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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2023/382

of 14 February 2023

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications ('Pane Toscano' (PDO))

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Italy's application for the approval of amendments to the specification for the protected designation of origin 'Pane Toscano', registered under Commission Implementing Regulation (EU) 2016/303 ⁽²⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ⁽³⁾ as required by Article 50(2)(a) of that Regulation.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Pane Toscano' (PDO) are hereby approved.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.⁽¹⁾ OJ L 343, 14.12.2012, p. 1.⁽²⁾ Commission Implementing Regulation (EU) 2016/303 of 1 March 2016 entering a name in the register of protected designations of origin and protected geographical indications (Pane Toscano (PDO)) (OJ L 58, 4.3.2016, p. 24).⁽³⁾ OJ C 372, 29.9.2022, p. 40.

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

Done at Brussels, 14 February 2023.

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

COMMISSION IMPLEMENTING REGULATION (EU) 2023/383**of 16 February 2023****amending Regulation (EC) No 2870/2000 laying down Community reference methods for the analysis of spirit drinks, and repealing Regulation (EEC) No 2009/92 determining Community analysis methods for ethyl alcohol of agricultural origin in the preparation of spirit drinks, aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 ⁽¹⁾, and in particular Article 20, first paragraph, point (d), thereof,

Whereas:

- (1) The definition and requirements for ethyl alcohol of agricultural origin laid down in Article 5 of Regulation (EU) 2019/787 have been amended by Commission Delegated Regulation (EU) 2022/1303 ⁽²⁾ among others to bring the maximum level of certain residues in line with the technical parameters currently used by the industry and by most laboratories of analysis.
- (2) In that context, it is deemed necessary to amend Commission Regulation (EC) No 2870/2000 ⁽³⁾ to extend the reference methods set out in the Annex thereto to the analysis of ethyl alcohol of agricultural origin.
- (3) The alcoholic strength by volume of ethyl alcohol of agricultural origin should be established on the basis of the reference method set out in Chapter I of the Annex to Regulation (EC) No 2870/2000 as that is the established method currently used for the analysis of spirit drinks. For that purpose, it is appropriate to establish that ethyl alcohol of agricultural origin should be considered as a distillate whose alcoholic strength by volume is to be measured directly and not after distillation. Nonetheless, since automatic densimeters provide an erratic number when the injected alcohol is not clear, it is appropriate to provide that the sample should be distilled in that case.
- (4) In view of determining the origin of ethyl alcohol, notably that it has been obtained from products listed in Annex I to the Treaty, it is appropriate to resume method 13 set out in Commission Regulation (EC) No 625/2003 ⁽⁴⁾, which is now obsolete, aimed at determining the ¹⁴C content in ethanol permitting a distinction between synthetic alcohol and fermentation alcohol.
- (5) The measurement of ethyl acetate, acetaldehyde, higher alcohols and methanol in ethyl alcohol of agricultural origin should be based on the reference methods set out in point III.2 of Chapter III of the Annex to Regulation (EC) No 2870/2000 as those are established methods currently used for the analysis of a number of spirit drinks.

⁽¹⁾ OJ L 130, 17.5.2019, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2022/1303 of 25 April 2022 amending Regulation (EU) 2019/787 of the European Parliament and of the Council as regards the definition of and requirements for ethyl alcohol of agricultural origin (OJ L 197, 26.7.2022, p. 71).

⁽³⁾ Commission Regulation (EC) No 2870/2000 of 19 December 2000 laying down Community reference methods for the analysis of spirits drinks (OJ L 333, 29.12.2000, p. 20).

⁽⁴⁾ Commission Regulation (EC) No 625/2003 of 2 April 2003 amending Regulation (EC) No 1623/2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms (OJ L 90, 8.4.2003, p. 4).

- (6) Concerning furfural, the reference method for its measurement should be based on the established method provided for the analysis of furfural in spirit drinks, which is the liquid chromatography method for wood compounds set out in Chapter X of the Annex to Regulation (EC) No 2870/2000.
- (7) As there is a difference in alcoholic strength between ethyl alcohol of agricultural origin and the spirit drinks for which there are reference methods of analysis set out in the Annex to Regulation (EC) No 2870/2000, and taking into account that concentrations of volatile substances (esters, aldehydes, higher alcohols) expected for ethyl alcohol of agricultural origin are considerably at lower limits than for some spirit drinks, it is appropriate to determine minor adaptations to those methods to accommodate those differences.
- (8) Regulation (EC) No 2870/2000 should therefore be amended accordingly.
- (9) Commission Regulation (EEC) No 2009/92 ⁽⁵⁾ relates to the analysis of ethyl alcohol of agricultural origin. Since its adoption, the rules concerning these methods of analysis have evolved with the repeal of Commission Regulation (EEC) No 1238/92 ⁽⁶⁾, concerning the analysis of neutral alcohol, by Commission Regulation (EC) No 1623/2000 ⁽⁷⁾, as well as the adoption of a definition and requirements for ethyl alcohol of agricultural origin in Article 5 of Regulation (EU) 2019/787. Regulation (EEC) No 2009/92 is therefore becoming obsolete.
- (10) In the interest of clarity and legal certainty, Regulation (EEC) No 2009/92 should be repealed.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Spirit Drinks,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 2870/2000

Regulation (EC) No 2870/2000 is amended as follows:

- (1) the following Article 1a is inserted:

Article 1a

1. This Regulation applies to ethyl alcohol of agricultural origin as defined by Article 5 of Regulation (EU) 2019/787 of the European Parliament and of the Council ^(*).
2. The Union reference methods of analysis for ethyl alcohol of agricultural origin shall be those set out in the Annex to this Regulation.
3. For the purposes of this Regulation, ethyl alcohol of agricultural origin shall be considered as a distillate whose alcoholic strength by volume shall be measured directly as set out in Appendix II of Chapter I of the Annex.

However, where the alcohol sample is not clear or suspended particles are visible, the sample shall be distilled.

4. For the determination of volatile substances the calibration with the standard solution C prepared in absolute ethanol shall be required to achieve appropriate matrix matching between samples and standard solutions detailed in Chapter III.2 of the Annex.

⁽⁵⁾ Commission Regulation (EEC) No 2009/92 of 20 July 1992 determining Community analysis methods for ethyl alcohol of agricultural origin in the preparation of spirit drinks, aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails (OJ L 203, 21.7.1992, p. 10).

⁽⁶⁾ Commission Regulation (EEC) No 1238/92 of 8 May 1992 determining the Community methods applicable in the wine sector for the analysis of neutral alcohol (OJ L 130, 15.5.1992, p. 13).

⁽⁷⁾ Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms (OJ L 194, 31.7.2000, p. 45).

5. For the determination of furfural, as detailed in Chapter X of the Annex, ethyl alcohol of agricultural origin shall be diluted by two through the addition of water so as to double its initial volume and reach an alcoholic strength by volume compatible with the calibration solutions. Results for the analysis of furfural shall be converted to grams per hectolitre of 100 % vol. alcohol in accordance with the equation 'Concentration of furfural in grams per hectolitre of 100 % vol. alcohol = Concentration of furfural in mg/l x 10/alcoholic strength by volume (% vol)', where alcoholic strength by volume (% vol) is the alcoholic strength of the measured sample as determined in Chapter I of the Annex.

6. For the determination of ¹⁴C content in ethanol, the method set out in Chapter XI of the Annex shall be used.

(*) Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (OJ L 130, 17.5.2019, p. 1).;

(2) the Annex is amended in accordance with the Annex to this Regulation.

Article 2

Repeal of Regulation (EEC) No 2009/92

Regulation (EEC) No 2009/92 is repealed.

Article 3

Entry into force

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

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

Done at Brussels, 16 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The Annex to Regulation (EC) No 2870/2000 is amended as follows:

(1) in the table of contents, the following point is added:

'XI. Determination of ^{14}C content in ethanol';

(2) in point 5 (Reagents and Materials) of part III.2 (Gas chromatographic determination of volatile congeners: aldehydes, higher alcohols, ethyl acetate and methanol) of Chapter III, the following points are inserted:

'5.1.3a For ethyl alcohol of agricultural origin only, ethanol absolute (CAS 64-17-5).';

'5.1.4.1a For ethyl alcohol of agricultural origin only, standard solution A shall be prepared pipetting the reagents with reduced volumes of higher alcohols with the purpose of having standard solutions with concentrations close to the legal limits for ethyl alcohol of agricultural origin.';

'5.1.4.2a For ethyl alcohol of agricultural origin only, standard solution B shall be prepared pipetting a suitable internal standard with the reduced volumes with the purpose of having standard solutions with concentrations close to the legal limits for ethyl alcohol of agricultural origin.';

(3) the following Chapter XI is added:

XI. DETERMINATION OF ^{14}C CONTENT IN ETHANOL

1. Introduction

Determination of the ^{14}C content in ethanol permits a distinction to be made between alcohol from fossil fuels (synthesis alcohol) and alcohol from recent raw materials (fermentation alcohol).

2. Definition

The ^{14}C content of ethanol shall be considered as the ^{14}C content determined using the method described here or the method described in standard EN 16640 Method C.

The natural ^{14}C content in the atmosphere (the reference value), which is absorbed by living vegetation by assimilation, is not a constant value. The reference value is therefore determined on ethanol from raw materials of the most recent vegetation period. This annual reference value is determined according to standard EN 16640. However, another reference value can be accepted where it is certified by an accredited body.

3. Principle

The ^{14}C content of samples containing alcohol with at least 85 % mass ethanol is determined directly by liquid scintillation count.

4. Reagents

4.1. Toluene scintillator

5,0 g 2,5-diphenyloxazole (PPO)

0,5 g p-bis-[4-methyl-5-phenyloxazolyl(2)]-benzene (dimethyl-POPOP) in 1 litre analytical grade toluene.

Commercial, ready-to-use toluene scintillators of this composition may also be used.

4.2. ^{14}C standard

n-Hexadecane ^{14}C with an activity of about 1×10^6 dpm/g (approximately $1,67 \times 10^6$ cBq/g) and a guaranteed accuracy of determined activity of ± 2 % rel.

4.3. ^{14}C -free ethanol

Synthesis alcohol from raw materials of fossil origin with at least 85 % mass ethanol, to determine the background.

4.4. Alcohol from recent raw materials of the most recent vegetation period with at least 85 % mass ethanol as reference material.

5. Apparatus

- 5.1. Multi-channel liquid scintillation spectrometer with processor and automatic external standardisation and display of the external standard/channel ratio (usual design: three meter channels and two external standard channels).
- 5.2. Low-potassium counter tubes suitable for the spectrometer, with dark screw-tops containing a polyethylene insert.
- 5.3. Volumetric pipettes, 10 ml.
- 5.4. Automatic dosing device 10 ml.
- 5.5. 250 ml round-bottom flask with ground-glass stopper.
- 5.6. Alcohol distillation apparatus with heating mantle, e.g. type Micko.
- 5.7. Microliter syringe 50 µl.
- 5.8. Pycnometer funnel, pycnometers, 25 ml and 50 ml. As an alternative, equivalent equipment, such as electronic densimetry, should be allowed.
- 5.9. Thermostat with a temperature stability of $\pm 0,01$ °C.

6. Procedure

6.1. Adjusting the equipment

The equipment shall be adjusted according to the manufacturer's instructions. Measuring conditions are optimal when the value E_2/B , the quality index, is at its maximum.

E = efficiency

B = background

Only two meter channels are optimised. The third is left fully open for control purposes.

6.2. Selection of counter tubes

A larger number of counter tubes than will later be needed are each filled with 10 ml of ^{14}C -free synthesis ethanol and 10 ml toluene scintillator. Each is measured for at least 4 cycles $\times$ 100 minutes. Tubes whose backgrounds vary by more than ± 1 % rel. from the mean are discarded. Only tubes new from the factory and from the same batch may be used.

6.3. Determination of the external standard/channel ratio (ESCR).

During the process of setting the channels (point 6.1) the ESCR is determined using the appropriate computer program when the efficiency is determined. The external standard used is $^{137}\text{caesium}$, which is already built-in by the manufacturer.

6.4. Preparation of sample

Samples having an ethanol content of at least 85 % mass and free from impurities, which absorb at wavelengths below 450 nm may be measured. The low residue of esters and aldehydes has no disruptive effect. The alcohol content of the sample is previously determined with an approximation of 0,1 %.

7. Measurement of samples using external standard

- 7.1. The low absorbance samples as described in point 6.4 with an ESCR value of approximately 1,8 may be measured through the ESCR, which provides a measure of the efficiency ratio.

7.2. Measurement

10 ml each of the samples prepared according to point 6.4 is pipetted into a selected counter tube checked for background and 10 ml of toluene scintillator is added via an automatic dosing device. The samples in the tubes are homogenised by suitable rotary movements; the liquid shall not be allowed to wet the polyethylene insert in the screw-top. A tube containing ^{14}C -free fossil ethanol is prepared in the same way to measure the background. To check the relevant annual ^{14}C value a duplicate of recent ethanol from the latest vegetation period is prepared, a tube being mixed with internal standard, see point 8.

The control and background samples are placed at the beginning of the measurement series, which shall contain no more than 10 samples for analysis. Total measuring time per sample is at least 2×100 minutes, with the individual samples being measured in part stages of 100 minutes so that any equipment drift or other defect can be detected. (One cycle therefore corresponds to a measuring interval of 100 minutes per sample).

Background and control samples shall be freshly prepared every four weeks.

In the case of slightly extinguished samples (ESCR circa 1,8) the efficiency is only negligibly affected by the change in this value. If the change is within $\pm 5\%$ rel. the same efficiency can be expected. For more greatly extinguished samples, such as denatured alcohols, the efficiency may be established via the extinction correction graph. If an appropriate computer program is not available the internal standard shall be used, and this gives an unambiguous result.

