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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2022/2447

of 30 September 2022

supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by specifying the number and the title of the eight-yearly variables in the labour force domain on ‘young people on the labour market’, ‘educational attainment – details, including education interrupted or abandoned’ and ‘reconciliation of work and family life’

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1700 of the European Parliament and of the Council of 10 October 2019 establishing a common framework for European statistics relating to persons and households, based on data at individual level collected from samples, amending Regulations (EC) No 808/2004, (EC) No 452/2008 and (EC) No 1338/2008 of the European Parliament and of the Council, and repealing Regulation (EC) No 1177/2003 of the European Parliament and of the Council and Council Regulation (EC) No 577/98 ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) To cover the needs identified in the relevant detailed topics in the labour force domain, the Commission should specify the number and the title of the eight-yearly variables to be collected for the first time in the years 2024 and 2025.
- (2) The Commission should specify the number and the title of the eight-yearly variables on the detailed topics in the labour force domain ‘young people on the labour market’, ‘educational attainment – details, including education interrupted or abandoned’ and ‘reconciliation of work and family life’,

HAS ADOPTED THIS REGULATION:

Article 1

The number and the title of the eight-yearly variables on the detailed topics in the labour force domain ‘young people on the labour market’, ‘educational attainment – details, including education interrupted or abandoned’ and ‘reconciliation of work and family life’ shall be as set out in the Annex.

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 261I, 14.10.2019, p. 1.

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

Done at Brussels, 30 September 2022.

For the Commission
The President
Ursula VON DER LEYEN

Number and title of the eight-yearly variables in the labour force domain to be collected on ‘young people on the labour market’, ‘educational attainment – details, including education interrupted or abandoned’ (first implementation in 2024) and ‘reconciliation of work and family life’ (first implementation in 2025)

Topic	Detailed topic	Variable identifier	Variable name
03e. Labour market participation – 3 collected variables (3 eight-yearly)	Young people on the labour market	LEVMATCH	Match between educational attainment level and current or last main job
		FIELDMATCH	Match between field of the highest level of education successfully completed and current or last main job
		SKILLMATCH	Match between skills and current or last main job
04b. Educational attainment and background – 4 collected variables (4 eight-yearly)	Educational attainment – details, including education interrupted or abandoned	DROPEduc	Formal education or training abandoned
		DROPEducLEVEL	Level of the formal education or training abandoned
		DROPEducREAS	Main reason for not completing the formal education programme referred to in DROPEducLEVEL
		MEDLEVQUAL	Medium educational attainment qualifications
03f. Labour market participation – 11 collected variables (11 eight-yearly)	Reconciliation of work and family life	CHCARRES	Existence of regular care responsibilities for children up to 14
		CHCARAGE	Age of youngest child or grandchild being taken care of
		CHCARUSE	Use of childcare services
		CHCAROBS	Main reason for not using childcare services
		ELCARRES	Existence of regular care responsibilities for relatives aged 15 years and more who are ill, frail or with disabilities
		ELCARINT	Intensity of care for relatives who are ill, frail or with disabilities
		CAREFFEM	Effect of care responsibilities on employment
		WORKOBS	Main obstacle at work to reconcile work and family life
		CHNUMBER	Number of own children raised
		PARLEAV	Use of family leave
		PARLENG	Length of used family leave

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2448**of 13 December 2022****on establishing operational guidance on the evidence for demonstrating compliance with the sustainability criteria for forest biomass laid down in Article 29 of Directive (EU) 2018/2001 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources ⁽¹⁾, and in particular Article 29(8) thereof,

Whereas:

- (1) Directive (EU) 2018/2001 lays down new sustainability criteria for forest biomass used for the production of energy, in order for the latter to be accounted against European targets and national contributions, be part of renewable energy obligations stemming from Articles 23 and 25, and to be eligible for public support. Moreover, Directive (EU) 2018/2001 requires Member States to consider the available sustainable supply of biomass and take due account of the principles of the circular economy and of the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council ⁽²⁾ when developing support schemes for renewable energy, in order to avoid unnecessary distortions of raw materials markets.
- (2) In this context, forest biomass used for the production of energy is to be considered sustainable if it fulfils the sustainability criteria laid down in Article 29(6) and (7) of Directive (EU) 2018/2001, which deal respectively with forest harvesting and emissions from land use, land-use change and forestry (LULUCF).
- (3) To ensure coherence between the objectives of Directive (EU) 2018/2001 and the Union's environmental legislation and a robust and harmonised implementation of the new sustainability criteria for forest biomass by Member States and economic operators, Directive (EU) 2018/2001 requires the Commission to adopt implementing acts establishing operational guidance on the evidence for demonstrating compliance with these criteria.
- (4) To minimise the risk of using forest biomass that is not compliant with the sustainable harvesting criteria, economic operators should carry out a risk-based assessment, building on existing sustainable forest management legislation, including monitoring and enforcement systems, in force in the country of origin of the forest biomass. To that end, the harvested forest biomass should be subject to national and sub-national laws and regulations that meet the harvesting criteria laid down in point (a) of Article 29(6) of Directive (EU) 2018/2001. Economic operators should also assess whether there are monitoring and enforcement systems, and whether there is no evidence of significant lack of enforcement of the relevant national or sub-national laws. To that end, economic operators should use legal assessments and reports prepared by the European Commission ⁽³⁾, international or national governmental organisations, including information provided by non-governmental and scientific forest expert organisations. The risk-based assessment should also take account of any relevant on-going infringement procedures launched by the Commission, which are reflected in the publicly available infringements database of the Commission, and consider any relevant infringement rulings of the Court of Justice of the European Union as evidence of lack of enforcement.

⁽¹⁾ OJ L 328, 21.12.2018, p. 82.

⁽²⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

⁽³⁾ Such as the project 'REDIIBIO. Technical Assistance for the preparation of the guidance for the implementation of the new bioenergy sustainability criteria set out in the revised Renewable Energy Directive, 2021'.

- (5) Where there is no evidence of compliance at the national level with one or more of the harvesting criteria laid down in point (a) of Article 29(6) of Directive (EU) 2018/2001, forest biomass should be considered high-risk. In such cases, economic operators should provide more detailed evidence that the harvesting criteria set out in point (b) of Article 29(6) of Directive (EU) 2018/2001 are complied with, through management systems at the sourcing area level. In that respect, it is necessary to establish in more detail the evidence of sustainability which should be provided by economic operators through management systems at forest sourcing area level, when compared to that required under the national and sub-national compliance assessment. That will ensure that the harvesting criteria are effectively met, in particular the criteria on forest regeneration, conservation of protected areas, minimisation of harvesting impacts on soil quality and biodiversity, and on the maintenance or improvement of the forest's long-term production capacity.
- (6) To ensure that biogenic emissions and removals associated with forest biomass harvesting are correctly accounted for, it is necessary that the forest biomass meets the LULUCF criteria at national level. In particular, the country or regional economic integration organisation from which the biomass is sourced should be a party to the Paris Agreement. In addition, the relevant country, or regional economic integration organisation, should have submitted a National Determined Contribution (NDC), in the context of the Paris Agreement, covering emissions and removals from land use, agriculture and forestry, which ensures that changes in carbon stock associated with biomass harvest are accounted towards the country or regional economic integration organisation's commitment to reduce or limit greenhouse gas emissions, as specified in the NDC. Alternatively, it should have national or sub-national legislation, applicable to the area of harvest, to conserve and enhance carbon stocks and sinks. In addition, evidence should be provided that the reported LULUCF-sector emissions do not exceed removals and that forest carbon sinks are maintained or strengthened over a relevant reference period.
- (7) Where compliance with the LULUCF criteria laid down in point (a) of Article 29(7) of Directive (EU) 2018/2001 cannot be demonstrated, it is necessary that economic operators provide additional evidence of the existence of management systems at the sourcing area level, in order to ensure that both forest carbon stocks and sinks levels are maintained, or strengthened, in the long term. Such systems should include, at least, information from forward-looking planning and periodic monitoring of the development of the forest carbon stocks and sinks at the forest sourcing area level.
- (8) In order to ensure a robust verification of the new sustainability criteria on forest biomass, the information provided by economic operators should be transparent, accurate, reliable and protected against fraud, and economic operators should be able to rely on reliable certification rules. Those rules should take into account the role of voluntary national or international certification schemes, recognised by the Commission, pursuant to paragraph 4 of Article 30 of Directive (EU) 2018/2001.
- (9) In order to minimise administrative burden, Member States should facilitate the work of economic operators by making available data, including spatial data and inventories, for planning and monitoring purposes.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Sustainability of Biofuels, Bioliquids and Biomass fuels,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation lays down operational guidance to be applied by Member States to ensure a robust and harmonised implementation of the risk-based sustainability criteria for the production of biofuels, bioliquids and biomass fuels from forest biomass set out in Article 29(6) and (7) of Directive (EU) 2018/2001.

*Article 2***Definitions**

For the purposes of this Regulation, the following definitions apply:

- ‘harvesting criteria at national or sub-national level’ means the criteria laid down in point (a) of Article 29(6) of Directive (EU) 2018/2001;
- ‘harvesting criteria at sourcing area level’ means the criteria laid down in point (b) of Article 29(6) of Directive (EU) 2018/2001;
- ‘country of harvest’ means the country or territory where the forest biomass raw material was harvested;
- ‘planted forest’ means forest predominantly composed of trees established through planting and/or deliberate seeding provided that the planted or seeded trees are expected to constitute more than fifty percent of the growing stock at maturity; it includes coppice from trees that were originally planted or seeded;
- ‘plantation forest’ means a planted forest that is intensively managed and meets, at planting and stand maturity, all the following criteria: one or two species, even age class, and regular spacing. It includes short rotation plantations for wood, fibre and energy, and excludes forests planted for protection or ecosystem restoration, as well as forests established through planting or seeding which at stand maturity resemble or will resemble naturally regenerating forests;
- ‘stumps and roots’ mean parts of the whole tree volume, excluding the volume of the above-stump woody biomass, considering the height of the stump as that at which the tree would be cut under normal felling practices in the relevant country or region;
- ‘deadwood’ means all non-living woody biomass not contained in the litter, either standing, lying on the ground, or in the soil, including wood lying on the surface, coarse debris, dead roots, and stumps larger than or equal to 10 cm in diameter or any other diameter used by the country concerned;
- ‘long-term production capacity’ means the health of the forest and its ability to continuously and sustainably deliver goods, such as wood of various quality grades, and non-wood-forest products and ecosystem services, including air and water purification, maintenance of wildlife habitat, recreation or cultural capital, over a long period of time, and where applicable, bridging several successive forestry rotations;
- ‘management system’ means information collected on the forest area at the sourcing area level, including in the form of text, maps, tables and graphs, and strategies or management activities planned and implemented to reach the forest resource management or development goals;
- ‘natural disturbances’ has the meaning attributed to it by point (9) of Article 3(1) of Regulation (EU) 2018/841 of the European Parliament and of the Council ⁽⁴⁾;
- ‘net annual increment’ means the annual growth in volume of the stock of living trees available minus the average natural mortality of that stock;
- ‘LULUCF criteria at national level’ means the criteria laid down in point (a) of Article 29(7) of Directive (EU) 2018/2001;
- ‘LULUCF criteria at sourcing area level’ means the criteria laid down in point (b) of Article 29(7) of Directive (EU) 2018/2001;
- ‘carbon stock’ has the meaning attributed to it by point (4) of Article 3(1) of Regulation (EU) 2018/841;
- ‘carbon sink’ has the meaning attributed to it by point (1) of Article 3(1) of Regulation (EU) 2018/841;

⁽⁴⁾ Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ L 156, 19.6.2018, p. 1).

