

Official Journal of the European Union

L 241



English edition

Legislation

Volume 65

19 September 2022

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1609

of 12 September 2022

entering a name in the register of protected designations of origin and protected geographical indications ('Marmelada Branca de Odivelas' (PGI))

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Marmelada Branca de Odivelas' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.6. – Fruit, vegetables and cereals, fresh or processed, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.⁽²⁾ OJ C 219, 3.6.2022, p. 20.⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

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

Done at Brussels, 12 September 2022.

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

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1610**of 13 September 2022****amending Regulation (EC) No 738/2000 as regards the classification of a vehicle equipped with a hydraulic lifting device fitted with a working platform in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) By Commission Regulation (EC) No 738/2000 ⁽²⁾, the item listed in point 5 of the Annex to that Regulation, a four-wheeled vehicle powered by an electric motor, equipped with an hydraulic lifting device with a telescopic jib, of a maximum height of 15,5 m and a lifting capacity of 227 kg, permanently mounted on a flat surface and fitted with a working platform with a safety railing, was classified under Combined Nomenclature (CN) code 8428 90 90, as other lifting machinery.
- (2) The reason for excluding classification of the lifting device from heading 8427 was that it is not suitable for the transport of goods, as it is designed only for elevating goods and persons. However, heading 8427 does not exclude articles that are not designed for the transport of goods. Furthermore, according to the Harmonized System Explanatory Notes to heading 8427, part (B), point (1), heading 8427 includes trucks with mechanically elevating platforms for the maintenance of electric cables, public lighting systems, etc.
- (3) During its 68th session in September 2021, the Harmonized System Committee (HSC) of the World Customs Organisation (WCO) approved classification opinion 8427.10/1 classifying a product called 'Self-propelled Articulated Boom Lift', being an electric motor-powered wheeled base unit works truck with an articulated hydraulic lifting boom, which has a working platform (cage or man-basket) mounted on the boom. This lift has a maximum speed of 5,2 km/h (folded) and 0,8 km/h (unfolded), maximum working height 15,7 m, maximum gross weight 6 500 kg and platform capacity 227 kg. It is designed to accommodate a worker to enable work at heights. It was classified in subheading 8427 10 of the Harmonized System (HS) and, according to its objective characteristics, corresponds to CN Code 8427 10 10, as self-propelled trucks powered by an electric motor, with a lifting height of 1 m or more.
- (4) Given the identical or very similar characteristics of the product with the article described in point 5 of the Annex to Regulation (EC) No 738/2000, the tariff classification of the article, as set out in the Annex to that Regulation, is not in accordance with classification opinion 8427.10/1.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Commission Regulation (EC) No 738/2000 of 7 April 2000 concerning the classification of certain goods in the combined nomenclature (OJ L 87, 8.4.2000, p. 10).

- (5) The Union is, by virtue of Council Decision 87/369/EEC ⁽³⁾, a contracting party of the International Convention on the Harmonized Commodity Description and Coding System, drawn up by the Customs Cooperation Council of the WCO. Classification opinions approved by the HSC are guidance instruments for Union tariff measures.
- (6) With a view to securing uniformity in the interpretation and application of the HS at international level and considering that classification opinion 8427.10/1 is in conformity with the wording of HS heading 8427 and subheading 8427 10, it is necessary to delete point 5 of the Annex to Regulation (EC) No 738/2000.
- (7) Regulation (EC) No 738/2000 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 738/2000, the row corresponding to point 5 of the table and illustration C are deleted.

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, 13 September 2022.

*For the Commission,
On behalf of the President,
Gerassimos THOMAS
Director-General
Directorate-General for Taxation and Customs Union*

⁽³⁾ 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).