8. Measuring samples using internal standard hexadecane ^{14}C

8.1. Procedure

Control and background samples (recent and fossil ethanol) and the unknown material are each measured as duplicates. One sample of the duplicate is prepared in a non-selected tube and an accurately dosed quantity (30 μl) of hexadecane ^{14}C is added as internal standard (added activity around 26 269 dpm/gC approximately 43 782 cBq/gC). For the sample preparation and measuring time of the other samples see point 7.2, but the measuring time for the samples with the internal standard may be reduced to about five minutes by presetting at 10^5 pulses. One duplicate each of background and control samples is used per measuring series; these are placed at the beginning of the measuring series.

8.2. Handling the internal standard and counter tubes

To prevent contamination when measuring with the internal standard these shall be stored and handled well away from the area where the samples for analysis are prepared and measured. After measurement the tubes checked for background may be re-used. The screw-tops and tubes containing the internal standard shall be disposed of.

9. Expression of the results

9.1. The unit of activity of a radio-active substance is the becquerel; 1 Bq = 1 decay/sec.

Indication of specific radio-activity is expressed as becquerels relative to one gram carbon = Bq/gC.

To obtain more practical results, these shall be expressed in centi-bequerels = cBq/gC.

The descriptions and formulae used in the literature, based on dpm, may also be used. To obtain corresponding figures in cBq merely multiply the dpm figure by 100/60.

9.2. Expression of results with external standard

$$\text{cBq/g C} = \frac{(\text{cpm}_{\text{pr}} - \text{cpm}_{\text{NE}}) \cdot 1,918 \cdot 100}{V \cdot F \cdot Z \cdot 60}$$

9.3. Expression of results with internal standard

$$\text{cBq/g C} = \frac{(\text{cpm}_{\text{pr}} - \text{cpm}_{\text{NE}}) \cdot \text{dpm}_{\text{IS}} \cdot 1,918 \cdot 100}{(\text{cpm}_{\text{IS}} - \text{cpm}_{\text{pr}}) \cdot V \cdot F \cdot 60}$$

9.4. Abbreviations

cpm_{pr} = the mean sample count rate over the total measuring time.

cpm_{NE} = the mean background pulse rate calculated in the same way.

cpm_{IS} = count rate of samples, with an internal standard.

dpm_{IS} = the quantity of internal standard added (calibration radioactivity dpm).

V = the volume of the samples used in ml.

F = the content in grammes pure alcohol per ml corresponding to its concentration.

Z = the efficiency corresponding to the ESCR value.

1,918 = the number of grammes alcohol per gramme carbon.

10. Reliability of the method

10.1. Repeatability (r)

$r = 0,632 \text{ cBq/g C}; S_{(r)} = \pm 0,223 \text{ cBq/g C}$

10.2. Reproducibility (R)

$R = 0,821 \text{ cBq/g C}; S_{(R)} = \pm 0,290 \text{ cBq/g C}.$

DECISIONS

COUNCIL DECISION (CFSP) 2023/384

of 20 February 2023

on an assistance measure under the European Peace Facility to support the Jordanian Armed Forces

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28(1) and Article 41(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) Council Decision (CFSP) 2021/509 ⁽¹⁾ establishes the European Peace Facility (EPF) for the financing by Member States of Union actions under the Common Foreign and Security Policy (CFSP) to preserve peace, prevent conflicts and strengthen international security pursuant to Article 21(2), point (c), of the Treaty. In particular, pursuant to Article 1(2) of Decision (CFSP) 2021/509, the EPF is to be used for the financing of assistance measures such as actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.
- (2) In June 2022, the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') participated in the 14th EU-Jordan Council during which the new Partnership Priorities were adopted. By means of these Partnership Priorities, the Union and Jordan confirmed their willingness to continue supporting their cooperation on peace and security in Jordan, and to continue strengthening cooperation on regional stability and security, including on counter-terrorism.
- (3) On 14 November 2022, the High Representative received a request for the Union to support the Jordanian Armed Forces (JAF) by enhancing military capabilities, in particular in the military medical services, engineer brigades as well as operational units in charge of securing the borders of Jordan.
- (4) Assistance measures are to be implemented taking into account the principles and requirements set out in Decision (CFSP) 2021/509, in particular compliance with Council Common Position 2008/944/CFSP ⁽²⁾, and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.
- (5) The Council reaffirms its determination to protect, promote and fulfil human rights, fundamental freedoms and democratic principles and to strengthen the rule of law and good governance, in compliance with the United Nations Charter, the Universal Declaration of Human Rights and international law, in particular international human rights law and international humanitarian law,

⁽¹⁾ Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528 (OJ L 102, 24.3.2021, p. 14).

⁽²⁾ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

1. An assistance measure benefitting the Hashemite Kingdom of Jordan (the 'beneficiary') to be financed under the European Peace Facility (EPF) (the 'assistance measure') is hereby established.
2. The objective of the assistance measure is to enhance the capacities of the Jordanian Armed Forces (JAF) to ensure the national security and stability of Jordan through the enhancement of its military medical services, engineer brigades and operational units in charge of securing its borders, and thereby better protect civilians in crises and emergencies.
3. To achieve the objective set out in paragraph 2, the assistance measure shall finance the following types of equipment not designed to deliver lethal force:
 - (a) a fully equipped mobile hospital (Role 1) to treat injured soldiers, complemented by fully equipped ambulances with medevac capabilities;
 - (b) engineering field units that are equipped to better support deployed units, particularly along the borders;
 - (c) tactical equipment (Unmanned Air Systems (UAS) and Counter Unmanned Air Vehicles (C-UAV) systems), as well as support to the JAF to develop a counter unmanned capability.
4. The duration of the assistance measure shall be 36 months from the date of conclusion of the contract signed by the administrator for assistance measures, acting as authorising officer, in accordance with Article 32(2), point (a), of Decision (CFSP) 2021/509, including in the context of administrative arrangements in accordance with Article 37 of the same Decision.

Article 2

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 7 000 000.
2. All expenditure shall be managed in accordance with Decision (CFSP) 2021/509 and the rules for the implementation of revenue and expenditure financed under the EPF.

Article 3

Arrangements with the beneficiary

1. The High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') shall make the necessary arrangements with the beneficiary to ensure its compliance with the requirements and conditions established by this Decision as a condition for the provision of support under the assistance measure.
2. The arrangements referred to in paragraph 1 shall include provisions obliging the beneficiary to ensure:
 - (a) the compliance of the units of the JAF supported under the assistance measure with relevant international law, in particular international human rights law and international humanitarian law;
 - (b) the proper and efficient use of any assets provided under the assistance measure for the purposes for which they were provided;

- (c) the sufficient maintenance of any assets provided under the assistance measure to ensure their usability and their operational availability over their life cycle;
 - (d) that any assets provided under the assistance measure will not be lost, or be transferred without the consent of the Facility Committee established under Decision (CFSP) 2021/509 to persons or entities other than those identified in those arrangements, at the end of their life cycle.
3. The arrangements referred to in paragraph 1 shall include provisions on the suspension and termination of support under the assistance measure in the event of the beneficiary being found in breach of the obligations set out in paragraph 2.

Article 4

Implementation

1. The High Representative shall be responsible for ensuring the implementation of this Decision in accordance with Decision (CFSP) 2021/509 and with the rules for the implementation of revenue and expenditure financed under the EPF, in line with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.
2. The implementation of the activities referred to in Article 1(3) shall be carried out by the administrator for assistance measures, including through administrative arrangements in accordance with Article 37 of Decision (CFSP) 2021/509.

Article 5

Monitoring, control and evaluation

1. The High Representative shall monitor the respect by the beneficiary of the obligations established in accordance with Article 3. This monitoring shall be used to provide awareness of the context and the risks of breaches of the obligations established in accordance with Article 3, and to contribute to the prevention of such breaches, including violations of international human rights law and international humanitarian law by the units of the JAF supported under the assistance measure.
2. The post-shipment control of equipment and supplies shall be organised as follows:
- (a) delivery verification, whereby EPF delivery certificates are to be signed by the end-user forces upon transfer of ownership;
 - (b) reporting, whereby the beneficiary is to report annually on the activities conducted with equipment provided by the assistance measure and on the inventory of designated items until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);
 - (c) on-site inspections, whereby the beneficiary is to facilitate and grant the High Representative access to conduct on-site control upon request.
3. The High Representative shall conduct a final evaluation upon completion of the assistance measure to assess whether the assistance measure has contributed to reaching the objective stated in Article 1(2).

Article 6

Reporting

During the period of implementation, the High Representative shall provide the PSC with six-monthly reports on the implementation of the assistance measure, in accordance with Article 63 of Decision (CFSP) 2021/509. The administrator for assistance measures shall regularly inform the Facility Committee established by Decision (CFSP) 2021/509 on the implementation of revenue and expenditure in accordance with Article 38 of that Decision, including by providing information on the suppliers and subcontractors involved.

*Article 7***Suspension and termination**

1. The PSC may decide to suspend wholly or partially the implementation of the assistance measure in accordance with Article 64 of Decision (CFSP) 2021/509.
2. The PSC may also recommend that the Council terminate the assistance measure.

*Article 8***Entry into force**

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

Done at Brussels, 20 February 2023.

For the Council

The President

J. BORRELL FONTELLES

COUNCIL DECISION (CFSP) 2023/385**of 20 February 2023****on the participation of Canada in the PESCO project Network of Logistic Hubs in Europe and Support to Operations**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, in particular Article 46(6) thereof,

Having regard to Council Decision (CFSP) 2017/2315 of 11 December 2017 establishing permanent structured cooperation (PESCO) and determining the list of participating Member States ⁽¹⁾, in particular Article 9(2) thereof,

Having regard to Council Decision (CFSP) 2020/1639 of 5 November 2020 establishing the general conditions under which third States could exceptionally be invited to participate in individual PESCO projects ⁽²⁾, in particular Article 2(4) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) Article 9(2) of Decision (CFSP) 2017/2315 provides that the Council is to decide in accordance with Article 46(6) TEU whether a third State, which the participating Member States taking part in a permanent structured cooperation (PESCO) project wish to invite to take part in that project, meets the requirements to be established by the Council.
- (2) On 6 March 2018, the Council adopted Decision (CFSP) 2018/340 ⁽³⁾, which establishes the list of projects to be developed under PESCO. Article 1 of that Decision provides that a project entitled Network of Logistic Hubs in Europe and Support to Operations (NetLogHubs) is to be developed within the framework of that list by 13 project members, including Germany as project coordinator.
- (3) On 5 November 2020, the Council adopted Decision (CFSP) 2020/1639 establishing the general conditions under which third States could exceptionally be invited to participate in individual PESCO projects. Article 2(4) of that Decision provides that, based on a notification by the coordinator or coordinators of a PESCO project, and following an opinion by the Political and Security Committee (PSC), the Council is to take a decision in accordance with Article 46(6) TEU and Article 9(2) of Decision (CFSP) 2017/2315 as to whether the participation of the third State in that project meets the general conditions set out in Article 3 of Decision (CFSP) 2020/1639.
- (4) In May 2022, Canada sent to the coordinator of NetLogHubs its request for participation in that PESCO project, in accordance with Article 2(1) of Decision (CFSP) 2020/1639. On the basis of the information provided by Canada, the project members then assessed, in accordance with Article 2(2) of Decision (CFSP) 2020/1639, whether it complied with the general conditions set out in Article 3 of that Decision.
- (5) On 29 November 2022, following the unanimous agreement of project members on 14 September 2022, the coordinator of NetLogHubs notified the Council and the High Representative of the Union for Foreign Affairs and Security Policy, in accordance with Article 2(3) of Decision (CFSP) 2020/1639, of a proposal to invite Canada to participate in that project. The notification set out the scope, form and extent of the participation of Canada, and confirmed that Canada complied with the general conditions set out in Article 3 of Decision (CFSP) 2020/1639.

⁽¹⁾ OJ L 331, 14.12.2017, p. 57.

⁽²⁾ OJ L 371, 6.11.2020, p. 3.

⁽³⁾ Council Decision (CFSP) 2018/340 of 6 March 2018 establishing the list of projects to be developed under PESCO (OJ L 65, 8.3.2018, p. 24).

- (6) On 1 December 2022, the PSC agreed on an opinion on the notification regarding the request by Canada to participate in NetLogHubs. In particular, the PSC took note of the description of NetLogHubs as provided in the notification, including its objectives, organization, decision-making and focus areas of work. It also noted that no EU classified or sensitive information is shared within that project and that it is not implemented with the support of the European Defence Agency (EDA) within the meaning of Article 3, point (g), of Decision (CFSP) 2020/1639. Furthermore, it noted that NetLogHubs does not involve armament procurement, research or capability development, or the use or export of arms or capabilities or technology; and that it does not involve entities, investments or funding from PESCO participating Member States or requests for Union funding for project activities.
- (7) The PSC also agreed with the proposed scope, form and extent of the participation of Canada in NetLogHubs as described in the notification. It acknowledged that Canada had expressed that it fully supports the scope of that project as defined in the notification.
- (8) In the same opinion, the PSC confirmed the view unanimously agreed by the project members that Canada complies with the general conditions set out in Article 3 of Decision (CFSP) 2020/1639, as follows:
- Canada meets the condition set out in Article 3, point (a), which requires: sharing of the values on which the Union is founded, as laid down in Article 2 TEU, and the principles referred to in Article 21(1) TEU, as well as the objectives of the CFSP in Article 21(2) TEU; points (a), (b), (c) and (h), not contravening the security and defence interests of the Union and its Member States, including respect for the principle of good neighbourly relations with the Member States; and having a political dialogue with the Union, which should also cover security and defence aspects when participating in NetLogHubs;
 - as regards the condition in Article 3, point (b), on the substantial added value of Canada to NetLogHubs, the notification provides a detailed outline of Canada's contribution including on the scope, form and extent of the participation in the project, which substantiates the fulfilment of that condition;
 - as regards the condition set out in Article 3, point (c), Canada's participation in NetLogHubs will contribute to strengthening the common security and defence policy (CSDP) and the Union level of ambition, including in support of CSDP missions and operations, as also specified in the notification;
 - as regards the condition set out in Article 3, point (d), NetLogHubs does not address armament procurement, research or capability development, or the use and export of arms, capabilities or technology, nor does it develop any capability or technology; consequently, Canada's participation in that project will not lead to dependencies on Canada or to restrictions imposed by it against any Member State;
 - the required consistency, set out in Article 3, point (e), of Canada's participation with the relevant more binding PESCO commitments, also regarding the deployability and interoperability of forces that this project is helping to fulfil, as specified in the Annex to Decision (CFSP) 2017/2315, is also met, as further detailed in the notification, and as NetLogHubs is not a capability-orientated project, the condition concerning the contribution of Canada's participation to fulfilling priorities derived from the Capability Development Plan and the Coordinated Annual Review on Defence (CARD) or having a positive impact on the European Defence Technological Industrial Base (EDTIB) is not applicable in this context;
 - the requirement set out in Article 3, point (f), is fulfilled as the Agreement between the European Union and Canada on security procedures for exchanging and protecting classified information (*) has been in force since 1 June 2018;
 - the condition set out in Article 3, point (g), is not applicable in this case, as NetLogHubs is not implemented with the support of the EDA and therefore an administrative arrangement which has taken effect with the EDA is not required;

(*) Agreement between Canada and the European Union on security procedures for exchanging and protecting classified information (OJ L 333, 15.12.2017, p. 2).

