to the extent Laziomar provides a genuine SGEI and that this priority is only granted in relation to routes covered by the SGEI, it would not result in an additional economic advantage since it would be intrinsic to the provision of the SGEI. Nevertheless, the Commission invited Italy and third parties to provide further information on this measure.

⁽⁴⁴⁾ The invitation to submit a tender provided that the total turnover in the maritime transport sector of the potential bidders in the previous three years could not be below EUR 60 million.

- (116) Since it had raised doubts on the legitimacy of the SGEI mission, the Commission could not conclude on the compatibility of the measure if it were to be aid.

3.5. The measures laid down by the 2010 Law

- (117) In the 2011 Decision, the Commission took the preliminary view that all measures laid down by the 2010 Law constituted State aid in favour of the companies of the former Tirrenia Group, including Laziomar. These included: (1) the possible use for liquidity purposes of the funds earmarked for the upgrade of the ships; (2) the fiscal exemptions related to the privatisation process; and (3) the possible use of FAS resources. The Commission invited Italy to clarify if and how each of these measures was necessary to provide the public service.
- (118) The Commission also took the preliminary view that these measures likely constituted operating aid reducing the costs that Laziomar, and the other companies of the former Tirrenia Group, would otherwise have to bear themselves and thus those measures should be considered as incompatible with the internal market.

4. COMMENTS FROM ITALY

4.1. On the public service obligations and the competitive environment

- (119) Italy provided a list of routes (supported by the corresponding legal documentation) operated by Caremar and subsequently by Laziomar that are subject to public service obligations, including the seasonal frequency and timetables, the competitive environment and the reasons leading to these public service obligations.
- (120) As regards the existence of a genuine SGEI, Italy noted that the above public service obligations were laid down in order to maintain the territorial continuity and the connection of the mainland with the islands and ensure the supply of goods, including special goods, necessary for the proper function of public and social services for the islands. That service also contributes to the economic development of the islands, guarantees the essential mobility needs of the islands' communities throughout the year and ensures that the constitutional right to territorial continuity is respected ⁽⁴⁵⁾.
- (121) As far as the competitive environment is concerned, Italy submitted information showing that Laziomar is the only operator sailing the lines throughout the year, whereas there has been competition on some routes only during the high season. That said, Italy is of the view that the service offered by Laziomar cannot be substituted and that the guarantee for territorial continuity could not have been achieved by the market forces alone.

4.2. On the privatisation of Laziomar

4.2.1. On the sale price of Laziomar

- (122) According to Italy, the privatisation of Laziomar involved the transferring of the entire share capital of the company via a public tender procedure launched by the Region of Lazio. This procedure additionally entailed the simultaneous entrustment of maritime public services in the Pontino archipelago for a period of 10 years, in order to maintain territorial continuity.
- (123) The Region of Lazio commissioned an independent expert evaluation (see recitals 66 and 67) to assess the legal and economic issues of Laziomar's sale. According to Italy, this evaluation sets out clearly and concisely the procedures followed to determine the market value of Laziomar's share capital.

⁽⁴⁵⁾ According to Italy, the need for territorial continuity is paramount in particular for the island of Ponza, which is located about 27 nautical miles from Terracina and 36 nautical miles from Anzio, and has fewer than 3 400 inhabitants. Similar consideration, in its view, should also apply as regards the island of Ventotene, which has fewer than 800 inhabitants.

4.2.2. On the transparent and non-discriminatory character of the procedure

- (124) Italy stresses that the procedures were conducted in compliance with the legal principles of transparency and non-discrimination. It defended that all seven parties that were admitted to the next stage of the tender procedure were given the relevant information necessary to submit their bid, including the 'tender regulations' and annexes, the 'service contract' and annexes and the 'contract for the transfer of the shares' and annexes.
- (125) Italy further submits that the Region of Lazio eliminated from the invitation to tender the financial eligibility requirements that would have made it possible only for shipping companies to take part in the procedure (see recital 109). In order to enable the broadest possible participation in the tender, the invitation to tender, additionally, expressly allowed bidders to take part in joint form through temporary groupings of tenderers, consortia or EEIGs.
- (126) Concerning the Commission's doubts on the fact that the technical offers carried a significantly higher weight compared to the economic offers (i.e. 70 and 30 points respectively), Italy refers to the Judgement No 782/2017 of 30 March 2017 of the Council of State ⁽⁴⁶⁾, where it was stated that the contracting party, when applying this criterion, should 'emphasise the qualitative elements of the offer and select criteria that will ensure an effective competitive comparison of the technical profiles. To this end, it should establish the maximum score envisaged for the economic offer in order to ensure that this element does not prevail over the others'.
- (127) Thus, according to Italy, the different weight made it possible to evaluate the qualitative elements of the offer consistently and discourage excessive downwards revisions of the price that would have been difficult to sustain without sacrificing the quality of the public service. Moreover, it also allowed achieving significant cost savings for the Region of Lazio, given that the winning bidder was awarded the contract on the basis of which it would perform the public service for a compensation amount that was set 10,8 % lower compared to the base price (see recital 75).

4.3. On the compliance of the prolongation of the initial Convention and of the new public service contract with the *Altmark* conditions

- (128) Italy argues that the four *Altmark* criteria are complied with, both for the period 2011–2013 and for the period 2014–2024 for the following reasons:
- The first and second *Altmark* criteria were not contested by the Commission in its 2012 Decision;
 - With reference to the third *Altmark* criterion, and the doubts expressed by the Commission in its 2011 Decision that the 6,5 % risk premium laid down in the CIPE Directive, does not appear to reflect an appropriate level of risk (recitals 206–207), Italy refers to the Commission decision of 13 June 2017 concerning fast passenger maritime connection in Italy between Messina and Reggio Calabria, where the calculation methodology, using the fixed 8 % as expected rate of remuneration, was not contested. ⁽⁴⁷⁾ In particular, in the latter case the Commission accepted a rate of 8% being comprised of the 6,5 % risk premium referred to in the CIPE Directive, in view of that fact that the contract did not involve the award of exclusive rights, plus a further 1,5 % increase, in view of the short duration of the contract. Further, Italy, referring to the new public service contract, submits that any measures to restore the economic – financial balance could be applied only in the event of a change in net revenues of more than 3 %, whereas any reduction of below 3 % would have been borne by Laziomar. As a result, any possible overcompensation is avoided; and
 - Italy considers that the fourth *Altmark* criterion is also fulfilled, given that the award of the public service contract was the subject of a transparent and competitive tender procedure, which allowed selecting the tenderer capable of providing the services at the least possible cost. In addition, as regards the bundling of the new service contract with the privatisation of Laziomar, Italy argues that the tender amount for the sale of Laziomar represents only around 1,4 % of the total amount established for the public service (i.e. of the total compensation of EUR 127 520 740 over the 10-year contract period). Thus, it does not appear to have any significant impact on the outcome of the selection of the tenderer, as regards to the cost of the service.

⁽⁴⁶⁾ This judgement was delivered at the request of the Ministry of Infrastructure and Transport concerning the draft legislative decree on 'Supplementary and corrective provisions to Legislative Decree No 50 of 18 April 2016' (i.e. corrective decree to the Code of Public Contracts).

⁽⁴⁷⁾ SA.42710 SGEI – fast passenger maritime connection between Messina and Reggio Calabria.

4.4. On the berthing priority

- (129) Concerning the berthing priority (see recital 83), Italy argues that this is justified by the need to provide the public service, and no economic advantage is conferred to Laziomar that would also imply a loss of State resources.
- (130) According to Italy, all ferry operators pay regular fees to the relevant port authorities for berthing. Italy also claims that this berthing priority has been applicable only to the public service routes, and that Laziomar did not and does not pay any additional fee for this berthing priority, as ports would give it the first choice of berthing slots even in the absence of a formal berthing priority on account of its public service mission.

4.5. On the measures laid down by the 2010 Law

- (131) Likewise, as regards the measures laid down by the 2010 Law (see recitals 84, 85 and 86), Italy submits that Laziomar has not been allocated nor has it benefited or will benefit in the future of these measures.
- (132) In this context, Italy submits that Caremar, which at the time operated itself the maritime cabotage routes in the Pontino archipelago, had been allocated and effectively used the financial resources already committed by Law 102/2009. In particular, Caremar was allocated EUR 1 410 000 to upgrade two of the vessels that were later transferred to Laziomar free of charge (Quirino and Tetide). It is also submitted that these funds have not been used for liquidity purposes.
- (133) With regard to the fiscal exemptions related to the privatisation process, Italy argues that as regards corporate income tax, the measure has not been applied since the transfers of Caremar, Saremar and Toremar to the regions were made free of charge. Therefore, in the absence of any remuneration, Article 86(1)(a) of the Consolidated Income Tax Law concerning capital gains in the event of asset transfers against payment does not apply. With respect to VAT, Italy noted that the transfers of Caremar, Saremar and Toremar constitute transactions which are exempt from VAT under Article 10(1)(4) of Presidential Decree No 633 of 26 October 1972. With respect to indirect taxes other than VAT, Italy emphasised that the exemption provided for by the 2010 Law was designed with a view to administrative simplification. From the taxation perspective, its effects can be regarded as negligible and of little impact in relation to taxes, which are charged at flat rates. More specifically, it concerns the registration duty (EUR 168 per document), land registry and mortgage registration fees (EUR 168 each) and stamp duty (EUR 14,62 for four sides).
- (134) Concerning the FAS resources, Italy submits that Laziomar has not received any benefit thereof. In addition, it clarified that the FAS resources were not used to give an additional compensation to the companies of the former Tirrenia Group, including Laziomar. Instead, these resources were made available to supplement the budget appropriations set up for the payment of the public service compensations to the companies of the former Tirrenia Group, in case those budget appropriations proved to be insufficient. Italy notes that Article 1, paragraph 5-ter of Decree Law 125/2010 enabled the regions to use the FAS resources to fund (part of) the regular public service compensation and thereby ensure continuity of the maritime public services. Moreover, Italy clarified that, under Article 26 of Decree Law 185/2008, EUR 65 million for each of the years 2009, 2010 and 2011 were earmarked to the Tirrenia group and EUR 195 million were accordingly drawn from the FAS resources. Those funds were then transferred to the account of the Ministry of Transport earmarked for the payment of the public service compensation to the companies of the former Tirrenia Group (Tirrenia, Siremar, Caremar (at the time), Toremar and Saremar). Therefore, this measure would merely concern an allocation of resources in Italy's budget for payment of the public service compensations.

4.6. On the rules for calculating the compensation for the period 2011–2019 and on the 6,5 % risk premium laid down in the CIPE Directive as of 2010

- (135) Italy submits that until 14 January 2014, the parameters used to calculate the compensation paid to Laziomar were those defined by the CIPE Directive. As from 15 January 2014, the compensation is defined in the public service contract, based on the methodology referred to in the CIPE Directive and taking also into consideration the economic offer submitted by Laziomar's buyer, CLN, under the tender procedure.
- (136) Italy clarifies that, because the amount of compensation is capped by the 2009 Law, it was decided indeed to simplify the calculation by applying the 6,5 % as a flat rate return on capital. This simplified approach was applicable during the prolongation of the initial Convention and still applies under the new public service contract with Laziomar.

- (137) In addition, according to Italy, the 6,5 % flat rate return on capital is considered appropriate considering that the rebalancing mechanism laid down in Article 25 of the contract (see recital 78) is very strict to apply. Further, such mechanism (e.g. a revision of the annual price cap) could not apply in cases where a beneficiary, such as Laziomar, is under-compensated.
- (138) In Table 5, Italy provides the elements taken to calculate the risk premium for Laziomar during the period 2011–2019:

Table 5

ROCI of Laziomar for 2011–2019

(EUR '000)

	2011	2012	2013	2014	2015	2016	2017	2018	2019
Tangible and intangible fixed assets	[...]	[...]	[...]	[...]	[...]	[...]	[...]	[...]	[...]
Inventories	[...]	[...]	[...]	[...]	[...]	[...]	[...]	[...]	[...]
Customer and commercial credits	[...]	[...]	[...]	[...]	[...]	[...]	[...]	[...]	[...]
Payables to suppliers	[...]	[...]	[...]	[...]	[...]	[...]	[...]	[...]	[...]
Net invested capital	[...]	[...]	[...]	[...]	[...]	[...]	[...]	[...]	[...]
Return on capital (6,5 %)	[...]	[...]	[...]	[...]	[...]	[...]	[...]	[...]	[...]

4.7. On the compliance of the new public service contract with the 2011 SGEI Decision

- (139) Even if Italy considers that the public service compensation paid to Laziomar under the new public service contract does not constitute State aid, it also argued why that measure would comply with the 2011 SGEI Decision, if it were aid.
- (140) In its reply, Italy submits that both the 2005 and 2011 SGEI Decisions are applicable, considering that the conclusion of the public service contract was provided for in Article 19-ter of the 2009 Law, as well as in the Lazio Decree.
- (141) Italy has presented figures for the years 2012 and 2013 showing that the average annual number of passengers has not exceeded the threshold of 300 000 passengers as laid down in Article 2(1)(d) of the 2011 SGEI Decision in any of the sailing routes concerned during the two financial years preceding that in which the SGEI was assigned to Laziomar (i.e. 240 430 passengers in 2012 and 254 167 passengers in 2013).

4.8. On the compliance of the new public service contract with the 2011 SGEI Framework

- (142) Italy submits that the public service entrusted to Laziomar constitutes a genuine SGEI based on an entrustment act, i. e. the service contract, which contains and describes the content and duration of public service obligations, the territory concerned, the compensation mechanism and the parameters for calculating the compensation.

- (143) Further, according to Italy, the compensation does not exceed what is necessary to cover the costs incurred in discharging the public service obligations, as the amount of compensation was established in the context of a tendering procedure on the basis of criteria set out in the CIPE Directive, whereas the contract provides for a monitoring system to avoid overcompensation.
- (144) Likewise, as regards the rate of return, Italy refers to the Commission's decision of 13 June 2017 (in Case SA.42710) (see recital 128), where a higher rate of return than the 6,5 % (i.e. 8 %) was not contested by the Commission.

