

Official Journal of the European Union

L 326



English edition

Legislation

Volume 65

21 December 2022

Contents

I *Legislative acts*

DECISIONS

- ★ **Decision (EU) 2022/2512 of the European Parliament and of the Council of 14 December 2022 on the non-acceptance of travel documents of the Russian Federation issued in Ukraine and Georgia** 1

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Delegated Regulation (EU) 2022/2513 of 26 September 2022 amending Delegated Regulation (EU) 2017/891 as regards the maximum amount of support for market withdrawals for free distribution of fruits and vegetables** 6
- ★ **Commission Regulation (EU) 2022/2514 of 14 December 2022 amending Regulation (EU) No 717/2014 as regards its period of application** 8
- ★ **Commission Implementing Regulation (EU) 2022/2515 of 15 December 2022 on the granting of unlimited duty-free access to the Union for 2023 to certain goods originating in Norway resulting from the processing of agricultural products covered by Regulation (EU) No 510/2014 of the European Parliament and of the Council** 10

DECISIONS

- ★ **Council Decision (EU) 2022/2516 of 14 November 2022 appointing two alternate members, proposed by the Kingdom of Spain, of the Committee of the Regions** 13

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Council Decision (EU) 2022/2517 of 12 December 2022 on the position to be taken on behalf of the European Union in the Joint Committee established by the Agreement between the European Union and the Republic of Moldova on the carriage of freight by road, as regards the adoption of the rules of procedure of the Joint Committee and the continuation of the Agreement	15
★ Council Decision (EU, Euratom) 2022/2518 of 13 December 2022 amending the Council's Rules of Procedure	23
★ Commission Implementing Decision (EU) 2022/2519 of 20 December 2022 on the technical specifications and standards for the e-CODEX system, including for security and methods for integrity and authenticity verification ⁽¹⁾	25
★ Commission Implementing Decision (EU) 2022/2520 of 20 December 2022 on the specific arrangements for the handover and takeover process of the e-CODEX system ⁽¹⁾	34
★ Commission Implementing Decision (EU) 2022/2521 of 20 December 2022 correcting the Romanian language version of Council Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity ⁽¹⁾	57
★ Decision (EU) 2022/2522 of the European Central Bank of 13 December 2022 amending Decision (EU) 2021/2255 on the approval of the volume of coin issuance in 2022 (ECB/2021/54) (ECB/2022/45)	59

⁽¹⁾ Text with EEA relevance.

I

(Legislative acts)

DECISIONS

DECISION (EU) 2022/2512 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 14 December 2022****on the non-acceptance of travel documents of the Russian Federation issued in Ukraine and Georgia**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), points (a) and (b) thereof,

Having regard to the proposal from the European Commission,

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

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

Whereas:

- (1) In reaction to the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation (Russia) in 2014 and to its continued destabilising actions in eastern Ukraine, the Union has already introduced economic sanctions linked to the incomplete implementation of the agreements signed in Minsk under the auspices of the OSCE's Trilateral Contact Group in response to the crisis in and around Ukraine (the 'Minsk Agreements'), sanctions with regard to actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, and sanctions in response to the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by Russia.
- (2) As a signatory to the Minsk agreements, Russia has a clear and direct responsibility to work towards finding a peaceful settlement of the conflict in line with the principles set out in the Minsk Agreements. With the decision to recognise the non-government controlled regions of eastern Ukraine as independent entities, Russia has clearly violated the Minsk Agreements, which stipulate the full return of those regions to the control of the Ukrainian government. That decision and the ensuing decision to send Russian troops into those regions further undermine Ukraine's sovereignty and independence and constitute a severe breach of international law and international agreements, including the UN Charter, the Helsinki Final Act, the Paris Charter and the Budapest Memorandum.
- (3) On 24 February 2022, the European Council, together with its international partners, condemned in the strongest possible terms Russia's unprovoked and unjustified military aggression against Ukraine and expressed full solidarity with Ukraine and its people. Furthermore, the European Council, in its conclusions of 24 February 2022, demanded that Russia immediately cease its military actions, unconditionally withdraw all its forces and military equipment from the entire territory of Ukraine and fully respect Ukraine's territorial integrity, sovereignty and independence within its internationally recognised borders. That position was reiterated by the European Council in its conclusions of 25 March 2022, 31 May 2022 and 24 June 2022.

⁽¹⁾ Position of the European Parliament of 24 November 2022 (not yet published in the Official Journal) and decision of the Council of 8 December 2022.

- (4) With regard to Georgia, on 1 September 2008 the European Council, in the Presidency conclusions of the extraordinary European Council, strongly condemned Russia's unilateral decision to recognise the independence of Abkhazia and South Ossetia and urged other countries not to recognise their independence.
- (5) A military aggression which takes place in a country bordering the Union, such as that which has occurred in Ukraine and which has given rise to the restrictive measures, justifies measures designed to protect the essential security interests of the Union and its Member States.
- (6) Since the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol on 18 March 2014, Russia has issued Russian international passports to residents of those territories. On 24 April 2019, the President of Russia signed a decree simplifying the procedure for residents of the non-government-controlled regions of Ukraine's Donetsk and Luhansk to obtain Russian citizenship, including the procedure for the issuance of Russian international passports to those residents. By means of a decree of 11 July 2022, Russia has extended the practice of issuing ordinary Russian international passports to residents of other non-government-controlled regions of Ukraine, in particular to the Kherson and Zaporizhzhia regions. In May 2022, Russia introduced a simplified Russian naturalisation procedure for orphan children from the so-called 'Donetsk People's Republic' and the so-called 'Luhansk People's Republic', as well as from Ukraine. The decree also applies to children without parental care and legally incapacitated persons who are inhabitants of those two occupied regions. The systematic issuance of Russian passports in those occupied regions constitutes a further infringement of international law and of Ukraine's territorial integrity, sovereignty and independence.
- (7) The Union and its Member States as well as Iceland, Norway, Switzerland and Liechtenstein, have not recognized the illegal annexation and have condemned the illegal occupation of regions and territories of Ukraine by Russia. This concerns in particular the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol, the illegal occupation of Donetsk and Luhansk regions, but also further illegal occupation in the eastern and southern regions of Ukraine, in particular the Kherson and Zaporizhzhia regions. Travel documents of the Russian Federation (Russian travel documents) issued in those regions and territories are not recognised or are in the process of not being recognised by Member States, as well as Iceland, Norway, Switzerland and Liechtenstein. The same applies to Russian travel documents issued in the Georgian territories of Abkhazia and South Ossetia which are not under the control of the Georgian government at the time of entry into force of this Decision (breakaway territories).
- (8) In order to ensure a common visa policy and a common approach to checks to which persons crossing the external borders are subject, no Russian travel documents issued in or to persons resident in regions or territories in Ukraine which are occupied by Russia or breakaway territories in Georgia, should be accepted as valid travel documents for the purposes of issuing a visa and of crossing the external borders. Member States should be able to make a derogation for persons who were Russian citizens on the date on which the Russian travel documents started being issued in the respective occupied region or territory or in a breakaway territory. That derogation should apply also to descendants of such persons. Member States should also be able to make a derogation if a person was a minor or legally incapacitated person at the time of the issuance of such travel document.
- (9) This Decision does not affect Member States' competence for the recognition of travel documents.
- (10) For reasons of legal certainty and transparency, the Commission should draw up, with the assistance of Member States, a list of Russian travel documents that are not accepted. That list should include the dates from which those travel documents started being issued and from which those travel documents should not be accepted. The Commission should adopt an implementing act containing that list. That implementing act should be published in the *Official Journal of the European Union* and the list should be incorporated in the list of travel documents established under Decision No 1105/2011/EU of the European Parliament and of the Council ⁽²⁾ in a table of travel documents issued by third countries and territorial entities which is publicly available online.

⁽²⁾ 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).

- (11) This Decision does not affect the right to free movement of Union citizens and their family members, including the possibility for such family members to enter the territory of the Member States without a valid travel document within the meaning, in particular, of Directive 2004/38/EC of the European Parliament and of the Council ⁽³⁾ and the agreements on free movement of persons concluded by the Union and the Member States, of the one part, and certain third countries, of the other part. Directive 2004/38/EC permits, under the conditions specified therein, restrictions to free movement on grounds of public policy, public security or public health.
- (12) This Decision respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.
- (13) This Decision does not affect the Union asylum *acquis* and in particular the right to apply for international protection. As recalled in the Commission communication of 4 March 2022 entitled 'Providing operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders', Member States retain the possibility to allow holders of travel documents targeted by this Decision who therefore do not fulfil one or more of the entry conditions laid down in Article 6(1) of Regulation (EU) 2016/399 of the European Parliament and of the Council ⁽⁴⁾ and who have not exercised their right to apply for international protection to enter the territory of the Member States in individual cases, as provided for in Articles 25 and 29 of Regulation (EC) No 810/2009 of the European Parliament and of the Council ⁽⁵⁾ and Article 6(5) of Regulation (EU) 2016/399. Those derogations should be applied in the current crisis to the greatest possible extent, in particular to allow entry to all persons who fall under the scope of Council Implementing Decision (EU) 2022/382 ⁽⁶⁾.
- (14) Since the objective of this Decision, namely to strengthen the functioning of the common visa policy and the Schengen area by introducing an obligation not to accept certain travel documents for the purposes of issuing a visa and crossing the external borders cannot be sufficiently achieved by Member States but can rather, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.
- (15) In accordance with Articles 1 and 2 of the Protocol No 22 on the Position of Denmark annexed to the TEU and to the Treaty on the Functioning of the European Union (TFEU), Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.
- (16) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽⁷⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

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

⁽⁴⁾ 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).

⁽⁵⁾ 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).

⁽⁶⁾ Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection (OJ L 71, 4.3.2022, p. 1).

⁽⁷⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

- (17) 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* ⁽⁸⁾ which fall within the area referred to in Article 1, points A and B of Council Decision 1999/437/EC ⁽⁹⁾.
- (18) 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* ⁽¹⁰⁾ which fall within the area referred to in Article 1, points A and B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽¹¹⁾.
- (19) 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* ⁽¹²⁾ which fall within the area referred to in Article 1, points A and B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽¹³⁾.
- (20) As regards Cyprus, Bulgaria and Romania and Croatia, Article 1, point (a) of this Decision constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession, Article 4(2) of the 2005 Act of Accession and Article 4(2) of the 2011 Act of Accession, whereas Article 1, point (b) constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(1) of the 2003 Act of Accession, Article 4(1) of the 2005 Act of Accession and Article 4(1) of the 2011 Act of Accession.
- (21) In view of the urgency of the situation, it is considered to be appropriate to invoke the exception to the eight-week period provided for in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the TFEU and to the Treaty establishing the European Atomic Energy Community.
- (22) In order to allow for the prompt application of the measures provided for in this Decision, and due to the emergency situation in regions and territories in Ukraine occupied by Russia as well as in breakaway territories in Georgia, this Decision should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

⁽⁸⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁹⁾ 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).

⁽¹⁰⁾ OJ L 53, 27.2.2008, p. 52.

⁽¹¹⁾ 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).

⁽¹²⁾ OJ L 160, 18.6.2011, p. 21.

⁽¹³⁾ 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).

HAVE ADOPTED THIS DECISION:

Article 1

Travel documents of the Russian Federation (Russian travel documents) issued in or to persons resident in regions or territories in Ukraine which are occupied by the Russian Federation or breakaway territories in Georgia which at the time of the entry into force of this Decision are not under the control of the Georgian government shall not be accepted as valid travel documents for the following purposes:

- (a) the issuing of a visa in accordance with Regulation (EC) No 810/2009;
- (b) the crossing of the external borders in accordance with Regulation (EU) 2016/399.

Article 2

By way of derogation from Article 1, a Russian travel document referred to in Article 1 may be accepted:

- (a) if its holder was a Russian citizen before the relevant date indicated in the implementing act referred to in Article 3 or if the holder is a descendant of such Russian citizen;
- (b) if its holder was a minor or legally incapacitated person at the time of the issuance of such travel document.

Member States may allow holders of travel documents covered by this Decision to enter the territory of the Member States in individual cases, as provided for in Articles 25 and 29 of Regulation (EC) No 810/2009 and in Article 6(5) of Regulation (EU) 2016/399.

This Decision shall not affect the Union asylum *acquis* and in particular the right to apply for international protection.

Article 3

The Commission shall draw up, with the assistance of Member States, a list of the travel documents referred to in Article 1, including the dates from which those travel documents started being issued.

The Commission shall adopt an implementing act containing the list referred to in the first paragraph. That implementing act shall be published in the *Official Journal of the European Union* and the list shall be incorporated in the list of travel documents established under Decision No 1105/2011/EU.

Article 4

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

Article 5

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

Done at Strasbourg, 14 December 2022.