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2022/1611

of 13 September 2022

on the appointment of the EU Operation Commander for the European Union military operation in Bosnia and Herzegovina and repealing Decision (CFSP) 2020/1010 (BiH/33/2022)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Pursuant to Article 6(1) of Joint Action 2004/570/CFSP, the Council authorised the Political and Security Committee (PSC) to take the relevant decisions on the appointment of the EU Operation Commander for the European Union military operation in Bosnia and Herzegovina (the 'EU Operation Commander').
- (2) On 8 October 2018, the PSC decided in principle that the Vice-Chief of Staff at the Supreme Headquarters Allied Powers Europe (SHAPE) should be appointed as the EU Operation Commander as from 29 March 2019, subject to NATO confirming his availability.
- (3) On 7 December 2018, the North Atlantic Council confirmed the availability of the Vice-Chief of Staff at SHAPE to assume the role of EU Operation Commander under the 'Berlin plus' Arrangements, as from 29 March 2019.
- (4) On 2 July 2020, the PSC adopted Decision (CFSP) 2020/1010 ⁽²⁾ appointing Major General Brice HOUDET, Vice-Chief of Staff at SHAPE, as the EU Operation Commander as from 18 July 2020.
- (5) On 1 September 2022, NATO decided to appoint Lieutenant General Hubert COTTEREAU as Vice-Chief of Staff at SHAPE, replacing Lieutenant General Brice HOUDET as from that date. Lieutenant General Hubert COTTEREAU should also replace, as from that date, Lieutenant General Brice HOUDET in his capacity as the EU Operation Commander.
- (6) On 7 September 2022, the EU Military Committee agreed to recommend the nomination of Lieutenant General Hubert COTTEREAU as the EU Operation Commander as from 1 September 2022.
- (7) Decision (CFSP) 2020/1010 should therefore be repealed.
- (8) On 12 and 13 December 2002, the Copenhagen European Council adopted a declaration stating that the 'Berlin plus' Arrangements and the implementation thereof will apply only to those Member States of the Union which are also either NATO members or parties to the 'Partnership for Peace', and which have consequently concluded bilateral security agreements with NATO,

⁽¹⁾ OJ L 252, 28.7.2004, p. 10.

⁽²⁾ Political and Security Committee Decision (CFSP) 2020/1010 of 2 July 2020 on the appointment of the EU Operation Commander for the European Union military operation in Bosnia and Herzegovina and repealing Decision (CFSP) 2019/264 (BiH/29/2020) (OJ L 224, 13.7.2020, p. 7).

HAS ADOPTED THIS DECISION:

Article 1

Lieutenant General Hubert COTTEREAU, Vice-Chief of Staff at the Supreme Headquarters Allied Powers Europe (SHAPE), is hereby appointed as the EU Operation Commander for the European Union military operation in Bosnia and Herzegovina as from 1 September 2022.

Article 2

Decision (CFSP) 2020/1010 is hereby repealed.

Article 3

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

It shall apply from 1 September 2022.

Done at Brussels, 13 September 2022.

For the Political and Security Committee
The Chairperson
D. PRONK

COMMISSION DELEGATED DECISION (EU) 2022/1612**of 16 February 2022****specifying the content and format of the predetermined list of options to be used to request additional information or documentation pursuant to Article 27(3) of Regulation (EU) 2018/1240 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 ⁽¹⁾, and in particular Article 27(3) thereof,

Whereas:

- (1) Regulation (EU) 2018/1240 establishes the European Travel Information and Authorisation System (ETIAS) for third-country nationals exempt from the requirement to be in the possession of a visa for the purposes of entering and staying in the territory of the Member States.
- (2) In order for the ETIAS National Unit of the Member State responsible to decide on applications that trigger hits, or for the ETIAS National Unit of the Member State to which the third country national intends to travel to decide on limited territorial validity applications, the information provided in application forms should be complete and accurate. If the information is deemed insufficient to enable the ETIAS National Unit to decide, it should be able to request more information or documentation necessary from applicants by using a list of options.
- (3) It is necessary to lay down the predetermined list of options available to the ETIAS National Units when requesting additional information or documentation from applicants according to Article 27(3) or Article 44(3) of Regulation (EU) 2018/1240. The list should be generic, listing the information and documentation that can be requested, while also allowing applicants to submit information or documentation that they themselves consider necessary.
- (4) Applicants should have clear indications of the information or documentation that they are being requested to provide. The technical implementation of the predetermined list of options should thus allow ETIAS National Units to include a description to the option(s) selected. The technical implementation of the predetermined list of options should also, by default, indicate to applicants the possibility for them to submit any information or documentation that they deem necessary in relation to their application.
- (5) The information or documentation submitted by applicants within the legal deadlines should enable the ETIAS National Unit of the Member State responsible to decide on the applications. However, not providing requested additional information or documentation should not lead to the travel applications being refused automatically.
- (6) It is also necessary to establish adequate rules to protect applicants' personal data and to safeguard access to such data by authorised authorities, pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽²⁾.