5. ASSESSMENT

5.1. Existence of aid within the meaning of Article 107(1) TFEU

- (145) Article 107(1) TFEU provides that 'any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the internal market'.
- (146) The criteria laid down in Article 107(1) TFEU are cumulative. Therefore, in order to determine whether the notified measures constitute State aid within the meaning of Article 107(1) TFEU, all the above-mentioned conditions need to be fulfilled. Namely, the financial support should:
- (a) be granted by a Member State or through State resources;
 - (b) favour certain undertakings or the production of certain goods;
 - (c) distort or threaten to distort competition; and
 - (d) affect trade between Member States.
- (147) The Commission notes that the berthing priority, which only applies to the public service routes, is inextricably linked with the performance of the SGEI by Laziomar and by its acquirer CLN. Therefore, this measure will be assessed jointly with the respective public service compensation granted to these companies (see Sections 5.1.1 and 5.1.2).
- (148) Furthermore, the Commission notes that the new public service contract between Italy and Laziomar should be assessed jointly with the privatisation of Laziomar. Such joint assessment is appropriate because in essence Italy organised a tender for the new public service contract whereby the winning bidder had to acquire the entire share capital of Laziomar in order to discharge the public service obligations laid down in that public service contract.

5.1.1. *The prolongation of the initial Convention between the Laziomar and Italy*

5.1.1.1. State resources

- (149) Laziomar was entrusted by Italy with the operation of maritime routes as detailed by the initial Convention, as prolonged. The initial Convention was concluded with the State and the resulting public service compensation for Laziomar is paid by the State from its own budget. Therefore, the public service compensation to Laziomar is imputable to the State and is given through State resources.
- (150) The Commission takes note that, according to Italy, all ferry operators pay regular fees to the relevant port authorities for berthing but that Laziomar did not pay any additional fee for the berthing priority. Nevertheless, the Commission considers that in principle Italy could have chosen to impose an additional fee for the berthing priority and that by not doing so, it has foregone State revenues. Furthermore, since the berthing priority is granted by law (see recital 83) it is imputable to the State.

5.1.1.2. Selectivity

- (151) In order to be qualified as State aid, a measure must be selective. The public service compensation for the provision of the maritime services in question is only granted to Laziomar, thus it is selective. Since the berthing priority was only granted to the companies of the former Tirrenia Group, including to Laziomar, it is also selective.

5.1.1.3. Economic advantage

- (152) The Commission recalls that public service compensations granted to a company may not constitute an economic advantage under certain strictly defined conditions.
- (153) In particular, in its *Altmark* judgment ⁽⁴⁸⁾, the Court of Justice held that where a State measure must be regarded as compensation for the services provided by the recipient undertakings in order to discharge public service obligations, so that those undertakings do not enjoy a real financial advantage and the measure thus does not have the effect of putting them in a more favourable competitive position than the undertakings competing with them, such a measure is not within the scope of Article 107(1) TFEU.
- (154) However, the Court of Justice also made clear that for such public service compensation to escape qualification as State aid in a particular case, the four cumulative criteria (the '*Altmark* criteria'), summarised below, must be satisfied:
- the recipient undertaking must actually have public service obligations to discharge and these obligations must be clearly defined ('*Altmark* 1');
 - the parameters on the basis of which the compensation is calculated must be established in advance in an objective and transparent manner ('*Altmark* 2');
 - the compensation cannot exceed what is necessary to cover all or part of the costs incurred in the discharge of public service obligations, taking into account the relevant receipts and a reasonable profit for discharging those obligations ('*Altmark* 3');
 - where the undertaking which is to discharge public service obligations, in a specific case, is not chosen pursuant to a public procurement procedure which would allow for the selection of the tenderer capable of providing those services at the least cost to the community, the level of compensation needed must be determined on the basis of an analysis of the costs which a typical undertaking, well run and adequately provided with means of transport so as to be able to meet the necessary public service requirements, would have incurred in discharging those obligations, taking into account the relevant revenues and a reasonable profit for discharging the obligations ('*Altmark* 4').
- (155) The Commission specified how it applies the *Altmark* criteria in its Communication on the application of State aid rules to compensation granted for the provision of services of general economic interest (the '*SGEI* Communication') ⁽⁴⁹⁾.
- (156) Given that the *Altmark* criteria have to be complied with cumulatively, non-observance of either one of these criteria would lead the Commission to the conclusion that the measure under assessment provides an economic advantage to the beneficiary. The Commission will then first assess observance of *Altmark* 4.
- (157) *Altmark* 4 provides that the compensation must be the minimum necessary in order for it not to qualify as State aid. This criterion is deemed to be fulfilled if the recipient of the public service compensation has been chosen following a tender procedure, which allows for the selection of the tenderer capable of providing the services at the least cost to the community or, failing that, the compensation has been calculated by reference to the costs of an efficient undertaking.

⁽⁴⁸⁾ See Judgment of 24 July 2003 in Case C-280/00 *Altmark Trans*, ECLI:EU:C:2003:415.

⁽⁴⁹⁾ Communication from the Commission on the application of the European Union State aid rules to compensation granted for the provision of services of general economic interest (OJ C 8, 11.1.2012, p. 4).

- (158) For none of the prolongations of the initial Convention in the period 1 June 2011 until 14 January 2014 was Laziomar selected following a public tender procedure. Italy merely prolonged the system already in force thereby entitling the pre-established operator to continue receiving compensation for the discharge of the public service obligations.
- (159) Moreover, Italy has not provided to the Commission any indication that the level of compensation has been determined on the basis of an analysis of the costs which a typical undertaking, well run and adequately provided with means of transport so as to be able to meet the necessary public service requirements, would have incurred in discharging those obligations, taking into account the relevant revenues and a reasonable profit for discharging the obligations.
- (160) The Commission therefore concludes that *Altmark* 4 has not been complied with in the present case.
- (161) Given that the four *Altmark* conditions are not cumulatively observed in the present case, the Commission concludes that the compensation for the operation of maritime routes under the prolongation of the initial Convention provided Laziomar with an economic advantage.
- (162) With respect to the berthing priority, the Commission first recalls that the Italian competition authority AGCM has at least on two occasions considered that this measure has economic value ⁽⁵⁰⁾. Nevertheless, Laziomar does not pay any fee for the berthing priority (see recital 130). Furthermore, the Commission observes that the berthing priority has at least in theory the potential to lower the operator's costs (e.g. because the guaranteed berthing could reduce waiting times in ports and hence result in lower fuel costs) or increase its revenues (e.g. because some timings possibly attract more demand from passengers). Indeed, to the extent the berthing priority allows for a faster docking procedure, users of the ferry service may prefer the ferry operator that benefits from this measure. Even if these effects would only materialise in limited circumstances or would be relatively small, the berthing priority could nevertheless constitute an economic advantage for Laziomar.

5.1.1.4. Effect on competition and trade

- (163) When aid granted by a Member State strengthens the position of an undertaking compared to other undertakings competing in intra-Union trade, the latter must be regarded as affected by that aid ⁽⁵¹⁾. It is sufficient that the recipient of the aid competes with other undertakings on markets open to competition ⁽⁵²⁾.
- (164) In the present case, the beneficiary operates in competition with other undertakings providing maritime transport services in the Union, in particular since the entry into force of the Council Regulation (EEC) No 4055/86 ⁽⁵³⁾ and the Maritime Cabotage Regulation, liberalising the market of the international maritime transport and maritime cabotage, respectively. The fact that on some routes Laziomar was at that time the only operator does not mean that other (international) operators could not be interested to offer similar maritime transport services. Therefore, the compensation for the operation of maritime routes under the prolongation of the initial Convention is liable to affect Union trade and distort competition within the internal market. For the same reasons that conclusion also holds for the berthing priority.

5.1.1.5. Conclusion

- (165) Since all criteria laid down in Article 107(1) TFEU are fulfilled, the Commission concludes that both the public service compensation paid on the basis of the successive prolongations of the initial Convention and the berthing priority for the public service routes constitutes State aid to Laziomar.

⁽⁵⁰⁾ Decision (EU) 2020/1412, recital 265.

⁽⁵¹⁾ See, in particular, Case 730/79 *Philip Morris v Commission*, ECLI:EU:C:1980:209, paragraph 11; Case C-53/00 *Ferring*, ECLI:EU:C:2001:627, paragraph 21; Case C-372/97 *Italy v Commission*, ECLI:EU:C:2004:234, paragraph 44.

⁽⁵²⁾ Case T-214/95 *Het Vlaamse Gewest v Commission*, ECLI:EU:T:1998:77.

⁽⁵³⁾ Council Regulation (EEC) No 4055/86 of 22 December 1986 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries (OJ L 378, 31.12.1986, p. 1).

5.1.1.6. New or existing aid

- (166) The Commission first notes that the compensation paid to Caremar (at the time) for the operation of maritime public service obligations until the end of 2008 is not assessed in this Decision. The assessment of that compensation, and whether or not it can be classified as existing aid on the basis of Article 4(3) of the Maritime Cabotage Regulation, is the subject of a separate Commission decision. ⁽⁵⁴⁾
- (167) According to Article 1(c) of Council Regulation (EU) 2015/1589 ⁽⁵⁵⁾, new aid means 'all aid, that is to say, aid schemes and individual aid, which is not existing aid, including alterations to existing aid'. Furthermore, Article 108(3) TFEU provides that plans to grant or alter existing aid must be notified, in due time, to the Commission and may not be implemented until the procedure has led to a final decision ⁽⁵⁶⁾. In line with the position of Union Courts ⁽⁵⁷⁾, the Commission considers that amending (i.e. prolonging) the duration of an aid scheme that had a clear expiry date (i.e. 31 December 2008) is sufficient to make it a new aid irrespective of whether or not other characteristics of the measure were changed.
- (168) For the above reasons, the Commission considers that regardless of the fact that the compensation awarded to Caremar (at the time) up until end 2008 has been classified as existing aid ⁽⁵⁸⁾, the public service compensation paid to Laziomar on the basis of the successive prolongations of the initial Convention should be considered as new aid. This conclusion also holds for the berthing priority.

5.1.2. The award of the new public service contract bundled with Laziomar's business

- (169) In order to conclude on whether the award of the new public service contract bundled with Laziomar's business constitutes an advantage to Laziomar and its acquirer, within the meaning of Article 107(1) TFEU, the Commission must assess observance of the *Altmark* criteria (see recital 154).

5.1.2.1. Altmark 1

- (170) The Commission recalls that there is no uniform and precise definition of a service that may constitute an SGEI under Union law, either within the meaning of the first *Altmark* condition or within the meaning of Article 106(2) TFEU ⁽⁵⁹⁾. Paragraph 46 of the Communication is worded as follows:

'In the absence of specific Union rules defining the scope for the existence of an SGEI, Member States have a wide margin of discretion in defining a given service as an SGEI and in granting compensation to the service provider. The Commission's competence in this respect is limited to checking whether the Member State has made a manifest error when defining the service as an SGEI and to assessing any State aid involved in the compensation. Where specific Union rules exist, the Member States' discretion is further bound by those rules, without prejudice to the Commission's duty to carry out an assessment of whether the SGEI has been correctly defined for the purpose of State aid control.'

- (171) National authorities are therefore entitled to take the view that certain services are in the general interest and must be operated by means of public service obligations to ensure that the public interest is protected when market forces do not suffice to guarantee that they are provided at the level or conditions required.
- (172) In the field of cabotage, detailed Union rules governing public service obligations have been laid down in the Maritime Cabotage Regulation and, for the purpose of examining potential State aid to undertakings engaged in maritime transport, in the Community guidelines on State aid to maritime transport ('the Maritime Guidelines') ⁽⁶⁰⁾.

⁽⁵⁴⁾ Decision (EU) 2020/1411.

⁽⁵⁵⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 248, 24.9.2015, p. 9).

⁽⁵⁶⁾ Case C-590/14 P *DEI and Commission v Alouminion tis Ellados*, ECLI:EU:C:2016:797, paragraph 45.

⁽⁵⁷⁾ Joined Cases T-127/99, T-129/99 and T-148/99 *Territorio Histórico de Álava – Diputación Foral de Álava and others v Commission*, ECLI:EU:T:2002:59, paragraph 175.

⁽⁵⁸⁾ Decision (EU) 2020/1411.

⁽⁵⁹⁾ Case T 289/03 *BUPA and Others v Commission* [2008] ECR II 81, paragraph 96. See also Opinion of Advocate General Tizzano in Case C 53/00 *Ferring*, ECR I 9069 and Opinion of Advocate General Jacobs in Case C 126/01, *GEMO*, [2003] ECR I 13769.

⁽⁶⁰⁾ Commission Communication C(2004) 43 – Community Guidelines on State aid to maritime transport, (OJ C 13, 17.1.2004, p. 3).

(173) Article 4(1) of the Maritime Cabotage Regulation provides:

‘A Member State may conclude public service contracts with or impose public service obligations as a condition for the provision of cabotage services, on shipping companies participating in regular services to, from and between islands. Whenever a Member State concludes public service contracts or imposes public service obligations, it shall do so on a non-discriminatory basis in respect of all Community shipowners.’

(174) Article 2(3) of the Maritime Cabotage Regulation sets out that a public service contract may cover: transport services satisfying fixed standards of continuity, regularity, capacity and quality, additional transport services, transport services at specified rates and subject to specified conditions, in particular for certain categories of passengers or on certain routes and adjustments of services to actual requirements.

(175) In accordance with Section 9 of the Maritime Guidelines, ‘public service obligations may be imposed or public service contracts (PSCs) may be concluded for the services indicated in Article 4 of Regulation (EEC) No 3577/92’, i. e. scheduled services to, from and between islands.

(176) It results from established case-law that public service obligations may only be imposed if justified by the need to ensure adequate regular maritime transport services which cannot be ensured by market forces alone.⁽⁶¹⁾ The Communication on interpretation of the Maritime Cabotage Regulation⁽⁶²⁾ confirms that ‘it is for the Member States (including regional and local authorities where appropriate) and not the shipowners to determine which routes require public service obligations. In particular, public service obligations may be envisaged for regular (scheduled) island cabotage services in the event of market failure to provide adequate services’. Moreover, Article 2(4) of the Maritime Cabotage Regulation defines public service obligations as obligations, which ‘the ship-owner in question, if he were considering his own commercial interest, would not assume or would not assume to the same extent or under the same conditions’.