For the European Parliament
The President
R. METSOLA

For the Council
The President
M. BEK

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2022/2513

of 26 September 2022

amending Delegated Regulation (EU) 2017/891 as regards the maximum amount of support for market withdrawals for free distribution of fruits and vegetables

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 37(d)(iv) thereof,

Whereas:

- (1) Title II of Commission Delegated Regulation (EU) 2017/891 ⁽²⁾ lays down rules on the activities and operational programmes of producer organisations in the fruit and vegetables sector. Chapter III of that Title contains rules on crisis prevention and management measures, including, inter alia, market withdrawals.
- (2) Delegated Regulation (EU) 2021/652 ⁽³⁾ amended Delegated Regulation (EU) 2017/891 as regards the support for market withdrawals of processed fruit and vegetables for free distribution, to avoid overcompensation of such market withdrawals.
- (3) However, the experience of Member States and producer organisations in implementing the requirements on such market withdrawals laid down by Delegated Regulation (EU) 2017/891, as amended by Delegated Regulation (EU) 2021/652, showed that compliance with certain of those requirements proved to be seriously difficult or impossible as regards certain products. In particular, Article 45(1), fourth subparagraph of that Regulation provides that the sum of the withdrawal compensation, the sorting and packing costs and the transports costs has not to exceed the average price of the related processed product at 'ex-processor' or 'ex-producer organisation' stage during the three previous years if the free distribution takes place after processing. However, withdrawal compensation in the framework of free distribution of fruits and vegetables refers to the product at the fresh stage, sorted, packed and placed at the destination of the charitable institution benefiting from it, while the average market price not to be exceeded refers to a processed product at the expedition place ('ex-producer organisation' or 'ex-processor'). From the analysis provided by Member States and producer organisations, it results, that such conditions could not be fulfilled at all for certain products, in particular summer fruits, due to the different nature of the elements compared (e.g. fresh products placed at destination place whilst processed products at expedition place). It is therefore appropriate to amend the relevant provisions of Delegated Regulation (EU) 2017/891, while keeping enough elements to avoid any kind of overcompensation of market withdrawals.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011 (OJ L 138, 25.5.2017, p. 4).

⁽³⁾ Commission Delegated Regulation (EU) 2021/652 of 10 February 2021 amending Delegated Regulation (EU) 2017/891 as regards the activities and operational programmes of producer organisations in the fruit and vegetables sector (OJ L 135, 21.4.2021, p. 4).

- (4) Delegated Regulation (EU) 2017/891 should therefore be amended accordingly.
- (5) For reasons of equal treatment of producer organisations withdrawing from the market fruits and vegetables for free distribution during the production year 2022, the new calculation method should cover the entire harvesting period. As harvest of peaches and nectarines starts from April each year, this Regulation should therefore apply from 1 April 2022,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) 2017/891

Delegated Regulation (EU) 2017/891 is amended as follows:

- (1) in Article 45(1), the fourth subparagraph is replaced by the following:

‘The sum of costs of sorting and packaging referred to in Article 17(1) of Implementing Regulation (EU) 2017/892 of fruit and vegetables withdrawn from the market for free distribution and listed in Annex V to that Regulation, added to the amount of support for market withdrawals as referred to in the first subparagraph of this paragraph, shall not exceed 80 % of the average “ex-producer organisation” market price of the product concerned at fresh stage in the previous last three years.’;

- (2) in Article 46(2), the fourth subparagraph is replaced by the following:

‘Member States may authorise payment in kind by the beneficiaries of free distribution of fruits and vegetables withdrawn from the market and undergoing processing, where such payment only compensates for processing, sorting and packaging costs and where the Member State in which the payment takes place has adopted rules ensuring that the processed products are intended for consumption by the final recipients referred to in the second subparagraph of this paragraph. The limit laid down in Article 45(1), fourth subparagraph, shall apply.’.

Article 2

Entry into force

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

This Regulation shall apply from 1 April 2022.

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

Done at Brussels, 26 September 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION REGULATION (EU) 2022/2514
of 14 December 2022
amending Regulation (EU) No 717/2014 as regards its period of application

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 108(4) thereof,

Having regard to Council Regulation (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid ⁽¹⁾, and in particular Article 2(1) thereof,

After consulting the Advisory Committee on State Aid,

Whereas:

- (1) In 2019, the Commission launched an evaluation of the performance of the sectoral instruments applicable to State aid in the fishery and aquaculture sector since their adoption in 2014-2015, including Commission Regulation (EU) No 717/2014 ⁽²⁾, with a view to amending or replacing them for the period 2021-2027. The results of that evaluation have shown that Regulation (EU) No 717/2014 remains a relevant, efficient and effective tool, particularly to allow Member States to quickly address short-term negative impacts resulting from unexpected events that could endanger the economic performance of viable operators and jeopardise jobs.
- (2) In the context of the evaluation referred to in recital 1 and also to ensure that the Member States could continue granting small amounts of aid pending the adoption of Regulation (EU) 2021/1139 of the European Parliament and of the Council ⁽³⁾, Commission Regulation (EU) 2020/2008 ⁽⁴⁾ extended the period of application of Regulation (EU) No 717/2014 until 31 December 2022.
- (3) Following the consultation of the Advisory Committee on State aid on 11 March 2022 and 9 September 2022, and in light of the submissions received in the context of the public consultation, the Commission has continued its reflection on the scope of the amendment of Regulation (EU) No 717/2014.
- (4) To allow the Commission to finalise its position on the matter and to ensure that the Member States may continue granting small amounts of aid in accordance with Regulation (EU) No 717/2014, it is appropriate to extend its period of application with effect from 1 January 2023 and until 31 December 2023.
- (5) In order to ensure that Member States may continue granting *de minimis* aid without any interruption, it is necessary that this regulation enters into force as a matter of urgency.
- (6) Regulation (EU) No 717/2014 should therefore be amended accordingly,

⁽¹⁾ OJ L 248, 24.9.2015, p. 1.

⁽²⁾ Commission Regulation (EU) No 717/2014 of 27 June 2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the fishery and aquaculture sector (OJ L 190, 28.6.2014, p. 45).

⁽³⁾ Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 (OJ L 247, 13.7.2021, p. 1).

⁽⁴⁾ Commission Regulation (EU) 2020/2008 of 8 December 2020 amending Regulations (EU) No 702/2014, (EU) No 717/2014 and (EU) No 1388/2014, as regards their period of application and other relevant adjustments (OJ L 414, 9.12.2020, p. 15).

HAS ADOPTED THIS REGULATION:

Article 1

In Article 8 of Regulation (EU) No 717/2014, the second paragraph is replaced by the following:

‘It shall apply until 31 December 2023.’.

Article 2

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

It shall apply from 1 January 2023.

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

Done at Brussels, 14 December 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2515**of 15 December 2022****on the granting of unlimited duty-free access to the Union for 2023 to certain goods originating in Norway resulting from the processing of agricultural products covered by Regulation (EU) No 510/2014 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ⁽¹⁾, and in particular Article 16(1), point (a), thereof,

Having regard to Council Decision 2004/859/EC of 25 October 2004 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway on Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway ⁽²⁾, and in particular Article 3 thereof,

Whereas:

- (1) Protocol 2 to the Agreement between the European Economic Community and the Kingdom of Norway of 14 May 1973 ⁽³⁾ ('the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway') and Protocol 3 to the Agreement on the European Economic Area ('EEA Agreement') ⁽⁴⁾ as amended by the Decision of the EEA joint committee No 140/2001 of 23 November 2001 amending Protocols 2 and 3 to the EEA Agreement, concerning processed and other agricultural products ⁽⁵⁾, determine the trade arrangements between the Union and the Kingdom of Norway for certain agricultural and processed agricultural products.
- (2) Protocol 3 to the EEA Agreement provides for a zero rate of duty for waters containing added sugar or other sweetening matter or flavoured, classified under CN code 2202 10 00, and other non-alcoholic beverages not containing products of headings 0401 to 0404 or fat obtained from products of headings 0401 to 0404, classified under CN code 2202 90 10.
- (3) On 1 January 2017, CN code 2202 90 was replaced by CN codes 2202 91 00 and 2202 99, which have been replaced by CN code 2202 10 00. Therefore, this Regulation should cover products of CN code 2202 10 00, ex 2202 91 00 and ex 2202 99.
- (4) The Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway ⁽⁶⁾ ('the Agreement in the form of an Exchange of Letters') temporarily suspends the duty free regime applied under Protocol 2 to goods classified under CN codes 2202 10 00 (waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured) and ex 2202 90 10 (other non-alcoholic beverages containing sugar) replaced by CN code 2202 10 00, ex 2202 91 00 and ex 2202 99. In accordance with the Agreement in the form of an Exchange of Letters, duty free imports of those goods, originating in Norway, are to be allowed only within the limits of a duty free quota. A duty is to be paid for imports that exceed that duty-free quota.
- (5) Furthermore, the Agreement in the form of an Exchange of Letters requires that the products in question be granted unlimited duty free access to the Union if the tariff quota has not been exhausted by 31 October of the previous year.

⁽¹⁾ OJ L 150, 20.5.2014, p. 1.

⁽²⁾ OJ L 370, 17.12.2004, p. 70.

⁽³⁾ OJ L 171, 27.6.1973, p. 2.

⁽⁴⁾ OJ L 1, 3.1.1994, p. 3.

⁽⁵⁾ OJ L 22, 24.1.2002, p. 34.

⁽⁶⁾ OJ L 370, 17.12.2004, p. 72.

- (6) According to data provided to the Commission, the annual quota for 2022 for the products in question opened by Commission Implementing Regulation (EU) 2019/2154 ⁽⁷⁾ had not been exhausted by 31 October 2022. Therefore, the products in question should be granted unlimited duty free access to the Union from 1 January to 31 December 2023.
- (7) Therefore, the temporary suspension of the duty-free regime applied under Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway should not be applied for the year 2023.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

- 1. From 1 January to 31 December 2023, goods originating in Norway which are listed in the Annex shall be granted unlimited duty free access to the Union.
- 2. The rules of origin laid down in Protocol 3 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway shall apply to the goods listed in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2023.

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

Done at Brussels, 15 December 2022.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁷⁾ Commission Implementing Regulation (EU) 2019/2154 of 16 December 2019 opening a tariff quota for the year 2020 for the import into the Union of certain goods originating in Norway resulting from the processing of agricultural products covered by Regulation (EU) No 510/2014 of the European Parliament and of the Council (OJ L 327, 17.12.2019, p. 66).

Goods originating in Norway which are to be granted unlimited duty free access to the Union from 1 January to 31 December 2023

Order No	CN code	TARIC code	Description of goods
09.0709	2202 10 00		— Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured
	ex 2202 91 00	10	— Non-alcoholic beer containing sugar
	ex 2202 99 11	11 19	— Soya-based beverages with a protein content of 2,8 % or more by weight containing sugar (sucrose or invert sugar)
	ex 2202 99 15	11 19	— Soya-based beverages with a protein content of less than 2,8 % by weight; beverages based on nuts of Chapter 8 of the Union Customs Code, cereals of Chapter 10 of the Union Customs Code or seeds of Chapter 12 of the Union Customs Code containing sugar (sucrose or invert sugar)
	ex 2202 99 19	11 19	— Other non-alcoholic beverages not containing products of headings 0401 to 0404 or fat obtained from products of headings 0401 to 0404, containing sugar (sucrose or invert sugar)

DECISIONS

COUNCIL DECISION (EU) 2022/2516

of 14 November 2022

appointing two alternate members, proposed by the Kingdom of Spain, of the Committee of the Regions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to Council Decision (EU) 2019/852 of 21 May 2019 determining the composition of the Committee of the Regions ⁽¹⁾,

Having regard to the proposals of the Spanish Government,

Whereas:

- (1) Pursuant to Article 300(3) of the Treaty, the Committee of the Regions is to consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.
- (2) On 10 December 2019, the Council adopted Decision (EU) 2019/2157 ⁽²⁾, appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025.
- (3) Two alternate members' seats on the Committee of the Regions have become vacant following the end of the national mandates on the basis of which Mr Manuel Alejandro CARDENETE FLORES and Ms María SÁNCHEZ RUIZ were proposed for appointment.
- (4) The Spanish Government has proposed the following representatives of regional bodies who hold a regional authority electoral mandate or who are politically accountable to an elected assembly as alternate members of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025: Ms Ana Belén ÁLVAREZ FERNÁNDEZ, *Consejera de Economía y Hacienda del Gobierno de Cantabria* (Regional Minister for Economy and Finance, Government of Cantabria), and Mr José Enrique MILLO ROCHER, *Secretario General de Acción Exterior, Unión Europea y Cooperación, Junta de Andalucía* (Secretary General for External Action, European Union and Cooperation, Government of Andalusia),

HAS ADOPTED THIS DECISION:

Article 1

The following representatives of regional bodies who hold an electoral mandate or who are politically accountable to an elected assembly are hereby appointed as alternate members of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025:

— Ms Ana Belén ÁLVAREZ FERNÁNDEZ, *Consejera de Economía y Hacienda del Gobierno de Cantabria* (Regional Minister for Economy and Finance, Government of Cantabria),

⁽¹⁾ OJ L 139, 27.5.2019, p. 13.