⁽¹⁾ OJ L 236, 19.9.2018, p. 1.

⁽²⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

- (7) This Decision is without prejudice to the application of Directive 2004/38/EC of the European Parliament and of the Council ⁽³⁾.
- (8) Given that Regulation (EU) 2018/1240 builds upon the Schengen *acquis*, in accordance with Article 4 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark notified the implementation of Regulation (EU) 2018/1240 in its national law. Denmark is therefore bound by this Decision.
- (9) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part ⁽⁴⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (10) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ⁽⁵⁾, which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC ⁽⁶⁾.
- (11) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁷⁾, which fall within the area referred to in Article 1, point A of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁸⁾.
- (12) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁹⁾ which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽¹⁰⁾.
- (13) This Decision constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(1) of the 2003 Act of Accession, Article 4(1) of the 2005 Act of Accession and Article 4(1) of the 2011 Act of Accession.

⁽³⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

⁽⁴⁾ This Decision falls outside the scope of the measures provided for in Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽⁵⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁶⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁽⁷⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁸⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁽⁹⁾ OJ L 160, 18.6.2011, p. 21.

⁽¹⁰⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

- (14) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽¹¹⁾ and delivered an opinion on 21 June 2021,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision establishes the content and format of the predetermined list of options to be used by the ETIAS National Units to request additional information or documentation pursuant to Article 27(3) and Article 44(3) of Regulation (EU) 2018/1240.

Article 2

Content of the predetermined list of options for requesting additional information or documentation

1. The content of the predetermined list of options to be used by the ETIAS National Units to request additional information or documentation is set out in the Annex.
2. eu-LISA shall, as part of the technical development of the ETIAS Information System, include the possibility for the ETIAS National Units to add a description to the option(s) selected pursuant to paragraph 1.
3. The content of the predetermined list of options for requesting additional information or documentation shall indicate to applicants the possibility to submit any information or documentation that they deem necessary in relation to their application following a request for additional information or documentation.

Article 3

Format of the predetermined list of options for requesting additional information or documentation

The format of the predetermined list of options to be used by the ETIAS National Units to request additional information or documentation shall be a list allowing one or more entries to be selected.

Article 4

Data to be provided to applicants together with the request for additional information or documentation related to overstay reported in the Entry/Exit System

1. Where the ETIAS National Units request additional information from applicants to explain their past overstay(s) in the territory of Member State(s), they shall make the data referred to in Article 16(3), points (a) and (b) of Regulation (EU) 2017/2226 of the European Parliament and of the Council ⁽¹²⁾ available to applicants via the secure account service established by Article 6(2), point (g), of Regulation (EU) 2018/1240.

⁽¹¹⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

⁽¹²⁾ Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

2. For the purpose of paragraph 1, the duly authorised staff of the ETIAS National Units shall have direct access to and may consult the data referred to in that paragraph, in a read-only format in the Entry/Exit System. The consulted data shall not be recorded in the application file.
3. The data from the Entry/Exit System shall be available only during the period when applicants can submit additional information or documentation pursuant to Article 27(3) of Regulation (EU) 2018/1240.
4. After the ETIAS National Unit has taken the decision on the application, the data from the Entry/Exit System shall be deleted from the secure account service.