- ‘first gathering point’ has the meaning attributed to it by Article 2(12) of the Commission Implementing Regulation (EU) 2022/996 ⁽⁵⁾;
- ‘first party auditing’ means a self-declaration by an economic operator supplying to the first gathering point;
- ‘second party auditing’ means the auditing of a supplier by the economic operator managing the first gathering point;
- ‘third party auditing’ means the auditing of an economic operator carried out by a third party that is independent from the organisation subject to the auditing;
- ‘economic operator’ has the meaning attributed to it by Article 2(11) of the Implementing Regulation (EU) 2022/996.

Article 3

Assessment of compliance with the harvesting criteria at national or sub-national level

1. Member States shall require economic operators to provide audited information establishing compliance with the harvesting criteria at national or sub-national level. To that end, economic operators shall carry out a risk-based assessment which provides accurate, up-to-date and verifiable evidence of all the following elements:

- (a) the country of harvest, and, where applicable, the sub-national region where the forest biomass was harvested; and
- (b) that the national or sub-national law applicable to the area of harvest ensures:
 - (i) the legality of harvesting operations, which shall be proven by providing evidence of compliance of harvesting with the applicable legislation in the country of harvest, as set out in point (h) of Article 2 of Regulation (EU) No 995/2010 of the European Parliament and of the Council ⁽⁶⁾;
 - (ii) forest regeneration, which may be proven by providing evidence that the applicable laws require natural or artificial regeneration, or a combination of both, aiming at the establishment of a new forest in the same area and within an appropriate period according to the relevant national legislation;
 - (iii) the effective protection of areas designated by international or national law, or by the relevant competent authority, for nature protection purposes, including in wetlands and peatlands;
 - (iv) that forest harvesting is carried out in a way that minimises negative impacts on soil quality and biodiversity, which may be proven by providing evidence that the applicable law, or relevant forest management rules:
 - (1) requires that primary forests and areas protected under 1(b)(iii) are not degraded to or replaced by plantation forests, which may include, but should not be limited to, safeguarding that the regenerated forest area provides for a locally appropriate and adequate amount of plants and tree species;
 - (2) provides for the protection of soils and of species and habitats including those protected by international or national law. To facilitate the work of economic operators, Member States shall endeavour to provide data on site-specific environmental features; and
 - (3) minimises, where appropriate, the removal of stumps, roots and deadwood;

⁽⁵⁾ Commission Implementing Regulation (EU) 2022/996 of 14 June 2022 on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria (OJ L 168, 27.6.2022, p. 1).

⁽⁶⁾ Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (OJ L 295, 12.11.2010, p. 23).

- (v) that the long-term production capacity of the forest is maintained or increased, which may be proven by providing evidence that the applicable law at national or sub-national level ensures that, based on average annual data, the fellings do not exceed the net increment over an appropriate period according to the relevant national legislation, except in cases where it is temporarily justified due to documented forest pests, storms or other natural disturbances. That may be proven by using:
 - (1) national forest inventory reports;
 - (2) providing the evidence referred to in Article 5(ii); or
 - (3) similar inventory reports at sub-national level;
 - (c) the existence of systems for ensuring monitoring of implementation and enforcement of the national and sub-national laws referred to in paragraph (b), including information on the following elements: the authorities competent for carrying out monitoring, implementation and enforcement, sanctions for non-compliance, systems for appealing against decisions, and public access to information;
 - (d) that there is no significant lack of enforcement of the national and/or sub-national laws and regulations referred to in point (b).
2. With regard to the evidence required by point (d) of paragraph 1, economic operators shall take into account any legal assessments and reports, prepared by national or international governmental organisations, detailing a lack of enforcement of the national or sub-national laws referred to in point (b) of paragraph 1. Any on-going relevant infringement procedure brought by the European Commission against a Member State, on the basis of relevant Union legislation, shall be also taken into account. The existence of a ruling of the Court of Justice against a Member State, for the violation of relevant Union legislation, such as Regulation (EU) No 995/2010, shall be considered evidence of such a lack of enforcement.
3. In order to minimise the administrative burden for economic operators, Member States may establish public databases with up-to-date information on the elements referred to in this Article and shall facilitate access to information, including public spatial data and public inventories, to operators. Member States may provide relevant training to this effect.
4. Economic operators may decide to demonstrate directly compliance with the harvesting criteria at sourcing area level in accordance with Article 4.

Article 4

Assessment of compliance with the harvesting criteria at the forest sourcing area level

Where evidence of compliance with one or several harvesting criteria at national or sub-national level is not available, Member States shall require economic operators to provide audited information that those criteria have been complied with through management systems that are in place and implemented at the level of the sourcing area. To that end, economic operators shall provide accurate, up-to-date, and verifiable evidence of the following elements:

- (a) The spatial boundaries of the sourcing area for which compliance needs to be demonstrated, and on which management systems referred to in point (b) apply, including by means of geographical coordinates or parcels.
- (b) Management systems applicable to the sourcing area ensuring:
 - (i) the legality of harvesting operations, which shall be proven by providing evidence of the compliance of harvesting with the due diligence system defined in Article 6 of Regulation (EU) No 995/2010;

- (ii) that forest regeneration is carried out in a manner that at least maintains the quality and quantity of the harvested forest areas, which may be proven by providing evidence of the establishment of a new forest in the same area within a maximum of 10 years after the harvesting. That may be proven by using forest management plans, operational protocols, environmental impact assessments, and results of relevant compliance audits and inspections;
- (iii) that forest biomass does not originate from areas designated by international or national law or by relevant competent authority for nature protection, including in wetlands and peatlands, unless there is evidence that the harvesting of the raw material does not interfere with the protection objectives of the designated areas. That may be proven by using international and national databases, official maps, forest management plans, operational protocols, harvesting protocols, satellite imaging, environmental impact assessments, and official logging permits including conditions or restrictions ensuring that there is no conflict with the relevant nature protection objectives, and the results of relevant compliance audits and inspections;
- (iv) that forest harvesting is carried out in a way that aims at least at preventing negative impacts on soil quality and biodiversity. This may be proven by providing evidence that the relevant risks associated with the harvesting of forest biomass for energy production have been identified in advance; and that, appropriate mitigation actions have been implemented such as the following:
 - (1) primary forests and areas protected under (b)(iii) are not degraded to or replaced by plantation forests;
 - (2) harvesting of stumps and roots is minimised;
 - (3) no harvesting is carried out on vulnerable soils;
 - (4) harvesting is carried out through logging systems that minimise impacts on soil quality, including soil compaction;
 - (5) harvesting is carried out in a way that minimises impacts on biodiversity features and habitats, including plants and animals protected under international or national legislation;
 - (6) a locally-appropriate quantity and assortments of deadwood is left in the forest; and
 - (7) large clear-cuts are minimised except in cases where it is temporarily justified due to documented forest pests, storms or other natural disturbances.

Those mitigation actions may be proven by using international and national databases, official maps and satellite imaging, forest management plans, operational protocols, and harvesting protocols, results of relevant compliance audits and inspections;

- (v) the harvest maintains or improves the forest's long-term production capacity. This may be proven by providing evidence that the annual fellings do not exceed the net annual increment in the relevant sourcing area on average within the 10-year period prior to the harvesting intervention, unless different amounts are duly justified in order to enhance the future production capacity of the forest; or because of documented forest pests, storms or other natural disturbance. That may be proven by using public or private forest inventory data.

Article 5

Assessment of compliance with the LULUCF criteria at national level

Member States shall require economic operators to provide audited information that confirms compliance with the criteria on land use, land use change and forestry (LULUCF) at national level. To that end, economic operators shall provide accurate, up-to-date, and verifiable evidence that the country or regional economic integration organisation from which the forest biomass originates, is Party to the Paris Agreement and fulfils either of the following two sets of conditions:

- (i) it has submitted a nationally determined contribution (NDC), under the 2015 Paris Agreement on Climate Change following the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change, that meets the following requirements:
 - (a) the NDC includes the agriculture, forestry and land use sectors, either combined as one agriculture, forestry and other land use (AFOLU) sector, or as agriculture and LULUCF sectors separately;
 - (b) the NDC explains how the agriculture, forestry and land use sectors have been considered in the NDC;
 - (c) the NDC counts the emissions and removals from the agriculture, forestry and land use sectors against the country's overall emission reduction target, including emissions associated with harvesting of forest biomass; or
- (ii) there are national or sub-national laws, applicable to the area of harvest, to conserve and enhance carbon stocks and sinks in forests. In addition, evidence shall be provided that the reported LULUCF sector emissions do not exceed removals, which may be proven by providing evidence that reported LULUCF sector emissions do not exceed removals on average over the 10 years preceding the harvesting of the forest biomass and that carbon stocks and sinks are conserved or enhanced between the last two successive 10-year periods preceding the harvesting of forest biomass.

In order to minimise the administrative burden for economic operators, Member States may provide up-to-date information on the elements referred to in this Article to the operators.