— as regards the condition set out in Article 3, point (h), Canada has committed to seeking to conclude a project specific administrative arrangement and any other necessary project documentation in accordance with Decisions (CFSP) 2017/2315 and (CFSP) 2018/909 ⁽⁵⁾;

- (9) The PSC concluded its opinion with a recommendation that the Council take a positive decision that the participation of Canada in NetLogHubs meets the general conditions set out in Article 3 of Decision (CFSP) 2020/1639.
- (10) The Council should therefore decide that the participation of Canada in NetLogHubs meets the general conditions set out in Article 3 of Decision (CFSP) 2020/1639. Subsequently, the project coordinator is to send to Canada on behalf of the project members an invitation to participate in NetLogHubs. Canada is to join that project on the date specified in the administrative arrangement to be entered into by the project members and Canada in accordance with Article 2(7) of Decision (CFSP) 2020/1639, and is to have the rights and obligations determined in that arrangement in accordance with Article 4(1) of that Decision. The Council is to exercise its oversight in accordance with Article 5(2) of Decision (CFSP) 2020/1639 and is able to take further decisions in accordance with Article 6(2) and (3) thereof,

HAS ADOPTED THIS DECISION:

Article 1

The participation of Canada in the PESCO project NetLogHubs meets the general conditions set out in Article 3 of Decision (CFSP) 2020/1639.

Article 2

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

Done at Brussels, 20 February 2023.

For the Council
The President
J. BORRELL FONTELLES

⁽⁵⁾ Council Decision (CFSP) 2018/909 of 25 June 2018 establishing a common set of governance rules for PESCO projects (OJ L 161, 26.6.2018, p. 37).

COUNCIL DECISION (CFSP) 2023/386
of 20 February 2023
launching the European Union Mission in Armenia (EUMA) and amending Decision (CFSP) 2023/162

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 42(4) and Article 43(2) thereof,

Having regard to Council Decision (CFSP) 2023/162 of 23 January 2023 on a European Union Mission in Armenia (EUMA) ⁽¹⁾,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 23 January 2023, the Council adopted Decision (CFSP) 2023/162.
- (2) On 14 February 2023, the Political and Security Committee agreed that the Operation Plan (OPLAN) for the European Union Mission in Armenia (EUMA) should be approved.
- (3) Following the recommendation of the Civilian Operation Commander, and having achieved initial operational capability, EUMA should be launched on 20 February 2023. The Mission is to continue until 19 February 2025.
- (4) Decision (CFSP) 2023/162 provided a financial reference amount to cover expenditure related to EUMA during the first four months following the entry into force of that Decision. The reference amount should be revised to cover the period until 19 February 2025.
- (5) Decision (CFSP) 2023/162 should be amended accordingly.
- (6) EUMA will be conducted in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty on European Union,

HAS ADOPTED THIS DECISION:

Article 1

The Operation Plan (OPLAN) for the European Union Mission in Armenia (EUMA) is hereby approved.

Article 2

EUMA shall be launched on 20 February 2023.

Article 3

The Civilian Operation Commander of EUMA is hereby authorised with immediate effect to start the execution of the Mission.

⁽¹⁾ OJ L 22, 24.1.2023, p. 29.

Article 4

Article 13(1) of Decision (CFSP) 2023/162 is replaced by the following:

‘1. The financial reference amount intended to cover the expenditure related to EUMA for the period from 23 January 2023 until 19 February 2025 shall be EUR 30 751 150,36. The financial reference amount for any subsequent period shall be decided by the Council.’.

Article 5

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

Done at Brussels, 20 February 2023.

For the Council

The President

J. BORRELL FONTELLES

COUNCIL DECISION (CFSP) 2023/387**of 20 February 2023****in support of a global reporting mechanism on illicit conventional arms and their ammunition to reduce the risk of their diversion and illicit transfer ('iTrace V')**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 31(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) The 2016 EU Global Strategy for the European Union's Foreign and Security Policy (the 'EU Global Strategy') emphasises that the Union will promote peace and guarantee the security of its citizens and territory and step up its contributions to collective security. It also strongly supports the full implementation and enforcement of multilateral disarmament, non-proliferation and arms control treaties and regimes and calls for 'the cross-border tracing of weapons' recognising that European security hinges on better and shared assessments of internal and external threats and challenges.
- (2) The EU Strategy of 19 November 2018 'Securing Arms, Protecting Citizens – EU Strategy against illicit firearms, small arms & light weapons and their ammunition' (the 'EU SALW Strategy') stresses that illicit firearms, small arms and light weapons ('SALW') continue to contribute to instability and violence in the Union, in its immediate neighbourhood, and in the rest of the world. The EU SALW Strategy sets out the framework for action for the Union in order to address those challenges and commits to supporting research efforts targeting the origins of illicit SALW in conflict zones, such as Conflict Armament Research's iTrace project.
- (3) The illicit manufacture, transfer and circulation of conventional weapons and ammunition, and their excessive accumulation and uncontrolled spread fuels insecurity in Europe and its neighbourhood as well as in many other regions of the world, exacerbating conflict and undermining post-conflict peace-building, thus posing a serious threat to European peace and security.
- (4) The EU SALW Strategy asserts that the Union will support the work of UN panels that monitor arms embargoes, and that it will consider ways of improving access to their findings on diversion and on illicit firearms and SALW for arms export control purposes.
- (5) With the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects (the 'UN Programme of Action'), adopted on 20 July 2001, all UN Member States have undertaken to prevent illicit trafficking in SALW, or their diversion to unauthorised recipients and, in particular, to take into account the risk of diversion of SALW into the illegal trade when assessing applications for export authorisations.
- (6) On 8 December 2005, the United Nations General Assembly adopted an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit SALW.
- (7) At the 2018 Third Review Conference on the UN Programme of Action, all UN Member States affirmed their commitment to encourage States when tracing illicit SALW, including those found in conflict and post-conflict situations, to consult records within the State where the small arm or light weapon was found and/or consult with the State of manufacture of that weapon. Furthermore, the final report of the 2022 'Eighth Biennial Meeting of States to Consider the Implementation of the UN Programme of Action' notes the importance of developing or establishing strict national regulatory frameworks for the marking, recording and tracing of SALW, in line with the International Tracing Instrument to prevent and combat the diversion and the illicit international transfer of SALW to unauthorised recipients.

- (8) On 24 December 2014, the Arms Trade Treaty ('ATT') entered into force. The objective of the ATT is to establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms, to prevent and eradicate the illicit trade in conventional arms and to prevent their diversion. The Union should support all UN Member States in implementing effective arms transfer controls in order to ensure that the ATT is as effective as possible, in particular as regards the implementation of Article 11 thereof.
- (9) The Union previously supported iTrace by Council Decisions 2013/698/CFSP ⁽¹⁾, (CFSP) 2015/1908 ⁽²⁾, (CFSP) 2017/2283 ⁽³⁾ and (CFSP) 2019/2191 ⁽⁴⁾ (iTrace I, II, III and IV), and wishes to support iTrace V, the fifth phase of this global, reporting mechanism on illicit conventional arms and their ammunition so as to contribute to Europe's collective security, as requested by the EU Global Strategy,

HAS ADOPTED THIS DECISION:

Article 1

1. With a view to the implementation of the EU Global Strategy, Council Common Position 2008/944/CFSP ⁽⁵⁾, as amended by Council Decision (CFSP) 2019/1560 ⁽⁶⁾, the 2018 EU SALW Strategy, and the advancement of peace and security, the project activities to be supported by the Union shall have the following specific objectives:

- continued maintenance of a user-friendly global information management system on diverted or trafficked conventional arms and their ammunition ('iTrace') documented in conflict-affected areas in order to provide policy-makers, conventional arms control experts, and conventional arms export control officers with relevant information to develop effective, evidence-based strategies and projects against the illicit spread of conventional arms and their ammunition;
- training and mentoring of national authorities in conflict-affected states to develop sustainable national illicit conventional arms identification and tracing capacity, encourage sustained cooperation with the iTrace project, better identify physical security and stockpile management (PSSM) priorities, more effectively articulate national arms control and law enforcement assistance requirements, notably Union-funded initiatives, such as Interpol's Illicit Arms Records and tracing Management System (iARMS), and the activities of the European Union Agency for Law Enforcement Cooperation (Europol), and strengthen dialogue with EU missions and initiatives;
- enhanced frequency and duration of in-field research into conventional arms and their ammunition, illegally circulating in conflict-affected areas to generate iTrace data, in response to clear demands made by Member States and Union Delegations;
- tailored support to Member State arms export control authorities and arms control policy makers, including repeat consultative visits by iTrace project staff to capitals of the Member States, a 24-hour help desk to provide instant advice on risk assessment and counter-diversion strategies, the maintenance of secure desktop and mobile dashboard applications to provide instant notification of post-export diversion, and the provision to Member States, on request, of post-shipment verification by iTrace project staff;

⁽¹⁾ Council Decision 2013/698/CFSP of 25 November 2013 in support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade (OJ L 320, 30.11.2013, p. 34).

⁽²⁾ Council Decision (CFSP) 2015/1908 of 22 October 2015 in support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade ('iTrace II') (OJ L 278, 23.10.2015, p. 15).

⁽³⁾ Council Decision (CFSP) 2017/2283 of 11 December 2017 in support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade ('iTrace III') (OJ L 328, 12.12.2017, p. 20).

⁽⁴⁾ Council Decision (CFSP) 2019/2191 of 19 December 2019 in support of a global reporting mechanism on illicit conventional arms and their ammunition to reduce the risk of their diversion and illicit transfer ('iTrace IV') (OJ L 330, 20.12.2019, p. 53).

⁽⁵⁾ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

⁽⁶⁾ Council Decision (CFSP) 2019/1560 of 16 September 2019 amending Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment (OJ L 239, 17.9.2019, p. 16).

- increasing awareness through outreach on the findings of the project, promoting the purpose and available functions of iTrace to international and national policy makers, conventional arms control experts and arms export licensing authorities, and enhancing international capacity to monitor the illicit spread of conventional arms and their ammunition and related materiel, as well as to assist policy makers in identifying priority areas for international assistance and cooperation and to reduce the risk of diversion of conventional arms and their ammunition;
 - providing key policy issue reports, drawn from the data generated by field investigations and presented on the iTrace system, about specific areas deserving international attention, including major patterns in the trafficking of conventional arms and their ammunition, and the regional distribution of trafficked conventional arms and their ammunition, and related materiel; and
 - the continued tracing of conventional arms and their ammunition, with the cooperation of Member States and non-EU States, as the most effective means to establish and verify, to the fullest extent possible, the mechanisms behind the diversion of conventional arms and their ammunition to unauthorised users; tracing will be supplemented by follow-up investigations focused on identifying the human, financial, and logistics networks behind illicit conventional arms transfers.
2. A detailed description of the project is set out in the Annex to this Decision.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy ('HR') shall be responsible for implementing this Decision.
2. The technical implementation of the project referred to in Article 1 shall be carried out by Conflict Armament Research Ltd ('CAR').
3. CAR shall perform its tasks under the responsibility of the HR. For that purpose, the HR shall enter into the necessary arrangements with CAR.

Article 3

1. The financial reference amount for the implementation of the project referred to in Article 1 shall be EUR 6 200 000. The total estimated budget of the overall project shall be EUR 8 806 101,20, which shall be provided through co-financing by CAR and the German Federal Foreign Office.
2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The Commission shall supervise the proper management of the financial reference amount referred to in paragraph 1. For that purpose, it shall conclude the necessary agreement with CAR. That agreement shall stipulate that CAR has to ensure the visibility of the Union's contribution, appropriate to its size.
4. The Commission shall endeavour to conclude the agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of that agreement.

Article 4

1. The HR shall report to the Council on the implementation of this Decision on the basis of regular narrative quarterly reports prepared by CAR. Those reports shall form the basis of the evaluation carried out by the Council. In order to assist the Council in its evaluation of the results of this Decision, an external entity shall carry out an evaluation of the impact of the project.
2. The Commission shall report on the financial aspects of the project referred to in Article 1.

Article 5

1. This Decision shall enter into force on the date of its adoption.
2. This Decision shall expire 36 months after the date of conclusion of the agreement referred to in Article 3(3). However, it shall expire 6 months after the date of its entry into force if no agreement has been concluded within that period.

Done at Brussels, 20 February 2023.