⁽²⁾ Council Decision (EU) 2019/2157 of 10 December 2019 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025 (OJ L 327, 17.12.2019, p. 78).

- Mr José Enrique MILLO ROCHER, *Secretario General de Acción Exterior, Unión Europea y Cooperación, Junta de Andalucía* (Secretary General for External Action, European Union and Cooperation, Government of Andalusia).

Article 2

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

Done at Brussels, 14 November 2022.

For the Council

The President

J. BORRELL FONTELLES

COUNCIL DECISION (EU) 2022/2517**of 12 December 2022**

on the position to be taken on behalf of the European Union in the Joint Committee established by the Agreement between the European Union and the Republic of Moldova on the carriage of freight by road, as regards the adoption of the rules of procedure of the Joint Committee and the continuation of the Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Union and the Republic of Moldova on the carriage of freight by road ⁽¹⁾ ('the Agreement') was signed by the Union in accordance with Council Decision (EU) 2022/1165 ⁽²⁾ and has been provisionally applied from 29 June 2022.
- (2) Article 6(1) of the Agreement establishes a Joint Committee to supervise and monitor the application and implementation of the Agreement and periodically review its functioning in light of its objectives.
- (3) Article 6(6) of the Agreement provides that the Joint Committee is to adopt its rules of procedure. In order to ensure the proper implementation of the Agreement, the Joint Committee's rules of procedure should be adopted.
- (4) As set out in Article 5 of the Agreement, the Agreement is to apply until 31 March 2023. The Joint Committee is, however, to be convened at the latest three months before the expiry of the Agreement in order to assess and decide on the need for the continuation of the Agreement.
- (5) In order for both the Union and the Republic of Moldova to continue benefitting from the Agreement, it should be prolonged until 30 June 2024.
- (6) During its meeting on 15 December 2022, the Joint Committee is to adopt decisions adopting its rules of procedure and on the need for the continuation of the Agreement, including the duration thereof.
- (7) It is therefore appropriate to establish the position to be taken on the Union's behalf in the Joint Committee on the adoption of the rules of procedure and the continuation of the Agreement, as its decisions will be binding on the Union.
- (8) The position of the Union within the Joint Committee should therefore be based on the attached draft decisions,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Joint Committee established by Article 6 of the Agreement between the European Union and the Republic of Moldova on the carriage of freight by road ('the Agreement'), as regards the adoption of its rules of procedure and the continuation of the Agreement, including the duration thereof, shall be based on the draft decisions of the Joint Committee attached to this Decision ⁽³⁾.

⁽¹⁾ OJ L 181, 7.7.2022, p. 4.

⁽²⁾ Council Decision (EU) 2022/1165 of 27 June 2022 on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Republic of Moldova on the carriage of freight by road (OJ L 181, 7.7.2022, p. 1).

⁽³⁾ See documents ST 15347/22 ADD1 and ST 15347/22 ADD2 at <http://register.consilium.europa.eu>.

Minor changes to the draft decisions of the Joint Committee may be agreed to by the representatives of the Union within the Joint Committee without a further decision of the Council.

Article 2

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

Done at Brussels, 12 December 2022.

For the Council
The President
Z. NEKULA

DRAFT**DECISION NO 1/2022 OF THE JOINT COMMITTEE ESTABLISHED BY THE AGREEMENT
BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF MOLDOVA ON THE CARRIAGE OF
FREIGHT BY ROAD****of ...****regarding the adoption of its rules of procedure**

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Union and the Republic of Moldova on the carriage of freight by road ⁽¹⁾, and in particular Article 6(6) thereto,

Whereas:

As set out in Article 6(6) of the Agreement, the Joint Committee is to adopt its rules of procedure. Therefore the rules of procedure as set out in the Annex to this Decision should be adopted,

HAS ADOPTED THIS DECISION:

*Article 1***Rules of procedure**

The rules of procedure of the Joint Committee, as set out in the Annex to this Decision, are hereby adopted.

*Article 2***Entry into force**

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

Done at ...,

*For the Joint Committee
The Co-chairs*

⁽¹⁾ OJ EU L 181, 7.7.2022, p. 4.

*ANNEX***Rules of Procedure of the Joint Committee***Article 1***Heads of delegation**

1. The Joint Committee shall be composed of representatives of the Parties. Each party shall appoint the Head and, where necessary, Deputy Head of its delegation. The Head of Delegation may be replaced by the Deputy Head or by a designee for a particular meeting.
2. The Joint Committee shall be chaired in turn by a representative of the European Union and a representative of the Republic of Moldova. The Head of the relevant delegation, or in its absence, the Deputy Head or the designee appointed to replace them shall act as chair.

*Article 2***Meetings**

1. The Joint Committee shall meet as and when necessary. Either Party may request the convening of a meeting. The Joint Committee shall also be convened at the latest three months before the expiry of the Agreement, in order to assess and decide on the need for the continuation of the Agreement in accordance with Article 5(2) thereof.
2. The Joint Committee shall hold meetings face-to-face or via other means (e.g. conference calls or video conferences).
3. Meetings shall take place, as much as possible, in an alternate way between a place in a European Union Member State and the Republic of Moldova, unless agreed otherwise by the Parties.
4. The working language shall be English.
5. Once the date and the place of the meetings have been agreed between the Parties, meetings shall be convened by the European Commission for the European Union and by the Ministry in charge of road transport for the Republic of Moldova.
6. Except as otherwise agreed by the Parties, the meetings of the Joint Committee shall not be public. If necessary, a press release may be drafted by mutual agreement at the end of the meeting.

*Article 3***Delegations**

1. Prior to each meeting, the Heads of Delegation shall inform each other of the intended composition of their delegations for the meeting.
2. Road transport industry stakeholder representatives may be invited to attend meetings or parts of the meetings as observers, if the Joint Committee so agrees by consensus.
3. The Joint Committee may invite, if so agreed by consensus, other interested parties or experts to attend its meetings or parts thereof in order to provide information on particular subjects.
4. Observers shall not take part in the decision-making process of the Joint Committee.

*Article 4***Secretariat**

An official of the European Commission services and an official of the Ministry in charge of road transport of the Republic of Moldova shall act jointly as secretaries of the Joint Committee.

*Article 5***Agenda of the meetings**

1. The Heads of Delegation shall establish the provisional agenda of each meeting by mutual agreement. The provisional agenda shall be transmitted by the secretaries to the members of the delegations at the latest fifteen days before the date of the meeting.
2. The agenda shall be adopted by the Joint Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be included in the agenda if the Joint Committee so agrees.
3. The Heads of Delegation may shorten the time limit specified in paragraph 1 in order to take account of the requirements or urgency of a particular matter.

*Article 6***Minutes**

1. Draft Minutes of each Joint Committee meeting shall be drawn up after each meeting. They shall indicate the items discussed, and decisions adopted.
2. Within one month following the meeting, the draft Minutes shall be submitted by the hosting Head of Delegation to the other Head of Delegation, via the Joint Committee secretaries, for approval by written procedure.
3. When approved, the Minutes shall be signed in duplicate by the Heads of Delegation and one original copy shall be filed by each of the Parties. The Heads of Delegation may decide that signing and exchanging electronic copies satisfies this requirement.
4. The Minutes of the Joint Committee meetings shall be public unless otherwise requested by one of the Parties.

The Heads of Delegation may shorten the time limit specified in paragraph 2 and agree on a date as regards the approval specified in paragraph 3 in order to take account of the requirements or urgency of a particular matter.

*Article 7***Written procedure**

Where necessary and duly motivated, decisions of the Joint Committee may be adopted by written procedure. To that end, the Heads of Delegation shall exchange the draft measures on which the opinion of the Joint Committee is requested, which may then be confirmed by exchange of correspondence. Any Party may however request that the Joint Committee be convened to discuss the matter.

*Article 8***Deliberations**

1. The Joint Committee shall take decisions on the basis of consensus of the Parties.
2. The decisions of the Joint Committee shall be entitled 'Decision' and followed by a serial number, by the date of their adoption and by a description of their subject.

3. The decisions of the Joint Committee shall be signed by the Heads of Delegation and attached to the Minutes.
4. The decisions adopted by the Joint Committee shall be implemented by the Parties in accordance with their own internal procedures.
5. The decisions adopted by the Joint Committee may be published by the Parties in their respective official publications. One original copy of the decisions shall be filed by each of the Parties.

Article 9

Working Groups

1. The Joint Committee may set up working groups to assist the Joint Committee in carrying out its duties. Terms of reference for a working group shall be approved by the Joint Committee in accordance with Article 6(5) of the Agreement and be included in an Annex to the decision setting up the working group.
2. The working groups shall be composed of representatives of the Parties.
3. The working groups shall work under the authority of the Joint Committee to which they shall report after each of their meetings. They shall not take decisions but may make recommendations to the Joint Committee.
4. The Joint Committee may at any time decide to abolish existing working groups, modify their terms of reference or establish new working groups to assist it in carrying out its duties.

Article 10

Expenses

1. The Parties shall each defray the expenses related to their participation in the meetings of the Joint Committee and of working groups, both in respect of staff, travelling and subsistence expenditure and of postal and telecommunications costs.
2. Any other expenditure relating to the material organisation of meetings shall be borne by the Party hosting the meeting.

Article 11

Amendments to the Rules of Procedure

The Joint Committee may, at any time, amend these Rules of Procedure by a decision taken in accordance with Article 6(5) of the Agreement.

DRAFT**DECISION NO 2/2022 OF THE JOINT COMMITTEE ESTABLISHED BY THE AGREEMENT
BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF MOLDOVA ON THE CARRIAGE OF
FREIGHT BY ROAD****of ...****regarding the continuation of the Agreement**

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Union and the Republic of Moldova on the carriage of freight by road ⁽¹⁾, and in particular Article 6 thereto,

Whereas:

- (1) The Joint Committee has adopted its Rules of Procedure by its Decision 1/2022 of [15 December 2022].
- (2) As set out in Article 5(1) of the Agreement between the European Union and the Republic of Moldova on the carriage of freight by road (hereafter 'the Agreement'), the Agreement is to apply until 31 March 2023.
- (3) As set out in Article 6(2) of the Agreement, the Joint Committee is to be convened at the latest three months before the expiry of the Agreement in order to assess and decide on the need for the continuation of the Agreement, including its duration.
- (4) The monitoring of the Agreement has shown that it has provided benefits in terms of trade for both the European Union and the Republic of Moldova, and that the increase of road transport services has also been beneficial to road transport operators of both parties.
- (5) The Agreement has allowed the Republic of Moldova to start redirecting its trade towards the European Union and has therefore contributed to the progressive integration of the Moldovan economy into the western economy. Together with a comparable road transport agreement signed with Ukraine, it has also eased the export of Ukrainian goods, contributing to the Solidarity Lanes.
- (6) The prolongation of the Agreement should be understood as also contributing to the reconstruction of Ukraine beyond Russia's war of aggression against Ukraine.
- (7) It is therefore appropriate to prolong the Agreement until 30 June 2024,

HAS ADOPTED THIS DECISION:

*Article 1***Continuation of the Agreement**

The Agreement between the European Union and the Republic of Moldova on the carriage of freight by road is hereby prolonged until 30 June 2024.

*Article 2***Entry into force**

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

⁽¹⁾ OJ EU L 181, 7.7.2022, p. 4.