Article 6

Assessment of compliance with the LULUCF criteria at the forest sourcing area level

Where evidence of compliance with the LULUCF criteria at national level is not available, Member States shall require economic operators to provide audited information confirming the existence and implementation of management systems at the level of the forest sourcing area, to ensure that carbon stocks and sinks levels in the forest are maintained or strengthened over the long-term. To that end, economic operators shall provide accurate, up-to-date and verifiable evidence in accordance with the following requirements:

- (a) identify the spatial boundaries of the sourcing area for which compliance needs to be demonstrated, for instance by means of geographical coordinates, plots or parcels, including stands and tracts of land, and identify the relevant forest carbon pools, including aboveground biomass, belowground biomass, litter, deadwood and soil organic carbon;
- (b) calculate the average forest carbon stocks and sinks over a historical reference period with the purpose of establishing a benchmark for the comparison of maintenance or strengthening of forest carbon stocks and sinks of a sourcing area. Economic operators shall use the reference period of 2000-2009, or another period of similar length and as close as possible to 2000-2009, to facilitate the use of forest inventory data or to mitigate the impacts of natural disturbances or other extreme events. The economic operators shall duly justify the choice of their reference period. The economic operator shall estimate reference values for all relevant carbon pools individually identified pursuant to point (a);
- (c) describe the scenario of the expected forest management practices in a sourcing area for a projected long-term period covering at least 30 years after the harvesting event from which biomass is sourced. That scenario shall be constructed on the basis of the forest management practices in a sourcing area documented for the historical reference period, or on existing forest management plans or other verifiable evidence;
- (d) estimate the average carbon stocks and sinks of the sourcing area over the projected long-term period, covering at least 30 years depending on the forest growth rate, after the harvesting of the forest biomass. In order to ensure comparability with the historical reference period, those estimates shall use the same carbon pools, data and methods referred to in points (a) and (b). Where economic operators are not able to quantify one or more of the pools identified pursuant to point (a), they shall provide due justification;

- (e) compare the average carbon stock and sinks in the relevant forest sourcing area of the projected long-term period with the forest carbon stocks and sinks of the historical reference period. If the average forest carbon stocks and sinks of the projected long-term period are equal to or higher than the average forest carbon stocks and sinks of the historical reference period, the forest biomass is in compliance with the LULUCF criteria at the forest sourcing area level. Economic operators shall put in place adequate monitoring and verification systems of the actual development of carbon stock and sinks in demonstrated compliance with the requirements set out in this Article.

Article 7

Auditing and verification

1. Member States shall take measures to ensure that economic operators:
 - (a) submit reliable information substantiating their sustainability claims, demonstrating that the requirements set out in Articles 3 to 6 have been duly fulfilled, and make available, on request, the detailed data that were used to compile that information. If other evidence is provided to demonstrate compliance with the harvesting and LULUCF criteria, such evidence shall meet a high standard of reliability and verifiability;
 - (b) use the mass balance system referred to in paragraph 1 of Article 30 of Directive (EU) 2018/2001;
 - (c) arrange for an adequate standard of independent third-party auditing of the information submitted, except for compliance at national and sub-national level with the harvesting and LULUCF criteria, for which a first-party or second-party auditing may be provided for up to the first gathering point of the forest biomass;
 - (d) ensure an adequate level of transparency taking into account the need for public scrutiny of the auditing approach;
 - (e) provide evidence that relevant audits are regularly conducted, including through periodic inspections where relevant.
2. Member States shall take measures to ensure that the auditing referred to in point (c) of the first paragraph evaluates the frequency and methodology of sampling and the robustness of data, and verifies that the information submitted by economic operators is accurate, reliable and protected against fraud.
3. Economic operators may make use of national schemes or international voluntary schemes recognised by the Commission pursuant to Article 30(4) of Directive (EU) 2018/2001 to demonstrate compliance with the criteria set out in Articles 3 to 6 of this Regulation.
4. Group auditing may be performed under the conditions laid down in Article 12 of the Implementing Regulation (EU) 2022/996 to help alleviate the administrative burden in particular on small economic operators.

Article 8

Entry into force and application

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 December 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2449**of 13 December 2022****amending Implementing Regulation (EU) No 612/2013 as regards the data registered in messages relating to the registration of economic operators involved in the movements of excise goods released for consumption in one Member State and moved to another Member State to be delivered there for commercial purposes**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EU) No 389/2012 of 2 May 2012 on administrative cooperation in the field of excise duties and repealing Regulation (EC) No 2073/2004 ⁽¹⁾, and in particular Article 22 thereof,

Whereas:

- (1) Article 1 of Decision (EU) 2020/263 of the European Parliament and of the Council ⁽²⁾ is currently applied to supervise movements of excise goods under a duty suspension arrangement within the meaning of Article 3, point (6), of Council Directive (EU) 2020/262 ⁽³⁾. That Directive extends the use of the computerised system referred to in Article 1 of Decision (EU) 2020/263 ('the computerised system') to the supervision of excise goods released for consumption in the territory of one Member State and then moved to the territory of another Member State in order to be delivered there for commercial purposes. Such movements are to take place under cover of an electronic simplified administrative document that is to be submitted by the consignor by using the computerised system, with effect from 13 February 2023. Until that date, Commission Regulation (EEC) No 3649/92 ⁽⁴⁾ applies under which such movements take place under cover of a document in paper form, namely the simplified accompanying document.
- (2) Commission Delegated Regulation (EU) 2022/1636 ⁽⁵⁾ establishes the structure and content of the electronic simplified administrative document exchanged through the computerised system and repeals Regulation (EEC) No 3649/92 as from 13 February 2023.
- (3) The structure and content of the electronic administrative documents exchanged through the computerised system were regulated under Commission Regulation (EC) No 684/2009 ⁽⁶⁾, implementing Council Directive 2008/118/EC ⁽⁷⁾, as regards the movement of excise goods under a duty suspension arrangement. The structure and content of the electronic administrative documents established by Delegated Regulation (EU) 2022/1636, and the

⁽¹⁾ OJ L 121, 8.5.2012, p. 1.

⁽²⁾ Decision (EU) 2020/263 of the European Parliament and of the Council of 15 January 2020 on computerising the movement and surveillance of excise goods (OJ L 58, 27.2.2020, p. 43).

⁽³⁾ Council Directive (EU) 2020/262 of 19 December 2019 laying down the general arrangements for excise duty (OJ L 58, 27.2.2020, p. 4).

⁽⁴⁾ Commission Regulation (EEC) No 3649/92 of 17 December 1992 on a simplified accompanying document for the intra-Community movement of products subject to excise duty which have been released for consumption in the Member State of dispatch (OJ L 369, 18.12.1992, p. 17).

⁽⁵⁾ Commission Delegated Regulation (EU) 2022/1636 of 5 July 2022 supplementing Council Directive (EU) 2020/262 by establishing the structure and content of the documents exchanged in the context of movement of excise goods, and establishing a threshold for the losses due to the nature of the goods (OJ L 247, 23.9.2022, p. 2).

⁽⁶⁾ Commission Regulation (EC) No 684/2009 of 24 July 2009 implementing Council Directive 2008/118/EC as regards the computerised procedures for the movement of excise goods under suspension of excise duty (OJ L 197, 29.7.2009, p. 24).

⁽⁷⁾ Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC (OJ L 9, 14.1.2009, p. 12).

rules and procedures laid down in Commission Implementing Regulation (EU) 2022/1637 ⁽⁸⁾, replace the ones laid down in Regulation (EC) No 684/2009. For reasons of clarity, references to Regulation (EC) No 684/2009 in Commission Implementing Regulation (EU) No 612/2013 ⁽⁹⁾ need to be amended.

- (4) Article 19 of Regulation (EU) No 389/2012 lays down an obligation for Member States to maintain electronic registers of authorisations held by economic operators, and tax warehouses, that are engaged in the movement of excise goods.
- (5) Council Regulation (EU) 2020/261 ⁽¹⁰⁾ extends the scope of Article 19 of Regulation (EU) No 389/2012, with effect from 13 February 2023, to include two new categories of economic operators, namely certified consignors and certified consignees moving excise goods that have already been released for consumption.
- (6) Council Regulation (EU) 2021/774 ⁽¹¹⁾ extends the scope of Article 19 of Regulation (EU) No 389/2012, with effect from 13 February 2023, to include two new categories of economic operators, namely certified consignors and certified consignees moving excise goods that have already been released for consumption only occasionally.
- (7) Implementing Regulation (EU) No 612/2013 sets out the information to be recorded in the messages regarding the registration of economic operators and tax warehouses involved in the movement of excise goods under duty suspension. The scope of that Implementing Regulation should be extended to cover the information to be recorded in the messages regarding the registration of economic operators involved in the movement of excise goods that have already been released for consumption.
- (8) Directive (EU) 2020/262 replaces and repeals Directive 2008/118/EC with effect from 13 February 2023. For reasons of clarity, references in Implementing Regulation (EU) No 612/2013 to Directive 2008/118/EC should be amended.
- (9) Annex I to Implementing Regulation (EU) No 612/2013 lays down the structure and content of messages relating to the registration of economic operators, and tax warehouses, in the national registers and the Central Register, in the field of excise duties when goods are moved under duty suspension arrangement. The scope of such messages should be amended to incorporate the new types of economic operators involved in the movement of excise goods that have already been released for consumption.
- (10) Several technical updates to the computerised system have not yet been reflected in Table 3 of Annex I to Implementing Regulation (EU) No 612/2013. Therefore, that Table should be amended accordingly.
- (11) Annex II to Implementing Regulation (EU) No 612/2013 lays down the codes required for the completion of certain data fields in the messages relating to the authorisation of economic operators and tax warehouses in the national registers and in the Central Register, referred to in Article 19 of Regulation (EU) No 389/2012. Authorisations to move excise goods are provided by the competent authorities to economic operators, and a unique excise number as referred to in Article 19(2) of Regulation (EU) No 389/2012 is assigned to each authorisation. An economic operator may be granted more than one type of authorisation. Member States may group the multiple unique excise numbers of an economic operator under a single Global Excise Trader Identifier for the purposes of control and risk analysis. For this reason, a list of codes should be added to that Annex.
- (12) Implementing Regulation (EU) No 612/2013 should therefore be amended accordingly.

⁽⁸⁾ Commission Implementing Regulation (EU) 2022/1637 of 5 July 2022 laying down the rules for the application of Council Directive (EU) 2020/262 as regards the use of documents in the context of movement of excise goods under a duty suspension arrangement and of movement of excise goods after release for consumption, and by establishing the form to be used for the exemption certificate (OJ L 247, 23.9.2022, p. 57).

⁽⁹⁾ Commission Implementing Regulation (EU) No 612/2013 of 25 June 2013 on the operation of the register of economic operators and tax warehouses, related statistics and reporting pursuant to Council Regulation (EU) No 389/2012 on administrative cooperation in the field of excise duties (OJ L 173, 26.6.2013, p. 9).

⁽¹⁰⁾ Council Regulation (EU) 2020/261 of 19 December 2019 amending Regulation (EU) No 389/2012 on administrative cooperation in the field of excise duties as regards the content of electronic registers (OJ L 58, 27.2.2020, p. 1).

⁽¹¹⁾ Council Regulation (EU) 2021/774 of 10 May 2021 amending Regulation (EU) No 389/2012 on administrative cooperation in the field of excise duties as regards the content of electronic registers (OJ L 167, 12.5.2021, p. 1).