For the Council
The President
J. BORRELL FONTELLES

ANNEX

PROJECT DOCUMENT

Action in support of a global reporting mechanism on illicit conventional arms and ammunition to reduce the risk of their diversion and illicit transfer

(‘iTrace V’)

iTrace Global Reporting Mechanism on Conventional Arms and Their Ammunition**1. Background and rationale for CFSP support**

- 1.1. This Decision builds on successive Council Decisions to combat the destabilising impact of the diversion and trafficking of conventional arms and their ammunition in conflict-affected areas, in particular Decisions 2013/698/CFSP, (CFSP) 2015/1908, (CFSP) 2017/2283, and (CFSP) 2019/2191 which established and enhanced the iTrace global reporting mechanism on conventional arms and their ammunition.

The illicit proliferation of conventional arms and their ammunition is a major factor undermining State stability and exacerbating conflicts, which poses a serious threat to peace and security. As stated in the EU SALW Strategy, illicit firearms and SALW continue to contribute to instability and violence in the Union, in its immediate neighbourhood, and in the rest of the world. Illicit small arms are fuelling global terrorism and conflicts, thwarting the Union's development and crisis management, humanitarian, and stabilisation efforts in parts of the Union's neighbourhood and Africa. Within the Union, illicit firearms have a clear impact on internal security, by fuelling organised crime and providing terrorists with means to carry out attacks on European soil. Recent findings from the iTrace project in Afghanistan, Iraq, Libya, the Maghreb, Syria, Ukraine, and Yemen, and other conflicts close to the Union's external borders, confirm the assertions in the EU SALW Strategy.

The activities conducted under Decision (CFSP) 2019/2191 confirmed iTrace as a global conflict weapon monitoring initiative. The iTrace Project has operated in more than 40 conflict-affected states, including in Africa, the Middle East, Central Asia, and South and East Asia, and has created the world's largest public repository of diverted conventional arms and their ammunition to support States in their efforts to detect and address diversion in line with commitments to Criterion 7 of Common Position 2008/944/CFSP (consolidated) and Article 11 of the ATT. It provides for precise reporting on the diversion of arms and their ammunition flowing to armed insurgent and terrorist forces that pose a threat to the security of the Union, including Al Qaeda in the Islamic Maghreb and Daesh/Islamic State, and alerts Member State export control authorities confidentially, and rapidly, to post-export diversion risks, providing critical, real-time information to EU Delegations and Member State diplomatic missions in conflict-affected regions on arms trafficking and conflict dynamics. It mainstreams awareness of arms control and counter-diversion measures through balanced and responsible global news media engagement.

- 1.2. The iTrace project, however, faces sustained calls by Member States to provide direct, face-to-face briefings to national arms export licensing authorities (including frequent visits to capitals, notably following the relaxations of COVID-19 travel restrictions) and to provide a greater range of resources bilaterally to Member State arms export control policy makers.

This Decision therefore aims to continue and enhance the work of the project under Decision (CFSP) 2019/2191 by further providing Union policy makers, arms control experts and arms export control officers with systematically compiled, relevant information, which will support them in developing effective, evidence-based strategies against the diversion and illicit spread of conventional arms and their ammunition in order to improve international and regional security. It will thus continue to support them to combine a successful reactive strategy with adequate preventive action to address illegal supply and demand, and to ensure effective conventional arms control in third countries.

- 1.3. This Decision provides for the continued maintenance and further enhancement of the publicly accessible iTrace Global Weapon Reporting System. The projects listed in Decision (CFSP) 2019/2191 will be reinforced by: 1) the increased frequency and duration of missions to gather data on illicit conventional arms supplies into conflict-affected regions; 2) tailored support packages provided to Member States comprising direct consultation, bespoke data and outputs, a 24-hour help desk, and post-shipment verification tasking; and 3) the training and mentoring of national authorities in conflict-affected States to trace illicit conventional arms found or seized on their territorial jurisdiction, to build counter-diversion capacity, including tracing capacities in the framework of the International Tracing Instrument (ITI), to enhance weapon management, including record keeping, and to boost the collection of iTrace data.

2. Overall objectives

The Action described below will further support the international community in combating the destabilising impact of the diversion and trafficking of conventional arms and their ammunition. It will continue to provide policy makers, arms control experts, and arms export control officers with relevant information, which will support them in developing effective, evidence-based strategies against the diversion and illicit spread of conventional arms and their ammunition in order to improve international and regional security. Specifically, the Action will:

- (a) provide concrete information on the diversion and trafficking of conventional arms and their ammunition, to support the effective implementation of Council Common Position 2008/944 (consolidated), the Arms Trade Treaty (ATT), the UN Programme of Action on the Illicit Trade in SALW and the International Tracing Instrument (ITI);
- (b) provide tailored support to Member States to assist in diversion risk assessment and mitigation;
- (c) expose routes and entities involved in the diversion of conventional arms and their ammunition into conflict-affected regions or to international terrorist organisations and to provide evidence of groups and individuals engaged in illicit trade, in support of national legal proceedings;
- (d) enhance cooperation between relevant UN organs, missions and other international organisations, in the field of tracing conventional arms and their ammunition, and of providing information directly in support of existing monitoring mechanisms, including INTERPOL's iARMS, and EUROPOL, the latter having concluded an information-sharing memorandum of understanding with CAR in 2019;
- (e) provide relevant information to identify priority areas for international and regional cooperation and assistance to combat effectively the diversion and trafficking of conventional arms and their ammunition, such as funding for projects with regard to stockpile security and/or border management;
- (f) offer a mechanism to assist in monitoring implementation of the ATT, specifically to detect the diversion of transferred conventional arms as well as to assist Governments in appraising the risk of diversion prior to the export of conventional arms, specifically the risk of diversion within the recipient country or re-export under undesirable conditions; and
- (g) in response to evolving threats to the Union's security, enhance CAR's capacity to document, trace, and analyse the chains of custody of components found in military equipment and to report these findings to Member States and EU institutions and agencies.

3. Long-term project sustainability and outcomes

The Action will provide a durable framework for sustained monitoring of the illicit spread of conventional arms and their ammunition. It is expected to increase substantially existing arms-related information and to support significantly the targeted development of effective conventional arms control and arms export control policies, including sanctions regimes. Specifically, the project will:

- (a) populate further the iTrace information management system that will ensure long-term collection and analysis of illicit conventional arms data;

- (b) provide conventional arms control policy makers and experts with a tool to define more effective strategies and priority areas for assistance and cooperation (for example, by identifying sub-regional or regional cooperation, coordination and information-sharing mechanisms that need to be established or strengthened, by identifying insecure national stockpiles, inadequate inventory management, illegal transfer routes, sanctions violations, weak border controls, and insufficient law enforcement capacities);
- (c) contain the in-built flexibility to generate policy relevant information, regardless of rapidly changing policy requirements;
- (d) increase substantially the efficacy of international arms monitoring organisations and individuals by providing an information-sharing mechanism of continually expanding scope and technical and capacity assistance; and
- (e) build sustainable national capacity in conflict-affected States to identify and trace illicit conventional arms and engage more effectively in international arms control and law enforcement processes.

4. Description of Action

4.1. *Project 1: Technical capacity development in weapon identification and tracing.*

4.1.1. Project objective

iTrace training and mentoring programmes provide national authorities in conflict-affected states with the methods and skills to self-diagnose and address conventional arms diversion. Training aims to enhance often non-existent capacity to identify and trace illicit conventional arms, while mentoring allows iTrace project staff to identify critical capacity gaps in real time and immediately tailor solutions to address them. iTrace training and mentoring programmes, moreover, cement relations between the iTrace project and national authorities, allowing its field investigation teams greater access to seized and recovered conventional arms – thereby enhancing the full spectrum of iTrace data gathering, analysis, and reporting.

4.1.2. Benefit to EU arms control initiatives

iTrace training and mentoring programmes respond to actions addressed in the EU SALW Strategy – to support national capacities to ‘track and trace the origins of illicit SALW and ammunition in conflict zones’ – and directly and indirectly enhance a wide array of Member State-supported arms control initiatives. Direct impacts include supporting national law enforcement authorities to trace small arms and light weapons in line with the International Tracing Instrument, enhancing national capacity to gather data on traced arms within the framework of Sustainable Development Goal (SDG) indicator 16.4.2, and supporting Member State-initiated weapon and ammunition management (WAM) programmes. Indirect impacts include ‘feeding back’ information gathered on site, such as alerting Member States to diversion risks encountered in partner countries and detecting diversion from national stockpiles and providing this information to Union-supported physical security and stockpile management (PSSM) programmes.

4.1.3. Project activities

CAR’s Technical Support Unit (TSU) delivers training and mentoring activities to national authorities in the conflict-affected states in which iTrace Project operates. These training and mentoring activities are designed to boost national counter-diversion initiatives across the board by providing instruction and capacity development on conventional arms tracing, marking and record keeping, following ITI established procedures, of seized and captured illicit conventional arms, and PSSM assessments that are designed to identify and address diversion risks at source. CAR will provide specialist, needs-assessed training on the full spectrum of activities listed above to local partners and, where required, to peace support staff, including UN and EU Missions and UN sanctions monitoring groups/panels. In this respect, the iTrace Project will continue to respond directly to the action listed in the 2018 EU SALW Strategy, which calls for EU support to ‘UN panels that monitor arms embargoes’ and for consideration of ‘ways of improving access to their findings on diversion and illicit firearms and SALW for arms export control purposes.’ Training under the iTrace Project will build on a range of services offered by CAR since 2014, which has proved critical to supporting local partners in conflict-affected states, aiding UN panels, and also to securing greater access to iTrace field investigation teams. The project will deploy staff from its field investigation teams and TSU to instruct at progressively more technical levels, encompassing:

- (a) an introduction to conventional arms data collection, with reference to specific cases;

- (b) basic conventional arms identification and effective documentation techniques;
- (c) evidence collection standard operating procedures and the evidentiary chain of custody;
- (d) the requirements of long-range, regional, and international investigations;
- (e) the implementation of the International Tracing Instrument; where appropriate, authorities in partner countries will be trained and encouraged to initiate trace requests;
- (f) international arms tracing and arms tracing systems (notably Interpol and Europol); the use of 'big data' and trend analysis; and
- (g) avenues for technical assistance (international) and law enforcement intervention.

These activities will be conducted alongside iTrace field investigations – including joint investigations (mentoring) conducted with national government authorities. They will also include the continuous training and re-certification of CAR staff required to implement training and mentoring.

4.1.4. Project results

The project will:

- (a) encourage national authorities to grant greater access to iTrace field investigation teams, responding to repeated calls for iTrace teams to provide technical assistance and joint investigation capacity and equating to increased iTrace data gathering.
- (b) provide concrete capacity assistance to national governments that, while suffering the impacts of conventional arms diversion, lack the tools to identify and report on diverted conventional arms; this is often a precursor to more effective domestic conventional arms management and, as such, supports implementation of the ATT, ITI, PoA, and SDG 16.4.2 and PSSM programming and liaison with international law enforcement bodies, including Interpol (iARMS) and Europol.
- (c) support enhanced dialogue, notably identifying key stakeholders for other EU-supported initiatives, for example EU Mission relations with host governments, and kick-starting initiatives, such as PSSM programming, for example Union-supported stockpile management projects.

4.1.5. Project implementation indicators

Up to 40 in-field training and mentoring visits, with an emphasis on repeat visits to support national authorities in building tracing capacity.

The project will be implemented over the full 3-year iTrace project period.

4.1.6. Project beneficiaries

iTrace training and mentoring activities will have direct benefits for national stakeholders in conflict-affected states, including law enforcement bodies and prosecutors. The programme will offer indirect support to national dialogues with Union-funded and other arms control initiatives, encouraging the use of international tracing mechanisms (including Interpol's iARMS system and Europol), and facilitating engagement with Union-supported stockpile management projects and other SALW-control projects.

4.2. *Project 2: Maintain the iTrace system with real-time documentary evidence of the diversion and trafficking of conventional weapons and ammunition, and other relevant information.*

4.2.1. Project objective

The project will sustain in-field research into conventional arms and ammunition circulating in conflict-affected areas. The project will prioritise countries of particular concern to Member States, including, *inter alia*, Afghanistan, Iraq, Libya, Mali, South Sudan, Somalia, Syria, Ukraine, and Yemen. These on-the-ground investigations will provide concrete evidence of diverted conventional arms in the hands of insurgent and terrorist forces, which would otherwise be invisible to external observers (including EU arms-exporting Member States). CAR will request the prior approval of the EU Working Party on Conventional Arms Export (COARM) before substantive engagement in all countries not previously subject to iTrace field investigations or iTrace training and mentoring programmes.

Using new technologies and advanced forensic techniques, CAR will employ a range of in-field activities, including enhanced photographic documentation, forensic exploitation, and obliterated mark recovery. CAR has proved that these methods reveal traceable information on previously untraceable weapons, ammunition, and related materiel, allowing investigations into a growing range of illicit materiel, whose identifying information has been removed to conceal provenance.

The resulting data will improve Member States' collective understanding of diversion and illicit transfers, methods used by traffickers to conceal them, and substantially enhance their capacities to disrupt illicit trade.

4.2.2. Benefit to EU arms control initiatives

iTrace field investigations provide a dynamic baseline of diverted conventional arms in conflict-affected states. This baseline provides a rolling measure of the efficacy of arms control agreements that Member States have committed to, including *inter alia*: Council Common Position 2008/944/CFSP (consolidated); the ATT; the PoA; and the 2018 EU SALW Strategy. The thorough documentation of conflict arms also serves as a launch pad for formal conventional arms traces and for comprehensive investigations into conflict, financing and arms supply networks.

4.2.3. Project activities

The following activities will be undertaken in the framework of this project:

- (a) the deployment of qualified arms experts to conduct in-field analysis of illicit conventional arms and their ammunition, recovered from conflict-affected states;
- (b) the analysis, review and verification of documented evidence on conventional arms, their ammunition and their users, including, *inter alia*, photographic documentation, forensic exploitation, and obliterated mark recovery of weapons, their component parts and internal and external markings, packaging, and associated shipping documentation, combined with the results of field investigations (users, suppliers, and transfer routes);
- (c) the uploading of all collected and reviewed evidence onto the iTrace information management system and, once verified, onto the iTrace online mapping portal;
- (d) the identification and support to local partners to ensure sustained data collection in support of iTrace throughout the duration of the proposed Action and beyond;
- (e) the continued liaison with EU Governments to pre-define national points of contact, and a coordination mechanism, in order to clarify the scope of CAR's investigations, and alleviate possible conflicts of interest, in advance of its investigations.