(177) In line with the case-law⁽⁶³⁾, to verify whether there is a real public service need and whether it was necessary and proportional, and hence also whether the first *Altmark* criterion is met, the Commission will assess:

- (1) Whether there was **user demand**;
- (2) Whether that demand was not capable of being satisfied by the market operators in the absence of an obligation imposed by the public authorities (**existence of a market failure**);
- (3) Whether simply having recourse to public service obligations was insufficient to remedy that shortage (**least harmful approach**).

(1) User demand

(178) In this case, Laziomar was entrusted with the provision of passenger, mixed and freight services on multiple lines as presented in Table 9. The public service obligations imposed on Laziomar concerned the ports served, the type and capacity of the vessels assigned to the maritime connections operated under the public service regime, the frequency of service and the maximum fares to be charged.

(179) As described in recital 120, Italy has imposed the public service obligations laid down in the new Convention mainly to (i) ensure the territorial continuity between the mainland and the islands; and (ii) contribute to the economic development of the islands concerned, through regular and reliable maritime transport services. The Commission considers that those are indeed legitimate public interest objectives.

⁽⁶¹⁾ See Case C-205/99 *Asociación Profesional de Empresas Navieras de Líneas Regulares (Analir) and Others and Administración General del Estado*, ECLI:EU:C:2001:107.

⁽⁶²⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions updating and rectifying the Communication on the interpretation of Council Regulation (EEC) No 3577/92 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage), Brussels, COM(2014) 232 final, 22.4.2014.

⁽⁶³⁾ See Case T-454/13 *SNCM v Commission*, ECLI:EU:T:2017:134, paragraphs 130 and 134.

- (180) Historically, the objectives pursued by Italy have not been achieved through the interplay of market forces alone. In fact, the adequacy of these services has been traditionally ensured by public service obligations imposed to that effect on the companies of the former Tirrenia Group and enshrined in the initial Conventions. Indeed, the Commission notes that the routes in question have been operated, largely unaltered, for many years i.e. at least since the entry into force of the initial Convention. Italy, and in particular the regional authorities concerned, considered that these services were (and continued to be) necessary to meet user demand.
- (181) With respect to the freight-only routes (i.e. Line T3 and Line T4), the Commission recalls that the General Court has already established ⁽⁶⁴⁾ that, in order to be capable of being characterised as a service of general economic interest, the service in question must not necessarily constitute a universal service *stricto sensu*. In effect, the concept of universal service does not mean that the service in question must respond to a need common to the whole population or be supplied throughout a territory ⁽⁶⁵⁾ but rather to serve the interests of society as a whole. In addition, it is the Commission's view that Union legislation does not prevent Member States from validly qualifying in the exercise of their discretion certain maritime freight services to and from remote areas as SGEL, provided that the principles laid down by the Maritime Cabotage Regulation are complied with.
- (182) Italy has explained that the public service needs are linked to the special geographical and socio-economic characteristics of the islands in the Pontine archipelago. Article 1 of the service contract stipulates that the services awarded to Laziomar are '[...]necessary to maintain territorial continuity so as to ensure the supply of goods, including special goods, necessary for the proper functioning of public and social services for the Pontine islands [...]'. As regards the island of Ponza, the need for territorial continuity and supply of goods and special goods is necessary in view of its distance from the mainland (about 27 nautical miles from Terracina) and its low population numbers (around 3 500 inhabitants). Similar considerations apply to the island of Ventotene (about 31 nautical miles from Terracina and around 800 inhabitants). The regular frequency of those freight services all year round ensures that also in the low season, when there is less demand from tourists, the inhabitants and companies of these islands remain adequately supplied. In addition, those services also contribute to the economic development of both islands by transporting goods and special goods (e.g. dangerous goods, municipal solid waste, etc.) from and to the mainland.
- (183) As regards the passenger and mixed services, to illustrate the genuine demand, Italy provided aggregated statistics, which show that in 2012 Laziomar transported 240 430 passengers and 13 228 vehicles on the public service routes combined during the respective time periods covered by the public service obligations. The numbers for 2013 were higher (i.e. 254 167 passengers and 16 927 vehicles). This shows that in the two years before Laziomar was entrusted with its public service obligations, there was a significant aggregate demand for maritime transport services on the routes concerned (see recital 291) for detailed route-by-route statistics for the years 2011 to 2013).
- (184) To further demonstrate that user demand remained present when Laziomar started operating on the basis of the new public service contract on all routes, Italy also provided aggregated statistics until the end of 2019 (see Tables 6 to 8). These confirm that user demand remained present, with some slight deviations, upwards or downwards. In any case, an analysis of the route-by-route statistics for each year until end 2019 did not provide any indications that the user demand on specific routes would have disappeared.

Table 6

Passengers' statistics for the years 2014–2019

Year	Line T1	Line T2	Line T3	Line T4	Line A1	Line A2	Line A3	Total No of passengers
2014	125 720	63 376	30 812	1 509	36 474	58 680	40 000	356 571
2015	131 453	65 822	40 211	165	37 442	69 327	46 847	391 267
2016	141 720	81 572	45 006	308	42 209	60 263	37 981	409 959

⁽⁶⁴⁾ See Case T-289/03 *BUPA and Others v Commission*, ECLI:EU:T:2008:29, paragraph 186.

⁽⁶⁵⁾ See Case 66/86 *Ahmed Saeed Flugreisen*, ECLI:EU:C:1989:140, paragraph 55; Case C-266/96 *Corsica Ferries France*, ECLI:EU:C:1998:306, paragraph 45; Case T-17/02 *Fred Olsen v Commission*, ECLI:EU:T:2005:218, paragraph 186 *et seq.*

2017	154 948	86 832	57 165	360	48 985	68 573	39 482	456 345
2018	160 304	85 310	59 642	168	58 013	68 405	37 226	447 581
2019	170 636	88 728	55 047	177	52 569	48 198	32 226	442 409

Table 7

Vehicles' statistics for the years 2014–2019

Year	Line T1	Line T2	Line T3	Line T4	Line A1	Line A2	Line A3	Total No of vehicles ⁽¹⁾
2014	12 822	2 587	3 482	35				18 926
2015	12 874	2 819	3 212	390				19 295
2016	12 942	3 245	3 590	784				20 561
2017	13 796	3 331	3 772	324				21 223
2018	14 165	3 171	3 846	152				21 334
2019	14 011	3 242	3 316	172				20 741

⁽¹⁾ The vessels used on Line T4, Line A1, Line A2 and Line A3 cannot transport vehicles.

Table 8

Freight transported in linear metres for the years 2014–2019 ⁽⁶⁶⁾

Year	Line T3	Line T4	Total No of linear metres
2014	206 514	16 367	222 881
2015	259 112	22 659	281 771
2016	281 229	23 230	304 459
2017	294 442	27 623	322 065
2018	310 736	14 256	324 992
2019	302 631	15 228	317 859

- (185) The Commission considers that the above statistics clearly demonstrate that there is a genuine demand for passenger, mixed and freight services on each of the respective public service routes. It can therefore be concluded that these services address real public needs and meet a genuine user demand.

(2) Existence of market failure

- (186) According to paragraph 48 of the SGEI Communication, 'it would not be appropriate to attach specific public service obligations to an activity which is already provided or can be provided satisfactorily and under conditions, such as price, objective quality characteristics, continuity and access to the service, consistent with the public interest, as defined by the State, by undertakings operating under normal market conditions ⁽⁶⁷⁾'. Therefore, the Commission must examine whether the service would be inadequate if its provision were left to the market forces

⁽⁶⁶⁾ Although freight is transported on most lines, this decision only provides detailed information about freight transported on Line T3 and Line T4, because the public service contract defines both Lines as freight routes for the transportation of goods and special goods.

⁽⁶⁷⁾ See Case C-205/99 *Analir and others*, ECLI:EU:C:2001:107, paragraph 71.

alone in the light of the public service requirements imposed by the Member State by virtue of the new public service contract. Paragraph 48 of the SGEI Communication notes in this respect that ‘the Commission’s assessment is limited to checking whether the Member State has made a manifest error’.

- (187) The Commission notes that during the time period leading up to the signature of the new public service contract with Laziomar, other operators offered ferry services on some of the routes subject to the new public service contract albeit not necessarily throughout the entire year, with the same frequency and same type of service. On the basis of the competitive situation leading up to the moment of entrustment on 15 January 2014, the Commission will assess for each of the routes concerned whether the services provided by other operators were equivalent to those that Laziomar has to provide under the new public service contract.
- (188) Table 9 displays the competitive situation on each of the routes operated by Laziomar at the time of the entrustment act:

Table 9

Competitive situation on the routes operated by Laziomar

Route	Laziomar (all year round sailings)	Competitors
Formia – Ponza (Line T1)	Mixed service (passengers, vehicles and goods)	None
Formia – Ventotene (Line T2)	Mixed service (passengers, vehicles and goods)	None
Terracina – Ponza (Line T3) – new route	Freight and mixed service with an average of: — From January to March and from October to December four sailings (per week) – freight service only — In April and September four sailings (per week) – freight service only, and four sailings (per week) – mixed service — From May to August five sailings (per week) – freight service only, and five sailings (per week) – mixed service	Navigazione Libera del Golfo (NLG), passenger-only service with an average of: — From April to May and September to October three sailings (per week) — From June to August one to two sailings (per day)
Terracina – Ventotene (Line T4) – new route	Freight service with an average of: — From January to March and from October to December one sailing (per week) — In April and September two sailings (per week) — From May to August five sailings (per week)	NLG passenger-only service (as an extension to Line T3) with only one sailing per week from July to August
Anzio – Ponza (Line A1)	Passenger service (hydrofoil) between June and September with one sailing per day and two on Fridays, weekends and bank holidays	Vetor , passenger service with an average of: — From June to July two to three sailings during week days and four to five during weekends (per day – see recital 192) — In August three to four sailings during week days and four to five during weekends (per day) — September one sailing (per day – see recital 192)

Formia – Ponza (Line A2)	Passenger service (hydrofoil)	None
Formia – Ventotene (Line A3)	Passenger service (hydrofoil)	None

- (189) The Commission considers, as it is clearly shown in Table 9, that the services offered by Laziomar are not substitutable to those offered by other competitors, as the latter do not serve or do not serve in full the public service obligations laid down in the new public service contract with Laziomar. That said, on four out of the seven routes, there is no other operator apart from Laziomar offering the service (Lines T1, T2, A2 and A3). As a result, the public service obligations laid down in the contract with Laziomar for operating those routes are justified by a genuine public need to ensure territorial continuity, since this cannot be fulfilled by the market alone.
- (190) As regards the routes where other operators also offer services (Lines T3, T4 and A1), the Commission considers that there are major differences concerning the type, the regularity, the capacity and the price of the services offered, for the reasons detailed in the following paragraphs.
- (191) For Lines T3 and T4, Laziomar sails throughout the year continuously, whereas the other operator, NLG, does not offer this continuous service all year round nor does it do so at the same level of frequency as Laziomar. In addition, Laziomar offers freight mixed (Line T3) and freight (Line T4) services using a vessel with capacity to transport freight, vehicles and up to 400 passengers, whereas NLG uses a high-speed craft for the transportation of passengers only. Lastly, there is a significant price difference between the two operators. For Line T3, where both operators transport passengers (as opposed to Line T4 which is a freight service for Laziomar), the price offered by NLG targets the tourist sector (e.g. one-way adult ticket costs between EUR 24 and 26 and for children up to 12 years of age EUR 13 to EUR 15). On the other hand, Laziomar's service is subject to public service fare obligations (e.g. one-way adult ticket costs EUR 10 and for children up to 12 years of age EUR 5) and social fares apply for residents and commuters (one-way ticket costs around EUR 3,50). As a result, without the service of Laziomar on those particular routes, the public service need for regular connectivity of that island with the mainland would not be satisfied, as NLG could not have provided the same services and under the same conditions as Laziomar over the whole contract period.
- (192) Concerning Line A1, both Laziomar and its competitor, Vetur, run a passenger service only during the summer season (between June and September). However, Italy provided information showing that Vetur's service predominantly targets the tourist sector and is provided under market conditions. Although, according to the time schedule of 2013 (i.e. the year before the conclusion of the entrustment act with Laziomar) as illustrated in Table 9, Vetur seems to sail more frequently than Laziomar, the Commission notes that the service was not actually provided continuously on a daily basis. More specifically, the service was not provided on 4, 5, 11 and 12 June 2013 and on 10 to 12 and 16 to 20 September 2013. In the subsequent years of the entrustment period, the information submitted by Italy shows that the service provided by Vetur also did not ensure daily connectivity on this route. For example, in 2018 Vetur did not provide the service on 5 and 6 June and on 17 to 20 September. In general, therefore, Vetur's service frequencies vary depending on the month.
- (193) In addition, under the service contract Laziomar is subject to public service obligations in terms of continuity and quality. That said, in case of failure to sail without due cause, Laziomar is subjected to a corresponding fee reduction and penalties. Moreover, the quality obligation implies that Laziomar must comply with precise minimum standards in terms of *inter alia* reliability, hygienic conditions and comfort of the journey. Vetur on the other hand, which is not subjected to public service obligations, is not meant to meet high quality standards while delivering the service. Also, from the point of view of transport capacity, Laziomar's vessel can accommodate maximum 300 passengers, compared to approximately 150 passengers that can be transported with Vetur's hydrofoil.
- (194) Finally, there is a significant price difference between the two operators. The price offered by Vetur targets predominantly the tourist sector (e.g. a one-way adult ticket costs EUR 36 which is increased to EUR 46 during the weekend, while a ticket for children up to 12 years of age costs EUR 18), whereas it offers a residents' fare at EUR 23. Vetur is also free to determine at will the price of its tickets and adjust it accordingly on a purely commercial basis. On the other hand, Laziomar's service is subject to public service fare obligations (e.g. a one-way adult ticket costs EUR 23,40 and for children up to 12 years of age it costs EUR 11,70) and social fares apply for

residents and commuters (e.g. a one-way ticket costs only EUR 7). As a result, without the service of Laziomar on that particular route, the public service need for regular connectivity of that island with the mainland at affordable prices would not be satisfied, as Vetor could not have provided the same services and under the same conditions as Laziomar over the whole contract period.