Done at ...,

*For the Joint Committee
The Co-chairs*

COUNCIL DECISION (EU, Euratom) 2022/2518
of 13 December 2022
amending the Council's Rules of Procedure

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 240(3) thereof,

Whereas:

- (1) When an act is to be adopted by the Council acting by qualified majority, it has to be verified that the Member States constituting the qualified majority represent at least 65 % of the population of the Union.
- (2) That percentage is calculated according to the population figures set out in Annex III to the Council's Rules of Procedure ('the Rules of Procedure') ⁽¹⁾.
- (3) Article 11(6) of the Rules of Procedure provides that, with effect from 1 January each year, the Council is to amend the figures set out in that Annex, in accordance with the data available to the Statistical Office of the European Union on 30 September of the preceding year.
- (4) The Rules of Procedure should therefore be amended accordingly for the year 2023.
- (5) In accordance with Article 106a of the Treaty establishing the European Atomic Energy Community, Article 240 of the Treaty on the Functioning of the European Union applies to the European Atomic Energy Community,

HAS ADOPTED THIS DECISION:

Article 1

Annex III to the Rules of Procedure is replaced by the following:

‘ANNEX III

Figures concerning the population of the Union and the population of each Member State for implementing the provisions concerning qualified majority voting in the Council

Member State	Population	Percentage of the population of the Union (%)
Germany	83 203 320	18,59
France	67 842 582	15,16
Italy	59 607 184	13,32
Spain	47 432 805	10,6
Poland	37 654 247	8,41
Romania	19 038 098	4,25
Netherlands	17 734 036	3,96
Belgium	11 631 136	2,6

⁽¹⁾ Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

Member State	Population	Percentage of the population of the Union (%)
Greece	10 603 810	2,37
Czechia	10 545 457	2,36
Sweden	10 440 000	2,33
Portugal	10 352 042	2,31
Hungary	9 689 010	2,17
Austria	8 967 500	2,00
Bulgaria	6 838 937	1,53
Denmark	5 864 667	1,31
Finland	5 541 241	1,24
Slovakia	5 434 712	1,21
Ireland	5 060 004	1,13
Croatia	3 862 305	0,86
Lithuania	2 805 998	0,63
Slovenia	2 107 180	0,47
Latvia	1 875 757	0,42
Estonia	1 331 796	0,3
Cyprus	904 700	0,2
Luxembourg	643 648	0,14
Malta	520 971	0,12
EU 27	447 533 143	
Threshold (65 %)	290896543'	

Article 2

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

It shall apply from 1 January 2023.

Done at Brussels, 13 December 2022.

For the Council
The President
M. BEK

COMMISSION IMPLEMENTING DECISION (EU) 2022/2519**of 20 December 2022****on the technical specifications and standards for the e-CODEX system, including for security and methods for integrity and authenticity verification****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2022/850 of the European Parliament and of the Council of 30 May 2022 on a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters (e-CODEX system), and amending Regulation (EU) 2018/1726 ⁽¹⁾, and in particular Article 6(1), point (a), thereof,

Whereas:

- (1) In accordance with Article 5 of Regulation (EU) 2022/850, the e-CODEX system is composed of an e-CODEX access point, digital procedural standards and supporting software products, documentation and other assets listed in the Annex to that Regulation.
- (2) The e-CODEX access point is composed of a gateway consisting of software, based on a common set of protocols, enabling the secure exchange of information over a telecommunications network with other gateways using the same common set of protocols and of a connector, making it possible to link connected systems to the gateway, consisting of software, based on a common set of open protocols.
- (3) For the successful handover and takeover process of the e-CODEX system to eu-LISA, and to make possible the fulfilment of the tasks for which eu-LISA is to be responsible, the minimum technical specifications and standards, including for security and methods for integrity and authenticity verification, underpinning the components of the e-CODEX system should be established.
- (4) 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 did not take part in the adoption of Regulation (EU) 2022/850 and is therefore not bound by or subject to the application of this Decision.
- (5) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland did not take part in the adoption of Regulation (EU) 2022/850 and is therefore not bound by or subject to the application of this Decision.
- (6) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽²⁾ and delivered an opinion on 24 November 2022.
- (7) The measures provided for in this Decision are in accordance with the opinion of the committee established by Article 19(1) of Regulation (EU) 2022/850,

⁽¹⁾ OJ L 150, 1.6.2022, p. 1.

⁽²⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

HAS ADOPTED THIS DECISION:

Article 1

The minimum technical specifications and standards, including for security and methods for integrity and authenticity verification, underpinning the components of the e-CODEX system referred to in Article 5 of Regulation (EU) 2022/850 shall be as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 20 December 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The technical specifications and standards for the e-CODEX system, including for security and methods for integrity and authenticity verification**1. INTRODUCTION**

This Annex sets out the minimum technical specifications and standards for the e-CODEX components, including for the security and methods for integrity and authenticity verification.

2. e-CODEX SYSTEM COMPONENTS

2.1. According to Article 5 of Regulation (EU) 2022/850 of the European Parliament and of the Council ⁽¹⁾, the e-CODEX system is composed of:

- (a) an e-CODEX access point, composed of:
 - (i) a gateway;
 - (ii) a connector;
- (b) digital procedural standards (DPS);
- (c) the supporting software products, documentation and other assets listed in the Annex to Regulation (EU) 2022/850:
 - (i) the Central Testing Platform (CTP) source code;
 - (ii) the Configuration Management Tool (CMT) source code;
 - (iii) metadata Workbench (MDW);
 - (iv) the EU e-Justice Core Vocabulary;
 - (v) architecture documentation.

2.2. From a functional point of view, those elements are divided into two categories: the e-CODEX Toolbox and the e-CODEX deployable assets.

2.3. The e-CODEX Toolbox is composed of:

- (a) The e-CODEX architecture documentation;
- (b) The Connector suite source code;
- (c) The Configuration Management Tool (CMT) source code;
- (d) The Central Testing Platform (CTP) source code;
- (e) A Metadata Workbench (MDW) licence from a third party;
- (f) The EU e-Justice Core Vocabulary;
- (g) Digital procedural standards (DPS).

(a) The e-CODEX architecture documentation

The architecture documentation is a set of documents used to provide technical and informative knowledge to relevant stakeholders on the choice of standards with which other assets of the e-CODEX system must comply. It defines the requirements and principles that apply when creating interoperable cross-border communication for facilitating the electronic exchange of data, which include any content transmissible in electronic form. In addition, it lists chosen standards and methodologies on which the e-CODEX system is based. The architecture ensures the autonomy of the e-CODEX system.

(b) The Connector suite source code

The Connector suite source code is used to create the deployable artefacts described in Chapter 2.4.2.

⁽¹⁾ Regulation (EU) 2022/850 of the European Parliament and of the Council of 30 May 2022 on a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters (e-CODEX system), and amending Regulation (EU) 2018/1726 (OJ L 150, 1.6.2022, p. 1).

(c) The Configuration Management Tool (CMT)

The Configuration Management Tool (CMT) is a web-based tool for managing configuration files associated with the e-Delivery Gateway and Connector and provides a standardised way of handling the configuration workflow. The entity operating an authorised e-CODEX access point can access the CMT through a globally available portal and upload their e-Delivery configuration data. The uploaded data is to include the Gateway endpoint network configuration information, all security certificates needed for the connection, as well as the specific projects, environments and use cases they participate in. The CMT is to automatically check the validity of the uploaded data and is to provide feedback to the entity operating authorised e-CODEX access points if errors occur.

When a notification of any changes to the data provided by an entity operating an authorised e-CODEX access point is received, a new e-CODEX configuration package (see point 2.4.3) is to be produced using this tool. All entities operating authorised e-CODEX access points are to be notified about the creation of the new e-CODEX configuration package and can download it directly from the CMT at any time. The CMT can provide e-CODEX configuration packages for multiple IT environments, such as TEST, ACCEPTANCE or PRODUCTION.

New e-CODEX configuration packages are to go into effect seven days after their creation and, if applicable, entities operating authorised e-CODEX access points are to install the new package in their environment by that time.

The CMT also keeps the entity operating authorised e-CODEX access points updated on their security certificate runtimes and notifies authorised e-CODEX access points in advance, via email, about their upcoming certificate expiration. Should an entity operating an authorised e-CODEX access point let their security certificates expire, they are to be automatically removed from the next package creation.

The CMT is to be hosted centrally and be available 24/7 for e-CODEX participants. Support is to be limited to business hours.

(d) The Central Testing Platform (CTP)

The e-CODEX Central Testing Platform (CTP) is an automated testing infrastructure. It enables the entity operating an authorised e-CODEX access point to perform connectivity tests and end-to-end tests between their e-CODEX infrastructure and a fixed central testing point without the need to involve any further partner (e.g. another authorised e-CODEX access point) for testing communication functionalities. It allows sending and receiving customisable test messages and thus reduces the effort needed for testing of an e-CODEX infrastructure both at initial (installation) and regression testing time. Individual message progress, European Telecommunications Standards Institute (ETSI) Registered Electronic Mail (REM) evidences and error logs are tracked and presented to the entities operating authorised e-CODEX access points via specifically designed visual processes.

The CTP consists of an e-CODEX gateway, Connector, Connector-client and an associated Web Graphical User Interface (for now Web frontend/backend built on Nuxt.js) that can be used to send messages to a partner's gateway as well as to view messages that are sent to the CTP by the same gateway. The CTP currently stores important operating information (local variables) on a MongoDB instance and reads configuration (party) information from the connector database. Additionally, it uses the connector-client Representational state transfer (REST) Application Programming Interface (API) to retrieve information about e-CODEX messages and submit new messages to the connector and gateway.

In order to provide a customisable solution per e-CODEX environment, the CTP is deployed in various instances (copies) that exist in various e-CODEX environments. Each instance of the CTP is currently deployed in a UNIX (CentOS 7) environment, where all components co-exist. This facilitates administration and access to the file system but can be adapted to cater for installations where the e-CODEX messaging infrastructure is kept separate.

Each CTP user is linked to one (1) gateway. To use the CTP for testing, the only requirement is that the gateway of that authorised e-CODEX access point exists in the P-Modes for that specific e-CODEX CMT environment.

(e) The Metadata Workbench

The metadata workbench is a tool in which the EU e-Justice Core Vocabulary is being administered. It allows the semantic modellers to maintain the vocabulary in a sustainable manner adhering to the Core Component Technical Specification modelling standard as defined in the e-CODEX architecture documentation. It is a web-based Software as a Service (SaaS) solution with restricted access to EU e-Justice Core Vocabulary administrators only. The Metadata Workbench is developed and operated on behalf of the Ministry of Justice and Security of the Netherlands. On the basis of a licence agreement to be concluded between the Ministry of Justice and Security and eu-LISA, eu-LISA will be granted access to Metadata Workbench in order to administer and operate the EU e-Justice Core Vocabulary.

(f) The EU e-Justice Core Vocabulary

The EU e-Justice Core Vocabulary is an asset for reusable semantical terms and definitions used to ensure data consistency and data quality over time and across use cases. On its semantic repository all use-case specific message structures (XML schemas) are based.

Future evolutions of the e-Justice Core Vocabulary could be done in compliance with the Core Vocabularies. ⁽²⁾ In order to validate conformance to the specification, an XML-based validator could be set up using the Interoperability Test Bed service offered by the Commission.

(g) Digital procedural standards (DPS)

A digital procedural standard means the technical specifications for business process models and data schemas which set out the electronic structure of the data exchanged through the e-CODEX system based on the EU e-Justice Core Vocabulary. The business process model describes the technical implementation of the electronic procedure of the legal instrument that is supported by the e-CODEX system.

The business process model together with the EU e-Justice Core Vocabulary results in XML schemas describing the electronic structure of DPS. The XML schemas enable authorised access points to send and receive documents as provided by a cross-border judicial cooperation instrument.

2.4. The e-CODEX deployable assets

e-CODEX deployable assets are e-CODEX components deployed by entities operating an authorised e-CODEX access point in their e-CODEX environment. Except for the gateway they are to be distributed by eu-LISA to the entities operating an authorised e-CODEX access point.

The deployable assets are:

- (a) The Gateway (point 2.4.1);
- (b) The Connector Suite (point 2.4.2);
- (c) The e-CODEX configuration package (including the P-modes, public certificates and security settings) (point 2.4.3);
- (d) The business collaboration design or process model as part of the DPS;
- (e) The XML schemas are message structures as part of the DPS.

2.4.1. The Gateway

The Gateway within e-CODEX system is the building block responsible for the basic communication exchange. Currently a gateway has the following standards implemented:

- (a) OASIS ⁽³⁾ ebMS 3.0 standard: Gateway interchange messages complying with the ebXML standard. This standard defines the structure a message header must have to be understood among the e-CODEX infrastructure;
- (b) OASIS Applicability Statement 4 (AS4) messaging profile: This is a conformance profile of the OASIS ebMS 3.0 specification;

⁽²⁾ <https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semic/core-vocabularies>.

⁽³⁾ Organization for the Advancement of Structured Information Standards.

- (c) The Common Profile of the eDelivery AS4 profile ⁽⁴⁾.

Any gateway solution fulfilling those requirements can be used.

2.4.2. *The Connector Suite*

The Connector is a linking component to connect national DPS specific applications to the generic messaging standards of the gateway. Thus, this component adds the following features to the basic communication already established by the gateway component:

- (a) **ETSI-REM evidences:** Those are evidences generated by the Connector in a signed XML format. The purpose of those evidences is to inform the sender of a message on the successful or non-successful processing of the message. Evidences are generated and submitted by the Connector at different stages of message processing;
- (b) **TrustOK Token:** The sending connector validates the integrity and authentication of the business document in the message. The outcome of this validation is written in TrustOK Token. This token is generated by a sub-module of the Connector: the security library;
- (c) **ASiC-S container:** In accordance with ETSI Standard EN 319 162-1 on Electronic Signatures and Infrastructures and Associated Signature Containers (ASiC). The container ensures the authenticity and integrity of the payload transmitted by the Connector;
- (d) **WS-Security:** To increase the transmission security of messages, the Connector uses the ws-security on the gateway side, as well as the connected system side for transmission. This means that every message the Connector submits or receives is encrypted and signed;
- (e) **Common API:** The Connector offers a stable API which defines the web services that are used to connect to the gateway and the connected systems' application(s). The structure of messages exchanged with the Connector is also described in the Connector API.