The project will be implemented incrementally over the full 3-year iTrace project period.

4.2.4. Project results

The project will:

- (a) document, *in situ*, the physical evidence of diverted or trafficked conventional arms and their ammunition in conflict-affected regions;
- (b) verify and develop illicit trafficking cases from evidence gathered by CAR, by organisations with standing information-sharing agreements with CAR, and, as appropriate, other organisations, on diverted or trafficked conventional arms and their ammunition across all regions;
- (c) provide concrete visual and physical evidence of diverted or trafficked conventional arms and their ammunition, including photographs of items, their components, serial numbers, factory marks, boxes, packing lists, shipping documents, and end user documentation and information obtained through forensic exploitation and obliterated mark recovery;
- (d) generate textual accounts of illicit activity, including trafficking routes, actors and financial and support networks involved in diversion or illicit transfer and assessments of contributing factors (including ineffective stockpile management and security and deliberate, state-orchestrated illicit supply networks);

- (e) upload the aforementioned evidence into the iTrace information management system and related tools.

4.2.5. Project implementation indicators

Up to 75 field deployments (including extended deployment where required) throughout the 4-year period to generate evidence to upload into the iTrace information management system and online mapping portal.

The project will be implemented over the full 3-year iTrace project period.

4.2.6. Project beneficiaries

iTrace will continue to provide increasingly comprehensive information explicitly targeted first and foremost at EU national arms control policy makers, and arms export licensing authorities, as well as EU institutions, agencies, and missions. These EU beneficiaries will also have access to confidential information through secure desktop and mobile platforms provided by iTrace.

Public information will continue to be accessible also to all EU beneficiaries, as well as to non-EU beneficiaries, such as arms control policy makers and arms export licensing authorities in third countries, non-governmental research organisations, advocacy organisations and the international news media.

4.3. *Project 3: Tailored support to Member State arms export control authorities, arms control policy makers, and associated stakeholders.*

4.3.1. Project objective

The project will provide Member States, arms export control authorities, arms control policy makers, and associated stakeholders with consistent bi-lateral support, including regular face-to-face visits and bespoke reporting, which will be tailored to their specific arms control interest areas and information requirements. Information provided by Member States' national arms exports licensing authorities will be treated with due respect and confidentiality. CAR will also continue to be in contact with a range of national arms export licensing authorities of third countries. These relationships will support several critical aspects of international efforts to address diversion and the trafficking of conventional arms and will reinforce international counter-diversion measures, including:

- (a) providing detailed data and evidence on documented diversion to exporting licensing authorities; and
- (b) supporting or providing, on official request by EU national arms export licensing authorities, post-shipment/post-delivery verification capacity to Member States.

4.3.2 Benefit to EU arms control initiatives

Regular iTrace Project's Team visits to Member State capitals permit bi-lateral discussions on sensitive subjects (i.e. post-export diversion), allow Member States to input directly into the design of iTrace and its outputs (direction and scope of investigations and types of reporting), and help develop confidence-building measures (i.e. the iTrace 'advance notification' and 'right of reply' processes). Critically, iTrace outreach to Member States provides a forum for often-nuanced discussion of national challenges and opportunities related to Criterion 7 of Council Common Position 2008/944/CFSP (consolidated) and ATT Article 11 commitments. Under past iTrace Projects (I-IV), outreach visits have been critical to understanding Member States' information requirements, whether of a general nature (i.e. 'what is your threat assessment regarding weapons entering a particular theatre of armed conflict') or those that are specific to the iTrace Project (i.e. 'we need a dashboard that alerts us instantly to every domestically produced weapon that iTrace field teams document').

4.3.3. Project activities

The following activities will be undertaken in the framework of this project:

- (a) iTrace teams sent on repeat visits to relevant authorities in Member State capitals to brief on counter-diversion issues and report on their investigations;

- (b) the continuation of a 24-hour helpdesk to provide instant advice on counter-diversion or potentially negative press allegations arising from unverified third party reporting;
- (c) Maintain, secure, and enhance the iTrace Global Weapon Reporting System, including the development of technological innovations.
- (d) the maintenance for Member State export licensing authorities of online dashboards, which will stream encrypted data from the iTrace information management system, 'red flagging' parties with a history of diverting conventional arms, profiling high-risk destinations, and reporting, in real time, the diversion of domestically manufactured arms; and
- (e) the support or provision, on official request by Member States' arms export licensing authorities, of post-delivery end use checks (verification) to Member States by iTrace field investigation teams.

The project will be implemented over the full 3-year iTrace project period.

4.3.4. Project results

The project will:

- (a) assist Member State arms export licensing authorities, on their request in identifying post-export diversion;
- (b) supply information in support of diversion risk analysis by Member State arms export licensing authorities, in line with Council Common Position 2008/944/CFSP (consolidated) and the ATT, prior to granting export licences;
- (c) provide Member State arms export licensing authorities with post-shipment verification capacity on their demand;
- (d) support Member State arms control policy makers with real-time information on diversion and trafficking trends in support of national engagement in international policy processes; and
- (e) assist Member State national law enforcement agencies in support of criminal investigations, where applicable and on their request.

4.3.5. Project implementation indicators

The maintenance of online dashboards, which will stream information from secure partitions within the iTrace system to Member State national authorities. A help desk, which will be manned by iTrace project staff, to provide full support to Member State arms export control authorities and arms control policy makers. Up to 45 visits to Member State capitals on request.

The project will be implemented over the full 3-year iTrace project period.

4.3.6. Project beneficiaries

All interested Member States, with visits to capital and post-shipment verification missions conducted on request.

4.4. *Project 4: Outreach, policy advice, and international coordination*

4.4.1. Project objective

The project will showcase, utilise, and build upon the benefits of iTrace to international and national policy makers, conventional arms control experts, and arms export licensing authorities. CAR will be achieved this by conducting outreach and policy advisory activities. These initiatives will also be designed to further coordinate information-sharing and build sustainable partnerships with individuals and organisations capable of generating information that can be uploaded into the iTrace system.

4.4.2. Benefit to Union arms control initiatives

The project will showcase, at numerous conferences, events, and processes, Union support for the iTrace Project and demonstrate the project's role in providing concrete information in support of international arms control initiatives. Successive iTrace projects (I-IV) have demonstrated that international outreach and policy engagement plays a critical role in 1) shaping the international agenda regarding international arms control processes and 2) generating opportunities for non-EU State cooperation with the iTrace project and EU arms control initiatives more generally.

4.4.3. Project activities

The following activities will, with due attention to avoiding overlap with other undertakings for instance on ATT outreach, be undertaken in the framework of this project:

- (a) CAR will maintain its comprehensive diplomatic engagement to showcase, utilise, and build upon iTrace and its outputs, with an emphasis on 1) its concrete benefits for assisting in monitoring the implementation of the ATT, the PoA, the ITI, and relevant multilateral and regional sanctions regimes, and other relevant international instruments; 2) its utility in identifying priority areas for international assistance and cooperation; and 3) its utility as a risk assessment profiling mechanism for arms export licensing authorities and other relevant stakeholders;
- (b) iTrace project staff engagement will encourage and develop formal information-sharing agreements capable of generating information that can be uploaded into the iTrace system, as well as to assist policy makers in identifying priority areas for dialogue, international assistance, and cooperation to enhance policy and practice.

The project will be implemented over the full 3-year iTrace project period.

4.4.4. Project results

The project will:

- (a) demonstrate the utility and impact of iTrace and the concept of documenting, compiling, and sharing data on diversion to national and international policy makers working to implement conventional arms control and arms export control agreements (ATT, PoA, and other relevant international instruments) and support their implementation;
- (b) provide relevant information to assist policy makers and conventional arms control experts in identifying priority areas for international assistance and cooperation and devising effective counter-diversion strategies;
- (c) provide arms export licensing authorities with in-depth information on iTrace and its risk assessment utility, in addition to providing an avenue for further feedback and system enhancement;
- (d) facilitate information-sharing among national governments and UN peacekeeping and sanctions monitoring operations, including data processing and analysis using the iTrace system;
- (e) facilitate dialogue and networking among an expanding group of conventional arms control experts involved in conducting *in situ* investigations into the diversion and trafficking of conventional arms and their ammunition;
- (f) raise the public profile of conventional arms and their ammunition tracing as a means to assist in monitoring the implementation of the ATT, PoA, and ITI and other international and regional arms control and arms export control instruments.

4.4.5. Project implementation indicators

iTrace staff leading, or participating in, up to 30 outreach and policy advisory activities. Engagement will include presentations of iTrace outputs. Outreach and policy advisory activities will be included in the quarterly narrative outputs.

The project will be implemented over the full 3-year iTrace project period.

4.4.6. Project beneficiaries

Please see Section 4.2.6 above for a full list of beneficiaries, which is identical to the beneficiaries of this project.

4.5. *Project 5: iTrace research outputs*

4.5.1. Project objective

The project will provide key outputs to enhance policies and practices, drawn from the data generated by investigations and presented on the iTrace system. The outputs will be designed to highlight specific areas of international concern, including major conventional arms and ammunition trafficking patterns, the regional distribution of trafficked conventional arms and their ammunition, and priority areas for international attention.

4.5.2 Benefit to Union arms control initiatives

iTrace policy outputs focus international attention on the comprehensiveness of EU arms control initiatives and the commitments made by Member States to address the diversion of conventional arms and their ammunition. Since 2013, these outputs have achieved important coverage in many of the world's leading news media outlets, prompting national action by governments, parliamentarians, and civil society. Because iTrace outputs do not shy away from identifying illicit conventional arms that originate in the EU, they showcase Member States' progressive attitudes towards arms control. This, arguably, encourages transparency and the expanding membership and universalisation of multilateral disarmament, non-proliferation, and arms control treaties and regimes called for in the 2016 EU Global Strategy, i.e. the 'lead by example' principle.

4.5.3. Project activities

In-depth analysis leading to the compilation, review, editing, and publication, including hard copy printing, where required, and distribution of up to 20 iTrace policy outputs.

4.5.4. Project results

The project will:

- (a) produce up to 20 outputs, each profiling a separate issue of international concern;
- (b) ensure the distribution of iTrace policy outputs to all Member States;
- (c) maintain a targeted outreach strategy to ensure maximum global coverage;
- (d) sustain the visibility of the Action in the policy arena and international news media by, *inter alia*, presenting illicit conventional arms information of topical concern; providing policy relevant analysis and advice in support of on-going arms control processes; and tailoring outputs to provide maximum international news media interest.

4.5.5. Project implementation indicators

Up to 20 online, publicly available iTrace policy outputs produced throughout the duration of the proposed Action.

The project will be implemented over the full 3-year iTrace project period.

4.5.6. Project beneficiaries

Please see Section 4.2.6 above for a full list of beneficiaries, which is identical to the beneficiaries of this project.

4.6. *Project 6: Conventional weapon and ammunition tracing and enhanced investigations*

4.6.1. Project objective

The project will continue to send formal trace requests to national governments, for illicit conventional arms and their ammunition, responses to which provide comprehensive information on their supply chains and identify the location and circumstances in which they have been diverted to unauthorised users. These activities aim to establish the mechanisms of conventional arms and their ammunition diversion, on a case-by-case basis and with the support of exporting states, notably Member States' arms export control authorities. Traces yield detailed information on illicit conventional arms supply networks, identify cases of unauthorised retransfer in violation of end-user agreements, flag UN and Union arms embargo violations, and alert States to post-export diversion. Above all, because national governments themselves provide trace information, the trace process provides a basis for arms control policy making.

4.6.2 Benefit to Union arms control initiatives

Trace requests have enabled the iTrace project to provide input in support of various Member State (and non-Union) law enforcement interventions, including the prosecution and sentencing of individuals engaged in trafficking conventional arms and their ammunition, and related material.

Trace requests also alert Member States to cases of post-export diversion, providing vital information to support effective arms export licensing risk assessments. As such, iTrace directly contributes information to assist Member States in implementing Criterion 7 of the Council Common Position 2008/944/CFSP (consolidated) and Article 11 of the ATT. Information obtained through the tracing process also identifies unauthorised end users, conventional arms diverters, unlawful parties to the supply chain, and illicit financiers, providing Member States with critical export risk-profiling data.

4.6.3. Project activities

A constant stream of trace requests, and associated communications and follow-up investigations, throughout the duration of the project. CAR will research and develop emerging technologies for enhanced traceability to support these activities.

4.6.4. Project results

The project will:

- (a) trace illicit conventional arms and their ammunition found in conflict-affected areas at an unparalleled rate. Refinements made to CAR's standard operating procedures (SOPs) during iTrace III, following extensive consultation with Member States, will ensure that information gathered by CAR's Tracing Unit will be reviewed by national governments before release and contribute to the largest global repository of traced conflict weapons;
- (b) CAR's Enhanced Investigation Unit (EIU) will take information gathered from illicit conventional arms and their ammunition traces to establish, to a greater degree, the 'who, why, what, when, and how' of diversion, conducting supply-chain mapping, focused on three pillars of investigation: human networks, illicit arms financing, and supply logistics. The EIU is deployable around the world and will work to obtain non-public testimonies, financial information, and documents within and outside conflict areas; and
- (c) ultimately, CAR will provide policymakers with a new range of options for addressing illicit transfers of conventional arms and their ammunition and the financial and logistic networks behind them – supplementing measures such as arms embargoes and direct export controls, with 'network disruption' options, ranging from banking due-diligence, to targeted container inspections, and red-flagging trade intermediaries.

4.6.5. Project implementation indicators

The volume and success of trace requests will be registered and assessed on a rolling basis throughout the duration of the Action.