Article 5

Entry into force

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

Done at Brussels, 16 February 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

referred to in Article 2

The content of the predetermined list of options to request additional information or documentation from the applicants:

- (1) applicant's travel document(s) (possibility to request the entire document or its biographical page; page(s) with issued, refused, revoked or annulled visa(s); pages with entry/exit stamps; possibility to request previous travel document and travel documents linked to another nationality);
- (2) proof of loss or theft of the travel document;
- (3) travel document of the applicant's legal guardian, if any (possibility to request the entire document or its biographical page);
- (4) document(s) proving the applicant's identity, other than the travel document (e.g. driver's licence, birth certificate);
- (5) applicant's permanent residence document(s) or document(s) attesting to citizenship;
- (6) reason(s) for not providing a home address in the application form;
- (7) documents attesting to the applicant's residence at declared address;
- (8) documents attesting to the official registration of a firm or organisation (when application was submitted by a third party on behalf of an applicant);
- (9) document(s) containing the postal address at which the applicant can be reached (e.g. identity card, resident card or driver's licence);
- (10) document(s) concerning the validity of or cancellation of a Schengen Information System refusal of entry and stay issued to the applicant;
- (11) proof of sufficient means of subsistence for the duration of the intended stay by the applicant;
- (12) proof of accommodation for the duration of the intended stay and host contact information;
- (13) judicial invitation(s), court order/judgment(s), police certificate(s);
- (14) letters/emails exchanged with Member State or third country administration(s);
- (15) documentation related to declared conviction(s);
- (16) extract(s) from relevant national criminal register(s);
- (17) documentation related to employers' or organisations' request(s) to travel to or be present in a given country or given conflict or war zone in the given period of time;
- (18) documentation related to declared orders to leave the territory or to declared return decisions;
- (19) proof of administrative error(s);
- (20) hospital invoice(s) or other documents proving a hospital stay;
- (21) return ticket(s) for the upcoming stay, including proof of payment;
- (22) proof of family connections in the Member States;
- (23) proof of having visited family, including the name(s), surname(s) and residence of the family member(s);
- (24) proof of having visited friend(s), including the name(s), surname(s) and residence of the friend(s);
- (25) tickets (events, exhibitions, concerts);
- (26) work contract(s)/agreement(s) or comparable;
- (27) boarding passes/ticket(s);

- (28) health certificate(s);
 - (29) vaccination certificate(s);
 - (30) documents proving an applicant's current occupation (for applicants that indicated 'employed' on their application form as laid down in the Commission Delegated Regulation on the predetermined list of job groups used in the application form);
 - (31) documents with the applicant's employer and where applicable, contact information and references from the employer (for applicants that indicated 'employed' on their application form as laid down in the Commission Delegated Regulation on the predetermined list of job groups used in the application form);
 - (32) name of the educational establishment (for applicants that indicated 'student' on their application form as laid down in the Commission Delegated Regulation on the predetermined list of job groups used in the application form);
 - (33) attestation of registration with the educational establishment (for applicants that indicated 'student' on their application form as laid down in the Commission Delegated Regulation on the predetermined list of job groups used in the application form);
 - (34) diplomas/certificates (for applicants that indicated 'student' on their application form as laid down in the Commission Delegated Regulation on the predetermined list of job groups used in the application form);
 - (35) proof of payment of tuition fees (for applicants that indicated 'student' on their application form as laid down in the Commission Delegated Regulation on the predetermined list of job groups used in the application form);
 - (36) request for additional information to explain past overstay(s) in the territory of Member State(s), including the purpose of travel when the overstay occurred, reasons for the overstay, exact address(es) during the overstay(s) and phone number related to the address(es) stayed at during the overstay;
 - (37) request for additional information explaining past refusal(s) of visa;
 - (38) request for additional information explaining past refusal(s) of travel authorisation;
 - (39) request for additional information explaining past revocation(s) of visa;
 - (40) request for additional information explaining past revocation(s) of travel authorisation;
 - (41) request for additional information explaining past annulment(s) of visa;
 - (42) request for additional information explaining past annulment(s) of travel authorisation;
 - (43) request for additional information or documentation explaining the request for travel authorisation with limited territorial validity based on humanitarian grounds;
 - (44) request for additional information or documentation explaining the request for travel authorisation with limited territorial validity based on international obligations.
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DECISION (EU) 2022/1613 OF THE EUROPEAN CENTRAL BANK**of 9 September 2022****amending Decision (EU) 2016/948 on the implementation of the corporate sector purchase programme (ECB/2016/16) (ECB/2022/29)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular to the second subparagraph of Article 12.1 in conjunction with the first indent of Article 3.1, and Article 18.1 thereof,