In addition to the Connector software itself, the suite also contains an application client that is intended to support or substitute a connected system for handling e-CODEX messaging.

Also, a plugin was developed especially for the Domibus gateway ⁽⁵⁾ to link the common API of the Connector to the gateway's processing core.

2.4.3. *e-CODEX configuration package*

In ebMS 3.0 based communication, a P-Mode (or Processing Mode) governs the transmission of all messages involved in a message exchange between two Messaging Service Handlers (MSHs). An e-CODEX configuration package includes a collection of messaging configuration parameters (P-Mode files, several certificate trust stores, network addresses) that specify in detail how messaging takes place.

Messaging configuration parameters can be classified in the following five categories:

- (a) Parameters relating to the sender, such as:
 - (i) the sender party identifier;
 - (ii) the certificate the sender uses to sign messages;
 - (iii) certificate authorities the sender trusts;
 - (iv) the network address (or addresses) from which the sender will initiate communication.
- (b) Parameters relating to the receiver, such as:
 - (i) the receiver party identifier;
 - (ii) the certificate the receiver expects to be used to encrypt messages;
 - (iii) certificate authorities the receiver trusts;

⁽⁴⁾ <https://ec.europa.eu/digital-building-blocks/wikis/x/RqbXGw>.

⁽⁵⁾ The Domibus Gateway is maintained by the Commission (<https://ec.europa.eu/digital-building-blocks/wikis/display/DIGITAL/Domibus>).

- (iv) the network address (or addresses) from which receiver will accept incoming communication.
- (c) Parameters relating to the sender-receiver pair, such as (if used):
 - (i) agreement identifier, P-Mode identifier.
- (d) Parameters relating to the DPS, such as:
 - (i) sender party role(s);
 - (ii) receiver party role(s);
 - (iii) service(s);
 - (iv) actions(s) within the Service.
- (e) Parameters relating to the use of the messaging protocol, or the profile of the messaging protocol.

In e-CODEX all configuration files concerning a MSH or domain are bundled in one master file that can be used for the configuration of the Gateway and the Connector.

The master file defines an individual communication network that the MSH can address during its operation. It is necessary that the configuration is generated centrally because all information of all authorised e-CODEX access points must be available for the generation of the e-CODEX configuration package, which is created by the CMT.

3. **SECURITY AND METHODS FOR INTEGRITY AND AUTHENTICITY VERIFICATION OF THE E-CODEX SYSTEM**

The e-CODEX system is a communication system that provides strong support for addressing security and data protection requirements. In particular, the e-CODEX system provides the technical features necessary to meet all the requirements provided for in Regulation (EU) No 910/2014 of the European Parliament and of the Council ⁽⁶⁾.

3.1. **Security by design**

The e-CODEX system is, from a technical point of view, a transportation mechanism. There are different layers relevant for the security:

- (a) a network layer;
- (b) a transport layer;
- (c) a message layer;
- (d) a document layer.

On each of these layers security measures are applied.

3.1.1. **Network layer**

e-CODEX can be used with different kinds of network layers. It is usually applied on regular internet connections. Security therefore follows the usual security applications of internet technology (and is extended by the other layers described in this point). For most e-CODEX use cases such a network layer is sufficient. For higher security requirements another network layer could be applied, as well. Other networks can also be taken into consideration.

3.1.2. **Transport layer**

The transport layer is usually protected by Transport Layer Security (TLS) or mTLS (mutual TLS). This is a well-established standard for protecting the transport layer in internet technologies and applied worldwide on a vast number of services. TLS/mTLS provides for the encryption and authentication on the transport channel. It secures the transportation route between each hub of the transport route. Each hub needs to decrypt (only) the address data to forward the message to the next hub. Before forwarding, each hub encrypts the address data again. Simple (one-way) TLS is possible and sometimes still applied, but two-way-TLS (mTLS) is recommended as it is becoming the current standard of protecting the transport layer.

⁽⁶⁾ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

3.1.3. *Message layer*

On the message layer, several standards are applied by different e-CODEX components:

- (a) The protocol used for gateway-to-gateway transmission (as the message layer) is AS4 which signs and encrypts the messages – depending on the security configuration on gateway level;
- (b) The core component of the e-CODEX system is the Connector. It adds security to the message layer by using WS-Security for signing and encryption of messages for the web services towards the gateway and the backend(s). Therefore, a connector-to-connector encryption is applied additionally;
- (c) For signing and encrypting functionality throughout the e-CODEX systems digital certificates are used. Those digital certificates for encryption and signing are compliant with the X.509 standard.

3.1.4. *Document layer*

Messages contain documents and attachments. These are packed into a package, called 'container'. The container is built according to the ASiC-S standard. The sending Connector signs the ASiC-S container and the signature is validated upon receipt by the receiving Connector.

3.2. *Methods for integrity and authenticity verification*

3.2.1. *Access to e-CODEX configuration*

The communication between e-CODEX Access Points needs prior configuration. This configuration is done via e-CODEX configuration package. The configuration package contains the addressing data, the applied security policy and other information. Furthermore, it also contains the trust stores with the public certificates of all participating e-CODEX Access Points. The configuration files are created for each partner's configuration by a central 'Coordinator for Configuration' (CfC) using the Configuration Management Tool (CMT). The access to this CMT is provided and restricted to each partner only upon personal and individual request. The administrative access is restricted to CfCs, which is to be managed by eu-LISA.

3.2.2. *Supported electronic signatures and seals*

The e-CODEX system is to support all types of electronic seals and electronic signatures as provided for in Regulation (EU) No 910/2014.

3.2.3. *e-CODEX TrustOK Token*

The sending connector validates the signature of the DPS of a message. The outcome of this validation is written into the e-CODEX TrustOK Token. This token is generated by a security library which is a submodule of the Connector. The validation of the electronic signature is done by the e-CODEX connector using DSS (digital signature service) tools.

3.2.4. *Machine Readable Token (XML)*

The machine-readable token comes as an XML file underlying a certain schema containing all the information on the signature of the business token and the validation report as a result of the legal and technical validation.

3.2.5. *Human Readable Token (PDF)*

The PDF-file consists of three parts. The first part presented on the first page of the actual Token includes general information on the advanced electronic system and an assessment of the legal validity of the business document. In addition, a disclaimer and a 'validation stamp' showing the legal validation result (successful/unsuccessful) are shown at the bottom of the page.

An advanced electronic system is a connected system capable of securely identifying the user and assuring the integrity of the messages sent through it between the client and the e-CODEX connector.

The second part on the second page provides a standardised technical overview of the information from the original validation report. Depending on the connected system (authentication- or signature-based), the information given by the technical overview varies. A signature-based token contains the information provided by the underlying certificate, including attributes (where available). An authentication-based token contains the name of the institution from where the document was sent, and, when provided, the name of the author of the document.

The bottom of this page consists of a stamp in the colour of the documents technical validation result (green/yellow/red) and a short description, e.g. providing additional information about why a document received a yellow technical assessment.

The third part of the document consists of the original validation report as it has been created by the issuing Member State's validation software.

4. **DIGITAL PROCEDURAL STANDARDS (DPS) DEVELOPED UP TO DATE**

E-Justice Service	DPS: process model	DPS: XML schema	Project source
European Payment Order	√	√	e-CODEX
Small Claims	√	√	e-CODEX
European Arrest Warrant	√	√	e-CODEX
Financial Penalties	√	√	e-CODEX
MLA	√	√	e-CODEX
FD 909 (Custodial Sentences)	√	√	e-CODEX
Matrimonial Matters	√	√	e-SENS
EU Account Preservation Order	√	√	e-SENS
Register of Wills	√	√	e-SENS
Service of Documents	√	√	e-CODEX

COMMISSION IMPLEMENTING DECISION (EU) 2022/2520
of 20 December 2022
on the specific arrangements for the handover and takeover process of the e-CODEX system
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2022/850 of the European Parliament and of the Council of 30 May 2022 on a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters (e-CODEX system), and amending Regulation (EU) 2018/1726 ⁽¹⁾, and in particular Article 6(1), point (c), thereof,

Whereas:

- (1) It is necessary to establish the detailed arrangements for the handover and takeover process for the transfer of the e-CODEX system from the entity managing the e-CODEX system to eu-LISA.
- (2) These arrangements should include the criteria for a successful handover and takeover process and for the successful completion of that process and related documentation.
- (3) Detailed handover arrangements should also establish provisions on intellectual property rights or usage rights relating to the e-CODEX system and its supporting software products, documentation and other assets that the common handover document should lay down to enable eu-LISA to carry out its responsibilities and tasks.
- (4) 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 did not take part in the adoption of Regulation (EU) 2022/850 and is therefore not bound by or subject to the application of this Decision.
- (5) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland did not take part in the adoption of Regulation (EU) 2022/850 and is therefore not bound by or subject to the application of this Decision.
- (6) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽²⁾ and delivered an opinion on 24 November 2022.
- (7) The measures provided for in this Decision are in accordance with the opinion of the committee established by Article 19(1) of Regulation (EU) 2022/850,

HAS ADOPTED THIS DECISION:

Article 1

The detailed arrangements for the handover and takeover process of the e-CODEX system referred to in Article 10 of Regulation (EU) 2022/850 shall be as set out in the Annex to this Decision.

⁽¹⁾ OJ L 150, 1.6.2022, p. 1.

⁽²⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Article 2

The criteria for a successful handover and takeover process and for the successful completion of that process and related documentation, referred to in Article 10 of Regulation (EU) 2022/850 shall be as set out in the Annex to this Decision.

Article 3

The provisions on intellectual property rights or usage rights relating to the e-CODEX system to be included in the common handover document shall be as set out in the Annex to this Decision.

Article 4

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

Done at Brussels, 20 December 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Specific arrangements for the handover and takeover process of the e-CODEX system**1. INTRODUCTION**

A handover and takeover process is to take place between the entity managing the e-CODEX system and eu-LISA. Until the handover, the entity managing the e-CODEX system is to retain full responsibility for it and is to ensure that no changes to the e-CODEX system are made and that no new software release is delivered other than for the purpose of carrying out corrective maintenance of the e-CODEX system.

The objective of these specific arrangements is to specify:

- the detailed arrangements for the transfer of the e-CODEX system to eu-LISA;
- the criteria for a successful handover and takeover process and for successful completion of that process and related documentation;
- provisions on intellectual property rights or usage rights relating to the e-CODEX system and the supporting software products, documentation and other assets (listed in the Annex to Regulation (EU) 2022/850 of the European Parliament and of the Council ⁽¹⁾).

On the basis of the specific arrangements for the handover and takeover process set out in this Annex, the entity managing the e-CODEX system is to, in accordance with Article 10(1) of Regulation (EU) 2022/850, submit a common handover document to eu-LISA by 31 December 2022. A template for this common handover document is in the appendix to this Annex.

The Commission is to monitor the handover and takeover process in order to ensure that the detailed arrangements for the transfer of the e-CODEX system are correctly implemented.

According to Article 10(4) of Regulation (EU) 2022/850, eu-LISA is to take over responsibility for the e-CODEX system on the date on which the Commission declares the successful completion of the handover and takeover process, between 1 July 2023 and 31 December 2023, after consulting the entity managing the e-CODEX system and eu-LISA.

2. MAIN MILESTONES

- (a) Common handover document delivery date: by 31 December 2022;
- (b) Handover and takeover process: Within the six month period following the delivery of the common handover document;
- (c) Handover and takeover process kick-off meeting is to take place in January 2023, the exact date is to be agreed upon between eu-LISA, the entity managing the e-CODEX system and the Commission;
- (d) Transfer of responsibility to eu-LISA: 31 December 2023 at the latest, but not earlier than 1 July 2023.

3. HANDOVER AND TAKEOVER ACTIVITIES

The handover and takeover process starts by the submission by the entity managing the e-CODEX system to eu-LISA of a common handover document. eu-LISA is to check and confirm that all the relevant information is included in the common handover document to ensure a successful handover. That common handover document is to include detailed information regarding, at least, the following items:

- (a) planning of all activities to be carried out as specified in this Annex, including synchronisation meetings, trainings, testing, etc.;

⁽¹⁾ Regulation (EU) 2022/850 of the European Parliament and of the Council of 30 May 2022 on a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters (e-CODEX system), and amending Regulation (EU) 2018/1726 (OJ L 150, 1.6.2022, p. 1).