The project will be implemented over the full 3-year iTrace project period.

4.6.6. Project beneficiaries

Please see Section 4.2.6 above for a full list of beneficiaries, which is identical to the beneficiaries of this project.

5. **Locations**

Projects 1, 2 and 6 will require the extensive field deployment of conventional arms experts to conflict-affected regions. These deployments will be assessed on a case-by-case basis, with reference to security, access and the availability of information. CAR already has established contacts or on-going projects in many of the countries concerned. Project 3 will be conducted in Member State capitals (with other in-country travel conducted subject to Member State requirements). Project 4 will be conducted at international conferences, and in coordination with national governments and relevant organisations, worldwide to ensure maximum project visibility. Project 5 will be compiled in Belgium, Italy, France, and the United Kingdom.

6. **Duration**

The total estimated duration of the combined projects is 36 months.

7. **Implementing entity and Union visibility**

CAR embeds small field investigation teams with local defence and security forces, peacekeeping/peace support personnel, and other actors with security mandates. Whenever these forces/missions secure illicit arms or evidence-collection sites, CAR's teams recover all available evidence on them and their user groups. CAR then proceeds to trace all uniquely identifiable items and conducts long-range investigations into their illicit transfers, the supply chains, and support to parties that threaten peace and stability.

Working with national export licensing authorities and non-governmental entities, CAR reconstructs the supply chains that are responsible for delivering arms into armed conflicts, identifying illicit activity and the diversion of arms from legal to illicit markets. CAR records the gathered information on its iTrace global arms monitoring system, which with more than 650 000 conflict weapons, ammunition, and related material, is the largest repository for conflict arms data worldwide.

CAR uses this information to a) alert Member States to the diversion of conventional arms and their ammunition and, b) enable targeted counter-diversion initiatives, including revised export control measures and international diplomatic action.

This methodology is proven to detect diversion almost immediately, with CAR field teams having advised Member States of diverted weapons whilst still deployed in conflict-affected areas. In some cases, CAR's teams have discovered unauthorised re-transfers within 2 months of weapons having left the factory door.

Decision (CFSP) 2019/2191 supported CAR in continuing and augmenting the iTrace project established by Decision (CFSP) 2013/698 of 25 November 2013 and renewed by Decisions (CFSP) 2015/1908 and (CFSP) 2017/2283. The projects, referred to as iTrace I, II, and III, respectively, have firmly established iTrace as a significant conflict weapon monitoring initiative worldwide and provided direct support to EU export licensing authorities and arms control policy makers.

Furthermore, on 2 December 2015, the EU action plan against illicit trafficking in and use of firearms and explosives called for 'extending the use of iTrace' and recommended that any national law enforcement authority detecting the diversion of weapons and ammunition check findings against records in iTrace. In 2019, CAR concluded a memorandum of understanding with Europol to assist in these activities. CAR has, furthermore, provided iTrace data to INTERPOL's iARMS system and assisted INTERPOL in identifying weapons uploaded into iARMS by Member States.

CAR shall take all appropriate measures to publicise the fact that the Action has been funded by the European Union. Such measures will be carried out in accordance with the Communication and Visibility Manual for European Union External Actions laid down and published by the European Commission.

CAR will thus ensure the visibility of the Union contribution with appropriate branding and publicity, highlighting the role of the Union, ensuring the transparency of its actions, and raising awareness of the reasons for the Decision, as well as Union support for the Decision and the results of this support. Material produced by the project will prominently display the Union flag in accordance with Union guidelines for the accurate use and reproduction of the flag.

8. Methodology and safeguards for national government partners

The iTrace Action will maintain politically balanced reporting. In line with CAR's core principles of independence and objectivity, the Action will report on illicit conventional arms and their ammunition, which CAR field investigation teams document in conflict-affected states, without prejudice to their type or provenance and regardless of the affiliation of the party holding those weapons. CAR recognises that Member States that disclose information in the interests of transparency, may expose their arms exports to greater public scrutiny. CAR will, therefore, to the fullest extent feasible:

- (a) recognise, in its public reporting, Member States that have provided information to the iTrace Action in the interests of public transparency; and
- (b) ensure that iTrace public reporting firmly differentiates the aforementioned Member States from states that consistently do not disclose information in support of iTrace investigations.

8.1 Operational clarity

CAR will request the prior approval of COARM before substantive engagement in all countries not previously subject to iTrace field investigations or iTrace training and mentoring programmes. Any such request will present CAR's broad focus of investigations and methodology envisaged for the prospective country. At the time of this Council Decision's adoption, iTrace programmes had previously operated in the following countries: Afghanistan; Bahrain; Benin; Burkina Faso; Cameroon; Central African Republic; Chad; Congo DRC; Côte d'Ivoire; Egypt; Ethiopia; Gambia; Ghana; India; Iraq; Israel; Jordan; Kenya; Lebanon; Libya; Mali; Mauritania; Morocco; Mozambique; Myanmar/Burma; Nepal; Niger; Nigeria; Philippines; Saudi Arabia; Senegal; Somalia; South Sudan; Sudan; Syria; Togo; Tunisia; Turkey; Uganda; Ukraine; United Arab Emirates; and Yemen.

8.2 Bias mitigation

CAR recognises that the level of detail provided by national governments in response to trace requests, ranging from no response, to full disclosure and the provision of transfer documents, may result in Member States experiencing differing degrees of public exposure. CAR undertakes to mitigate any implicit bias, which such a disparity in trace responses might introduce into iTrace reporting, by:

- (a) Explicitly prefacing, in text, all cases reported by the iTrace Action whereby Member States have responded transparently to trace requests in a manner that, where applicable, affirms unambiguously the legality of the transfers subject to those trace requests;
- (b) Explicitly prefacing, in text, all cases reported by the iTrace Action whereby states have not responded to trace requests, stating that 'given the absence of a trace response, CAR cannot pronounce on the legality of the transfer in question' (this shall not apply to cases in which Member States have provided, in response to specific trace requests, reasons that prevent them from responding immediately or in full); and
- (c) Providing a scheduled report to the EEAS on all cases, whereby CAR has not received from states an acknowledgment of their having received a trace request within 28 days of receipt. CAR will register all acknowledgements of receipt that it receives in the form of letters, facsimiles, emails, or telephone calls.

8.3 The trace process

Member States and non-governmental entities respond to trace requests issued by CAR within the framework of the iTrace Project entirely at their own discretion, in accordance with national legislation on export controls and data confidentiality.

CAR initially sends trace requests for export-controlled items electronically to a government's Permanent Mission to the United Nations in New York, although it encourages national governments, for administrative reasons, to assign a point of contact in capital for future communications with the iTrace Action. In the case of non-controlled items, CAR sends trace requests electronically to manufacturing or exporting entities.

The trace process follows CAR's internal standard operating procedure 02.02 and comprises the following steps:

- (a) Upon data capture, field investigation teams that have a requirement to trace conventional arms and their ammunition, mark them for tracing in the iTrace Global Weapon Reporting System;
- (b) CAR's Tracing Unit reviews all other data gathered on-site and, in conjunction with CAR's Analytics Unit, launches any additional trace requests that it deems relevant;
- (c) For items selected for tracing, the system automatically: i) assigns a trace request number to each item; ii) compiles trace requests for one or more items, which originate from a single country, into a single trace communication; and iii) assigns a correspondence number to each trace communication;
- (d) The sending of a trace request initiates a 28-day waiting period, taking into account national procedures, for instance in Member States. During the waiting period, the item may not be published or referenced in any of CAR's outputs;
- (e) If, at the end of the 28-day period, the Tracing Unit has not received a trace response, it may issue a reminder (by email or telephone call, with notes of all communications kept). The reminder does not initiate another 28-day period;
- (f) When the Tracing Unit receives a response to a trace request, it notifies all relevant staff. Relevant staff discuss the response with the Tracing Unit and decide a course of action (i.e. did the responding party answer CAR's questions? Does CAR need to follow up or to ask for clarification? Can CAR issue a right of reply?);
- (g) Once all clarifications have been received, the Tracing Unit compiles a right of reply notification. This is a concise summary of the information provided in response to CAR's request and includes caveats that respond to missing or inconclusive information. The text is designed to be replicated verbatim in iTrace and in other CAR outputs and must be the fullest account of the information provided by the respondent to the trace request. The Tracing Unit forwards the draft text to the team responsible for requesting the trace for review. On acceptance of the text, the team notifies the Tracing Unit in writing and Tracing Unit sends the right of reply;
- (h) Sending a right of reply initiates a further 28-day waiting period, during which CAR invites the responding party to suggest additions or amendments to the right of reply text;
- (i) If the responding party suggests amendments to the right of reply text, CAR amends the text and re-issues the right of reply. Each time the Tracing Unit re-issues a right of the reply, another 28-day waiting period commences. This process may be repeated until CAR deems that constructive exchange has concluded. CAR is not bound to accept right of reply amendments *ad infinitum*;
- (j) The right of reply process concludes either when the government or entity concerned notifies CAR that the text is acceptable, or when CAR deems that further modifications suggested by the government or entity concerned are invalid or superfluous. If the government communicates its disagreement with CAR, and CAR deems that the points raised are invalid or superfluous, CAR must reference the objections in the right of reply text;
- (k) In cases where the right of reply process is ongoing and publication is imminent, 2 weeks prior to 'lock text', CAR communicates to the responding party that further edits will not be introduced into the relevant publication after the lock text date;

- (l) When the Tracing Unit has incorporated all amendments and additions into the right of reply text, it forwards the draft text to the team that was responsible for requesting the trace for review. On acceptance of the text, the CAR team notifies the Tracing Unit in writing. Following approval, the right of reply text is 'locked' and no further changes can be made to the right of reply text. Henceforth, this text must be replicated verbatim in any public or non-public outputs that refer to the case. It is, therefore, imperative that the Tracing Unit and relevant teams agree on a verbatim text in its entirety before issuing rights of reply; and
- (m) If a government or entity, in its response to CAR's trace requests, identifies the next point in the supply chain, CAR issues a new trace request to that party, and the tracing process restarts from point (a).

8.4. Advance notification

CAR sends an advance notification to all parties that are referenced substantively in iTrace publications. This takes the form of a formal communication, which is prepared by the author of the upcoming publication and is sent by the Tracing Unit. The advance notification describes how the report will reference the relationship between the government or other entity cited and the case concerned and is designed to ensure that:

- (a) CAR has performed due diligence on any allegations or reference made to entities in its outputs; and
- (b) That the information presented in CAR's outputs is accurate and fair.

Once sent, an advance notification initiates a 14-day waiting period, during which CAR invites recipients to check the accuracy of the information provided and present any objections. The item may not be published or referenced in any of CAR's outputs during this 14-day period.

9. Reporting

Conflict Armament Research will prepare narrative outputs quarterly. These will, *inter alia*, include detailed information on the activities accomplished throughout the reporting period, project by project, including dates and national institutions. Reporting will also cover the number of consultations by iTRACE with Member States.

Geographical scope of the research activities, amount and category of findings, as well as their origin will be available on the online, real-time iTRACE dashboard.

COUNCIL DECISION (CFSP) 2023/388**of 20 February 2023****amending Decision (CFSP) 2022/266 concerning restrictive measures in response to the illegal recognition, occupation or annexation by the Russian Federation of certain non-government controlled areas of Ukraine**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 23 February 2022, the Council adopted Decision (CFSP) 2022/266 ⁽¹⁾.
- (2) On 6 October 2022, in response to the illegal annexation of Ukraine's Donetsk, Kherson, Luhansk and Zaporizhzhia regions by the Russian Federation, the Council adopted Decision (CFSP) 2022/1908 ⁽²⁾. That Decision amended the title of Decision (CFSP) 2022/266 and extended the geographical scope of the restrictions to cover all the non-government controlled areas of Ukraine in the oblasts of Donetsk, Kherson, Luhansk and Zaporizhzhia.
- (3) The Union remains unwavering in its support for the sovereignty and territorial integrity of Ukraine within its internationally recognised borders and dedicated to the full implementation of the non-recognition policy in respect of Russia's illegal annexation. The Union does not recognise and continues to condemn the illegal annexation of Ukrainian territories by the Russian Federation as a violation of international law. On the basis of a review of Decision (CFSP) 2022/266, and in view of the Russian Federation's continuing illegal actions against Ukraine, the restrictive measures should be renewed until 24 February 2024.
- (4) Decision (CFSP) 2022/266 should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 10 of Decision (CFSP) 2022/266, the second paragraph is replaced by the following:

‘This Decision shall apply until 24 February 2024.’.

Article 2

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

⁽¹⁾ Council Decision (CFSP) 2022/266 of 23 February 2022 concerning restrictive measures in response to the illegal recognition, occupation or annexation by the Russian Federation of certain non-government controlled areas of Ukraine (OJ L 42 I, 23.2.2022, p. 109).

⁽²⁾ Council Decision (CFSP) 2022/1908 of 6 October 2022 amending Decision (CFSP) 2022/266 concerning restrictive measures in response to the recognition of the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas (OJ L 259 I, 6.10.2022, p. 118).

Done at Brussels, 20 February 2023.

For the Council

The President

J. BORRELL FONTELLES

COUNCIL DECISION (CFSP) 2023/389**of 20 February 2023****launching the European Union military partnership mission in Niger (EUMPM Niger)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42(4) and 43(2) thereof,

Having regard to Council Decision (CFSP) 2022/2444 of 12 December 2022 on a European Union military partnership mission in Niger (EUMPM Niger) ⁽¹⁾,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 12 December 2022, the Council adopted Decision (CFSP) 2022/2444 on a European Union military partnership mission in Niger (EUMPM Niger).
- (2) On 14 February 2023, the Political and Security Committee agreed that the Mission Plan and the Rules of Engagement concerning EUMPM Niger should be approved.
- (3) Following the recommendation of the EU Mission Commander, the Mission should be launched on 20 February 2023,

HAS ADOPTED THIS DECISION:

Article 1

The Mission Plan and the Rules of Engagement concerning the European Union military partnership mission in Niger (EUMPM Niger) are hereby approved.