- (195) In light of the above, the Commission concludes that, at the moment of the entrustment of Laziomar, market forces alone were insufficient to meet the public service needs. Indeed, on a number of routes Laziomar was the only operator while on the other routes the services provided by the competitors in the Pontino archipelago were not equivalent in terms of continuity, regularity, capacity and price and therefore did not satisfy in full the public service obligations laid down in the new service contract with Laziomar.

(3) Least harmful approach

- (196) The Commission notes that Italy has chosen to conclude a public service contract with one operator (Laziomar) rather than to impose public service obligations on all operators interested in serving the routes at stake. Based on the information provided by Italy, the Commission accepts that the user demand could not have been met by imposing public service obligations (see recital 180). In particular, on several routes Laziomar is the only operator and where this is not the case, the offer provided by the other operators does not meet (all) the requirements of regularity, continuity, capacity and price. Further, the operation of most routes, especially in the low season, is loss-making, so that without public service compensation they would not be operated at all. In addition, the Commission takes note of Italy's argument that the choice for a public service contract was also necessary in view of the privatisation of Laziomar. More specifically, Italy argues that tendering out Laziomar together with a new public service contract allowed to (i) ensure continuity of the maritime public service; and (ii) maximise value for the State. It is for these reasons that the Commission agreed (see recital 89) that Italy would tender out Laziomar business together with a new public service contract. In doing so, the Commission also accepted, and reiterates in this Decision, that Italy could not rely on public service obligations that apply to all operators but that it would rather conclude a public service contract with Laziomar only.

Conclusion

- (197) On the basis of the above assessment, the Commission concludes that Italy has not made a manifest error when defining the services entrusted to Laziomar as SGEI. The doubts expressed by the Commission in the 2012 Decision are hence dispelled.
- (198) In order to conclude that *Altmark* 1 is complied with, the Commission must still check whether Laziomar was entrusted with public service obligations, which were clearly defined. In this regard, the Commission notes that the public service obligations are clearly described in the new public service contract and its annexes (which include for instance ship specifications for each route). Likewise, the rules regulating the compensation are detailed in the new public service contract, the 2009 Law and the CIPE Directive. The new public service contract also has a clear duration (10 years), identifies Laziomar as the public service operator and contains the arrangements for avoiding and recovering any overcompensation (see also recital 215). Therefore, the Commission concludes that the first *Altmark* criterion is observed.

Berthing priority

- (199) Article 19-ter, paragraph 21 of the 2009 Law clearly specifies that the berthing priority is necessary to guarantee the territorial continuity with the islands and in light of the public service obligations of the companies of the former Tirrenia Group, including Laziomar. Indeed, if there were no priority berthing for companies entrusted with public service obligations, these may (sometimes) have to wait their turn before docking and thereby incur delays, which would defeat the purpose of ensuring reliable and convenient connectivity to the citizens. A regular timetable is indeed necessary to satisfy mobility needs of the islands' population and to contribute to the economic development of the islands concerned. Furthermore, since there are specific time scheduling obligations in the new public service contract for the departure of public service routes, the berthing priority helps to ensure that ports allocate the berths and berthing times in such a way to enable the public service operator to respect its public service obligations. Against this background, the Commission considers that this measure is awarded to enable Laziomar to perform its public service obligations, which constitute genuine SGEI (see recital 197). Furthermore, Italy has confirmed that the berthing priority is only applicable to services provided under the public service regime. Therefore, the berthing priority also complies with the first condition of the *Altmark* judgment.

5.1.2.2. Altmark 2

- (200) The Commission recalls that in the 2012 Decision (see its paragraph 205), it had taken the preliminary view that the second criterion of the *Altmark* judgment is observed.
- (201) Against this background, the Commission notes that the parameters at the basis of the calculation of the compensation have been established in advance and observe the transparency requirements in line with the second *Altmark* criterion.
- (202) More specifically, the parameters on the basis of which the compensation was calculated are explained in detail in the CIPE Directive and have been applied in the new public service contract (and annexes thereto) while the maximum compensation amounts are laid down in the 2009 Law. The method of calculation of the compensation, including for instance the cost elements taken into account, are detailed in the CIPE Directive. Since the berthing priority does not entail financial compensation for Laziomar, the Commission considers that this measure complies with the *Altmark* 2.
- (203) Therefore, the Commission concludes that the second condition of the *Altmark* judgment is observed.

5.1.2.3. Altmark 3

- (204) According to the third *Altmark* condition, the compensation received for the discharge of the SGEI cannot exceed what is necessary to cover all or part of the costs incurred in the discharge of public service obligations, taking into account the relevant receipts and a reasonable profit for discharging those obligations.
- (205) However, the *Altmark* ruling does not provide a precise definition of the reasonable profit. According to the SGEI Communication, reasonable profit should be taken to mean the rate of return on capital that would be required by a typical company considering whether or not to provide the service of general economic interest for the whole duration of the period of entrustment, taking into account the level of risk. The level of risk depends on the sector concerned, the type of service and the characteristics of the compensation mechanism.
- (206) In the 2012 Decision, the Commission expressed doubts as to the proportionality of the compensation paid to the companies of the former Tirrenia Group, including Laziomar as from 2014. In particular, as regards the compensation paid as from 2010, the Commission took the preliminary view that the 6,5 % fixed risk premium did not reflect an appropriate level of risk because *prima facie* Laziomar did not appear to assume the risks normally borne in the operation of such services. More specifically, the cost elements for the purpose of calculation of the compensation include all costs involved in the provision of the service and variations in e.g. fuel prices have been taken into account. As a result, the Commission considered at that stage that Laziomar might have been overcompensated.
- (207) The Commission notes that certain aspects of the compensation method as laid down in the new public service contract, indeed seem to reduce the commercial risk incurred by Laziomar. In particular, the maximum fares that Laziomar can charge are adjusted annually to take into account inflation and reflect variations in the consumer price index. Moreover, the new public service contract contains certain clauses (see recital 78) that aim at maintaining the economic-financial equilibrium of the public service. In particular, in case the public service compensation would be insufficient to cover the cost of the services entrusted by the new public service contract, these clauses allow to revise (i) the tariff system; (ii) the level of the public services offered; (iii) the level of the annual price cap; and (iv) the capital grants for investments.
- (208) According to Article 25 of the contract, when there is a discrepancy in its economic and financial balance, Laziomar may request a rebalancing by submitting a proposal to the Region of Lazio. This proposal is then submitted to the Technical Committee responsible for managing the contract.

- (209) Although these safeguards seem to reduce the commercial risk incurred by Laziomar, the Commission considers that the company remains exposed to the risk that the compensation may not be sufficient to cover the costs of running the service. The rebalancing proposal may not always be accepted, as the Region of Lazio shall rule on the merits and adopt its decision having obtained the Technical Committee's opinion within 90 days of Laziomar submitting its request. Until a decision is adopted, Laziomar must continue to operate the public service unaltered. Indeed, as submitted by Italy, this mechanism is difficult and very strict to apply, and therefore Laziomar has so far not used this possibility.
- (210) In addition, the Commission notes that not all cost categories are subjected to a rebalancing contribution. Particularly, according to Article 25 of the public service contract, the costs related to managerial inefficiencies, the financial charges, any increases in staff unit costs to meet labour legal requirements and any costs related to the commercial policy applied by Laziomar should be borne by Laziomar itself. Therefore, Laziomar remains incentivised to perform efficiently and at the least cost to the community.
- (211) As mentioned in recitals 48 to 52, the CIPE Directive foresees that a risk premium of 6,5 % would be used to determine the return on capital using the WACC formula. However, in practice the 6,5 % was applied as a flat rate return on capital (see also recital 136).
- (212) In this context, regardless of the compensatory amount that Laziomar would be entitled to, taking into account the 6,5 % risk premium, Laziomar can never receive more than the maximum amount set by the public service contract (see recital 76). In line with paragraph 47 of the 2011 SGEI Framework, the Commission assesses whether there was overcompensation over the whole duration of the contract. As illustrated in Table 10, the figures for the period 2014–2019 show that the actual public service compensation received was (with the exception of the amounts for 2016 and 2018 – which were still less than the cap agreed under the contract, i.e. EUR 13 524 536) insufficient to cover the net cost of the service (i.e. EUR 80 173 862 paid for a net cost of EUR 80 397 000) even before taking into account the 6,5 % risk premium (i.e. EUR 1 928 000). In essence, for the period 2014–2019, Laziomar received approximately EUR 2 150 000 less than the eligible amount (i.e. EUR 82 325 000 (eligible compensation) minus EUR 80 173 862 (actual compensation), as calculated using the methodology including the 6,5 % return on capital. This means that, in practice, Laziomar did not receive the amount calculated as return on capital. Actually, Laziomar's return on capital for the period as a whole (up to 2019) was zero instead of 6,5 % initially foreseen by Italy. ⁽⁶⁸⁾ These figures confirm that the rebalancing provisions of Article 25 of the contract do not protect Laziomar from all the risks related to the operation of the public service.

Table 10

Net cost of the public service operated by Laziomar for the period 2014–2019

(EUR)

Laziomar public service remit	2014	2015	2016	2017	2018	2019	Grand total
Total revenues	[...]	[...]	[...]	[...]	[...]	[...]	[...]
- Total costs	[...]	[...]	[...]	[...]	[...]	[...]	[...]
- Amortisations	[...]	[...]	[...]	[...]	[...]	[...]	[...]

⁽⁶⁸⁾ The total amount of compensation received by Laziomar over the period 2014–2019 was less than the net cost incurred in the provision of the public service, without taking into account any return on capital.

= Net cost of public service	[...]	[...]	[...]	[...]	[...]	[...]	[...]
+ Return on capital (6,5 %)	[...]	[...]	[...]	[...]	[...]	[...]	[...]
= Eligible for compensation	[...]	[...]	[...]	[...]	[...]	[...]	[...]
+ Actual compensation	13 375 00-000	13 376 00-000	13 330 00-000	13 370 07-070	13 356 28-282	13 366 51-510	80 173 86-862
= Over/under compensation	[...]	[...]	[...]	[...]	[...]	[...]	- 2 151 138

- (213) As regards the level of the reasonable profit, in the course of the formal investigation (see recital 136), Italy has clarified that, because the amount of compensation is capped by the 2009 Law, the decision was taken to simplify the calculation by applying the 6,5 % as a flat rate return on capital. Italy considers that its simplified approach is conservative and does not allow for higher compensation for Laziomar than what was established under the CIPE Directive.
- (214) Against this background, the Commission has compared the return on capital employed of 6,5 % that has been applied to Laziomar with the median return on capital generated by a benchmark group in 2013 (the year before Laziomar's entrustment). The benchmark group consists of selected ferry operators that offered maritime connections within Italy or between Italy and other Member States. ⁽⁶⁹⁾ The analysis shows that the return on capital applied to Laziomar is similar to the median return generated by the companies in the benchmark group. This comparison illustrates that in the year before Laziomar's entrustment, a 6,5 % return on capital was not unreasonable.
- (215) The Commission further notes positively that the new public service contract requires Laziomar to send its management accounts (sub-divided per route and certified by an independent auditor) every year to the Ministry of Infrastructure and Transport to enable the latter to check if there was any overcompensation. This provides an additional safeguard to ensure that Laziomar cannot benefit from any overcompensation. Italy also submitted these management accounts for the period 2014–2019 thereby enabling the Commission to make the calculations in Table 10.
- (216) In light of the above, the Commission concludes that the public service compensation granted to Laziomar does not exceed what is necessary to cover the costs incurred in the discharge of its public service obligations, taking into account the relevant receipts and a reasonable profit. More specifically, the Commission considers that the risk premium of 6,5 % foreseen by the CIPE Directive, has to be assessed in combination with the maximum compensation amount laid down in the public service contract. With this in mind, the return on capital that Laziomar could expect from an *ex ante* perspective was in line with the risks it ran when operating the public services under the public service contract. The Commission's doubts concerning compliance with the third condition of the *Altmark* judgment are therefore dispelled.
- (217) With respect to the berthing priority and any possible overcompensation that might result from it, the Commission notes that to the extent that this measure would reduce the operating costs or increase the revenues of the public service operator, these effects would be fully reflected in the operator's internal accounts. The Commission's analysis (see recital 212) confirmed that in the period 2014–2019 Laziomar did not receive overcompensation. Therefore, the Commission concludes that also the berthing priority complies with the third *Altmark* criterion.

⁽⁶⁹⁾ In particular, it concerns Minoan Lines Shipping, La Méridionale, Moby, Grandi Navi Veloci, Libertylines, Grimaldi Group, Corsica Ferries, SNAV and Caronte & Tourist. Other companies of the former Tirrenia Group (e.g. Caremar, CIN, Siremar) have been excluded from the benchmark group.