- (13) As the extension of the use of the computerised system is to apply as from 13 February 2023, the application of this Regulation should be deferred to that date.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Excise Duty,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 612/2013 is amended as follows:

- (1) in Article 1, paragraph 3 is replaced by the following:

‘3. Where codes are required for the completion of certain data fields in the messages referred to in paragraph 1, the codes listed in Annex II to this Regulation, or in Annex II to Commission Delegated Regulation (EU) 2022/1636 (*), shall be used.

(*) Commission Delegated Regulation (EU) 2022/1636 of 5 July 2022 supplementing Council Directive (EU) 2020/262 by establishing the structure and content of the documents exchanged in the context of movement of excise goods, and establishing a threshold for the losses due to the nature of the goods (OJ L 247, 23.9.2022, p. 2).’;

- (2) in Article 6, paragraph 3 is amended as follows:

- (a) point (a) is amended as follows:

- (1) the introductory wording is replaced by the following:

‘(a) if the unique excise number submitted corresponds to a record for an authorised warehouse keeper, a registered consignee, a registered consignor, a certified consignee, or a certified consignor, the extract shall contain any of the following:’;

- (2) point (iv) is replaced by the following:

‘(iv) information on the operator role code indicating whether a registered consignee or an authorised warehouse keeper is authorised under Article 16(4) of Council Directive (EU) 2020/262 (*) to have excise goods moved to a place of direct delivery (data group 2.3 set out in Table 2 of Annex I);

(*) Council Directive (EU) 2020/262 of 19 December 2019 laying down the general arrangements for excise duty (OJ L 58, 27.2.2020, p. 4).’;

- (b) in point (c), the introductory wording is replaced by the following:

‘if the unique excise number submitted corresponds to a registered consignee or certified consignee or certified consignor that falls under points (h), (l) and (m) of Article 19(2) of Regulation (EU) No 389/2012, the extract shall, in addition to the data provided in point (a) of this paragraph, contain the following information:’;

- (3) Annex I is amended in accordance with Annex I to this Regulation;
- (4) Annex II is amended in accordance with Annex II 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*.

It shall apply from 13 February 2023.

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

Done at Brussels, 13 December 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Annex I to Implementing Regulation (EU) No 612/2013 is amended as follows:

(1) in point 2, the following point (aa) is inserted:

‘(aa) e-SAD: electronic simplified administrative document;’;

(2) point 3 is amended as follows:

(a) point (c) is replaced by the following:

‘(c) ‘Authorisation Start Date’ means the date from which an economic operator is authorised by the responsible Member State to produce, store, send or receive excise goods within the meaning of Chapter IV and Chapter V, Section 2, of Directive (EU) 2020/262;’;

(b) point (e) is replaced by the following:

‘(e) ‘Validity Start Date’ means the date from which the premises of an economic operator have been declared by the responsible Member State to be valid as a location to produce, send or receive excise goods within the meaning of Chapter IV and Chapter V, Section 2, of Directive (EU) 2020/262;’;

(3) tables 1 to 4 are replaced by the following:

‘Table 1

Common request

(referred to in Article 4(5), Article 7(2) and Article 8(2))

A	B	C	D	E	F	G
1		ATTRIBUTES	R			
	<i>a</i>	Request Type	R		The possible values are: 1 = (reserved) 2 = Request for reference data 3 = (reserved) 4 = (reserved) 5 = Request for re-synchronisation of the register of economic operators 6 = Request for retrieval of a list of e-ADs/e-SADs 7 = Request for SEED statistics 8 = Request for retrieval of a list of e-ADs 9 = Request for retrieval of a list of e-SADs	n1
	<i>b</i>	Request Message Name	C	— ‘R’ if <Request Type> is ‘2’ — Does not apply otherwise (see Request Type in box 1a)	The possible values are: ‘C_COD_DAT’ = Common list of codes ‘C_PAR_DAT’ = Common system parameters ‘ALL’ = For complete structure	a..9
	<i>c</i>	Requesting Office	R		(see Code list 4 in Annex II to Delegated Regulation (EU) 2022/1636)	an8
	<i>d</i>	Request Correlation Identifier	C	— ‘R’ if <Request Type> is ‘2’, ‘5’, ‘6’ ‘7’, ‘8’ or ‘9’ — Does not apply otherwise (see Request Type in box 1a)	The value of <Request Correlation Identifier> is unique per Member State.	an..44

	<i>e</i>	Start Date	C	For 1 <i>e</i> and <i>f</i> : — 'R' if <Request Type> is '2' or '5' — Does not apply otherwise		date
	<i>f</i>	End Date	C	(see Request Type in box 1a)		date
	<i>g</i>	Single Date	C	— 'R' if <Request Type> is '2' or '5' — Does not apply otherwise — (see Request Type in box 1a)		date
2		E-AD/E-SAD LIST REQUEST	C	— 'R' if <Request Type> is '6', '8' or '9' — Does not apply otherwise (see Request Type in box 1a)		
	<i>a</i>	Member State Code	R		(see Code list 3 in Annex II to Delegated Regulation (EU) 2022/1636)	a2
2.1		RA_PRIMARY CRITERION	R			99x
	<i>a</i>	Primary Criterion Type Code	R		The possible values are: 1 = ARC 2 = Brand name of product 3 = Categories of excise products of the movement 4 = (reserved) 5 = (reserved) 6 = (reserved) 7 = (reserved) 8 = City of consignee 9 = City of consignor 10 = City of guarantor 11 = (reserved)	n..2

					12 = City of place of delivery 13 = City of tax warehouse of dispatch 14 = City of transporter 15 = CN code of product 16 = Date of invoice 17 = Excise number of consignee 18 = Excise number of consignor 19 = Excise number of guarantor 20 = (reserved) 21 = (reserved) 22 = Excise number of the tax warehouse of destination 23 = Excise number of the tax warehouse of dispatch 24 = (reserved) 25 = Excise product code 26 = Journey time 27 = Member State of destination 28 = Member State of dispatch 29 = Name of consignee 30 = Name of consignor 31 = Name of guarantor 32 = (reserved) 33 = Name of place of delivery 34 = Name of tax warehouse of dispatch 35 = Name of transporter 36 = Number of invoice 37 = Postal code of consignee 38 = Postal code of consignor 39 = Postal code of guarantor 40 = (reserved) 41 = Postal code of place of delivery	
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					42 = Postal code of tax warehouse of dispatch 43 = Postal code of transporter 44 = Quantity of goods (in an e-AD/e-SAD body) 45 = Local Reference Number, being a serial number, assigned by the consignor 46 = Type of transport 47 = (reserved) 48 = (reserved) 49 = VAT number of the consignee 50 = (reserved) 51 = VAT number of the transporter 52 = Change of destination (sequence number ≥ 2)	
2.1.1		RA_PRIMARY VALUE	O			99x
	a	Value	R		If <Primary Criterion Type Code> is '46' (Type of transport), then an existing <Transport Mode Code> in the list of <TRANSPORT MODES> shall be used.	an..255
3		STA_REQUEST	C	— 'R' if <Request Type> is '7' — Does not apply otherwise (see Request Type in box 1a)		
	a	Statistic Type	R		The possible values are: 1 = Active/Inactive and Deleted economic operators 2 = Pending expirations 3 = Economic operators by type and tax warehouses 4 = Excise activity 5 = Changes to excise authorisations	n1

3.1		LIST OF MEMBER STATES Code	R			99x
	a	Member State Code	R		(see Code list 3 in Annex II to Delegated Regulation (EU) 2022/1636)	a2
4		STA_PERIOD	C	— 'R' if <Request Type> is '7' — Does not apply otherwise (see Request Type in box 1a)		
	a	Year	R			n4
	b	Semester	C	For 4 b, c, and d: The three following data fields are optional and exclusive: — <Semester> — <Quarter> — <Month> i.e. If one of these data fields is given then the two other data fields do not apply	The possible values are: 1 = First semester 2 = Second semester	n1
	c	Quarter	C		The possible values are: 1 = First quarter 2 = Second quarter 3 = Third quarter 4 = Fourth quarter	n1
	d	Month	C		The possible values are: 1 = January 2 = February 3 = March 4 = April 5 = May 6 = June 7 = July 8 = August	n..2

					9 = September 10 = October 11 = November 12 = December	
5		REF_REQUEST	C	— 'R' if <Request Type> is '2' — Does not apply otherwise <i>(see Request Type in box 1a)</i>		
	a	Common Risk Assessment Criteria flag	O		The possible values are: 0 = No or False 1 = Yes or True	n1
5.1		LIST OF CODES Code	O			99x
	a	Requested List of Code	O		The possible values are: 1 = Units of measure 2 = Events types 3 = Evidence types 4 = (reserved) 5 = (reserved) 6 = Language codes 7 = National Administrations 8 = Country codes 9 = Packaging codes 10 = Reasons for unsatisfactory receipt or control report 11 = Reasons for interruption 12 = (reserved) 13 = Transport modes	n..2

					14 = Transport units 15 = Wine-growing zones 16 = Wine operation codes 17 = Excise product categories 18 = Excise products 19 = CN codes 20 = Correspondences CN code Excise product 21 = Cancellation reasons 22 = Alert or rejection of e-AD/e-SAD reasons 23 = Delay explanations 24 = (reserved) 25 = Event submitting persons 26 = Refusal reasons 27 = Reasons for delayed result 28 = Request actions 29 = Request reasons 30 = (reserved) 31 = (reserved) 32 = (reserved) 33 = (reserved) 34 = Administrative cooperation action not possible reasons 35 = (reserved) 36 = Type of document 37 = (reserved) 38 = (reserved) 39 = Manual Closure Request Reasons 40 = Manual Closure Rejection Reasons 41 = National Administration - Degree Plato	
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Table 2

Operations on the register of economic operators

(referred to in Article 3(3), Article 4(2) and (3) and Article 6(3))

A	B	C	D	E	F	G
1		ATTRIBUTES	R			
	<i>a</i>	Message Type	R		The possible values are: — 1 = Update of economic operators (Notification of changes to CD/RD) — 2 = Dissemination of updates of economic operators — 3 = Retrieval of economic operators — 4 = Extraction of economic operators	n1
	<i>b</i>	Request Correlation Identifier	C	— 'R' if <Message Type> is '3' or '4' — Does not apply otherwise (see Message Type in box 1a)	The value of <Request Correlation Identifier> is unique per Member State	an..44
2		TRADER AUTHORISATION	O			999999x
	<i>a</i>	Trader Excise Number	R		(See Code list 1 in Annex II The <Trader Excise Number> must be unique in the list of <TRADER AUTHORISATION>.	an13
	<i>b</i>	VAT Number	O			an..14
	<i>c</i>	Authorisation Start Date	R			date
	<i>d</i>	Authorisation End Date	O			date