Article 2

EUMPM Niger shall be launched on 20 February 2023.

Article 3

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

Done at Brussels, 20 February 2023.

For the Council

The President

J. BORRELL FONTELLES

⁽¹⁾ OJ L 319, 13.12.2022, p. 86.

COMMISSION DECISION (EU) 2023/390**of 30 June 2022****on the measures SA.36086 (2021/C) (ex 2019/CC) (ex 2016/C) (ex 2016/NN) implemented by Romania in favour of Oltchim SA***(notified under document C(2022) 4458)***(Only the Romanian version is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

1. PROCEDURE

- (1) On 17 July 2009, the Romanian authorities notified to the Commission the planned conversion of a public debt of Oltchim SA ('Oltchim' or the 'company') into equity. On 7 March 2012, by decision in case SA.29041 – *Support measures in favour of Oltchim SA Râmnicu Vâlcea* ⁽²⁾, the Commission concluded that the debt conversion of RON 1 049 million (EUR 231 million) did not entail State aid. That conclusion was based on the firm commitment of the Romanian Government to privatise Oltchim in full, including the whole stake resulting for the public authorities after the debt conversion.
- (2) After the failed attempt to privatise Oltchim, the Romanian authorities initiated contacts with the Commission in October 2012 to prepare the formal notification of rescue aid to Oltchim (registered as SA.35558).
- (3) In November 2012 the press reported that the Romanian authorities had concluded an agreement with the creditor banks of Oltchim for the financing of the resumption of Oltchim's production. Against this background, the Commission decided to open an *ex officio* case registered as SA.36086 and by letter of 18 January 2013 requested Romania to provide information.
- (4) Following several contacts with the Romanian authorities, by letter dated 8 April 2016 the Commission informed Romania that it had decided to initiate in case SA.36086 the formal investigation procedure provided for by Article 108(2) TFEU ('the 2016 Decision'). The Commission decision to initiate the procedure was published in the *Official Journal of the European Union* ⁽³⁾. The Commission invited interested parties to submit their comments on the measures concerned.
- (5) By letter of 29 July 2016, Romania proposed a modification to the sale process of Oltchim for the purpose of preventing economic continuity between Oltchim and the purchasers of its assets. The Romanian authorities, after having supplied additional information (on 14 September 2016, 4 November 2016 and 5 December 2016), modified the terms of the initial sale process.

⁽¹⁾ OJ C 284, 5.8.2016, p. 7.

⁽²⁾ OJ L 148, 1.6.2013, p. 33.

⁽³⁾ OJ C 284, 5.8.2016, p. 7.

- (6) Following the above-mentioned exchanges, Oltchim, via its legal representative, provided successive reports on the progress of the sale of (most of) Oltchim's assets on 27 January 2017, 4 April 2017, 25 July 2017, 15 September 2017, 21 November 2017, 18 January 2018 and 16 July 2018 ⁽⁴⁾.
- (7) During the sale process, a number of third parties intervened and the Romanian authorities provided comments on each of these interventions.
- (8) On 17 December 2018, by decision in case SA.36086 – *State aid implemented by Romania for Oltchim SA* ⁽⁵⁾ ('the 2018 Decision'), the Commission closed the formal investigation procedure by concluding that three public support measures in favour of Oltchim amounted to unlawful and incompatible State aid. The Romanian authorities were thus ordered to recover them, as follows:
- (a) Measure 1, for an amount of ca. EUR 33 million, consisting in the non-enforcement and further accumulation of debts owed by Oltchim to AAAS ⁽⁶⁾ after Oltchim's failed privatisation of September 2012;
 - (b) Measure 2, consisting in the continued unpaid supplies by the Romanian State and by the State-owned undertaking CET Govora (but not by the State-owned undertaking Salrom) to Oltchim, despite the company's deteriorating financial situation, in the amount to be determined together with Romania during the recovery phase;
 - (c) Measure 3, consisting in debt cancellations of ca. EUR 300 million by AAAS and various State-owned undertakings.
- (9) By judgment of 15 December 2021 ⁽⁷⁾, the General Court partially annulled the 2018 Decision: it annulled Article 1 (a) and (c) of the 2018 Decision, as well as Articles 3 and 6 and Article 7(2) in so far that they concern the measures referred to in Article 1(a) and (c) of that Decision (Measures 1 and 3). More specifically, on the one hand, the General Court upheld the 2018 Decision's finding that Measure 2 was incompatible State aid. On the other hand, the General Court annulled the 2018 Decision as regards Measures 1 and 3, for the following reasons: (i) concerning Measure 1, the General Court held that the Commission had failed to demonstrate the economic advantage following the non-enforcement and further accumulation of the debts at issue; (ii) concerning Measure 3, the General Court held that the Commission had not demonstrated to the requisite legal standard that the debt cancellations at issue entailed State resources or were imputable to the State. That judgment was not appealed and has therefore become final.
- (10) This Decision only concerns the measures in Article 1(a) and (c) of the 2018 Decision (referred to as Measures 1 and 3 therein). Given that the 2018 Decision was upheld by the General Court with regard to Measure 2, referred to in its Article 1(b), the Commission will continue to deal with the recovery of aid corresponding to Measure 2, in separate proceedings which are still ongoing under case number SA.36086 (CR/2019).

2. BACKGROUND AND DESCRIPTION OF THE MEASURES SUBJECT TO INVESTIGATION

2.1. The beneficiary

- (11) Oltchim was one of the largest petrochemical companies in Romania and South-East Europe. The Romanian State had a controlling stake of 54,8 % in the company.

⁽⁴⁾ There were seven reports to the Commission's Directorate-General for Competition on Oltchim's asset sale, each covering a different period of the sale process as follows: the first report (July 2016 – 23 January 2017), the second report (23 January – 30 March 2017), the third report (30 March – 21 July 2017), the fourth report (21 July – 15 September 2017), the fifth report (16 September – 17 November 2017), the sixth report (17 November 2017 – 18 January 2018) and the seventh report (18 January 2018 – 16 July 2018).

⁽⁵⁾ OJ L 181, 5.7.2019, p. 13.

⁽⁶⁾ AAAS is the Romanian Privatisation Agency.

⁽⁷⁾ Judgment of the General Court of 15 December 2021, *Oltchim SA v European Commission*, T-565/19, ECLI:EU:T:2021:904.

- (12) Oltchim mainly produced liquid caustic soda, propylene oxide-polyols, plasticisers and oxo-alcohols. Oltchim was the biggest producer of liquid caustic soda on the European market (EU market share of 41 % in 2015), the only producer of caustic soda beads in Central Europe, as well as the only producer of polyvinyl chloride and polyethers in Romania and third in Europe. Oltchim exported over 74 % of its production, both inside and outside of Europe.
- (13) Oltchim was the main industrial employer in Vâlcea (a Romanian region assisted under Article 107(3), point (a) TFEU).

2.2. Facts

- (14) As already mentioned, with the 2018 Decision the Commission closed the formal investigation procedure, which had been initiated by the 2016 Decision, and concluded that Measures 1, 2 and 3 in favour of Oltchim amounted to unlawful and incompatible State aid, which was to be recovered by the Romanian authorities.
- (15) By judicial decision dated 8 May 2019, a bankruptcy procedure was opened with regard to Oltchim.
- (16) The appointed consortium of liquidators, composed by RomInsolv SPRL & BDO Business Restructuring SPRL and designated on 8 May 2019, was confirmed by the creditors' assembly by court decision of 26 October 2020.
- (17) As a consequence of the launch of the bankruptcy procedure and given that Oltchim's commercial activity has ceased (as all of Oltchim's operational assets had already been sold, see recital 31), with the main task of the liquidators being the sale of Oltchim's remaining assets (i.e. the non-operational ones), both as a matter of law and of fact, Oltchim has already exited the market.
- (18) The State aid claims (including recovery interest) were registered in full in Oltchim's schedule of liabilities on 17 November 2020, thus entailing the provisional implementation by Romania of the 2018 Decision.
- (19) According to the latest update submitted by Romania to the Commission on 18 November 2021, the sale process is underway and will continue until the full liquidation of Oltchim's assets.
- (20) The sale process is based on the principles of transparency and competitiveness, and the selling method is by public auction of either bundles of assets or individual assets, in accordance with Article 116 et seq. of Law No 85/2006.
- (21) The intention of the Romanian authorities, expressed in their letter of 18 November 2021, is to continue the process until the full liquidation of Oltchim's assets.
- (22) The bankruptcy procedure will be closed upon completion of the sale process of the remaining assets and will result in Oltchim being erased from the trade register.
- (23) As regards Measures 1 and 3, by the abovementioned judgment of 15 December 2021 the General Court annulled the 2018 Decision, because it found that the Commission had failed to demonstrate that Measures 1 and 3 fulfilled all the conditions required by Article 107(1) TFEU to classify a measure as State aid. As a consequence, the formal investigation procedure, which had been initiated by the 2016 Decision, is still open as regards Measures 1 and 3. Therefore, in this Decision the Commission needs to take a position on Measures 1 and 3, thereby closing the formal investigation procedure on those two measures.

3. BANKRUPTCY OF THE BENEFICIARY AND LACK OF ECONOMIC CONTINUITY

- (24) The Commission recalls that the system of *ex ante* scrutiny of new aid measures by the Commission provided for in Article 108(3) TFEU is designed to avoid the granting of aid that is incompatible with the internal market ⁽⁸⁾. As far as recovery of incompatible aid is concerned, the Court has consistently held that the Commission's power to order Member States to recover aid regarded by the Commission as being incompatible with the internal market is aimed

⁽⁸⁾ Judgment of the Court of Justice of 3 March 2020, *Vodafone Magyarország*, C-75/18, ECLI:EU:C:2020:139, paragraph 19.

at removing the distortion of competition caused by the competitive advantage which the recipient of the aid has enjoyed, thereby re-establishing the situation that existed before that aid was paid ⁽⁹⁾. If a company cannot repay the aid, then recovery requires the Member State concerned to bring about the liquidation of that company ⁽¹⁰⁾, i.e. the cessation of its activities and the sale of its assets under market conditions.

- (25) In other words, the main goal of the system of State aid control is to prevent the granting of incompatible State aid. As a consequence, if competition in the internal market is distorted by the disbursement of unlawful and incompatible State aid, it needs to be ensured that the situation prior to that distortion of competition is restored, if necessary, through the liquidation of the beneficiary.
- (26) The Commission notes that the Measures 1, 2 and 3 described in recital 8 concern Oltchim, which is now in bankruptcy and ceased its economic activity completely, without any economic continuity at least until the date of the 2018 Decision ⁽¹¹⁾.
- (27) Under Romanian law ⁽¹²⁾, once a company enters bankruptcy, its assets are sold and the proceeds from the sale are transferred to its creditors, according to the ranking of their claims in the schedule of liabilities. Against this background, the Commission must first establish whether continuing the investigation with respect to Oltchim still serves any purpose. If this is not the case, then it must establish whether there may be economic continuity between Oltchim and any other companies, based on the case-law of the Court of Justice.
- (28) The Commission first notes that, on 26 October 2020, the Romanian authorities confirmed the appointed liquidator for Oltchim. Under Romanian law, the company was admitted to a bankruptcy procedure, agreed with the creditors, for the sale of the company's assets and the termination of its business, with a complete cessation of activities. This procedure is supervised by a judge. Therefore, the Commission considers that the chosen procedure already implies that, at the end of it, Oltchim would cease to exist.
- (29) The Commission notes that since the beginning of the bankruptcy procedure, Oltchim ceased all its economic activities (see recital 17).
- (30) Additionally, as regards Measure 2, Romania provisionally implemented the 2018 Decision correctly, by duly registering the State aid claim and the corresponding recovery interest, in the schedule of liabilities of the company.
- (31) Based on the above, the Commission notes that Oltchim has not carried out any economic activity since 8 May 2019, all of its operational assets – accounting for a majority of the overall assets (ca. 60 % in terms of value) – had been sold already before the beginning of the bankruptcy proceedings, the rest of the assets (non-operational assets) being put out for sale, its staff was laid off, and that it will eventually be erased from the trade register once the bankruptcy procedure has been finalised. Any possible distortion of competition or effect on trade of the Measures 1 and 3 referred to in recital 8 ended once Oltchim ceased its activities.
- (32) Against this background, the Commission notes that both objectives of State aid control and of recovery referred to above, i.e. to prevent the granting of incompatible State aid and to ensure that the situation prior to the distortion of competition caused by State aid incompatible with the internal market is restored, are already met. Oltchim is no longer an economic operator active on the market and is already in bankruptcy proceedings, and, due to insufficient funds, State aid claims could be satisfied only partially following the sale of Oltchim's remaining assets. Therefore, continuing the investigation with respect to Measures 1 and 3 in favour of Oltchim does not serve any purpose.

⁽⁹⁾ Judgment of the Court of Justice of 11 December 2012, *Commission v Spain* ('Magesa II'), C-610/10, ECLI:EU:C:2012:781, paragraph 105.

⁽¹⁰⁾ Judgment of the Court of Justice of 17 January 2018, *Commission v Greece* ('United Textiles'), C-363/16, ECLI:EU:C:2018:12, paragraph 36.

⁽¹¹⁾ Recitals 316-351 of the 2018 Decision.

⁽¹²⁾ Bankruptcy Law No 85/2006.