5.1.2.4. *Altmark* 4

- (218) The fourth *Altmark* criterion is fulfilled if the recipient of the compensation for the operation of an SGEI has been chosen following a tender procedure, which allows for the selection of the tenderer capable of providing the SGEI at the least cost to the community or, failing that, the compensation has been calculated by reference to the costs of an efficient undertaking.
- (219) According to paragraph 63 of the SGEI Communication, the simplest way for public authorities to meet the fourth *Altmark* criterion is to conduct an open, transparent and non-discriminatory public procurement procedure in line with Directive 2004/17/EC of the European Parliament and of the Council ⁽⁷⁰⁾ and Directive 2004/18/EC of the European Parliament and of the Council ⁽⁷¹⁾.
- (220) The Commission observes that in the present case, the tender procedure was launched before the entry into force of Directive 2014/24/EU of the European Parliament and of the Council ⁽⁷²⁾ (which applies to public contracts awarded for the operation of maritime transport services) and Directive 2014/25/EU of the European Parliament and of the Council ⁽⁷³⁾. At that time, Directive 2004/17/EC and Directive 2004/18/EC were still in force. However, Directive 2004/17/EC does not apply to maritime transport services, such as those provided by Laziomar. Indeed, Article 5 of Directive 2004/17/EC makes clear that only transport services by railway, automated systems, tramway, trolley bus, bus or cable are included in its scope.
- (221) Public contracts awarded by the contracting authorities in the context of their service activities for maritime, coastal or river transport fall instead within the scope of Directive 2004/18/EC on the basis of its recital 20. However, water transport services are also listed in Annex II B to that Directive which implies ⁽⁷⁴⁾ that they are only subject to its Articles 23 and 35(4). This means that, under Directive 2004/18/EC, a public contract for maritime transport services is subject only to the obligations concerning technical specifications (Article 23) and to the obligation to publish a contract award notice (after the contract has been awarded and, therefore, at the end, not at the beginning, of the award procedure: Article 35(4)). All the other rules dictated by Directive 2004/18/EC – including the provisions on the content of notices to be published (Article 36(1)) and the provisions on selection criteria (Articles 45 to 52) – are not applicable to public contracts for maritime transport services.
- (222) Furthermore, Directive 2004/18/EC does in any case not apply to service concessions as defined in its Article 1(4) ⁽⁷⁵⁾. The Commission notes that service concessions (and public contracts), which have certain cross-border interest nevertheless remain subject to the general Treaty principles of transparency, non-discrimination and equal treatment.
- (223) On the basis of the above, the Commission concludes that Directive 2004/18/EC can only apply in case of a public contract but not when it concerns a service concession. In addition, since the present case concerns water transport services subjected to a public service contract, only some of that Directive's requirements, as aforementioned, would be applicable. Against this background, the Commission considers that it cannot rely solely on compliance with the Public Procurement Directives to demonstrate that compliance with the fourth *Altmark* criterion. For this reason, the

⁽⁷⁰⁾ Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ L 134, 30.4.2004, p. 1).

⁽⁷¹⁾ Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ L 134, 30.4.2004, p. 114).

⁽⁷²⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

⁽⁷³⁾ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

⁽⁷⁴⁾ Under Article 21 of Directive 2004/18/EC.

⁽⁷⁵⁾ Article 1(4) of Directive 2004/18/EC reads: "Service concession" is a contract of the same type as a public service contract except for the fact that the consideration for the provision of services consists either solely in the right to exploit the service or in this right together with payment.'

Commission assesses below whether the tender procedure used by Italy was competitive, transparent, non-discriminatory and unconditional. To make this assessment, the Commission relies on the relevant guidance set out in its Notion of Aid Communication ⁽⁷⁶⁾ (in particular in its paragraphs 89 *et seq.*) and the SGEI Communication (in particular in its paragraphs 63 *et seq.*).

Competitive and transparent nature of the tender

- (224) Paragraph 90 of the Notion of Aid Communication specifies that a tender procedure has to be competitive ⁽⁷⁷⁾ to allow all interested and qualified bidders to participate in the process. Furthermore, according to paragraph 91 of that Communication, the procedure has to be transparent to allow all interested tenderers to be equally and duly informed at each stage of the tender procedure. That paragraph also emphasises that accessibility of information, sufficient time for interested tenderers, and the clarity of the selection and award criteria are all crucial elements for a transparent selection procedure and indicates that a tender has to be sufficiently well-publicised, so that all potential bidders can take note of it.
- (225) In the present case, the call for expression of interest was published in the *Official Journal of the European Union*, in the Official Gazette of the Italian Republic, in four daily national and local Italian newspapers, as well as on the Region of Lazio's website (see recital 58). This call invited anyone who could 'guarantee the continuity of the maritime transport service' to express its interest and did not impose any further conditions. Potential bidders were given sufficient time to adequately express their interests allowing them to then participate in the further process. The Commission therefore considers that the intention of the Region of Lazio to sell Laziomar and award the public service contract was made available widely in a way reaching all possible bidders.
- (226) Further, bidders need to be provided with all documents and information required for the participation in the bidding process enabling them to properly assess the company put up for sale. Such information has to be made available to potential bidders in a transparent and non-discriminatory manner with all interested participants having equal access to relevant information.
- (227) First, the call for expressions of interest mentioned that bidders needed to be able to 'guarantee the continuity of the maritime transport service'. This was the only selection criterion that Italy applied to determine whether or not interested parties would be allowed to participate in the tender procedure. While the call did not specify how bidders could prove they met this requirement, by default this meant that any appropriate means of evidence could be used. ⁽⁷⁸⁾ The Commission considers that this selection criterion was clear to all interested bidders and was also justified in light of the objective pursued.
- (228) Second, the 2009 Law made clear to interested parties that a new convention/public service contract would be concluded upon completion of the tender procedure and that the annual amount of public service compensation had been set at maximum EUR 10 030 606 million per year. In addition, the call for expressions of interest indicated that the objective was to sell Laziomar business with a fixed price of EUR 2 272 000. Furthermore, as confirmed by Italy, all relevant information as regards the scope of the sale, including the draft public service contract to be concluded between the buyer and Italy, was made available to the seven parties that were admitted to the next stage of the tender process. This allowed these parties to decide whether or not to bid and if so how much to bid. On this basis, the Commission considers that it was sufficiently clear from the call for expressions of interest that the sale concerned the Laziomar business bundled with a new public service contract. After having expressed their interest, parties were given access to all necessary information to decide on a possible bid.

⁽⁷⁶⁾ Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union (OJ C 262, 19.7.2016, p. 1).

⁽⁷⁷⁾ In the Notion of Aid Communication, the Commission observes that the Union Courts often refer, in the context of State aid to an 'open' tender procedure. The use of the word 'open', however does not refer to a specific procedure under the Public Procurement Directives. Therefore, the Commission considers that the word 'competitive' appears more appropriate. In this Communication, the Commission also notes that this is not intended to deviate from the substantive conditions set out in the case-law.

⁽⁷⁸⁾ Furthermore, as explained above (see recital 221), Article 36(1) of Directive 2004/18/EC did not apply to this tender. Therefore, Italy had actually no obligation to provide in the call selection criteria.

- (229) Third, the Commission considers that the call for expression of interest attracted a substantial number of potential tenderers. All seven companies that were invited to the next stage of the tender process received thereafter detailed information from the Region of Lazio about the process. Further, in compliance with the provisions of Directive 2004/18/EC, it appears that Italy had no obligation to provide, in the call, any more information about the contract to be awarded apart from the mere mention of the continuation to provide the public service and the reference to the legal rules regulating that service (see recital 221).
- (230) Fourth, the call contained the minimum necessary information needed in order to submit an expression of interest (i.e. the continuation of the public service), and it could not have prompted the exclusion of otherwise interested maritime operators. It was the decision of the planning authorities to ensure continuity of the public service and connectivity of the islands of the Pontino archipelago with the mainland. This condition was made known in advance, as above explained, to all potential operators expressing an interest to participate in the tender procedure. The Commission hence considers that Italy had at that stage no control over the potential tenderers, which shows that it was not the intention of the planning authorities, as a result of the inclusion of the mandatory requirement to continue the public service, to selectively favour any potential tenderer to be awarded the contract for the public service and the ownership of the Laziomar business. The Commission also notes that all relevant information on the selection criteria and the further development of the procedure was provided for in the invitation letter sent to all seven parties that were admitted to the bidding stage.
- (231) In the 2012 Decision the Commission expressed doubts concerning certain *financial requirements* of the tender (see recital 109) that were imposed on tenderers by virtue of the public service contract, in addition to the standard qualitative conditions that are in any event required as public service obligations. Further, the Commission doubted that such requirements could be accepted in a situation, as the present one, where the whole company is put up on sale.
- (232) In the course of the investigation, the Commission however received information that alleviated its concerns. In particular, Italy eliminated from the invitation to tender the financial requirements (i.e. pre-determined volumes of turnover in the maritime transport sector) that would have made it possible only for shipping companies to take part in the tender procedure (see recital 125). In fact, the Commission notes that Carpoint Motorsport S.p.A., which according to publicly available information is a company active in the retail and wholesale sector of vehicles, was amongst those companies that expressed an interest to participate in the tender (see recital 61).
- (233) The Commission further welcomes the initiative taken by the Region of Lazio to encourage the broadest possible participation in the procedure by allowing bidders to take part in joint form through temporary groupings of tenderers, consortia or EEIGs (see recital 60).
- (234) On the basis of the above, the Commission considers that, taken as a whole, the tender procedure was competitive and transparent. In particular, the intention of the Region of Lazio to divest the Laziomar business and to conclude a new public service contract with a duration of 10 years with the winning tenderer was made available widely in a way reaching all possible bidders in the relevant regional or international market. Furthermore, the Commission takes into account that potential bidders could easily express their interest and did not have to commit themselves to anything at that stage. Provided that they could show they fulfilled the sole selection criterion of guaranteeing the continuity of the service, those parties were then given all the necessary information and time to allow them to decide if and how much they wanted to bid for the Laziomar business. For these reasons, the Commission considers that its doubts that the tender procedure was not sufficiently transparent due to possible deficiencies in the call for expressions of interest are dispelled.

Non-discriminatory nature of the tender

- (235) Paragraph 92 of the Notion of Aid Communication highlights that non-discriminatory treatment of all bidders at all stages of the procedure and objective selection and award criteria specified in advance of the process are indispensable conditions for ensuring that the resulting transaction is in line with market conditions. Furthermore, that paragraph specifies that to guarantee equal treatment, the criteria for the award of the contract should enable tenders to be compared and assessed objectively.

- (236) As indicated above (see recital 227), the call for expressions of interest contained the sole condition that bidders needed to be able to 'guarantee the continuity of the maritime transport service'. All eight parties that responded to the call and expressed an interest were aware of that obligation. The Commission considers that this condition was objective and had been made sufficiently clear to all interested parties in the call for expressions of interest.
- (237) The seven out of the eight interested bidders that were admitted to the next stage of the tender procedure were then invited to submit a tender having all received the same information (see recital 61).
- (238) The Commission's doubts in the 2011 Decision that the call for expression of interest may not have been sufficiently non-discriminatory are therefore resolved. All parties were correctly and equally informed throughout the various steps of the tender procedure enabling them to make a bid with full knowledge of the procedure and requirements. The Commission also considers that the award criteria allowed for an objective comparison and assessment of the tenders.

Ensuring that the services are provided at the least cost to the community

- (239) Paragraph 65 of the SGEI Communication provides that based on the case law of the Court of Justice, a public procurement procedure only excludes the existence of State aid where it allows for the selection of the tenderer capable of providing the service at 'the least cost to the community'.
- (240) In this case, the new public service contract bundled with the Laziomar business, rather than only the public service contract itself, has been tendered out. Italy decided that the price for the sale of the Laziomar business was fixed (based on the valuation performed by an independent expert) and not negotiable, whilst for the service contract Italy chose the most economically advantageous offer with price scoring 30 points and technical criteria scoring 70 points (see recital 62).
- (241) In relation to the use of the most economically advantageous offer, paragraph 67 of the SGEI Communication indicates that the 'most economically advantageous offer' is deemed also (in addition to the 'lowest price') sufficient to satisfy fourth *Altmark* criterion '[...] provided that the award criteria [...], are closely related to the subject matter of the service provided and allow for the most economically advantageous offer to match the value of the market'. ⁽⁷⁹⁾
- (242) The Commission notes that Italy gave emphasis on choosing an operator that would provide the service at high technical and quality standards taking into account certain requirements. As regards the breakdown of the maximum scores for the technical offer (70 points) and the economic offer (30 points) for awarding the contract, according to the criterion of the most economically advantageous offer, Italy, referring to an opinion provided by the Italian Council of State (see recital 126), points to the importance of the qualitative elements of the offer as a means to avoid excessive downwards revisions of the price that would have been difficult to sustain without sacrificing the quality of the public service provided. At the same time, Italy argues that this breakdown made it possible to achieve a better price for the service (see recital 127).
- (243) The invitation letter to submit a tender included all necessary information needed in order to fill out the financial and technical offers. Especially as regards the technical offer, the seven maritime operators that were invited to submit a tender, were required to provide detailed information describing the management arrangements and conditions that they would observe over the whole entrustment period. Particularly, the operators had to demonstrate the following: (i) targeted management improvement initiatives (e.g. service charter, marketing and communication policy, web-marketing plan, optimisation of human resources and vessels – 10 points); (ii) arrangements for the renewal of the fleet (e.g. development of average age of the fleet, compliance with minimum functional vessel characteristics, such as dimensions, comfort, speed, security system etc. – 40 points); and (iii) allocation of vessels to supplement the existing fleet (i.e. provision of the technical characteristics of each of the vessels (including the line) that the operator intends to use to perform the services – 20 points). These requirements are evidently closely related to and confer added value to the provision of the maritime service. Therefore, the Commission considers that the use of the most economically advantageous tender for the service concerned

⁽⁷⁹⁾ See also paragraph 96 of the Notion of Aid Communication.

bundled with the sale of the Laziomar business enabled Italy to create effective competition and obtain a service with the highest possible value at the least cost to the community. In this regard, the Commission takes note of the fact that the annual remuneration that was awarded to CLN for the provision of the maritime service has been much lower than the maximum yearly compensation amount suggested by the Region of Lazio at the start of the tender (see recital 75).