	<i>e</i>	Operator Type Code	R		The possible values are: 1 = Authorised warehouse keeper 2 = Registered consignee 3 = Registered consignor 4 = Certified consignor 5 = Certified consignee The value of the <Operator Type Code> data item cannot be changed after the creation of the TRADER AUTHORISATION	n1
	<i>f</i>	Excise Office Reference Number	R		(see Code list 4 in Annex II to Delegated Regulation (EU) 2022/1636)	an8
	<i>g</i>	Global Excise Trader Identifier	O		(see Code list 4 in Annex II)	an22
2.1		ACTION	R			
	<i>a</i>	Operation	R		The possible values are: — C = Create — U = Update — I = Invalidate — D = Delete For the D (Delete) operation the <Activation date> (see <Activation Date> in box 4.1b) shall be the current date of the request for deletion	a1
	<i>b</i>	Activation Date	R			date
	<i>c</i>	Responsible Data Manager	O			an..35
2.2		NAME AND ADDRESS	R			99x
	<i>a</i>	Name	R			an..182
	<i>b</i>	NAD_LNG	R		(see Code list 1 in Annex II to Delegated Regulation (EU) 2022/1636)	a2

2.2.1		ADDRESS	R															
	a	Street Name	R			an..65												
	b	Street Number	O			an..11												
	c	Postcode	R			an..10												
	d	City	R			an..50												
	e	Member State Code	R		(see Code list 3 in Annex II to Delegated Regulation (EU) 2022/1636)	a2												
2.3		OPERATOR ROLE Code	O			9x												
	a	Operator Role Code	R		The possible values are: — 1 = Allowed to practise direct delivery — 2 = Allowed to leave empty the destination fields according to Article 22 of Directive (EU) 2020/262. The couplings <Operator Type / Operator Role Code> are as follows:<table><tr><td>OP/OR TYPE / OP/OR ROLE</td><td>AUTH. WH KEEPER</td><td>REG. CON/EE</td><td>REG. CON/OR</td></tr><tr><td>Allowed to practise direct delivery</td><td>X</td><td>X</td><td></td></tr><tr><td>Allowed to leave empty the destination fields according to Article 22 of Directive 2020/262</td><td>X</td><td></td><td>X</td></tr></table>	OP/OR TYPE / OP/OR ROLE	AUTH. WH KEEPER	REG. CON/EE	REG. CON/OR	Allowed to practise direct delivery	X	X		Allowed to leave empty the destination fields according to Article 22 of Directive 2020/262	X		X	n1
OP/OR TYPE / OP/OR ROLE	AUTH. WH KEEPER	REG. CON/EE	REG. CON/OR															
Allowed to practise direct delivery	X	X																
Allowed to leave empty the destination fields according to Article 22 of Directive 2020/262	X		X															
2.4		EXCISE PRODUCTS CATEGORY Code	C	At least one of the <EXCISE PRODUCTS CATEGORY code> or <EXCISE PRODUCT code> data groups must be present		999x												
	a	Excise Products Category Code	R		(see Code list 3 in Annex II) The <Excise Products Category Code> must be unique in the list of <EXCISE PRODUCTS CATEGORY Code> inside the same <TRADER AUTHORISATION> or <TAX WAREHOUSE>	a1												

2.5		EXCISE PRODUCT Code	C	At least one of the <EXCISE PRODUCTS CATEGORY code> or <EXCISE PRODUCT code> data groups must be present		999x
	a	Excise Product Code	R		(see Code list 10 in Annex II to Delegated Regulation (EU) 2022/1636) The <Excise Products Category Code> of the <Excise Product Code> must not exist inside the same <TRADER AUTHORISATION> or <TAX WAREHOUSE> The <Excise Product Code> must be unique in the list of <EXCISE PRODUCT Code> inside the same <TRADER AUTHORISATION>, <TAX WAREHOUSE>, or <TEMPORARY AUTHORISATION> <Excise Product Code> S600 is applicable only to Certified consignors and Certified consignees (see box 2e) pursuant to article 27(1)(a) of Council Directive 92/83/EEC	an..4
2.6		(USING) TAX WAREHOUSE	C	— 'R' if <Operator Type Code> is 'Authorised warehouse keeper' — Does not apply otherwise (see Operator Type Code in box 2e)		99x
	a	Tax Warehouse Reference	R		(see Code list 1 in Annex II) The "Tax Warehouse Reference" shall be one of the <TAX WAREHOUSE. Tax Warehouse Reference> such that there exists at least one Active version having its Validity Interval intersecting the Validity Interval of the <TRADER AUTHORISATION>, after the Activation Date of the latter, by at least one day The <Tax Warehouse Reference> must be unique in the list of <TAX WAREHOUSE>.	an13
3		TAX WAREHOUSE	O			999999x

	<i>a</i>	Tax Warehouse Reference	R		(see Code list 1 in Annex II) The <Tax Warehouse Reference> must be unique in the list of <TAX WAREHOUSE>. The “Tax Warehouse Reference” shall be the same as one of the <(USING) TAX WAREHOUSE. Tax Warehouse Reference> within one or more <TRADER AUTHORISATION> data groups of “Authorised Warehouse Keeper” type satisfying also Rule204	an13
	<i>b</i>	Validity Begin Date	R			date
	<i>c</i>	Validity End Date	O			date
	<i>d</i>	Excise Office Reference Number	R		(see Code list 4 in Annex II to Delegated Regulation (EU) 2022/1636)	an8
3.1		ACTION	R			
	<i>a</i>	Operation	R		The possible values are: — C = Create — U = Update — I = Invalidate — D = Delete For the D (Delete) operation the <Activation date> (see <Activation Date> in box 4.1b) shall be the current date of the request for deletion	a1
	<i>b</i>	Activation Date	R			date
	<i>c</i>	Responsible Data Manager	O			an..35
3.2		NAME AND ADDRESS	R			99x
	<i>a</i>	Name	R			an..182
	<i>b</i>	NAD_LNG	R		(see Code list 1 in Annex II to Delegated Regulation (EU) 2022/1636)	a2

3.2.1		ADDRESS	R			
	<i>a</i>	Street Name	R			an..65
	<i>b</i>	Street Number	O			an..11
	<i>c</i>	Postcode	R			an..10
	<i>d</i>	City	R			an..50
	<i>e</i>	Member State Code	R		(see Code list 3 in Annex II to Delegated Regulation (EU) 2022/1636)	a2
3.4		EXCISE PRODUCTS CATEGORY Code	C	At least one of the <EXCISE PRODUCTS CATEGORY code> or <EXCISE PRODUCT code> data groups must be present		999x
	<i>a</i>	Excise Products Category Code	R		(see Code list 3 in Annex II) The <Excise Products Category Code> must be unique in the list of <EXCISE PRODUCTS CATEGORY Code> inside the same <TRADER AUTHORISATION> or <TAX WAREHOUSE>	an1
3.5		EXCISE PRODUCT Code	C	At least one of the <EXCISE PRODUCTS CATEGORY code> or <EXCISE PRODUCT code> data groups must be present		999x
	<i>a</i>	Excise Product Code	R		(see Code list 10 in Annex II to Delegated Regulation (EU) 2022/1636) The <Excise Products Category Code> of the <Excise Product Code> must not exist inside the same <TRADER AUTHORISATION> or <TAX WAREHOUSE> The <Excise Product Code> must be unique in the list of <EXCISE PRODUCT Code> inside the same <TRADER AUTHORISATION>, <TAX WAREHOUSE>, or <TEMPORARY AUTHORISATION>	an..4
4		TEMPORARY AUTHORISATION	O			999999x
	<i>a</i>	Temporary Authorisation Reference	R		(see Code list 2 in Annex II)	an13

	<i>a l</i>	Operator Type Code	R		The possible values are: — 1 = Temporary Registered Consignee — 2 = Temporary Certified Consignor — 3 = Temporary Certified Consignee	n1
	<i>b</i>	Office Reference Number of Issuance	R		(see Code list 4 in Annex II to Delegated Regulation (EU) No 2022/1636)	an8
	<i>c</i>	Date of Expiry	R			date
	<i>d</i>	Re-usable Temporary Authorisation flag	R		The possible values are: — 0 = No or False — 1 = Yes or True	n1
	<i>e</i>	VAT Number	O			an..14
	<i>f</i>	Authorisation Start Date	R			date
	<i>g</i>	Small Wine Producer flag	O		The possible values are: — 0 = No or False — 1 = Yes or True	n1
4.1		ACTION	R			
	<i>a</i>	Operation	R		The possible values are: — C = Create — U = Update — I = Invalidate — D = Delete For the D (Delete) operation the <Activation date> (see <Activation Date> in box 4.1b) shall be the current date of the request for deletion	a1

	<i>b</i>	Activation Date	R			date
	<i>c</i>	Responsible Data Manager	O			an..35
4.2		TRADER Linked to Temporary Authorisation	D	— 'O' for Temporary Certified Consignee authorisations to be linked to a Temporary Certified Consignor authorisation — 'R' otherwise		
	<i>a</i>	Trader Excise Number	C	— 'R' if <Temporary Authorisation – Small Wine Producer flag> is not present or is False — 'O' otherwise	An existing identifier <Trader Excise Number> in the set of <TRADER AUTHORISATION> The <Operator Type Code> of the referred <TRADER> must be: — "Authorised warehouse keeper" OR "Registered consignor" for <Temporary Registered Consignee> authorisations OR; — "Certified Consignor" for <Temporary Certified Consignee> authorisations OR; — "Certified Consignee" for <Temporary Certified Consignor> authorisations. In addition, the Member State of the <TRADER AUTHORISATION> must be different from the Member State the <TEMPORARY AUTHORISATION> is registered for. OR An existing identifier <Trader Excise Number> in the set of <TEMPORARY AUTHORISATION> The <Operator Type Code> of the referred <TRADER> must be: — "Temporary Certified Consignor" for <Temporary Certified Consignee> authorisations OR; — "Temporary Certified Consignee" for <Temporary Certified Consignor> authorisations. In addition, the Member State of the linked <TEMPORARY AUTHORISATION> must be different from the Member State the <TEMPORARY AUTHORISATION> is registered for.	an13
	<i>b</i>	Trader Name	R			an..182
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	R			an..10