- (b) all assets and artefacts to be handed over at the start of the handover period and at its end (initial handover of assets and final handover of assets). The definition of “initial handover of assets” and “final handover of assets” can be found in the appendix to this Annex;
- (c) all trainings, workshops, information and shadowing sessions that will be scheduled;
- (d) all the working procedures of the entity managing the e-CODEX system in place. In case these procedures are not documented, they are to be clearly identified, documented and handed over to eu-LISA;
- (e) the contact details of all involved parties during the whole period of handover and takeover activities, together with a roles and responsibilities matrix;
- (f) clear, verifiable and objective success criteria to assess the handover and takeover process;
- (g) test specifications to assess the correct execution of the takeover process;
- (h) provisions on intellectual property rights or usage rights relating to the e-CODEX system and the supporting software products, documentation and other assets listed in the Annex to Regulation (EU) 2022/850, enabling eu-LISA to carry out its responsibilities in accordance with Article 7 of Regulation (EU) 2022/850.

The purpose of the common handover document is to provide a tool for a transparent, smooth and complete migration of the IT services from the entity managing the e-CODEX system to eu-LISA, under monitoring by the Commission.

It is to describe all means to be put in place by eu-LISA and the entity managing the e-CODEX system to ensure this smooth transition.

An example of the structure of such document is in the appendix to this Annex. It may be adapted as necessary, provided that it contains detailed information regarding the items listed in this section.

Both the entity managing the e-CODEX system and eu-LISA shall produce respectively by 30 June 2023 handover and takeover reports on the results of the activities undertaken, to allow the European Commission to update the European Parliament and the Council by 31 July 2023 on the handover and takeover process (see points 5 and 6 of this Annex).

The format and means of transfer (e.g. common collaboration space such as the previous “Basic Support for Cooperative Work”, Communication and Information Resource Centre for Administrations, Businesses and Citizens – CIRCABC, access to current repositories, etc.) of each artefact are to be agreed upon mutually between eu-LISA and the entity managing the e-CODEX system, taking into account the target system to be used in eu-LISA’s environment.

Infrastructure and security requirements for each asset are to be addressed in the documentation of the relevant component and/or the referred masterclass.

A non-exhaustive list of components of the e-CODEX system, the supporting software products, documentation and other assets is presented in the following table.

Summary table of the components, artefacts and handover support activities:

	Component	Artefacts	Handover Support
Items to develop & operate	Configuration Management Tool – CMT	Source Code Configuration Database and pModes Documentation Database dump at the initial and final handover stages.	Documentation Masterclass "CMT" Development and maintenance, installation, configuration, operation and troubleshooting
	Central Testing Platform – CTP	Source Code Documentation Database dump at the initial and final handover stages.	Documentation Masterclass "CTP" Development and maintenance, installation, configuration, operation and troubleshooting
	Repository Server (currently: Nexus)	Repositories	Masterclass "development and infrastructure"
	Integration Server (currently: Jenkins)	Integration Items	
	Source Code Repository (currently: Gitblit)	Source Code	
	e-CODEX Website	e-CODEX Website Contents	Masterclass "e-CODEX Overview"
Items to develop & deliver	e-CODEX Architecture	e-CODEX Website Documentation	Documentation Masterclass "e-CODEX Overview"
	Connector Suite	For each component (Connector, Client, Plugin, Security Library, Utilities, etc.): Source Code Documentation	Documentation Masterclass "Connector"
	Use Case Schemas: — European Payment Order — Small Claims — European Arrest Warrant — Financial Penalties — MLA — FD 909 (Custodial Sentences) — Matrimonial Matters — EU Account Preservation Order — Register of Wills — Service of Documents	Schemas Business Process Model EU e-Justice Core Vocabulary (Access to be granted via the tool "Metadata Workbench")	Documentation Masterclass "Schemas"
Other Items	e-CODEX Tickets	All tickets including all statuses (for knowledge management purposes)	Masterclass "Connector" Database dump with all data
	e-CODEX Connector Suite Roadmap	e-CODEX Website	Masterclass "Connector"
	e-CODEX Security Requirements	Document	Masterclass "Connector"

4. ACTIVITIES

(a) Training Activities

The entity managing the e-CODEX system is to prepare a list of training modules to ensure the complete knowledge transfer to eu-LISA.

Training materials and planning needs are to be defined and agreed upon between all involved actors for each training module and masterclass. In particular, if eu-LISA considers them necessary it is to be allowed to request for and receive additional training modules and masterclasses.

The specific planning and scheduling of the training, hands-on and shadowing sessions (where eu-LISA team can learn by observing the technical team of the entity managing e-CODEX system) are to be detailed in the common handover document.

A minimum, non-exhaustive list of trainings to be provided is included in the following table:

Title	Content of the module	Doc type
Training Materials Module 1: Masterclass e-CODEX overview	During this first Masterclass the participants will get a general overview of what e-CODEX entails, including an overview of the basic e-CODEX architecture, the general e-CODEX principles and a short historical overview of how e-CODEX came to be. This module is mainly based on theoretical facts.	PPT presentation & e-CODEX Syllabus materials
Training Materials Module 2: Masterclass connector	During this Masterclass the participants will receive an in-depth explanation on the Connector Suite and its different products/components, including the relation with the gateway. This module consists of a theoretical part, a hands-on training and optional shadowing session(s), including installation, troubleshooting and technical support.	PPT presentation & e-CODEX Syllabus materials
Training Materials Module 3: Masterclass Schemas	During this Masterclass the participants will get familiar with the data schemas developed by the entity managing the e-CODEX system. The focus will also lie on the Metadata Workbench in which the EU e-Justice Core Vocabulary is being administered and to the technique of business process modelling. This module consists of a theoretical part, a hands-on training and optional shadowing sessions(s).	PPT presentation & e-CODEX Syllabus materials
Training Materials Module 4: Masterclass CMT	During this Masterclass the participants will get acquainted with the features and processes of the Configuration Management Tool. The CMT is an online tool to manage the collection of participant data and the distribution of e-CODEX configuration files. This module consists of a theoretical part, a hands-on training and optional shadowing sessions(s).	PPT presentation & e-CODEX Syllabus materials

Title	Content of the module	Doc type
Training Materials Module 5: Masterclass CTP	During this Masterclass the participants will get familiar with the features and processes of the Central Testing Platform and the testing strategy. The CTP provides a full e-CODEX test environment and a web interface for sending and receiving customisable test messages. This module consists of a theoretical part, a hands-on training and optional shadowing sessions(s).	PPT presentation & e-CODEX Syllabus materials
Training Materials Module 6: Masterclass development and infrastructure	During this Masterclass the participants will further discuss development and infrastructural topics, such as repository server management. This module consists of a theoretical part, a hands-on training and optional shadowing sessions(s).	PPT presentation & e-CODEX Syllabus materials
Training Materials Module 7: Debugging masterclass	During this masterclass the participants will learn about the detection and correction of the potential e-CODEX system bugs and problem resolution, including resolution of support requests. This module consists of a theoretical part, a hands-on training and optional shadowing sessions(s).	PPT presentation & e-CODEX Syllabus materials

(b) Transparency of the handover and takeover process

The handover and takeover process are to be transparent to the end-users, minimising the impact on their working procedures and daily activities. The entity managing the e-CODEX system is to ensure and continue providing technical support to the entities operating and or installing authorised e-CODEX access points until eu-LISA takes over responsibility for the e-CODEX system.

(c) Responsibility of eu-LISA and the entity managing the e-CODEX system during the handover and takeover process

In accordance with Article 10(2) of Regulation (EU) 2022/850, until the handover, the entity managing the e-CODEX system is to retain full responsibility for it and is to ensure that no changes to the e-CODEX system are made and that no new software release is delivered other than for the purpose of carrying out corrective maintenance of the e-CODEX system.

For this purpose, the entity managing the e-CODEX system, is to continue to provide component maintenance and support during this period.

For all support requests, the entity managing the e-CODEX system is to be the single point of contact until eu-LISA takes over responsibility for the e-CODEX system.

eu-LISA may request that the support requests received by the entity managing the e-CODEX system before eu-LISA takes over responsibility for the e-CODEX system are communicated to designated personnel at eu-LISA who is to be allowed to follow the resolution steps carried out by the entity managing the e-CODEX system.

The entity managing the e-CODEX system is to resolve all support requests received before eu-LISA takes over responsibility for the e-CODEX system. Only when justified on objective technical grounds, the entity managing the e-CODEX system may agree with eu-LISA on handover of support requests received by it, but which cannot be resolved by the time of transfer of responsibility for the e-CODEX system to eu-LISA. The entity managing the e-CODEX system is to ensure that such an agreement has no impact on the end user and that it implies no delay in resolving the support request. This agreement will be formalised under success criterion number 6 under point 5 of this Annex.

The entity managing the e-CODEX system is to provide eu-LISA with an exhaustive list of users of the e-CODEX system, whom eu-LISA is to notify that it has taken over responsibility for the e-CODEX system within 30 days after that takeover takes place.

The entity managing the e-CODEX system is to support eu-LISA and assist it as needed until 31 March 2024.

For each component, the entity managing the e-CODEX system could suggest a list of developments to be made in relation to users' needs.

5. CRITERIA FOR A SUCCESSFUL HANDOVER PROCESS

	Criteria	Monitoring indicator	Means of verification	Deadline
1	Knowledge transfer of the different components of the e-CODEX system	All the training sessions held.	Registration forms completed and training materials delivered to eu-LISA	By 1 July 2023
2	Transfer of all components of the e-CODEX system	All assets delivered and complete	Express acknowledgement by eu-LISA	By 1 July 2023
3	Technical stability of the e-CODEX system (all components)	The 2 latest versions produced by the entity managing the e-CODEX system.	A stable version of the e-CODEX system, meaning a package that can be deployed in production and that ensures the integrity of all the exchanges taking place on this version.	By 31 December 2022
4	Allocation of sufficient resources within eu-LISA	The composition of the e-CODEX team (including the technicians to be trained) communicated by eu-LISA to the Commission and the entity managing the e-CODEX system.	eu-LISA notification to the Commission and the entity managing the e-CODEX system	By 1 January 2023
5	Transfer of intellectual property and usage rights	The handover of the e-CODEX system and the supporting software products, documentation and other assets listed in the Annex to Regulation (EU) 2022/850 carried out with all intellectual property rights and usage rights.	1. An exhaustive statement by the entity managing the e-CODEX system concerning intellectual property and usage rights regarding all components of the e-CODEX system and the supporting software products, documentation and other assets listed in the Annex to Regulation (EU) 2022/850. 2. A declaration by the entity managing the e-CODEX system that it and its members are legally in a position to transfer to eu-LISA all intellectual property rights and usage rights mentioned in item 1. in a way enabling eu-LISA to carry out its responsibilities in accordance with Article 7 of Regulation (EU) 2022/850.	By the date of joint request by the entity managing the e-CODEX system and eu-LISA to the Commission to declare the successful completion of the handover and takeover process

	Criteria	Monitoring indicator	Means of verification	Deadline
			3. A declaration by the entity managing the e-CODEX system of total and free of charge transfer to eu-LISA of all intellectual property rights and usage rights mentioned in item 1.	
6	Resolution of all support requests received by the entity managing the e-CODEX system before eu-LISA takes over the responsibility for the e-CODEX system	All support requests received by the entity managing the e-CODEX system before eu-LISA takes over the responsibility for it closed or the agreement to take them over acknowledged by eu-LISA	1. A list of open support requests by the entity managing the e-CODEX system. 2. Agreement between the entity managing the e-CODEX system and eu-LISA to take them over, with an express statement by the entity managing the e-CODEX system that the agreement has no impact on the end user and that it implies no delay in resolving the support request.	By the date of joint request by the entity managing the e-CODEX system and eu-LISA to the Commission to declare the successful completion of the handover and takeover process
7	Agreement between the entity managing the e-CODEX system and eu-LISA regarding the successful completion of the handover and takeover process	Agreement between the entity managing the e-CODEX system and eu-LISA regarding the fulfilment of the criteria for a successful handover process and for the successful completion of that process	Joint request by the entity managing the e-CODEX system and eu-LISA to the Commission to declare the successful completion of the handover and takeover process	Between 1 July and 31 December 2023

6. CRITERIA FOR A SUCCESSFUL TAKEOVER PROCESS

For each artefact and each transferred asset, the purpose of the handover and takeover process is to ensure that the e-CODEX system, the business knowledge, technical knowledge, and best practises and techniques concerned with the services provided by the entity managing the e-CODEX system are correctly taken over by eu-LISA, following the completion of a test process.

The scope of the takeover test process is to consist of the execution of test cases prepared to prove that business knowledge has been acquired by eu-LISA and readiness exists for the activities foreseen to be taken over. The test specifications are to be provided by the entity managing the e-CODEX system.

When a test execution fails, its impact level is to be determined as follows:

Impact level	Effect on service
1	Service cannot be carried out
2	Corresponding service(s) cannot be performed properly and problem cannot be circumvented.
3	Minor impact on corresponding service(s).