- (244) As far as the bundling of the service with the sale of the Laziomar business is particularly concerned, in the 2012 Decision, the Commission took the preliminary view that the tendering of the new public service contract without an obligation to take over the vessels of Laziomar necessary to perform the public service, would have resulted in a lower cost to the community
- (245) The Commission has already concluded above that the tender procedure has been sufficiently transparent and non-discriminatory to enable the participation of as many potential tenderers as possible. Indeed, following the widespread publication of the call for expression of interest, eight maritime operators responded affirmatively and seven were admitted to the bidding stage. All relevant information concerning the tender procedure was provided in the invitation letter sent to these seven operators.
- (246) Following the expression of interest stage, one competitive bid was submitted (CLN), which the Region of Lazio evaluated, taking into account its technical and financial offer.
- (247) The mandatory condition to guarantee the continuity of the public service and the bundling of the assets with the public service obligations are interrelated. In particular, by having bundled the sale of Laziomar with a new public service contract, the acquirer, CLN, automatically becomes subject to the requirement to ensure the continuity of the public service and is awarded the berthing priority. The Commission considers that the bundling of the Laziomar business with the new public service contract and the award of the berthing priority do not result in a lower price than when the assets and this contract would have been sold separately, for the following reasons.
- (248) The Laziomar business has been solely associated to the delivery of the public service and ensuring the territorial continuity. That said, all Laziomar's vessels have been and currently are used for the public service. Hence, it cannot be argued that a private vendor would have obtained a higher price had those or some vessels been sold without the said condition. According to the information provided by Italy and an independent expert evaluation commissioned by the Region of Lazio (see recitals 66 and 67), the vessels of Laziomar are of advanced age (ranging from 22 to 32 years), and the condition of the engines and other materials (e.g. hull construction materials) require upgrading and maintenance after so many running hours over the years of use. Therefore, the vessels would attract low commercial demand, unless with a view to purchase for investment, restoration and modernisation over a short time. That said, it seems unlikely that the vessels could have been sold for shipping purposes, other than that including the condition to continue the public service, for a higher price than what they were budgeted for.
- (249) In addition, had Laziomar been sold separately, the Commission considers it unlikely that potential bidders could have had such significant resources (consisting of four vessels and industrial and commercial equipment) readily available for redeployment to operate the public service obligations laid down in the new public service contract. This is particularly true since the new contract contains specific requirements about the vessels to be used on the different public service routes (see recital 243). Any operator who had the required resources would likely have employed them already on other routes and their redeployment in line with the new public service contract would inevitably have led to losing the revenues from their previous use.
- (250) The Commission considers therefore that bundling those ships with the public service contract allowed obtaining a higher price for Laziomar's vessels since in return for operating the vessels on the public service routes, their acquirer would receive public service compensation for a period of 10 years. In addition, any market economy vendor would have decided to sell Laziomar along with a new public service contract in order to obtain the highest price. On this basis, the Commission concludes that Italy has not attached conditions that were likely to depress the price or which a private seller would not have demanded.

- (251) The Commission concludes that its doubt that tendering out the new public service contract together with the Laziomar business could not result in a lower cost to the community, is dispelled.
- (252) In view of the above, the Commission considers that the use of the most economically advantageous tender for the new public service contract bundled with the Laziomar business created genuine competition until the end of the tender procedure.

Strong safeguards in the design of the procedure where only one bid is submitted

- (253) On the basis of the assessment described above (see recitals 224 to 252) the Commission concludes that the tender procedure was open, transparent and non-discriminatory in line with public procurement rules. However, paragraph 68 of the SGEI Communication notes that 'in the case of procedures where only one bid is submitted, the tender cannot be deemed sufficient to ensure that the procedure leads to the least cost for the community'.
- (254) Accordingly, given that only CLN submitted a bid in the tender procedure for Laziomar (which included the new public service contract), such tender would normally not be sufficient to ensure the absence of an advantage to the winner.
- (255) The Commission has however nuanced the position expressed in paragraph 68 of the SGEI Communication in its SGEI Guide⁽⁸⁰⁾ by stating that 'it does not mean that there cannot be cases where, due to particularly strong safeguards in the design of the procedure, also a procedure where one bid is submitted can be sufficient to ensure the provision of the service at 'the least cost to the community'.
- (256) The Commission considers that in the case under assessment, such safeguards were present. More specifically:
- (1) the tender procedure was organised in such a way as to maximise interest from potential bidders. Furthermore, these potential bidders did not have to follow burdensome procedures and would not have had to incur significant costs to express their interest. As a result, eight expressions of interest were received of which seven were invited to submit a bid (see recital 237);
 - (2) Italy chose the restricted tender procedure to award the service contract (see recital 59), which is a two-stage process where only those operators that have been invited to the bidding stage may submit tenders. According to paragraph 66 of the SGEI Communication, '[...] a restricted procedure can also satisfy the fourth Altmark condition, unless interested operators are prevented to tender without valid reasons'. In fact, for this tender seven possible bidders (out of the eight that had initially expressed an interest) remained in the bidding phase (see recital 61), which shows that genuine competition was possible until the end of the tender procedure. A restricted procedure usually allows potential tenderers more time to evaluate their bid before submission. The Commission considers that based on their profile, at least five of the remaining possible bidders (i.e. NLG, Traghetti Lines, Navigazione Generale Italiana S.p.A., Vetur and Ustica Lines, the latter now operating under the name Liberty Lines) were likely able (due to their experience and financial resources) to make bids or had reason to have a genuine interest in making a bid (e.g. NLG and Vetur are already active on some of the routes on which Laziomar is sailing (see Table 9), whereas the other companies are established maritime operators with national as well as international activities);
 - (3) the invitation to tender sent to the seven operators that had expressed an initial interest consisted of a fixed price for the sale of all the shares of Laziomar at EUR 2 272 000, which was not subject to review in the light of any offer of any kind (see recital 62). The Commission notes that the sale price for Laziomar was determined by an independent expert based on the relevant economic and market conditions at the time and constituted a fixed price in the tender procedure. That said, all participants were aware of that price and did not raise any complaint as regards its scope and level. In addition, the invitation to tender consisted of a maximum annual remuneration for the public service, set by the Region of Lazio, at EUR 14 300 550 per year, net of the VAT payable for 10 years. All participants were invited to submit better offers as regards this annual remuneration

⁽⁸⁰⁾ See more specifically the Commission's reply to question 68 in its Staff Working Document 'Guide on the application of the Union rules on state aid, public procurement and the internal market to services of general economic interest' of 29 April 2013 (see: http://ec.europa.eu/competition/state_aid/overview/new_guide_eu_rules_procurement_en.pdf).

for the public service on the basis of certain technical criteria. This is a particularly strong safeguard to ensure not only that the lowest possible bid in terms of annual remuneration for the public service (and hence the least cost for the community) is obtained but also that bidders were not discouraged from submitting a bid.

- (257) The Commission considers that given the above safeguards the tender procedure was sufficient to ensure the provision of the service at the least cost to the community even if only one bid was eventually submitted. ⁽⁸¹⁾
- (258) On the basis of the above, the Commission concludes that the *Altmark* 4 criterion is complied with in the present case.
- (259) Given that the four conditions set out by the Court of Justice in the *Altmark* case are cumulatively met, the Commission concludes that the award of the new public service contract bundled with the Laziomar business and the berthing priority to Laziomar, does not confer an economic advantage on the latter and on its acquirer, CLN.

5.1.2.5. Conclusion

- (260) Since not all criteria laid down in Article 107(1) TFEU are fulfilled, the Commission concludes that the award of the public service contract bundled with the Laziomar business and the berthing priority to Laziomar and its acquirer CLN do not constitute State aid within the meaning of Article 107(1) TFEU.

5.1.3. The measures laid down by the 2010 Law

- (261) The Commission took the preliminary view in the 2011 Decision that all measures laid down by Decree Law 125/2010 converted with amendments into the 2010 Law constitute State aid in favour of the companies of the former Tirrenia Group, as long as the respective beneficiaries were able to use these measures to cover liquidity needs and thereby improve their overall financial position.
- (262) Based on the information received during the formal investigation, the Commission considers that the three measures should be assessed separately.

5.1.3.1. Possible use of funds to upgrade ships for liquidity purposes

- (263) State resources: The funds in question were granted by the State from its own budget (see recital 84) and their use for liquidity purposes was enabled by the 2010 Law. The measure is therefore imputable to the State and is given through State resources.
- (264) Selectivity: this measure was only granted to the companies of the former Tirrenia Group, including to Laziomar, and is therefore selective. For completeness, the Commission points out that this measure was not granted to CLN.
- (265) Economic advantage: according to Italy, Caremar (at the time) benefited from the funds in question for modernisation work on the fleet used in the Pontino archipelago to bring it into line with international safety standards. Some of the works involved two units of the Caremar fleet which were then transferred free of charge to Laziomar (see recital 132). These funds were never thus used for liquidity purposes (see recital 132) and the Commission did not find evidence to support the opposite.
- (266) Since Laziomar did not use these funds for liquidity purposes in order to avoid costs, which it would ordinarily have to cover itself by means of its own financial resources, the doubts expressed in the 2011 Decision are no longer valid and the Commission considers that no economic advantage has thus been conferred to Laziomar through the use of the said funds.
- (267) Conclusion: since not all criteria laid down in Article 107(1) TFEU are fulfilled, the Commission concludes that the measure does not constitute State aid within the meaning of Article 107(1) TFEU.

⁽⁸¹⁾ For completeness, the Commission notes that the case at hand differs from other cases where only one bid was submitted. In this regard and for specific reasoning see Decision (EU) 2020/1412 (recitals 404 and 405).

5.1.3.2. Fiscal exemptions related to the privatisation process

- (268) As described in recital 86, pursuant to Article 1 of the 2010 Law, certain acts and operations undertaken to privatise the Tirrenia group and described in paragraphs 1 to 15 of Article 19-ter of Decree Law 135/2009, converted with modifications into the 2009 Law, are exempt from any taxes ordinarily due on those acts and operations.
- (269) The Commission first notes that three separate sets of transfers have to be assessed: (1) the transfers of Tirrenia's former subsidiaries Caremar, Saremar and Toremar from Tirrenia to the Regions of Campania, Sardinia and Tuscany; (2) the transfer of the Laziomar business from the Region of Campania to the Region of Lazio; and (3) the transfer of the Laziomar business from the Region of Lazio to CLN. The taxes exempted are in particular registration duty, land registry and mortgage registration fees, stamp duty (together, 'the indirect taxes'), VAT and corporate income tax. The beneficiaries of this aid measure would be the seller, the buyer, or both. Only the second and third set of transfers will be assessed in this Decision. ⁽⁸²⁾
- (270) At the outset, the Commission accepts that the transfer of the Laziomar business between the Region of Campania and the Region of Lazio was not subject to corporate income tax (since no consideration was paid) and to VAT (which does not apply to such transactions under national law). As far as the indirect taxes are concerned, those that, under national law, were payable only by the acquirers, were in this case payable by the Region of Lazio acting within its public remit, i.e. as State entity. As such, it does not qualify as an undertaking. Therefore, none of the aforementioned tax exemptions will be assessed further in this Decision.
- (271) As regards the third transfer, at the outset, the Commission notes that under Presidential Decree No 633 of 26 October 1972, transfers of going concerns or business units to another company are not considered a supply of goods and therefore are out of the scope of VAT. Therefore, as transactions such as the sale of the Laziomar business to CLN are not subject to VAT, the tax exemption cannot have conferred an advantage to Laziomar with regard to VAT. Furthermore, the Commission notes that the sale contract for the Laziomar business clearly states that the purchaser, i.e. CLN, has to bear all costs related to the sale (i.e. registration fees, notarial costs, land registry, etc.), without reference to any exemption enjoyed by CLN on these costs. As regards the exemption from corporate income tax, the Commission considers that such tax would only apply to the proceeds of a sale. In this case, however, CLN purchased Laziomar from the Region of Lazio, which means that this transaction constituted an expense for CLN and as a result no corporate income tax could be due. Therefore, this measure does not apply to CLN. The Commission, in view of the above, concludes that neither Laziomar nor CLN have benefited from these fiscal exemptions.
- (272) For these reasons, none of the aforementioned tax exemptions constitutes State aid within the meaning of Article 107(1) TFEU.

5.1.3.3. Possibility of using FAS resources to meet liquidity needs

- (273) In the 2011 and 2012 Decisions, the Commission mentioned the possibility for the (former) Tirrenia Group companies to use FAS resources in order to meet current liquidity needs. However, in the course of the formal investigation procedure, Italy clarified that the FAS resources were not meant as an additional compensation for Laziomar or CLN (or any other of the companies of the former Tirrenia Group or their respective acquirers). Instead, these resources were made available to supplement the budget appropriations for the payment of the public service compensations to the companies of the former Tirrenia Group, in case they proved insufficient. Indeed, Article 1, paragraph 5-ter, of the 2010 Law enabled the regions to use the FAS resources to fund part of the regular public service compensation and thereby ensure continuity of the maritime public services. In other words, this measure merely concerns an allocation of resources in the Italian State budget for payment of the public service compensations.
- (274) In light of the above, the Commission concludes that the FAS resources are only a funding source to allow the State to pay the public service compensations (granted on the basis of the prolonged initial Convention) and do not constitute a measure which Laziomar can benefit from in addition to these public service compensations. Therefore, the possible use of FAS resources does not constitute State aid within the meaning of Article 107(1) TFEU.

⁽⁸²⁾ The first set of transfers was assessed in Decision (EU) 2020/1412 (see recital 418).

5.1.4. Conclusion on the existence of aid

(275) Based on the assessment above, the Commission finds that:

- the compensation to Laziomar for the operation of maritime routes in the period 1 June 2011–14 January 2014 constitutes State aid within the meaning of Article 107(1) TFEU;
- the award of the new public service contract for the period 15 January 2014–14 January 2024, bundled with the Laziomar business and the berthing priority to Laziomar and its acquirer CLN, complies with the four *Altmark* conditions and therefore does not constitute State aid within the meaning of Article 107(1) TFEU;
- as Laziomar did not use the funds to upgrade ships for liquidity purposes, as enabled by the 2010 Law, that measure does not constitute State aid to Laziomar within the meaning of Article 107(1) TFEU; and
- the fiscal exemptions related to the privatisation process of Laziomar and the possibility to use FAS resources to meet liquidity needs as laid down by the 2010 Law, do not constitute State aid to Laziomar within the meaning of Article 107(1) TFEU.

5.2. Lawfulness of aid

(276) The aid measure in scope of this Decision has been put into effect before formal approval by the Commission. Therefore, insofar as this aid measure was not exempted from notification under the 2005 SGEI Decision or the 2011 SGEI Decision, it was granted by Italy in violation of Article 108(3) TFEU ⁽⁸³⁾.

5.3. Compatibility of the aid

(277) The compatibility of the public service compensation granted to Laziomar under the prolongation of the initial Convention must be assessed in the light of Article 106(2) TFEU.