	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		(see Code list 1 in Annex II to Delegated Regulation (EU) No 2022/1636)	a2
4.3		TEMPORARY AUTHORISATION DETAILS	R			999x
	<i>a</i>	Excise Product Code	R		(see Code list 10 in Annex II to Delegated Regulation (EU) No 2022/ 1636) The <Excise Product Code> must be unique in the list of <EXCISE PRODUCT Code> inside the same <TRADER AUTHORISATION>, <TAX WAREHOUSE>, or <TEMPORARY AUTHORISATION> <Excise Product Code> S600 is applicable only to Certified consignors and Certified consignees (see box 4a1) pursuant to article 27(1)(a) of Council Directive 92/83/EEC If <Temporary Authorisation – Small Wine Producer> is present and is True THEN the <Excise Product Code> must be either: — "W200"; OR — "W300"	an..4
	<i>b</i>	Quantity	R			n..15,3
4.4		NAME AND ADDRESS	R			99x
	<i>a</i>	Name	R			an..182
	<i>b</i>	NAD_LNG	R		(see Annex II, Code list 1 of Delegated Regulation (EU) No 2022/ 1636)	a2
4.4.1		ADDRESS	R			
	<i>a</i>	Street Name	R			an..65
	<i>b</i>	Street Number	O			an..11
	<i>c</i>	Postcode	R			an..10
	<i>d</i>	City	R			an..50
	<i>e</i>	Member State Code	R		(see Code list 3 in Annex II to Delegated Regulation (EU) No 2022/1636)	a2'

Table 3

Refusal of update of economic operators

(referred to in Article 4)

A	B	C	D	E	F	G
1		<i>Operations on the Register of Economic Operators Message Submission</i>	R		See Table 2 for details	
2		REJECTION	R			9999x
	a	Rejection Date and Time	R			dateTime
	b	Rejection Reason Code	R		The possible values are: — 0 = Other — 8 = Trader Authorisation already exists (creation) — 9 = Tax warehouse already exists (creation) — 10 = Temporary authorisation already exists (creation) — 11 = Trader Authorisation not found (Update / Deletion) — 12 = Tax warehouse not found (Update / Deletion) — 13 = Temporary authorisation not found (Update / Deletion) — 26 = Duplicate detected — 27 = Inconsistency between Excise number and Excise office — 41 = Only a warehouse keeper may be allowed to use a tax warehouse — 42 = Invalid Reference of Tax Warehouse — 43 = Missing Authorised Warehouse Keeper referencing Tax Warehouse — 44 = Trader Excise Number is missing — 45 = Invalid value for Excise Product Code — 46 = The Country of the Temporary Authorisation and the declared Consignor/Consignee is the same — 112 = Incorrect (code) value — 115 = Not supported in this position	n..2

Table 4

SEED statistics

(referred to in Article 7(2))

A	B	C	D	E	F	G
1		ATTRIBUTES	R			
	<i>a</i>	Request Correlation Identifier	R		The value of <Request Correlation Identifier> is unique per Member State.	an..44
2		STA_PERIOD	R			
	<i>a</i>	Year	R			n4
	<i>b</i>	Semester	C	For 2 <i>b</i> , <i>c</i> , and <i>d</i> : The three following data fields are optional and exclusive: — <Semester> — <Quarter> — <Month>	The possible values are: — 1 = First semester — 2 = Second semester	n1
	<i>c</i>	Quarter	C	i.e. If one of these data fields is given then the two other data fields do not apply	The possible values are: — 1 = First quarter — 2 = Second quarter — 3 = Third quarter — 4 = Fourth quarter	n1
	<i>d</i>	Month	C		The possible values are: — 1 = January — 2 = February — 3 = March — 4 = April — 5 = May — 6 = June — 7 = July	n..2

					— 8 = August — 9 = September — 10 = October — 11 = November — 12 = December	
3		STA_PER_MS	O			99x
	<i>a</i>	Member State Code	R		(see Code list 3 in Annex II to Delegated Regulation (EU) 2022/ 1636)	a2
	<i>b</i>	Number of Active Economic Operators	O			n..15
	<i>c</i>	Number of Inactive Economic Operators	O			n..15
	<i>d</i>	Number of Pending Expirations	O			n..15
	<i>e</i>	Number of Tax Warehouses	O			n..15
	<i>f</i>	Number of Excise Authorisation Changes	O			n..15
	<i>h</i>	Number of Deleted Economic Operators	O			n..15
3.1		OPERATOR_TYPE	O			9x
	<i>a</i>	Operator Type Code	R		The possible values are: — 1 = Authorised warehouse keeper — 2 = Registered consignee — 3 = Registered consignor — 4 = Certified consignor — 5 = Certified consignee	n1

	<i>b</i>	Number of Economic Operators	R			n..15
3.2		EXCISE_PRODUCT_CATEGORY_ACTIVITY	O			9x
	<i>a</i>	Excise Products Category Code	R		(see Code list 3 in Annex II)	a1
	<i>b</i>	Number of Economic Operators	R			n..15
3.3		EXCISE_PRODUCT_ACTIVITY	O			9999x
	<i>a</i>	Excise Product Code	R		(see Code list 10 in Annex II to Delegated Regulation (EU) 2022/ 1636)	an..4
	<i>b</i>	Number of Economic Operators	R			n..15
4		STA_ALL_MS	O			
	<i>a</i>	Total Number of Active Economic Operators	O			n..15
	<i>b</i>	Total Number of Inactive Economic Operators	O			n..15
	<i>c</i>	Total Number of Pending Expirations	O			n..15
	<i>d</i>	Total Number of Tax Warehouses	O			n..15
	<i>e</i>	Total Number of Excise Authorisation Changes	O			n..15
	<i>f</i>	Total Number of Deleted Economic Operators	O			n..15
4.1		OPERATOR_TYPE_ALL_MS	O			9x

	<i>a</i>	Operator Type Code	R		The possible values are: — 1 = Authorised warehouse keeper — 2 = Registered consignee — 3 = Registered consignor — 4 = Certified consignor — 5 = Certified consignee	n1
	<i>b</i>	Total Number of Economic Operators	R			n..15
4.2		EXCISE_PRODUCT_CATEGORY_ACTIVITY_ALL_MS	O			9x
	<i>a</i>	Excise Products Category Code	R		(see Code list 3 in Annex II)	a1
	<i>b</i>	Total Number of Economic Operators	R			n..15
4.3		EXCISE_PRODUCT_ACTIVITY_ALL_MS	O			9999x
	<i>a</i>	Excise Product Code	R		(see Code list 10 in Annex II to Delegated Regulation (EU) 2022/1636)	an..4
	<i>b</i>	Total Number of Economic Operators	R			n..15'

ANNEX II

Annex II is amended as follows:

- (1) in Code List 1, the note to the table for Field 1 is replaced by the following:

‘Field 1 is taken from the list of <COUNTRY CODES> (point 3 of Lists of Codes, Annex II to Delegated Regulation (EU) 2022/1636).’;

- (2) in Code List 2, the note to the table for Field 1 is replaced by the following:

‘Field 1 is taken from the list of <COUNTRY CODES> (point 3 of Lists of Codes, Annex II to Delegated Regulation (EU) 2022/1636).’;

- (3) the following Code List 4 is added:

‘Code List 4: Global Excise Trader Identifier

Field	Content	Field type	Example
1	Identifier of the National Administration where the economic operator or tax warehouse is registered	Alphabetic 2	PL
2	Nationally assigned, unique code	Alphanumeric 20	2005764CL78232ERW123

Field 1 is taken from the list of <COUNTRY CODES> (point 3 of Lists of Codes, Annex II to Delegated Regulation (EU) 2022/1636).

Field 2 must be filled with a unique identifier that will allow linking of the different authorisation types (authorised warehouse keeper, registered consignee, registered consignor, certified consignor, and certified consignee) of a single Excise economic operator.’

DECISIONS

COUNCIL DECISION (EU) 2022/2450

of 8 December 2022

authorising the Member States to accept, in the interest of the European Union, the accession of Tunisia to the 1980 Hague Convention on the Civil Aspects of International Child Abduction

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(3) in conjunction with Article 218(6), second subparagraph, point (b), thereof,

Having regard to the proposal from the European Commission,

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

Whereas:

- (1) The Union has set as one of its aims the promotion of the protection of the rights of the child, as stated in Article 3 of the Treaty on European Union. Measures for the protection of children against wrongful removal or retention are an essential part of that policy.
- (2) The Council adopted Regulation (EU) 2019/1111 ⁽²⁾ ('Brussels IIb Regulation'), which aims to protect children from the harmful effects of wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence, as well as to secure the protection of rights of access and rights of custody.
- (3) The Brussels IIb Regulation complements and reinforces the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ('the 1980 Hague Convention') which establishes, at international level, a system of obligations and cooperation among Contracting States and between central authorities and has the aim of ensuring the prompt return of wrongfully removed or retained children.
- (4) All Member States are party to the 1980 Hague Convention.
- (5) The Union encourages third states to accede to the 1980 Hague Convention and supports the correct implementation of the 1980 Hague Convention by participating, along with the Member States, inter alia, in the special commissions organised on a regular basis by the Hague Conference on Private International Law.
- (6) A common legal framework applicable between Member States and third states could be the best solution for sensitive cases of international child abduction.
- (7) The 1980 Hague Convention stipulates that it applies between the acceding State and such Contracting States as have declared their acceptance of the accession.
- (8) The 1980 Hague Convention does not allow regional economic integration organisations such as the Union to become party to it. Therefore, the Union cannot accede to the 1980 Hague Convention, nor can it deposit a declaration of acceptance of an acceding State.
- (9) According to Opinion 1/13 of the Court of Justice of the European Union ⁽³⁾, declarations of acceptance under the 1980 Hague Convention fall within the exclusive external competence of the Union.

⁽¹⁾ OJ C 224, 8.6.2022, p. 163.

⁽²⁾ Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (OJ L 178, 2.7.2019, p. 1).

⁽³⁾ ECLI:EU:C:2014:2303.

- (10) Tunisia deposited its instrument of accession to the 1980 Hague Convention on 10 July 2017. The 1980 Hague Convention entered into force for Tunisia on 1 October 2017.
- (11) An assessment of the situation in Tunisia has led to the conclusion that the Member States are in a position to accept, in the interest of the Union, the accession of Tunisia under the terms of the 1980 Hague Convention.
- (12) The Member States should therefore be authorised to deposit their declaration of acceptance of the accession of Tunisia in the interest of the Union in accordance with the terms set out in this Decision.
- (13) Ireland is bound by the Brussels IIb Regulation and is therefore taking part in the adoption and application of this Decision.
- (14) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States are hereby authorised to accept the accession of Tunisia to the 1980 Hague Convention in the interest of the Union.
2. The Member States shall, no later than 9 December 2023, deposit a declaration of acceptance of the accession of Tunisia to the 1980 Hague Convention in the interest of the Union, to be worded as follows:
‘[Full name of MEMBER STATE] declares that it accepts the accession of Tunisia to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, in accordance with Council Decision (EU) 2022/2450’.
3. The Member States shall inform the Council and the Commission of the deposit of their declarations of acceptance of the accession of Tunisia and shall communicate the text of those declarations within two months of their deposit to the Commission.

Article 2

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

Article 3

This Decision shall apply in accordance with the Treaties.

Done at Brussels, 8 December 2022.