Whereas:

- (1) On 22 June 2022, the Governing Council decided to amend the corporate sector purchase programme (CSPP) framework to 'tilt' the CSPP benchmark towards issuers with a better climate performance. In this context, the Governing Council specified that 'tilting' means that the share of assets on the Eurosystem's balance sheet issued by companies with a better climate performance will be increased compared to that by companies with a poorer climate performance. In addition, the Governing Council decided to impose maturity limits for the bonds of issuers with a poorer climate performance. The climate performance of issuers should be measured by reference to their greenhouse gas emissions, the level of ambition of their carbon reduction targets and their climate-related disclosures. The climate performance of issuers should be assessed and the tilting factors should be calculated using methodology approved by the Governing Council.
- (2) This follows the Governing Council's monetary policy strategy review, and accompanying climate-related action plan, published on 8 July 2021 ⁽¹⁾. In that context, the Governing Council acknowledged that addressing climate change is a global challenge and a policy priority for the European Union, and highlighted that climate change and the transition towards a more sustainable economy affect the outlook for price stability through their impact on various macroeconomic indicators and the transmission of monetary policy. Physical and transition risks related to climate change can affect the value and the risk profile of the assets held on the Eurosystem's balance sheet. This is the case, in particular, with corporate sector asset purchases, as climate-related financial risks to the Eurosystem's balance sheet are higher for outright purchases than for lending operations. The measures are therefore necessary in order for the Eurosystem to manage, as effectively as possible, the climate-related financial risks to which it is exposed when implementing monetary policy, in pursuit of its primary objective of maintaining price stability. The adoption by the Eurosystem of measures designed to circumscribe the risk of financial losses forms part of the definition and implementation of monetary policy, as also reflected in Article 18.1 of the Statute of the European System of Central Banks and the European Central Bank (hereinafter the 'Statute of the ESCB'), pursuant to which the Eurosystem may conduct credit operations with lending based on adequate collateral.
- (3) Pursuant to Articles 127(1) and 282(2) of the Treaty on the Functioning of the European Union (TFEU), as reflected in Article 2 of the Statute of the ESCB, without prejudice to the objective of price stability, the Eurosystem shall support the general economic policies in the Union with a view to contributing to the achievement of the objectives of the Union, as laid down in Article 3 of the Treaty on European Union. These objectives include a high level of protection and improvement of the quality of the environment. Regulation (EU) 2021/1119 of the European Parliament and of the Council ⁽²⁾ (the 'European Climate Law') sets out a binding objective of climate neutrality in the Union by 2050 in pursuit of the long-term temperature goal set out in the Paris Agreement ⁽³⁾. As the European Climate Law affects every conceivable aspect of economic policy in the Union, it forms part of the general economic policies in the Union, which the ECB is required to support. In light of the above, when adjusting its monetary policy instruments, the Governing Council will choose the configuration that best supports the general economic policies in the Union, provided that two configurations of the instrument set are equally conducive and not prejudicial to price stability. The incorporation of climate change considerations into the benchmark allocation is intended to

⁽¹⁾ Available on the website of the European Central Bank (ECB) at www.ecb.europa.eu

⁽²⁾ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).

⁽³⁾ Paris Agreement adopted under the United Nations Framework Convention on Climate Change (OJ L 282, 19.10.2016, p. 4).

have the effect of reducing the climate-related financial risk to the Eurosystem's balance sheet, by reducing the carbon intensity of the Eurosystem's corporate holdings. The measure is designed to have a neutral effect on the monetary policy stance on overall financing conditions. Given that this measure is equally conducive and not prejudicial to price stability, its introduction also serves to support the general economic policies in the Union.