5.3.1. Applicable rules

(278) As already mentioned above, the prolongation of the initial Convention after the end of 2008 has been carried out by subsequent legal acts, as follows:

- (a) Decree Law No 207 of 30 December 2008, converted into Law No 14 of 27 February 2009, laid down the prolongation of the initial Conventions from 1 January 2009 until 31 December 2009;
- (b) Decree Law No 135 of 25 September 2009, converted into the 2009 Law, laid down *inter alia* the prolongation of the initial Conventions from 1 January 2010 until 30 September 2010;
- (c) Decree-Law No 125 of 5 August 2010, converted into the 2010 Law provided for a further prolongation of the initial Conventions from 1 October 2010 until the end of the privatisation processes of Tirrenia and Siremar; and
- (d) Region of Lazio Law No 228 of 24 December 2012, confirming Laziomar's obligation to ensure the territorial continuity of the Pontino archipelago routes until its privatisation.

(279) Against this background, the Commission notes that the granting of the public service compensation under the last prolongation of the initial Convention, post-dates the entry into force of the 2011 SGEI Decision and 2011 SGEI Framework, as opposed to the first three prolongations, which pre-date the entry into force of this legislative framework. In this latter context, however, the 2011 SGEI package – in Article 10 of the 2011 SGEI Decision and paragraph 69 of the 2011 SGEI Framework – contains rules that provide for its application also to aid granted before the entry into force of the 2011 SGEI package on 31 January 2012. In particular, the 2011 SGEI Decision provides in its Article 10(b) that:

⁽⁸³⁾ The Commission will assess whether this was indeed the case in Section 5.3.1.

'any aid put into effect before the entry into force of this Decision [i.e., before 31 January 2012] that was not compatible with the internal market nor exempted from the notification requirement in accordance with Decision 2005/842/EC but fulfils the conditions laid down in this Decision shall be compatible with the internal market and exempted from the requirement of prior notification.'

- (280) As regards the 2011 SGEI Framework, paragraphs 68 and 69 of that Framework specify that the Commission will apply the principles set out in that Framework to all notified aid projects, whether the notification took place before or after the start of application of that Framework on 31 January 2012, as well as to all unlawful aid on which it takes a decision after 31 January 2012, even if that aid was granted before 31 January 2012. In the latter case, the provisions of paragraphs 14, 19, 20, 24, 39 and 60 of the 2011 SGEI Framework are not applicable.
- (281) As a result, the rules on the application of the 2011 SGEI Decision and the 2011 SGEI Framework as described above mean that the public service compensation granted to Laziomar during the prolongation period can be assessed pursuant to the 2011 SGEI package. If the relevant conditions of either the 2011 SGEI Decision or the 2011 SGEI Framework are complied with, this aid measure is compatible with the internal market for the entire period from 1 June 2011–14 January 2014. ⁽⁸⁴⁾
- (282) The Commission will assess first whether the public service compensation granted to Laziomar during the prolongation period complies with the conditions of the 2011 SGEI Decision.
- (283) The Commission notes that the 2011 SGEI Decision is only applicable to State aid in the form of public service compensation for maritime links to islands on which average annual traffic during the two financial years preceding that in which the SGEI was assigned does not exceed 300 000 passengers (Article 2(1)(d)). As described in recital 141, Italy has presented figures showing that this threshold is not exceeded on any of Laziomar's routes. The Commission therefore concludes that the condition of Article 2(1)(d) of the 2011 SGEI Decision is complied with.
- (284) Further, according to Article 4 of the SGEI Decision, the entrustment act is to include among others a reference to the application of that Decision. The Commission notes that no such reference is included in the public service contract between the Region of Lazio and Laziomar nor in any of its accompanying documents. As a result, the Commission concludes that Article 4 is not complied with and the compatibility of the public service compensation granted to Laziomar during the prolongation period cannot be assessed under the 2011 SGEI Decision.
- (285) Consequently, the compatibility of the public service compensation granted to Laziomar as of 2011 and until the completion of the privatisation process would normally fall within the scope of application of the 2011 SGEI Framework.
- (286) In this context however, given that the conditions laid down in Article 2(1)(d) of the SGEI Decision are met, paragraph 61 of the 2011 SGEI Framework applies. On this basis, the Commission will assess whether the public service compensation granted to Laziomar during the entire prolongation period complies with the conditions of the 2011 SGEI Framework, with the exception of the conditions in its paragraphs 14, 19, 20, 24, 39 and 60.

⁽⁸⁴⁾ For completeness, the Commission notes that the transitional provision contained in Article 10(a) of the 2011 SGEI Decision, according to which any aid scheme put into effect before the entry into force of this Decision (i.e. before 31 January 2012) that was compatible with the internal market and exempted from the notification requirement in accordance with the 2005 SGEI Decision shall continue to be compatible with the internal market and exempted from the notification requirement for a further period of two years (i.e. until 30 January 2014 included). This means that aid which was granted under such a scheme in the period between the entry into force of the 2005 SGEI Decision on 19 December 2005 and the entry into force of the 2011 SGEI Decision on 31 January 2012 will be considered compatible with the internal market but only from the date on which it was granted until 30 January 2014 included. In any event, for aid granted in the time from 31 January 2012 onwards, the transitional provision of Article 10(a) of the 2011 SGEI Decision is not applicable and the compatibility assessment has to be made pursuant to the 2011 SGEI Decision.

5.3.2. *Genuine service of general economic interest as referred to in Article 106 TFEU*

- (287) According to paragraph 12 of the 2011 SGEI Framework, '[t]he aid must be granted for a genuine and correctly defined service of general economic interest as referred to in Article 106(2) of the Treaty'. Paragraph 13 clarifies that 'Member States cannot attach specific public service obligations to services that are already provided or can be provided satisfactorily and under conditions, such as price, objective quality characteristics, continuity and access to the service, consistent with the public interest, as defined by the State, by undertakings operating under normal market conditions. As for the question of whether a service can be provided by the market, the Commission's assessment is limited to checking whether the Member State's definition is vitiated by a manifest error, unless provisions of Union law provide a stricter standard'. Finally, paragraph 56 of the 2011 SGEI Framework, refers to the 'Member State's wide margin of discretion' regarding the nature of services that could be classified as being services of general economic interest.
- (288) The assessment of whether the SGEI are genuine must also be performed in light of the SGEI Communication (see recitals 170 and 186), the Maritime Cabotage Regulation (see recitals 173, 174 and 175) and the case-law (see recitals 176 and 177). Therefore, the Commission must assess for the prolongation period:
- (1) Whether there was **user demand**;
 - (2) Whether that demand was not capable of being satisfied by the market operators in the absence of an obligation imposed by the public authorities (**existence of a market failure**); and
 - (3) That simply having recourse to public service obligations was insufficient to remedy that shortage (**least harmful approach**).
- (289) The Commission points out that the public service routes operated by Laziomar during the prolongation period are the same as those entrusted to it under the new public service contract, with the exception, that the number of routes during the prolongation period was only five (see recital 43), whereas under the new public service contract two additional routes connecting Terracina with Ponza (Line T3) and Ventotene (Line T4) (see recital 72) have been added. In addition, the Commission has already described and assessed the competitive situation on those routes during the extension period. Against this background, the following assessment will rely on and refer to the relevant parts of the assessment made for the new public service contract above (see Section 5.1.2.1).
- (290) The Commission first recalls (see recital 120) that Italy has imposed the public service obligations laid down in the initial Convention mainly to (i) ensure the territorial continuity between the mainland and the islands; and to (ii) contribute to the economic development of the islands concerned, through regular and reliable maritime transport services. The Commission already concluded (see recital 179) that these are indeed legitimate public interest objectives.
- (291) To illustrate the genuine demand from users for the maritime services concerned, Italy provided (see Tables 11 and 12), detailed statistics which show that in 2011, Laziomar transported 270 457 passengers and 17 717 vehicles on the five service routes combined during the respective time periods covered by the public service obligations. These figures in 2012 were 240 430 passengers and 13 228 vehicles and in 2013 254 167 passengers and 16 927 vehicles. ⁽⁸⁵⁾

⁽⁸⁵⁾ Italy has also provided passenger only figures for 2009 and 2010. It shall be reminded that the specific routes were carried out by Caremar during that period until the end of May 2011. The figures in 2009 were 287 639 passengers (157 055 for T1 and A2, 99 087 for T2 and A3 and 31 494 for A1) and 253 638 in 2010 (141 300 for T1 and A2, 86 031 for T2 and A3 and 26 307 for A1).

Table 11

Passengers' statistics for the years 2011–2013

Year	Line T1	Line T2	Line A1	Line A2	Line A3	Total No of passengers
2011	57 374	53 461	15 374	106 588	37 660	270 457
2012	36 446	61 978	16 372	96 125	29 509	240 430
2013	26 492	61 678	19 655	117 085	29 257	254 167

Table 12

Vehicles' statistics for the years 2011–2013

Year	Line T1	Line T2	Line A1	Line A2	Line A3	Total No of vehicles ⁽¹⁾
2011	13 203	2 880	1 634 ⁽²⁾			17 717
2012	10 614	2 614				13 228
2013	14 177	2 750				16 927

⁽¹⁾ The vessels used on Line A1, Line A2 and Line A3 did not transport vehicles (with the exception of Line A1 in 2011).

⁽²⁾ As from 2012 this route has been only serving passengers.

- (292) Overall, the numbers show that the user demand for the maritime services on each of the routes concerned was significant and fairly stable, and the analysis for the years 2011–2013 did not provide any indications that it would have disappeared. The Commission has already demonstrated that there was also significant user demand for the maritime services for the period from 2014 onwards (see recital 184).
- (293) It can therefore be concluded that these services addressed a genuine user demand and thus satisfied real public needs.
- (294) As explained under recital 186, the Commission must also examine whether the service would have been inadequate if its provision were left to the market forces alone in the light of the public service obligations imposed by the Member State by virtue of the extension of the initial Convention. Paragraph 48 of the SGEI Communication notes in this respect that 'the Commission's assessment is limited to checking whether the Member State has made a manifest error'.
- (295) The Commission notes that during the period from 1 June 2011 until 14 January 2014, on one route that was operated by Laziomar under the extension of the initial Convention (Line A3), another operator, Vetur, offered a passenger service albeit not with the same continuity, regularity and price. The Commission has already assessed in recital 195 the competitive situation on Line A3 and whether the services provided by Vetur were equivalent to those that Laziomar had to provide under the new public service contract. The Commission recalls that this assessment was based on the competitive situation on that route between 1 June 2011 and 14 January 2014. Since the services in general that Laziomar has to operate are almost identical in terms of routes served, frequencies and technical requirements to those that it had to perform during the prolongation period, the Commission's conclusion (see recital 195) that market forces alone were insufficient to meet the public service needs is also valid for Laziomar during the entire prolongation period. Indeed, on most routes Laziomar was the only operator while on only one route (Line A3) the services provided by Vetur were not equivalent in terms of continuity, regularity, capacity and price and therefore did not satisfy in full the public service needs imposed on Laziomar by virtue of the initial Convention (as prolonged).

- (296) Finally, in light of the planned privatisation and in order to ensure the continuity of the public services that were operated under the initial Convention, Italy decided to extend this Convention unaltered and subject to the change in compensation methodology applicable from 2010 onwards). The Commission accepts that user demand (as described in recitals 291, 292 and 293) could not have been met by imposing public service obligations applicable to all operators serving the routes at hand. In particular, on most routes Laziomar was the only operator (see e.g. recital 188) and, where this was not the case, the offer provided by the other operator did not meet the requirements of regularity, continuity, capacity and affordable price. Furthermore, the operation of most (if not all) routes, especially in the low season, is loss-making so that without public service compensation they would likely not be operated at all. In addition, the Commission accepts that in view of the process to privatise Laziomar, prolonging the existing public service contract was the only way to guarantee the continuity of the public services until completion of that privatisation.
- (297) Therefore, the Commission concludes that Italy has not made a manifest error when defining the services entrusted to Laziomar as SGEI. The doubts expressed by the Commission in the 2011 and 2012 Decisions are hence dispelled.

5.3.3. *Need for an entrustment act specifying the public service obligations and the methods of calculating compensation*

- (298) As indicated in the Section 2.3 of the 2011 SGEI Framework, the concept of service of general economic interest within the meaning of Article 106 TFEU means that the undertaking in question has been entrusted with the operation of the service of general economic interest by way of one or more official acts.
- (299) These acts must specify, in particular:
- The precise nature of the public service obligation and its duration;
 - The undertaking and territory concerned;
 - The nature of the exclusive rights;
 - The parameters for calculating, controlling and reviewing the compensation;
 - The arrangements for avoiding and repaying any overcompensation.
- (300) In its 2011 and 2012 Decisions, the Commission expressed doubts as to whether the entrustment act provided for a comprehensive description of the nature of Laziomar's public service obligations during the prolongation period. Nevertheless, the Commission also recalled that different elements of the entrustment might be placed in several acts without putting into question the appropriateness of the definition of the obligations. During the extension period, Laziomar's entrustment act included the initial Convention (as amended and extended over time), the five-year plans covering the periods 2000–2004 and 2005–2008, a series of *ad hoc* decisions by Italy, the CIPE Directive and the 2009 Law.
- (301) Against this background, the Commission first notes that the initial Convention (as amended over time), which forms the core of Laziomar's entrustment act, remained fully applicable until the completion of the privatisation on the basis of a series of Decree Laws (see recital 278). These legal acts specify that Laziomar was entrusted with public service obligations until the completion of its privatisation.
- (302) According to the initial Convention, the five-year plans specify the routes and the ports to be served, the type and capacity of vessels to be used for the maritime connections in question, the frequency of the service and the fares to be paid, including subsidised fares, particularly for residents of island regions. While the plans for the period 2005–2008 were not formally adopted, the plan for the period 2000–2004 continued to apply without any changes as regards the scope of the public service obligations. Therefore, the provisions of that plan continued to apply in full during the period from 1 June 2011 until 14 January 2014. Before 2011, the original fare scheme provided for in the initial Convention was amended by a number of subsequent acts. However, during the entire prolongation period, no inter-ministerial decrees were issued to further amend the fares to be charged by the companies of the former Tirrenia Group, including Laziomar. On this basis, the Commission concludes that the public service obligations that Laziomar had to comply with during the prolongation period were defined in a sufficiently clear way.