The test cases are to cover specific processes that are applicable to the assets taken over. Test cases are to be grouped per main process; the execution of all the test cases of a main process is to prove the status of readiness of eu-LISA.

The test execution is to conclude when all the following success criteria are met:

- (a) No defect of impact level 1 is open. If an impact level 1 defect is encountered:
 - (i) The test is to be suspended;
 - (ii) The defect is to be resolved;
 - (iii) The failed test case and any associated cases are to be rerun until the defect is corrected;
 - (iv) The test is to be successfully completed.
- (b) No impact level 2 defect is open;
- (c) Max 10 % of test cases are marked with impact level 3 defects.

To this end, at least the following criteria are to be met and their fulfilment demonstrated by eu-LISA at the deadlines set up in the following table:

	Criterion	Monitoring indicator	Means of verification	Deadline
1	Knowledge transfer of the different components of the e-CODEX system	eu-LISA participated in all the training sessions that have taken place	eu-LISA acknowledgement	By 1 July 2023
2	Transfer of all components of the e-CODEX system	All sources are received and the documents are fully completed	eu-LISA acknowledgement	By 1 July 2023
3	Allocation of sufficient resources within eu-LISA	1. Recruitment of e-CODEX project staff by 1 January 2023. 2. Designation of the project manager 3. Designation of the technicians to be trained	eu-LISA acknowledgement	By 1 January 2023
4	Establishment of the e-CODEX Advisory Group	Establishment of the Advisory Group and meetings during the handover and takeover process held at least every second month, pursuant to Article 12 of Regulation (EU) 2022/850	1. Confirmation by eu-LISA of establishment and composition of the e-CODEX Advisory Group and minutes from its first meeting. 2. Minutes from the first 3 meetings of the e-CODEX Advisory group.	Regarding item 1: by 28 February 2023; Regarding item 2: by 30 June 2023.
5	Establishment of the e-CODEX Programme Management Board	Establishment of the e-CODEX Programme Management Board and meetings during the handover and takeover pursuant to Article 13 of Regulation (EU) 2022/850	1. Confirmation by eu-LISA of establishment and composition of the e-CODEX Programme Management Board. 2. Minutes from the meetings of the e-CODEX Program management board during the handover/takeover process.	Regarding item 1: by 1 January 2023; Regarding item 2: by 30 June 2023

6	Transfer of Data	The transfer of all relevant data including but not limited to, tickets, user credentials, etc. are transferred to eu-LISA either in the form of a database dump or any other format agreed upon between entity managing the e-CODEX system and eu-LISA.	eu-LISA acknowledgement	By 1 July 2023
7	Transfer of the History of all issues	In the form of a database dump or any other format agreed upon between entity managing the e-CODEX system and eu-LISA.	eu-LISA acknowledgement	By 1 July 2023
8	Transfer of unresolved issues	In the form of a database dump or any other format agreed upon between entity managing the e-CODEX system and eu-LISA.	eu-LISA acknowledgement	By the date of joint request by the entity managing the e-CODEX system and eu-LISA to the Commission to declare the successful completion of the handover and takeover process
9	Transfer of user management, including end-users (access to CMT, CTP...)	In the form of a database dump or any other format agreed upon between entity managing the e-CODEX system and eu-LISA.	Credentials communicated, imported in eu-LISA infrastructure and access to the different components is verified by some end-users.	By 1 July 2023
10	Takeover of the helpdesk activities: — Helpdesk processes — Incident Management — Technical Support — Service Request	Process is understood and working procedures in place for the takeover team to carry on their daily tasks.	Ticketing tool available, accessible and all tickets have been transferred to eu-LISA tool (functional mailbox if it exists, support templates, support knowledge base etc.).	By the date of joint request by the entity managing the e-CODEX system and eu-LISA to the Commission to declare the successful completion of the handover and takeover process
11	Application access credentials	Transfer of user lists and relevant credentials to eu-LISA taking into account security measures and recommendations for this type of data.	Users have received their credentials and connection information.	By 1 July 2023

12	Takeover of the deployment activities	Backlog, planning and any relevant documentation or related Requests for Change (RfCs) or tickets;	Deployment activities are clearly identified and open ones planned for completion	By 1 July 2023
13	Takeover of the development activities	Backlog, planning and any relevant documentation or related RfCs or tickets;	Development activities are clearly identified and open ones planned for completion	By 1 July 2023
14	Takeover of the testing activities	Backlog, planning and any relevant documentation or related RfCs or tickets;	Testing activities are clearly identified and open ones planned for completion	By 1 July 2023
15	Takeover of the Change and Release Management activities	Backlog, planning and any relevant RfCs or documentation;	All open RfCs and release plan are taken over and integrated in the overall project plan	By 1 July 2023
16	Availability of the infrastructure and infrastructure management	All infrastructure requirements received and implemented. All e-CODEX identified assets available and provided to eu-LISA.	All components are available to all stakeholders as needed. For the development infrastructure, eu-LISA to confirm the setup and the operation.	By 1 July 2023
17	Security Management	All security requirements and recommendation communicated and implemented by eu-LISA.	The following documentation is to be made available: — Security policy; — Security plan; — User management security measures; — Business Continuity Plan. eu-LISA should confirm their implementation.	By 1 July 2023
18	Communication Plan	A communication plan needs to be established in order to inform all users and stakeholders about the upcoming change in the service providers and about the new communication channels and procedures.	Notifications received from eu-LISA by all users and stakeholder before the end of the handover/takeover period to inform them about the new working procedures: credentials, URLs, websites, ticketing tool...	By 1 July 2023

19	Final alignment of data	Final provision of the gap in the assets provided to eu-LISA at the beginning of the handover/takeover process.	1. Check connection to all necessary components as needed by the users and stakeholders (servers reachable); 2. Import last situation; 3. All necessary updates are installed on the servers when applicable; 4. Passwords provision by entity managing the e-CODEX system to eu-LISA when applicable; 5. The difference between the initial package handed over to eu-LISA at the beginning of the handover/takeover process and at its end is imported in the relevant infrastructure.	On 1 July 2023
20	Agreement between the entity managing the e-CODEX system and eu-LISA regarding the successful completion of the handover and takeover process	Agreement between the entity managing the e-CODEX system and eu-LISA regarding the fulfilment of the criteria for a successful handover process and for the successful completion of that process	Joint request by the entity managing the e-CODEX system and eu-LISA to the Commission to declare the successful completion of the handover and takeover process	Between 1 July and 31 December 2023

7. INTELLECTUAL PROPERTY RIGHTS OR USAGE RIGHTS

The entity managing the e-CODEX system is to transfer to eu-LISA the intellectual property rights and usage rights relating to the e-CODEX system and the supporting software products, documentation and other assets listed in the Annex to Regulation (EU) 2022/850 by the date of joint request by the entity managing the e-CODEX system and eu-LISA to the Commission to declare the successful completion of the handover and takeover process.

eu-LISA is to receive these rights free of charge and without any limitation, becoming their sole owner.

eu-LISA is to continue to provide those software components and their subsequent versions under the European Union Public Licence (EUPL).

8. TIMELINE

A timeline, conditional on the availability of each entity (entity managing the e-CODEX system and eu-LISA) will be reviewed and validated at the first scoping meeting.

Duration of the masterclasses (indication):

	Component	Handover Support	Duration (indication)	Sequence
Items to develop & operate	Configuration Management Tool – CMT	Documentation Masterclass "CMT"	2 days	4th
	Central Testing Platform – CTP	Documentation Masterclass "CTP"	2 days	5th
	Repository Server (currently: Nexus)	Masterclass "development and infrastructure"	2 days	6th
	Integration Server (currently: Jenkins)			
	Source Code Repository (currently: Gitblit)			
Items to develop & deliver	e-CODEX Architecture	Documentation Masterclass "e-CODEX Overview"	4 days	1st
	Connector Suite	Documentation Masterclass "Connector"	20 days	2nd
	Use Case Schemas	Documentation Masterclass "Schemas"	10 days	3rd

9. STRUCTURE OF THE HANDOVER REPORT TO BE PROVIDED BY THE ENTITY MANAGING THE e-CODEX SYSTEM

The Handover report will be written as a summary of all activities performed within the scope of the handover:

- (a) List of the assets and artefacts provided to eu-LISA at the end of the handover period;
- (b) description and content of all workshops organised during the handover;
- (c) list of presentations and related documents given during the workshops;
- (d) list of lessons learned;
- (e) list of open issues at the end of the handover;
- (f) conclusion and readiness of eu-LISA.

10. STRUCTURE OF THE TAKEOVER REPORT TO BE PROVIDED BY eu-LISA

The main deliverable produced by eu-LISA during this phase is the takeover report. This document will contain, among other, information about:

- (a) Statement of readiness to take over the project;
- (b) demonstration, for each process, that eu-LISA is indeed ready to take over the activities;
- (c) the report will list the test plan that is run and the results of each test. The test coverage is to include all assets and activities performed during this period, and according to the completion criteria defined earlier in this document.

At least the following items should be present in the takeover report document:

- (a) Security Measures;
- (b) Knowledge transfer and acquisition:
 - (i) Transfer of documentation;
 - (ii) Transfer of data;
 - (iii) Transfer of tickets (closed and open ones);
 - (iv) Technical meetings;
 - (v) Training sessions;
 - (vi) Hands-on session;
 - (vii) Shadowing sessions;
 - (viii) If applicable, parallel dry run sessions.
- (c) Procedure in place when applicable;
- (d) Finalisation of the takeover process and cut off actions:
 - (i) e-CODEX system connectivity (all necessary components reachable);
 - (ii) Data backups in place;
 - (iii) All necessary updates are installed on the servers;
 - (iv) Credentials and password transfer.

APPENDIX

COMMON HANDOVER DOCUMENT STRUCTURE

Document change log

Edition	Issue Date		Modified paragraphs	Modifications

TABLE OF CONTENTS

1.	REFERENCE AND APPLICABLE DOCUMENTS	51
1.1.	Reference documents	51
1.2.	Applicable documents	51
2.	TERMINOLOGY	51
2.1.	Abbreviations and acronyms	51
3.	INTRODUCTION	51
3.1.	Purpose of the Document	51
3.2.	Target Audience	51
4.	ASSUMPTIONS AND RISKS	52
4.1.	Assumptions and Prerequisites	52
4.2.	Risks	52
5.	HANDOVER AND TAKEOVER APPROACH	52
5.1.	Kick-Off meeting	52
5.2.	Synchronisation meetings	52
5.3.	Handover Plan	52
5.4.	Initial Handover of assets	53
5.4.1.	Applications	53
5.4.2.	Documentation	53
5.4.3.	Procedures	53
5.4.4.	Backlog (RfC, Tickets, Issues, etc....)	53
6.	FINAL HANDOVER OF ASSETS	53
6.1.	Applications	53
6.2.	Documentation	53
6.3.	Procedures	53
6.4.	Backlog (RfC, Tickets, Issues, etc.)	53
7.	KNOWLEDGE TRANSFER	53
8.	HANDOVER CONTACT DETAILS	53
9.	TAKEOVER CONTACT DETAILS	53
10.	INFRASTRUCTURE NEEDS AT EU-LISA	53
10.1.	Applications	53
10.2.	Hardware/System Requirements	54
10.3.	COTS (commercial off-the-shelf)	54

11. SECURITY REQUIREMENTS	54
12. WORKSHOP SCHEDULE	54
12.1. General workshop about all services	54
12.2. Helpdesk and Operations Workshops	54
12.3. Installation and Testing Workshops	54
12.3.1. Installations	54
12.3.2. Testing	55
12.3.3. Workshops on other topics	55
12.3.4. Q&A and Shadowing Workshops	55
13. CRITERIA FOR A SUCCESSFUL HANDOVER PROCESS AND FOR THE SUCCESSFUL COMPLETION OF THAT PROCESS	55
14. SHADOWING PERIOD, TRANSFER OF RESPONSIBILITY AND AFTER-CARE PERIOD	55
15. PLANNING	55
15.1. High-level Planning	55
15.2. Detailed Planning	55
16. TAKEOVER TEST PLAN	55
17. HANDOVER MATERIAL	56
18. PROVISIONS ON INTELLECTUAL PROPERTY RIGHTS AND USAGE RIGHTS	56

Table of Tables (optional)

Table 1: Reference documents

Table 2: Applicable documents

Table 3: Abbreviations and Acronyms

Note: The text inserted in the following document sections is only provided as an example for clarification purposes. The entity managing the e-CODEX system and eu-LISA teams may adapt its structure as necessary in order to carry out their activities, provided that it contains detailed information regarding the items listed in section 3 of the Annex.