- (4) The incorporation of climate change considerations into the benchmark allocation, together with the introduction of maturity limits for bonds of issuers with a poorer climate performance, also further support the proportionality of the CSPP as they mitigate the expected longer term climate-related risk for the Eurosystem arising from its corporate asset purchases, thereby ensuring the CSPP does not go beyond what is necessary to achieve its objective. In addition, the tilting methodology for the CSPP benchmark is designed to itself be proportionate. It takes into account three objective categories of metrics related directly to emissions and thus climate-related financial risk and climate neutrality: first, an issuer's past carbon emissions; second, forward-looking climate metrics, such as whether issuers have in place ambitious and credible decarbonisation targets, assessed using adequate methodologies; and third, the quality and completeness of issuers' climate disclosures and the verification of such disclosures by third parties. Moreover, the design of the climate scoring methodology takes into account, as guidance, the provisions on the requirements for EU Climate Transition Benchmarks and EU Paris-aligned Benchmarks under Regulation (EU) 2016/1011 of the European Parliament and of the Council ⁽⁴⁾. Finally, the climate scoring methodology will be reviewed and updated, as needed, to reflect the increasing availability of climate data and models, as well as relevant regulatory developments and the advancement in risk assessment capabilities, such as through the climate stress tests of the Eurosystem balance sheet.
- (5) In addition, in incorporating climate change considerations into the benchmark allocation, the Eurosystem takes into account climate-related financial risks, regulatory and legal developments, and the current availability and quality of data, while maintaining the broad scope of the purchase programmes in line with the obligation to act in accordance with the principle of an open market economy with free competition, favouring an efficient allocation of resources.
- (6) Finally, this measure ensures that the CSPP complies fully with the obligations of the Eurosystem under Article 11 TFEU, which requires that environmental protection requirements are integrated into the definition and implementation of the Union's policies and activities, which includes the Union's monetary policy. Similarly, it ensures that the CSPP complies with the obligations of the Eurosystem under Article 7 TFEU, which requires the Union to ensure consistency between its policies and activities.
- (7) The Eurosystem should apply the change to the benchmark allocation laid down in this Decision in respect of transactions settled on or after 1 October 2022.
- (8) Therefore, Decision (EU) 2016/948 of the European Central Bank (ECB/2016/16) ⁽⁵⁾ should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendment

In Decision (EU) 2016/948 (ECB/2016/16), the following Article 4a is inserted:

'Article 4a

- ⁽⁴⁾ Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1).
- ⁽⁵⁾ Decision (EU) 2016/948 of the European Central Bank of 1 June 2016 on the implementation of the corporate sector purchase programme (ECB/2016/16) (OJ L 157 15.6.2016, p. 28).

Incorporation of climate change considerations into the benchmark allocation

The benchmark allocation referred to in Article 4(3) shall incorporate climate change considerations, in particular in order to address the management of the Eurosystem's exposure to climate-related financial risks, in accordance with methodology approved by the Governing Council. This Article shall apply to transactions settled on or after 1 October 2022.'.

*Article 2***Entry into force**

This Decision shall enter into force on 26 September 2022.

Done at Frankfurt am Main, 9 September 2022.

The President of the ECB
Christine LAGARDE

CORRIGENDA

Corrigendum to Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy

(Official Journal of the European Union L 231 of 30 June 2021)

On page 467, Annex VII, 'Table 5: Common and programme specific output indicators for the ERDF, the Cohesion Fund, the JTF and the EMFAF (point (b) of Article 42(2))', second row:

<i>for:</i>	'Data on output indicators from the programme [extracted from table 2 of point 2.1.1.1.2 of Annex V]	Progress in output indicators to date'
<i>read:</i>	'Data on output indicators from the programme [extracted from table 2 of point 2.1.1.1.2 of Annex V and table 2 of point 2.1.1.2.2. of Annex V]	Progress in output indicators to date'

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

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