- (303) The Commission already noted in recitals 239 and 240 of the 2011 Decision that the parameters necessary for the calculation of the amount of compensation have been established in advance and are clearly described. In particular, for the years 2011 to 2013 the initial Convention (see recital 46) contains an exhaustive and precise list of the cost elements to be taken into account as well as the methodology of calculation of the return on invested capital for the operator. The relevant methodology is set out in the CIPE Directive (see recitals 47 to 57). More specifically, the CIPE Directive details the cost elements taken into account and the return on invested capital. Finally, the 2009 Law includes the maximum compensation amount of EUR 10 030 606 million per year that applies from 2010 onwards. Furthermore, the initial Convention laid down that the compensation would be paid out in instalments and ensured that the compensation was based on the actual costs and revenues incurred for the delivery of the public service. In this way, overcompensation could be detected and easily avoided. Where applicable, the State could then recover the overcompensation from Laziomar.
- (304) On this basis, the Commission considers that for the period of prolongation of the initial Convention the entrustment acts laid down a clear definition of the public service obligations, the duration, the undertaking and territory concerned, the parameters for calculating, controlling and reviewing the compensation and the arrangements for avoiding and repaying any overcompensation, as required under the 2011 SGEI Framework.

5.3.4. Duration of the period of entrustment

- (305) As indicated in paragraph 17 of the 2011 SGEI Framework, '[...] the duration of the period of entrustment should be justified by reference to objective criteria such as the need to amortise non-transferable fixed assets. In principle, the duration of the period of entrustment should not exceed the period required for the depreciation of the most significant assets required to provide the SGEI.'
- (306) Italy indicated that the duration of the extension has been set in reference to the period required for the depreciation of the assets employed in the provision of the SGEI. In particular, the total duration of the initial Convention as prolonged amounts to just over 24 years. Vessels are the most significant assets required to provide the public service. The depreciation period for vessels used for ferry services is usually long and can exceed 25 years.
- (307) Italy has provided the Commission with the depreciation value of Laziomar's vessels for the period 2011–2013. The Commission notes that, at the time Laziomar started operating the Pontino archipelago routes on 1 June 2011 under the prolongation of the initial Convention, its four vessels had an average age of 24 years.
- (308) The Commission notes that extending the period for two and a half years was necessary to ensure the continuity of the public service until the completion of the privatisation process. Taking into account, additionally, the average age of the vessels, the average length of the depreciation of vessels used in general for ferry services, the modernisation initiatives envisaged pursuant to the service contract provisions and the use of new vessels (see recital 243), the Commission concludes that the duration of the entrustment act is sufficiently justified and that paragraph 17 of the SGEI Framework is complied with.

5.3.5. Compliance with Commission Directive 2006/111/EC ⁽⁸⁶⁾

- (309) According to paragraph 18 of the 2011 SGEI Framework, '[...] aid will be considered compatible with the internal market on the basis of Article 106(2) of the Treaty only where the undertaking complies, where applicable, with Directive 2006/111/EC on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings'.

⁽⁸⁶⁾ Commission Directive 2006/111/EC of 16 November 2006 on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings (OJ L 318, 17.11.2006, p. 17).

- (310) Furthermore, paragraph 44 of the 2011 SGEI Framework requires that: 'Where an undertaking carries out activities falling both inside and outside the scope of the SGEI, the internal accounts must show separately the costs and revenues associated with the SGEI and those of the other services in line with the principles set out in paragraph 31.'
- (311) Italy has confirmed that Laziomar has only been active in providing public services under the initial Convention.
- (312) Therefore, the Commission considers that paragraph 18 of the 2011 SGEI Framework is not applicable.

5.3.6. Amount of compensation

- (313) Paragraph 21 of the 2011 SGEI Framework states that '[...] the amount of the compensation must not exceed what is necessary to cover the cost of discharging the public service obligations, including a reasonable profit'.
- (314) In the case at hand, since the compensation constitutes illegal aid granted before its entry into force, paragraph 69 of the 2011 SGEI Framework specifically provides that, for the purpose of the State aid assessment, the use of the net avoided cost methodology is not required. Instead, alternative methods for calculating the net cost necessary to discharge the public service obligations, such as the methodology based on cost allocation can be used. Under the latter methodology, the net cost would be calculated as the difference between the costs and the revenues for a designated provider of fulfilling the public service obligations, as specified and estimated in the entrustment act. Paragraphs 28 to 38 of the 2011 SGEI Framework set out in more detail how this methodology should be applied.
- (315) In its 2011 and 2012 Decisions, the Commission expressed doubts regarding the risk premium of 6,5 %, which applied from 2010 onwards. In particular, the Commission questioned whether this premium reflects an appropriate level of risk, taking into account that *prima facie* Toremar did not seem to assume the risks normally borne in the operation of such services.
- (316) The risk premium of 6,5 % would have been applied to determine the return on capital using the WACC formula. However, as already explained in recitals 136, 137 and 138, Italy has clarified that, because the amount of compensation was capped by the 2009 Law, it was decided to simplify the calculation by applying the 6,5 % as a flat rate return on capital.
- (317) In this context, on the basis of the route-by-route accounts submitted by Italy and as aggregated in Table 13, the Commission could verify that for 2011, 2012 and 2013 together, the public service compensation was EUR 70 650 higher than the net cost of the service (not including any return on capital):

Table 13

Net cost of the public service operated by Laziomar for the period 2011–2013

(EUR)

Toremar public service remit	2011	2012	2013	Grand total
Total revenues	2 845 238	3 441 567	3 569 149	9 855 942
- Total costs	11 182 105	17 140 076	15 799 712	44 121 893
- Amortisations	114 836	274 044	352 229	741 109
= Net cost of public service	- 8 451 703	- 13 972 553	- 12 582 792	- 35 007 048
+ Return on capital (6,5 %)	0	0	0	0

= Eligible for compensation	- 8 451 703	- 13 972 553	- 12 582 792	- 35 007 048
+ Actual compensation	8 601 187	13 780 506	12 696 005	35 077 698
= Over/under compensation	149 484	- 192 047	113 213	70 650

- (318) The Commission takes account of the fact that Laziomar commenced operating the routes in the Pontino archipelago on 1 June 2011, immediately following the transfer of these routes from the Region of Campania and Caremar to the Region of Lazio and Laziomar (see recitals 4, 32 and 33). Therefore, the 2011 financial exercise, showing a positive difference at EUR 149 484, cannot be fully attributed to Laziomar and is not representative of Laziomar's actual results. In fact, for the financial years 2012 and 2013, which are fully attributed to Laziomar, the combined difference between the eligible and the actual compensation is negative (EUR - 78 834).
- (319) The Commission also verified the calculations provided by Italy regarding the return on capital invested based on the 6,5 % flat rate. Given that the returns are negative over the period 2011–2013 (see recital 138), they are represented as 'zero' on Table 13 for the purpose of calculating the net cost of the public service. Considering these negative results, therefore, the Commission notes that in the case of the three-year financial exercise, the positive difference of EUR 70 650, which represents only 0,2 % of the actual compensation paid to Laziomar, is captured by the 6,5 % flat rate and does not result in overcompensation. Moreover, a rate of return of 0,2 % (or 20 basis points), does not exceed the relevant swap rate plus a premium of 100 basis points, which, pursuant to paragraph 36 of the 2011 SGEI Framework, is regarded as reasonable in any event.
- (320) Paragraph 49 of the 2011 SGEI Framework requires Member States to ensure that the compensation granted for operating the SGEI does not result in undertakings receiving overcompensation (as defined in paragraph 47 of that Framework). Among others, Member States must provide evidence upon request from the Commission. Furthermore, they must carry out regular checks, or ensure that such checks are carried out, at the end of the period of entrustment and, in any event, at intervals of not more than three years.
- (321) The Commission has already assessed under *Altmark* 3 that the 6,5 % flat rate return on capital that Laziomar could expect from an *ex ante* perspective was in line with the risks it ran when operating the public services under the public service contract (see recitals 211 to 216). In addition, the Commission reiterates that Italy has used a flat rate return on capital for calculation simplification purposes.
- (322) The Commission notes that the submitted CIPE Directive takes into account certain market values applicable in the maritime cabotage sector. It prescribes the eligible costs for the purposes of public service obligations, as well as the calculation principles concerning the rate of return on capital on the basis of the information, conditions and risks relevant for this particular sector.
- (323) In addition, as already explained in recital 214 in the context of assessing the new public service contract under *Altmark* 3, the Commission has found that in 2013 (as well as for the whole period 2011–2013) the median return on capital generated by a benchmark group of selected ferry operators offering maritime connections within Italy or between Italy and other Member States was generally similar to the 6,5 % return on capital of Laziomar.
- (324) In view of the above, the Commission considers that the 6,5 % return on capital remains at a reasonable level.
- (325) Italy has lastly provided the necessary evidence showing that all regular checks were carried out to ensure that the amount of the compensation did not exceed the net cost of the service. In addition, the Commission recalls that the compensation is paid out in instalments (see recital 45) and that the final pay-out is made on the basis of the actual costs and revenues of the year. This ensures that the amount of compensation does not exceed the net costs of the service.

- (326) In view of the above, the Commission concludes that the amount of compensation granted to Laziomar during the prolongation of the initial Convention has not led to any overcompensation and the applicable requirements of Section 2.8 of the SGEI Framework are complied with.

5.3.7. *The berthing priority*

- (327) Article 19-ter, paragraph 21, of the 2009 Law clearly specifies that the berthing priority was necessary to guarantee the territorial continuity with the islands and in light of the public service obligations of the companies of the former Tirrenia Group, including Laziomar. Indeed, if there were no priority berthing for companies entrusted with public service obligations, these may have to wait their turn before docking and thereby incur delays, which would defeat the purpose of ensuring reliable and convenient connectivity to the consumers. A regular timetable is indeed necessary to satisfy mobility needs of the islands' population and to contribute to the economic development of the islands concerned. Furthermore, since the departure times for the public service routes are fixed by the Convention the berthing priority is necessary to ensure that ports allocate the berths and berthing times in such a way to enable the public service operator to respect its public service obligations.
- (328) Against this background, the Commission considers that this measure was awarded to enable Laziomar to perform its public service obligations, which constitute a genuine SGEI (see Section 5.3.2). Furthermore, Italy has confirmed that the berthing priority is only applicable to services provided under the public service regime.
- (329) The Commission has already assessed in detail the compatibility of the SGEI and the related compensation for Laziomar during the prolongation of the initial Convention (see Sections 5.3.2 to 5.3.6). The Commission hence considers that its compatibility assessment of the berthing priority can be limited to establishing whether or not this measure could result in overcompensation.
- (330) The Commission considers that any possible monetary advantage from the berthing priority would be limited (see recital 162). As a result, also the risk of overcompensation stemming from the measure would be limited. In addition, to the extent that this measure would reduce the operating costs or increase the revenues of the public service operator, these effects would be fully reflected in the operator's internal accounts. Therefore, the overcompensation checks that have been applied to Laziomar as described in Section 5.3.6 are also fit to detect any possible overcompensation resulting from the berthing priority.
- (331) The Commission therefore concludes that the berthing priority, which is inextricably linked with the public service performed by Laziomar, is compatible with the internal market on the basis of Article 106(2) TFEU and the 2011 SGEI Framework.

5.3.8. *Conclusion*

- (332) Based on the assessment in recitals 278 to 331, the Commission concludes that the compensation granted to Laziomar for the provision of the maritime services subject to the prolongation of the initial Convention in the period from 1 June 2011 to 14 January 2014 and the berthing priority complies with the applicable conditions of the 2011 SGEI Framework and are therefore compatible with the internal market under Article 106 TFEU.

6. CONCLUSION

- (333) The Commission finds that Italy has unlawfully implemented the aid measures under assessment in breach of Article 108(3) TFEU. On the basis of the foregoing assessment, the Commission has decided that the public service compensation granted to Laziomar under the prolongation of the initial Convention is compatible with the internal market under Article 106 TFEU. Furthermore, since the berthing priority is inextricably linked with the performance of the SGEI by Laziomar, this measure is also compatible with the internal market under Article 106 TFEU.
- (334) Further, the Commission finds that the following measures do not constitute State aid within the meaning of Article 107(1) TFEU:
- (a) the compensation granted to Laziomar for the provision of maritime services under the new service contract for the period 15 January 2014 – 14 January 2024, bundled with the Laziomar business and the berthing priority to Laziomar, because it complies with the four *Altmark* criteria;

- (b) Laziomar's possible use of funds to upgrade ships for liquidity purposes, since Laziomar did not make use of these funds for the said purposes;
- (c) the fiscal exemptions related to the privatisation process of Laziomar and the possibility to use FAS resources in order to meet liquidity needs as laid down by the 2010 Law,

HAS ADOPTED THIS DECISION:

Article 1

The compensation to Laziomar and the berthing priority for the provision of maritime services under the prolongation of the initial Convention in the period 1 June 2011–14 January 2014 constitutes State aid within the meaning of Article 107(1) TFEU. Italy has implemented the aid to Laziomar in violation of Article 108(3) TFEU. This aid is compatible with the internal market.

Article 2

The award of the new public service contract for the period 15 January 2014–14 January 2024, bundled with the Laziomar business and the berthing priority to Laziomar does not constitute State aid within the meaning of Article 107(1) TFEU.

Article 3

The possibility to use, on a temporary basis, the financial resources already committed to the upgrade and modernisation of the fleet, to cover pressing liquidity needs, as laid down by the 2010 Law, was not availed of as far as Laziomar is concerned. Therefore, it does not constitute State aid to Laziomar within the meaning of Article 107(1) TFEU.

Article 4

The fiscal exemptions related to the privatisation process of Laziomar as laid down by the 2010 Law, do not constitute State aid to Laziomar within the meaning of Article 107(1) TFEU.

Article 5

The possibility to use resources of the *Fondo Aree Sottoutilizzate* to meet liquidity needs, as laid down by the 2010 Law, does not constitute State aid within the meaning of Article 107(1) TFEU.

Article 6

This Decision is addressed to the Italian Republic.

Done at Brussels, 30 September 2021.

For the Commission
Margrethe VESTAGER
Member of the Commission

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