For the Council
The President
V. RAKUŠAN

COUNCIL DECISION (EU) 2022/2451**of 8 December 2022****on the full application of the provisions of the Schengen *acquis* in the Republic of Croatia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the 2011 Act of Accession, and in particular Article 4(2) thereof,

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

Whereas:

- (1) Article 4(2) of the 2011 Act of Accession provides that the provisions of the Schengen *acquis* not referred to in Article 4(1) of that Act are to only apply in Croatia pursuant to a Council decision to that effect, after verification, in accordance with the applicable Schengen evaluation procedures, that the necessary conditions for the application of all parts of the relevant *acquis* have been met in Croatia, including the effective application of all Schengen rules in accordance with the agreed common standards and with fundamental principles.
- (2) By its Decision (EU) 2017/733 ⁽²⁾, the Council, after verification that the necessary conditions for the application of the data protection part of the Schengen *acquis* concerned had been met by Croatia, rendered the provisions of the Schengen *acquis* relating to the Schengen Information System (SIS) applicable to Croatia from 27 June 2017.
- (3) Evaluations were carried out to verify that the necessary conditions for the application of the Schengen *acquis* had been met in all the remaining areas of the Schengen *acquis*, namely management of the external border, police cooperation, the SIS, return, visas, judicial cooperation in criminal matters and firearms, in Croatia, in accordance with the Schengen evaluation procedures applicable at the time as set out in Council Regulation (EU) No 1053/2013 ⁽³⁾.
- (4) In its communication of 22 October 2019 on the verification of the full application of the Schengen *acquis* by Croatia, the Commission concluded that it considered that Croatia had taken the measures needed to ensure that the necessary conditions for the application of all relevant parts of the Schengen *acquis* were met. Furthermore, it noted that Croatia would need to continue working consistently on the implementation of all the ongoing actions, in particular in the field of management of the external borders, to ensure that those conditions continue to be met. The Commission also confirmed that Croatia continued to fulfil the commitments linked to the Schengen *acquis* as undertaken in its accession negotiations.
- (5) On 9 December 2021, the Council concluded that the necessary conditions for the application of all parts of the Schengen *acquis* had been fulfilled by Croatia.
- (6) It is therefore possible to set the dates for the application of the Schengen *acquis* in full by Croatia, from which checks on persons at the internal borders with Croatia should be lifted.
- (7) The restrictions on the use of the SIS, provided for in Decision (EU) 2017/733, should be lifted from the earliest date set for the application of the Schengen *acquis* in full by Croatia.

⁽¹⁾ Opinion of 10 November 2022 (not yet published in the Official Journal).

⁽²⁾ Council Decision (EU) 2017/733 of 25 April 2017 on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System in the Republic of Croatia (OJ L 108, 26.4.2017, p. 31).

⁽³⁾ Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).

- (8) The simplified regime for third-country nationals holding a national short-stay visa issued by Croatia for transit through or intended stays on its territory not exceeding 90 days in any 180-day period, introduced by Decision No 565/2014/EU of the European Parliament and of the Council ⁽⁴⁾, should be maintained in order to avoid travel becoming more difficult for certain categories of persons. Consequently, certain provisions of that Decision should continue to apply for a limited transitional period.
- (9) 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 latter's association with the implementation, application and development of the Schengen *acquis* ⁽⁵⁾ which fall within the area referred to in Article 1, points B, C, D and F, of Council Decision 1999/437/EC ⁽⁶⁾.
- (10) 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, points B, C, D and F, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁸⁾.
- (11) 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, points B, C, D and F, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽¹⁰⁾,

HAS ADOPTED THIS DECISION:

Article 1

1. From 1 January 2023, checks on persons at internal land and sea borders with Croatia shall be lifted and the provisions of the Schengen *acquis* referred to in the Annex shall apply to Croatia in its relations with the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden, as well as Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation.

⁽⁴⁾ Decision No 565/2014/EU of the European Parliament and of the Council of 15 May 2014 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Croatia, Cyprus and Romania of certain documents as equivalent to their national visas for transit through or intended stays on their territories not exceeding 90 days in any 180-day period and repealing Decisions No 895/2006/EC and No 582/2008/EC (OJ L 157, 27.5.2014, p. 23).

⁽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).

2. As regards checks on persons at internal air borders, they shall be lifted from 26 March 2023 and the provisions referred to in paragraph 1, to the extent that they regulate the abolition of checks on persons at internal air borders, shall apply as of that date.
3. All restrictions on the use of the Schengen Information System by Croatia shall be lifted from 1 January 2023.

Article 2

National short-stay visas issued by Croatia before 1 January 2023 shall remain valid during their period of validity, for the purpose of transit through the territory of other Member States or intended stays on their territories not exceeding 90 days in any 180-day period, insofar as they have recognised such short-stay visas for those purposes, in accordance with Decision No 565/2014/EU. The conditions set out in that Decision shall apply.

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, 8 December 2022.

For the Council
The President
V. RAKUŠAN

ANNEX

List of the provisions of the Schengen *acquis* within the meaning of Article 4(2) of the 2011 Act of Accession to be rendered applicable to Croatia in its relations with the Member States applying the Schengen *acquis* in full, as well as Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation

- A. The following provisions of the Convention signed in Schengen on 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19):

Article 1 to the extent that it relates to other provisions referred to in this point, Article 18, Article 19(1), (3) and (4), Articles 20, 21 and 22, Articles 40 to 43, and Articles 126 to 130 to the extent that they relate to other provisions referred to in this point.

- B. The following other legal acts of the Union, together with acts implementing them:

1. Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals (OJ L 149, 2.6.2001, p. 34);
2. Council Decision 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals (OJ L 60, 27.2.2004, p. 55);
3. Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 213, 15.6.2004, p. 5);
4. Article 4, point (b), and Article 9, point (c), of Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention (OJ L 405, 30.12.2006, p. 1);
5. Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60);
6. Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129), with the exception of Article 6;
7. Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1), with the exception of Article 3;
8. Regulation (EU) No 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa (OJ L 85, 31.3.2010, p. 1);
9. Decision No 1105/2011/EU of the European Parliament and of the Council of 25 October 2011 on the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list (OJ L 287, 4.11.2011, p. 9);
10. Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1), to the extent that it relates to other provisions referred to in this Annex;

11. Article 1, Article 6(5), point (a), Title III, and the provisions of Title II and the annexes thereto referring to the Schengen Information System and to the Visa Information System, of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1);
12. Regulation (EU) 2017/2225 of the European Parliament and of the Council of 30 November 2017 amending Regulation (EU) 2016/399 as regards the use of the Entry/Exit System (OJ L 327, 9.12.2017, p. 1), to the extent that it is not yet applicable in accordance with Article 66(2) of Regulation (EU) 2017/2226;
13. 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), to the extent that it relates to the Visa Information System as laid down in Regulation (EC) No 767/2008 and that it is not yet applicable in accordance with Article 66(2) of Regulation (EU) 2017/2226;
14. Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, p. 99), to the extent that it relates to the Visa Information System as laid down in Regulation (EC) No 767/2008 and the Entry/Exit System as established by Regulation (EU) 2017/2226 and referred to in this Annex;
15. Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, p. 27), to the extent that it relates to the Visa Information System as laid down in Regulation (EC) No 767/2008 and the Entry/Exit System as established by Regulation (EU) 2017/2226 and referred to in this Annex;
16. Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85), to the extent that it relates to the Visa Information System as laid down in Regulation (EC) No 767/2008 and the Entry/Exit System as established by Regulation (EU) 2017/2226 and referred to in this Annex;
17. Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code) (OJ L 188, 12.7.2019, p. 25);
18. Regulation (EU) 2021/1133 of the European Parliament and of the Council of 7 July 2021 amending Regulations (EU) No 603/2013, (EU) 2016/794, (EU) 2018/1862, (EU) 2019/816 and (EU) 2019/818 as regards the establishment of the conditions for accessing other EU information systems for the purposes of the Visa Information System (OJ L 248, 13.7.2021, p. 1);
19. Regulation (EU) 2021/1134 of the European Parliament and of the Council of 7 July 2021 amending Regulations (EC) No 767/2008, (EC) No 810/2009, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1860, (EU) 2018/1861, (EU) 2019/817 and (EU) 2019/1896 of the European Parliament and of the Council and repealing Council Decisions 2004/512/EC and 2008/633/JHA, for the purpose of reforming the Visa Information System (OJ L 248, 13.7.2021, p. 11);
20. Regulation (EU) 2021/1150 of the European Parliament and of the Council of 7 July 2021 amending Regulations (EU) 2018/1862 and (EU) 2019/818 as regards the establishment of the conditions for accessing other EU information systems for the purposes of the European Travel Information and Authorisation System (OJ L 249, 14.7.2021, p. 1);

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21. Regulation (EU) 2021/1152 of the European Parliament and of the Council of 7 July 2021 amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1860, (EU) 2018/1861 and (EU) 2019/817 as regards the establishment of the conditions for accessing other EU information systems for the purposes of the European Travel Information and Authorisation System (OJ L 249, 14.7.2021, p. 15).

COMMISSION IMPLEMENTING DECISION (EU) 2022/2452**of 8 December 2022****laying down additional technical specifications for the EU Emergency Travel Document established
by Council Directive (EU) 2019/997 ⁽¹⁾***(notified under document C(2022) 8938)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive (EU) 2019/997 of 18 June 2019 establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP ⁽²⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Directive (EU) 2019/997 lays down rules on the conditions and procedure for unrepresented citizens in third countries to obtain an EU Emergency Travel Document ('EU ETD') and establishes a uniform format for the document, consisting of a uniform EU ETD form and a uniform EU ETD sticker.
- (2) The Annexes to Directive (EU) 2019/997 set out specifications to which the uniform EU ETD form and sticker are to conform. It is now necessary to establish additional technical specifications concerning the design, format and colours of the uniform EU ETD form and sticker, the requirements for the material and printing techniques of the uniform EU ETD form, and security features and requirements including enhanced anti-forgery, counterfeiting and falsification standards.
- (3) To prevent counterfeiting and falsification, and in view of the particular nature of the additional technical specifications set out in Part II of the Annex to this Decision, they are to be kept secret and not to be published.
- (4) To ensure the availability of reference documents, Member States should provide each other and the Commission specimens of their EU ETD and hold specimens of subsequent print runs.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 6 of Council Regulation (EC) No 1683/95 ⁽³⁾,

HAS ADOPTED THIS DECISION:

Article 1

The additional technical specifications regarding the pre-requisites, instructions and standards for the production of EU Emergency Travel Documents ('EU ETD') shall be as set out in Part I of the Annex.

The additional technical specifications regarding the design, format and colours of the uniform EU ETD form and sticker, the requirements for the material and printing techniques of the uniform EU ETD form, and security features and requirements including enhanced anti-forgery, counterfeiting and falsification standards shall be as set out in Part II of the Annex. Part II of the Annex shall be classified SECRET UE/EU SECRET.