1. REFERENCE AND APPLICABLE DOCUMENTS

1.1. Reference documents

ID	Title	Reference	Version

Table 1: Reference documents

1.2. Applicable documents

ID	Title	Reference	Version

Table 2: Applicable documents

2. TERMINOLOGY

2.1. Abbreviations and acronyms

Abbreviation Or Acronym	Meaning

Table 3: Abbreviations and Acronyms

3. INTRODUCTION

3.1. Purpose of the Document

[The purpose of this document is to describe the approach that will be followed for the handover and takeover process of the e-CODEX System. The handover and takeover covers the transition of all documents and application packages as well as the transfer of knowledge from the entity managing the e-CODEX system to eu-LISA.]

3.2. Target Audience

[List of target audience to be added in this section]

4. ASSUMPTIONS AND RISKS

4.1. Assumptions and Prerequisites

[Assumptions and prerequisites identified by both the entity managing the e-CODEX system and eu-LISA need to be clearly identified and listed in this section]

4.2. Risks

[The entity managing the e-CODEX system and eu-LISA will take all necessary measures for the handover and takeover process to succeed and for risks to be mitigated. Any risk that cannot be mitigated and affects the outcome of the handover and takeover process will be escalated to the Commission at the earliest possible.]

Risk	Risk Owner	Mitigation

5. HANDOVER AND TAKEOVER APPROACH

[The goal of the Handover is:

- Perform a physical Handover of all necessary material (software packages, documentation, tickets, etc.);
- Perform a transfer of application knowledge through training workshops and shadowing;
- Perform a transfer of operational knowledge through training workshops and shadowing;
- Transfer of responsibility from the entity managing the e-CODEX system to eu-LISA for all services;

For the takeover activities, the objective is to perform a knowledge transfer and acquisition by:

- Participation to knowledge transfer, support and training sessions given by the entity managing the e-CODEX system;
- Analysis and assessment of the status and usability of the taken-over information. If any information is perceived as needing improvements, this will be escalated to the Commission;
- Organisation, monitoring and fine-tuning of the parallel running (dry run) of the project if applicable;
- Participation to ad-hoc technical meetings with the entity managing the e-CODEX system;
- Preparation, integration & upload of the data in the eu-LISA tools.]

5.1. Kick-Off meeting

[All handover and takeover activities start with a kick-off meeting with all involved parties. The roles and responsibilities and high-level planning are presented during this meeting.]

5.2. Synchronisation meetings

[Regular management coordination meetings (each 2 weeks) will be held with all parties in order to follow-up on the status of the handover and takeover activities and allow the entity managing the e-CODEX system and eu-LISA to synchronise their activities.]

5.3. Handover Plan

[All Handover activities are described in the Handover plan i.e. this document.]

5.4. **Initial Handover of assets**

[An initial handover of all the material is planned on the start of the handover and takeover process. This would include at the minimum: the latest version of the applications packages (including documentation), updated software and documentation inventory, and an extract of the tickets database (or other format).]

5.4.1. **Applications**

[List of assets to be delivered to be added here]

5.4.2. **Documentation**

[List of assets to be delivered to be added here]

5.4.3. **Procedures**

[List of assets to be delivered to be added here]

5.4.4. **Backlog (RfC, Tickets, Issues, etc....)**

[List of assets to be delivered to be added here]

6. **FINAL HANDOVER OF ASSETS**

[At the transfer of responsibility, the entity managing the e-CODEX system will provide a final (up-to-date) version of any asset that was modified during the handover and takeover period as well as a new extract of the tickets database (or other format).]

6.1. **Applications**

[List of assets to be delivered to be added here]

6.2. **Documentation**

[List of assets to be delivered to be added here]

6.3. **Procedures**

[List of assets to be delivered to be added here]

6.4. **Backlog (RfC, Tickets, Issues, etc.)**

[List of assets to be delivered to be added here]

7. **KNOWLEDGE TRANSFER**

[The handover of the knowledge of the entity managing the e-CODEX system is done during several workshops and shadowing session(s) taking place during the handover and takeover period. This approach and the support during the after-care period will ensure the complete transfer of operations knowledge.

All workshops will be based on dedicated presentations/documents, either used from previous trainings or custom-made by the entity managing the e-CODEX system. The presentations are delivered to eu-LISA one week before each workshop.]

8. **HANDOVER CONTACT DETAILS**

[Add contact details here]

9. **TAKEOVER CONTACT DETAILS**

[Add contact details here]

10. **INFRASTRUCTURE NEEDS AT EU-LISA**

10.1. **Applications**

10.2. Hardware/System Requirements

10.3. COTS (commercial off-the-shelf)

11. **SECURITY REQUIREMENTS**

[In this section, the measures to be put in place by eu-LISA should be described to cover the following items:

- Overall security management at the project level;
- Security management at system level covering the security measures at the level of the whole e-CODEX system and all its components, including the infrastructure,
- Security management at application level covering the applications under the scope of eu-LISA activities;
- Security management at network level;
- User management processes and procedures for the management, update and maintenance of authorised users list, user credentials, access rights and authorizations.

Moreover and if requested, eu-LISA should be able to provide the following documents:

- Security policy;
- Security plan;
- User management security measures;
- Business Continuity Plan including “Disaster Recovery” DRP requirements.]

12. **WORKSHOP SCHEDULE**12.1. **General workshop about all services**

[Date	Add Date
Duration	Add Duration
Location	Add Location
Audience	All
Scope	Introduction and functional overview of all applications and services of e-CODEX.]

12.2. **Helpdesk and Operations Workshops**

[Date	Add Date
Duration	Add Duration
Location	Add Location
Audience	Helpdesk Team
Scope	Support, incident handling, reporting, notifications, security management...]

12.3. **Installation and Testing Workshops**12.3.1. **Installations**

[Date	Add Date
Duration	Add Duration
Location	Add Location
Audience	Technical team
Scope	installations of releases and patches]

12.3.2. Testing

[Date	Add Date
Duration	Add Duration
Location	Add Location
Audience	Testing team
Scope	testing of all applications]

12.3.3. Workshops on other topics

[Date	Add Date
Duration	Add Duration
Location	Add Location
Audience	Ad-Hoc
Scope	All remaining items]

12.3.4. Q&A and Shadowing Workshops

[Date	Add Date
Duration	Add Duration
Location	Add Location
Audience	Ad-Hoc
Scope	Depending on the topic in scope]

13. CRITERIA FOR A SUCCESSFUL HANDOVER PROCESS AND FOR THE SUCCESSFUL COMPLETION OF THAT PROCESS

[To be listed in compliance with the criteria mentioned in Chapters 5 and 6 of the Annex and in the implementing act referred to in Article 6(1)(b) of Regulation (EU) 2022/850 ⁽²⁾.]

14. SHADOWING PERIOD, TRANSFER OF RESPONSIBILITY AND AFTER-CARE PERIOD**15. PLANNING****15.1. High-level Planning**

[Can be a diagram with important milestones]

15.2. Detailed Planning

[In the form of an mpp file]

16. TAKEOVER TEST PLAN

[The scope of the takeover test process is the execution of test cases prepared to prove that business knowledge has been acquired and readiness exists for the activities foreseen to be taken over.]

⁽²⁾ Regulation (EU) 2022/850 of the European Parliament and of the Council of 30 May 2022 on a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters (e-CODEX system), and amending Regulation (EU) 2018/1726 (OJ L 150, 1.6.2022, p. 1).

Each test case will be assigned to specific team(s), member(s) of each team will have to collaborate in order to perform the execution of specific steps. The task of the Test Executor is to perform the execution of the test cases as defined in this test plan, interpret and document the result for every test case.

Acceptance criteria are defined in the Annex.

Test cases should cover all items listed in the handover and takeover approach.

During the handover and takeover process the Test Plan may be enhanced accordingly and detailed Test Cases may be added in case the need arises.

The test report will list the outcome of each test.]

17. **HANDOVER MATERIAL**

[A detailed list of the material identified within the scope of the handover and takeover, and that will be made available to eu-LISA.]

18. **PROVISIONS ON INTELLECTUAL PROPERTY RIGHTS AND USAGE RIGHTS**

[An exhaustive statement by the entity managing the e-CODEX system concerning intellectual property and usage rights regarding all components of the e-CODEX system and the supporting software products, documentation and other assets listed in the Annex to Regulation (EU) 2022/850.

A declaration by the entity managing the e-CODEX system that it and its members are legally in a position to transfer to eu-LISA all intellectual property rights and usage rights mentioned above in a way enabling eu-LISA to carry out its responsibilities in accordance with Article 7 of Regulation (EU) 2022/850.]

COMMISSION IMPLEMENTING DECISION (EU) 2022/2521**of 20 December 2022****correcting the Romanian language version of Council Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity ⁽¹⁾, and in particular Article 2(5) thereof,

Whereas:

- (1) As a result of the amendment to Directive 2003/96/EC by Commission Implementing Decision (EU) 2018/552 ⁽²⁾ the Romanian language version of Directive 2003/96/EC contains errors in Article 2(1)(h), in the second indent of Article 16(1) and in Article 20(1)(h) as regards the exclusion of anti-rust preparations containing amines as active constituents and inorganic composite solvents and thinners for varnishes and similar products, if these products are intended for use as heating fuel or motor fuel and their components produced from biomass.
- (2) The Romanian language version of Directive 2003/96/EC should therefore be corrected accordingly. The other language versions are not affected.
- (3) The measures provided for in this Decision are in accordance with the opinion of the Committee on Excise Duty,

HAS ADOPTED THIS DECISION:

Article 1

(does not concern the English language)

⁽¹⁾ OJ L 283, 31.10.2003, p. 51.

⁽²⁾ Commission Implementing Decision (EU) 2018/552 of 6 April 2018 updating the references in Council Directive 2003/96/EC to the codes of the Combined Nomenclature for certain products (OJ L 91, 9.4.2018, p. 27).

Article 2

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

Done at Brussels, 20 December 2022.

For the Commission
The President
Ursula VON DER LEYEN

DECISION (EU) 2022/2522 OF THE EUROPEAN CENTRAL BANK**of 13 December 2022****amending Decision (EU) 2021/2255 on the approval of the volume of coin issuance in 2022
(ECB/2021/54) (ECB/2022/45)**

the EXECUTIVE BOARD of the European Central Bank,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(2) thereof,

Having regard to Decision (EU) 2015/2332 of the European Central Bank of 4 December 2015 on the procedural framework for the approval of the volume of euro coin issuance (ECB/2015/43) ⁽¹⁾, and in particular Article 3(7) thereof,

Whereas:

- (1) The European Central Bank (ECB) has the exclusive right since 1 January 1999 to approve the volume of coins issued by the Member States whose currency is the euro.
- (2) Based on the estimates of demand for euro coins in 2022 that the Member States whose currency is the euro submitted to the ECB, the ECB approved the total volume of euro coins intended for circulation and euro collector coins not intended for circulation in 2022 in Decision (EU) 2021/2255 of the European Central Bank (ECB/2021/54) ⁽²⁾.
- (3) Pursuant to Article 3 of Decision (EU) 2015/2332 (ECB/2015/43), Member States whose currency is the euro must notify the ECB if the actual demand for euro coins is likely to exceed the approved volume of coin issuance in a calendar year and, where the increased coin demands continues, must request ad hoc approval for an additional volume of coin issuance in that calendar year.
- (4) On 21 November 2022, the ECB received a request of Banque de France on behalf of France to increase the volume of euro coins that France may issue in 2022 by an additional volume of EUR 50,0 million, from EUR 249,0 million to EUR 299,0 million. The request was made in response to a significant increase of euro coin net issuance in France, which is expected to culminate in December 2022. The increase is driven in particular by a higher gross issuance of 1-euro, 2-euro and 50-cent coins in combination with a lower level of euro coins deposits. Increasing prices in combination with retailers giving change increasingly in euro coins have also contributed to a higher euro coin demand.
- (5) Pursuant to Article 3(7) of Decision (EU) 2015/2332 (ECB/2015/43), the Executive Board must adopt an individual decision on the ad hoc approval request, when no modification to the ad hoc request is required.
- (6) Therefore, Decision (EU) 2021/2255 (ECB/2021/54) should be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1***Amendment**

The table in Article 2 of Decision (EU) 2021/2255 (ECB/2021/54) is amended as follows:

the row regarding France is replaced by the following:

France	249,00	50,00	299,00 [*]
--------	--------	-------	---------------------

⁽¹⁾ OJ L 328, 12.12.2015, p. 123.

⁽²⁾ Decision (EU) 2021/2255 of the European Central Bank of 7 December 2021 on the approval of the volume of coin issuance in 2022 (ECB/2021/54) (OJ L 454, 17.12.2021, p. 19).

*Article 2***Taking effect**

This Decision shall take effect on the day of its notification to the addressees.

*Article 3***Addressees**

This Decision is addressed to the Member States whose currency is the euro.

Done at Frankfurt am Main, 13 December 2022.

The President of the ECB
Christine LAGARDE

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



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

EN