⁽¹⁾ SECRET UE/EU SECRET non classifiée en l'absence de la partie II de l'annexe/when detached from Part II of the Annex – non-classified.

⁽²⁾ OJ L 163, 20.6.2019, p. 1.

⁽³⁾ Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1).

Article 2

Each Member State shall send the Commission and the other Member States a reference specimen of its EU ETD. Each Member State shall also keep specimens of subsequent print runs and shall hold them at the disposal of the Commission and the other Member States.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 8 December 2022.

For the Commission
Didier REYNDEERS
Member of the Commission

ANNEX

Additional technical specifications for the EU Emergency Travel Document

Part I

Pre-requisites, instructions and standards for production ⁽¹⁾

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1. CONTENTS

This part of the Annex document sets out the rules for the production of EU Emergency Travel Documents (EU ETD).

This part of the Annex may be provided to potential security printers, for example as part of a tender process.

2. INSTRUCTIONS REGARDING PRODUCERS

The production of EU ETDs shall only be carried out by public or private security printing houses or institutions, commissioned by the Member States and capable of producing high-security documents.

Such companies or institutions must be able to prove their competence to undertake such production. The producer must have its head office located in the Union and the EU ETD production must also take place in the Union.

The production of EU ETDs must not be outsourced to a third party (this does not apply to the raw materials and components, such as fibres and security paper) unless this is authorised by the Member State issuing the contract for the EU ETD production and notified to the Commission. Third-party companies that undertake part of the production of EU ETDs must also adhere to the security standards and practices listed in this document.

The producer must be certified in accordance with the standard 'ISO 9001 Quality Management System' and ISO/IEC 27001 'Information security management systems'.

Furthermore, the producer must hold a current ISO 14298 Management of Security Printing Processes Certificate (formerly CWA 14641) certified to at least the level 'Governmental' or according to equivalent national regulation.

Producers must supply details of security audit certificates upon request of the Member State.

Member States must ensure that the producers adhere to these rules and must notify the Commission of the company that has been selected to carry out the production.

The producer must report any breach of security regarding EU ETDs, basic materials or the physical security of facilities at the time of production to the Member State, which must inform the Commission without undue delay.

3. PHYSICAL SECURITY

The requirements set out in this section are additional to ISO 14298 and mandatory when the production of EU ETDs is taking place. They are also applicable to the materials, semi-finished products and storage of EU ETDs.

The physical security of the production premises and buildings must be maintained in accordance with ISO 14298 and Intergraf Certification Requirements (especially Risk Category E 'Physical intrusion and access related risk') or equivalent national regulations.

All persons (employees, security personnel, visitors, third parties, etc.) who are present on the premises or in the production buildings of the producer must be controlled in accordance with ISO 14298 Intergraf Certification Requirements or equivalent national regulations.

3.1. PRODUCTION BUILDINGS

All buildings in which raw material, semi-finished, and finished products are stored and processed must be certified at least as 'Governmental' level in accordance with ISO 14298 or equivalent national regulations.

3.2. SECURITY PERSONNEL

The producer must use a special and separate department or reputable and certified security company and well-trained security personnel to be responsible for the security of the premises and production areas. It is recommended that an external security company be certified with regard to quality aspects (e. g. ISO 9001, DIN 77200).

3.3. SECURITY CONTROL ROOM

The producer must run a security control room on the production premises. Physical security measures must meet the requirements of EN 50518 (certification is not required) or national regulations/standards. By derogation from the previous sentence, deviations from EN 50518 are possible provided they are based on a risk assessment. The access door to the security control room must be equipped at the entrance and at the exit with a card reader or biometric access control system recording all entrances and exits and be equipped with an anti-pass back function.

A minimum of two operators (guards) are recommended to be present at all time. It is recommended that these operators (guards) be employees of the producer.

3.4. VISITORS OR THIRD-PARTY ACCESS

Any third party or visitor access to the production areas must be strictly controlled with regard to ISO 14298. Such persons must be accompanied at all times and must always wear their ID badge in a visible manner.

3.5. PERSONNEL ACCESS

Access to the production areas must be restricted to authorised employees through an access control system working on a strict person-by-person basis. An access control procedure must be in place. It is recommended that access only be given on a need-to-know basis.

3.6. PRODUCTION AREA CONTROL

The production areas must be controlled at all times. When production areas are not in use, they must be physically locked and monitored.

Should access to such production areas become necessary at non-production times, the security department must be informed and be present during such access. In such cases, it must not be possible to enter production areas without the security department being physically present (separate key(s) holder(s)).

3.7. HANDLING OF INCOMING & OUTGOING MATERIALS

The producer must have dedicated shipping and delivery areas available for dealing with incoming and outgoing materials and products. All shipping and delivery doors including the perimeter fence gate, intermediate door and the internal shipping and delivery door must operate on an electronic and interlocking basis that implies that, when one of the doors is open, the other(s) are electronically secured.

There must be processes in place for the screening of visitors and drivers of the transport vehicles for such materials. A log must be kept of each delivery of material.

3.8. DELIVERY ASPECTS

The delivery of EU ETDs must be regulated by the Member State issuing the contract together with the producer. As complete yet non-personalised EU ETDs are considered to be high-risk security items, the transport must be of the highest level possible.

A generic risk assessment must be carried out and documented for each type of transport and any additional security measures assessed to be necessary must be implemented (e.g. armoured vehicle, accompanying vehicle). These assessments must be reviewed whenever there is a change in the relevant circumstances.

All loading and unloading activities – including delivery to the receiving party – must be monitored under dual control, that is, involving two or more persons.

The serial numbers of the EU ETDs being transported must be indicated on the transport papers.

It is recommended that the status and position of vehicles carrying security printing products be checked at regular intervals during transport. There must be at least two independent systems, which ensure effective communication with external partners in the event of any disruption to the transport.

Any irregularity (e.g. the failure of any party involved to meet these minimum transport requirements, an attack on the transport or a loss by any cause during the transport) must be reported to the producing company immediately.

There must be no access to the secure products from inside the drivers cab and the compartment in which the goods are transported must be made from metal and entirely enclosed (no curtain-sided vehicles) with access for loading and un-loading via a locked door. Keys to the locks must not be carried inside the vehicle.

4. SECURITY OF PRODUCTION METHODS AND MATERIALS

This section sets out the necessary security information regarding the items used for the production of the EU ETD. A full and complete audit trail from the arrival of incoming security materials to the delivery of the EU ETDs, as well as the destruction of unwanted, spoiled material or semi-finished material, must be kept by the producer.

In addition, the choice of and responsibility for suppliers for raw materials lies with the producer and where necessary must also be approved by the relevant Member State. It is recommended that the security raw material suppliers are certified to the same degree as the producers – especially with regard to ISO 14298. Should a supplier be considered by the producer as reputable and reliable (and checked by the producer accordingly) but not be certified, then approval must be obtained from the relevant Member State issuing the contract and the Commission must be notified by the Member State accordingly.

4.1. PLATES

All printing plates for the EU ETD are recommended to be produced on the premises of the authorised producer where the EU ETD production takes place. Should the printing plates no longer be needed (e.g. due to wear and tear, faults, etc.) they must be rendered unusable and securely destroyed in an appropriate manner.

Any plates that may be needed for further production runs must be stored in a secure area on the company's premises.

Should the producer be unable to produce the plates on their own premises, then the printing plates necessary may only be ordered from a reputable plate producer, which has, for example, previously produced plates for the EU Visa Sticker. However, such plate producer must be certified according to ISO 14298. Such plates may only be delivered to authorised producers on receipt of authorisation by the Member State. Notification of such must also be sent to the Commission.

4.2. PAPER

The paper produced for the EU ETD must be strictly controlled. This applies to both the paper manufacturing and the further steps necessary (adding the adhesive backing). All rolls and sheets must undergo a security audit to ensure accountability in the supply chain.

All paper to be delivered to the EU ETD producer must be counted before delivery. The sheets delivered to the producer and used during production must be checked and accounted for.

Secure transport must be used for the delivery of the paper to the producers. A generic risk assessment must be carried out and documented for the transport and any additional security measures assessed to be necessary must be implemented (e.g. armoured vehicle, accompanying vehicle). These assessments must be reviewed whenever there is a change in the relevant circumstances.

4.3. DIFFRACTIVE OPTICALLY VARIABLE IMAGE DEVICE

The production and use of the Diffractive Optically Variable Image Device (DOVID) for the EU ETD must be subject to a control process and accounted for. This includes not only the full DOVID patches but also semi-finished products and spoiled or waste products.

Delivery of the DOVID patches to the authorised producers must take place using secure transport. The number of DOVID's to be delivered must be registered.

The DOVID patches to be used at the producers' premises must also be controlled and accounted for. Any wasted materials must be stored in a secure manner and may be securely destroyed at a later date as appropriate. The patches must be accounted for, so that a full audit trail can be made available if required.

The Commission or a Member State may order the DOVID on an annual basis in the form of a grouped order in order to reduce the price for the individual Member States. Member States are responsible for the contractual and financial arrangements according to the group order. Only notified producers can participate in the grouped order for the DOVID.

4.4. SECURITY INKS

Security inks are used to produce the EU ETD and the use of such inks is restricted. The inks can be ordered from reputable suppliers, ordered from other EU ETD producers, or produced on the producers' premises. A producer may deliver such inks to another authorised producer only after having received proof of the latter's authorisation to produce EU ETDs.

The security inks must be stored in a secure area. An audit process is necessary to keep track of the security inks used in the production process.

4.5. STORAGE

The materials used in the production of EU ETDs can be categorised as follows:

- Basic Materials (e.g. inks, security paper)
- Basic Means (e.g. printing plates)
- Semi-Finished Products (incomplete Forms and/or Stickers that have not been subject to all production stages)
- Complete EU ETD – Form and Sticker

Storage and the handling of the product require suitable security, accountability and control at each stage. It is recommended that the storage areas fulfil the requirements of strong rooms (see ISO 14298).

5. QUALITY CONTROL

Each EU ETD producer may specify, in consultation with the Member State authorising production, which quality controls are recommended to take place at each stage of the production. Those quality controls must ensure that the EU ETDs produced are in accordance with the technical specifications established by Council Directive (EU) 2019/997 and the implementing acts adopted on its basis – so that the quality of the EU ETDs varies as little as possible between production batches.

In the event that EU ETDs have been produced and put into circulation that do not comply with the technical specifications, the Member State concerned must immediately notify other Member States as well as the Commission.

6. REFERENCES

ISO 14298	Management of security printing processes (former CWA 14641)
EN 50518	Monitoring and alarm receiving centre
ISO 9001	Quality management systems
ISO/IEC 27001	Information Security Management Systems

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