- (33) Regarding the question of potential economic continuity between Oltchim and its successors, according to case-law, the following factors may be taken into account: the scope of the transfer (assets and liabilities, continuity of the workforce, bundled assets), the transfer price, the identity of the owners of the acquiring undertaking and of the original undertaking, the moment at which the transfer was carried out (after the start of the investigation, the initiation of the procedure or the final decision) and the economic logic of the transaction ⁽¹³⁾.
- (34) In its 2018 Decision (recitals 316 et seq.), the Commission analysed each of the five criteria and concluded, in recitals 350 and 351, that there was no economic continuity between Oltchim and either Chimcomplex or DSG, i.e. the two buyers of the majority of Oltchim's asset bundles at the time of the 2018 Decision. This finding was based on the circumstances that the assets were planned to be sold at their market price, the companies had no economic or corporate link to Oltchim and each of the new owners were to use the assets under different conditions and according to different business models than Oltchim.
- (35) Likewise, the Commission considered it highly unlikely that there would be economic continuity between Oltchim and any potential buyer(s) of the remaining assets that were planned for sale through a new tender as described in Romania's submission of 20 April 2018, since those assets were non-operational, and the scope of activities to be carried out by potential buyer(s) would clearly not encompass Oltchim's business and the scope of the activities to be carried out using those assets would very likely be different from Oltchim's.
- (36) Since the adoption of the 2018 Decision, no information has reached the Commission that could prompt it to change its view on economic discontinuity. The latest information received was the registration of the State aid claims in the schedule of liabilities in November 2020, and the most recent update on the bankruptcy sent by Romania by letter of 18 November 2021. The Commission will still follow up the bankruptcy of Oltchim to ensure that the claim relating to Measure 2 is correctly implemented and the company is definitively liquidated.
- (37) In this context, given the inevitable liquidation of Oltchim without any indications of economic continuity, the formal investigation procedure on the still outstanding measures (Measures 1 and 3) granted in favour of Oltchim, initiated under the first subparagraph of Article 108(2) TFEU, no longer serves any purpose,

HAS ADOPTED THIS DECISION:

Article 1

The procedure initiated on 8 April 2016 under the first subparagraph of Article 108(2) of the Treaty on the Functioning of the European Union in case SA.36086 in respect of Oltchim, is hereby terminated with regard to Measures 1 and 3 as referred to in the 2018 Decision.

Article 2

This Decision is addressed to Romania.

Done at Brussels, 30 June 2022.

For the Commission
Margrethe VESTAGER
Member of the Commission

⁽¹³⁾ Judgment of the General Court of 24 September 2019, *Fortischem a.s. v. Commission*, T-121/15, ECLI:EU:T:2019:684, paragraph 208.

COMMISSION DECISION (EU) 2023/391**of 15 February 2023****amending the Annex to the Monetary Agreement between the European Union and the Republic of San Marino**

THE EUROPEAN COMMISSION,

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

Having regard to the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino ⁽¹⁾, and in particular Article 8(5) thereof,

Whereas:

- (1) The Monetary Agreement between the Union and San Marino ('the Agreement') entered into force on 1 September 2012.
- (2) Article 8(1) of the Agreement requires San Marino to implement Union legal acts and rules on euro banknotes and coins, banking and financial law, prevention of money laundering, prevention of fraud and counterfeiting of cash and non-cash means of payment, medals and tokens and statistical reporting requirements. Those acts and rules are listed in the Annex to the Monetary Agreement.
- (3) The Annex to the Monetary Agreement should be amended by the Commission once a year or more often if deemed appropriate to take into account the new relevant Union legal acts and rules and the amendments to the existing ones.
- (4) Some legal acts and rules of the Union are not relevant anymore and should therefore be deleted from the Annex, while other legal acts and rules of the Union were adopted or amended and should be added to the Annex.
- (5) The Annex to the Monetary Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to the Monetary Agreement between the European Union and the Republic of San Marino is replaced by the text 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, 15 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

⁽¹⁾ OJ C 121, 26.4.2012, p. 5.

ANNEX

‘ANNEX

	Legal Provisions to be implemented	Deadline for implementing
	Prevention of money laundering	
1	Council Decision 2000/642/JHA of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information (OJ L 271, 24.10.2000, p. 4).	1 September 2013
2	Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1).	
3	Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ L 68, 15.3.2005, p. 49).	1 October 2014 ⁽¹⁾
4	Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (OJ L 332, 18.12.2007, p. 103).	
5	Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127, 29.4.2014, p. 39).	1 November 2016 ⁽²⁾
6	Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006 (OJ L 141, 5.6.2015, p. 1).	1 October 2017 ⁽³⁾
7	Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73). Amended by:	1 October 2017 ⁽³⁾
7-1	Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (OJ L 156, 19.6.2018, p. 43). Supplemented by:	31 December 2020 ⁽⁴⁾
7-2	Commission Delegated Regulation (EU) 2016/1675 of 14 July 2016 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council by identifying high-risk third countries with strategic deficiencies (OJ L 254, 20.9.2016, p. 1). Amended by:	1 October 2017 ⁽⁵⁾
7-2-1	Commission Delegated Regulation (EU) 2018/105 of 27 October 2017 amending Delegated Regulation (EU) 2016/1675, as regards adding Ethiopia to the list of high-risk third countries in the table in point I of the Annex (OJ L 19, 24.1.2018, p. 1).	31 March 2019 ⁽⁶⁾

7-2-2	Commission Delegated Regulation (EU) 2018/212 of 13 December 2017 amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Sri Lanka, Trinidad and Tobago, and Tunisia to the table in point I of the Annex (OJ L 41, 14.2.2018, p. 4).	31 March 2019 ⁽⁶⁾
7-2-3	Commission Delegated Regulation (EU) 2018/1467 of 27 July 2018 amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Pakistan to the table in point I of the Annex (OJ L 246, 2.10.2018, p. 1).	31 December 2019 ⁽⁷⁾
7-2-4	Commission Delegated Regulation (EU) 2020/855 of 7 May 2020 amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding the Bahamas, Barbados, Botswana, Cambodia, Ghana, Jamaica, Mauritius, Mongolia, Myanmar/Burma, Nicaragua, Panama and Zimbabwe to the table in point I of the Annex and deleting Bosnia-Herzegovina, Ethiopia, Guyana, Lao People's Democratic Republic, Sri Lanka and Tunisia from this table (OJ L 195, 19.6.2020, p. 1).	31 December 2022 ⁽⁸⁾
7-2-5	Commission Delegated Regulation (EU) 2021/37 of 7 December 2020 on amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards deleting Mongolia from the table in point I of the Annex (OJ L 14, 18.1.2021, p. 1).	31 December 2023 ⁽⁹⁾
7-2-6	Commission Delegated Regulation (EU) 2022/229 of 7 January 2022 on amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Burkina Faso, Cayman Islands, Haiti, Jordan, Mali, Morocco, the Philippines, Senegal, and South Sudan to the table in point I of the Annex and deleting the Bahamas, Botswana, Ghana, Iraq and Mauritius from this table (OJ L 39, 21.2.2022, p. 4).	31 December 2024 ⁽¹⁰⁾
7-3	Commission Delegated Regulation (EU) 2019/758 of 31 January 2019 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council with regard to regulatory technical standards for the minimum action and the type of additional measures credit and financial institutions must take to mitigate money laundering and terrorist financing risk in certain third countries (OJ L 125, 14.5.2019, p. 4).	31 December 2020 ⁽⁷⁾
8	Regulation (EU) 2018/1672 of the European Parliament and of the Council of 23 October 2018 on controls on cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005 (OJ L 284, 12.11.2018, p. 6).	31 December 2021 ⁽⁷⁾
9	Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (OJ L 284, 12.11.2018, p. 22).	31 December 2021 ⁽⁷⁾
	Prevention of fraud and counterfeiting	
10	Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 181, 4.7.2001, p. 6)	1 September 2013

	Amended by:	
10-1	Council Regulation (EC) No 44/2009 of 18 December 2008 amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 17, 22.1.2009, p. 1).	
11	Council Decision 2001/887/JHA of 6 December 2001 on the protection of the euro against counterfeiting (OJ L 329, 14.12.2001, p. 1).	1 September 2013
12	Council Decision 2003/861/EC of 8 December 2003 concerning analysis and cooperation with regard to counterfeit euro coins (OJ L 325, 12.12.2003, p. 44).	1 September 2013
13	Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins (OJ L 373, 21.12.2004, p. 1).	1 September 2013
	Amended by:	
13-1	Council Regulation (EC) No 46/2009 of 18 December 2008 amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins (OJ L 17, 22.1.2009, p. 5).	
14	Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (OJ L 151, 21.5.2014, p. 1).	1 July 2016 (?)
15	Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA (OJ L 123, 10.5.2019, p. 18).	31 December 2021 (?)
	Rules on euro banknotes and coins	
	With the exception of Article 1a, paragraphs 2 and 3, and Articles 4a, 4b and 4c:	
16	Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the European Central Bank to impose sanctions (OJ L 318, 27.11.1998, p. 4).	1 September 2013
	Amended by:	
16-1	Council Regulation (EU) 2015/159 of 27 January 2015 amending Regulation (EC) No 2532/98 concerning the powers of the European Central Bank to impose sanctions (OJ L 27, 3.2.2015, p. 1).	31 October 2021 (*)
17	Council Conclusions of 10 May 1999 on the quality management system for euro coins	1 September 2013
18	Communication from the Commission 2001/C 318/03 of 22 October 2001 on copyright protection of the common face design of the euro coins (COM(2001) 600 final) (OJ C 318, 13.11.2001, p. 3).	1 September 2013
19	Guideline of the European Central Bank ECB/2003/5 of 20 March 2003 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 78, 25.3.2003, p. 20)	1 September 2013
	Amended by:	
19-1	Guideline of the European Central Bank ECB/2013/11 of 19 April 2013 amending Guideline ECB/2003/5 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 118, 30.4.2013, p. 43).	1 October 2013 (†)

19-2	Guideline (EU) 2020/2091 of the European Central Bank of 4 December 2020 amending Guideline ECB/2003/5 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (ECB/2020/61) (OJ L 423, 15.12.2020, p. 65).	30 September 2022 ^(?)
20	Decision of the European Central Bank ECB/2010/14 of 16 September 2010 on the authenticity and fitness checking and recirculation of euro banknotes (OJ L 267, 9.10.2010, p. 1). Amended by:	1 September 2013
20-1	Decision of the European Central Bank ECB/2012/19 of 7 September 2012 amending Decision ECB/2010/14 on the authenticity and fitness checking and recirculation of euro banknotes (2012/507/EU) (OJ L 253, 20.9.2012, p. 19).	1 October 2013 ⁽¹⁾
20-2	Decision (EU) 2019/2195 of the European Central Bank of 5 December 2019 amending Decision ECB/2010/14 on the authenticity and fitness checking and recirculation of euro banknotes (ECB/2019/39) (OJ L 330, 20.12.2019, p. 91).	31 December 2021 ⁽⁸⁾
21	Regulation (EU) No 1210/2010 of the European Parliament and of the Council of 15 December 2010 concerning authentication of euro coins and handling of euro coins unfit for circulation (OJ L 339, 22.12.2010, p. 1).	1 September 2013
22	Regulation (EU) No 1214/2011 of the European Parliament and of the Council of 16 November 2011 on the professional transport of euro cash by road between euro-area Member States (OJ L 316, 29.11.2011, p. 1)	1 October 2014 ⁽¹⁾
23	Regulation (EU) No 651/2012 of the European Parliament and of the Council of 4 July 2012 on the issuance of euro coins (OJ L 201, 27.7.2012, p. 135).	1 October 2013 ⁽¹⁾
24	Decision of the European Central Bank ECB/2013/10 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (ECB/2013/10) (OJ L 118, 30.4.2013, p. 37). Amended by:	1 October 2013 ⁽¹⁾
24-1	Decision (EU) 2019/669 of the European Central Bank of 4 April 2019 amending Decision ECB/2013/10 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (OJ L 113, 29.4.2019, p. 6).	31 December 2020 ⁽⁷⁾
24-2	Decision (EU) 2020/2090 of the European Central Bank of 4 December 2020 amending Decision ECB/2013/10 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (ECB/2020/60) (OJ L 423, 15.12.2020, p. 62).	30 September 2022 ^(?)
25	Council Regulation (EU) No 729/2014 of 24 June 2014 on denominations and technical specifications of euro coins intended for circulation (Recast) (OJ L 194, 2.7.2014, p. 1).	1 October 2013 ⁽¹⁾
	Banking and Financial Legislation	
26	Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions (OJ L 372, 31.12.1986, p. 1). Amended by:	1 September 2016
26-1	Directive 2001/65/EC of the European Parliament and of the Council of 27 September 2001 amending Directives 78/660/EEC, 83/349/EEC and 86/635/EEC as regards the valuation rules for the annual and consolidated accounts of certain types of companies as well as of banks and other financial institutions (OJ L 283, 27.10.2001, p. 28).	

26-2	Directive 2003/51/EC of the European Parliament and of the Council of 18 June 2003 amending Directives 78/660/EEC, 83/349/EEC, 86/635/EEC and 91/674/EEC on the annual and consolidated accounts of certain types of companies, banks and other financial institutions and insurance undertakings (OJ L 178, 17.7.2003, p. 16).	
26-3	Directive 2006/46/EC of the European Parliament and of the Council of 14 June 2006 amending Council Directives 78/660/EEC on the annual accounts of certain types of companies, 83/349/EEC on consolidated accounts, 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions and 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings (OJ L 224, 16.8.2006, p. 1).	
27	Council Directive 89/117/EEC of 13 February 1989 on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents (OJ L 44, 16.2.1989, p. 40).	1 September 2018
28	Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 on investment compensation schemes (OJ L 84, 26.3.1997, p. 22).	1 September 2018
29	Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998, p. 45). Amended by:	1 September 2018
29-1	Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (OJ L 146, 10.6.2009, p. 37).	
29-2	Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120).	
29-3	Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).	30 September 2019 ⁽³⁾
29-4	Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1).	1 September 2018
29-5	Directive (EU) 2019/879 of the European Parliament and of the Council of 20 May 2019 amending Directive 2014/59/EU as regards the loss-absorbing and recapitalisation capacity of credit institutions and investment firms and Directive 98/26/EC (OJ L 150, 7.6.2019, p. 296).	31 December 2022 ⁽⁴⁾
30	Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding up of credit institutions (OJ L 125, 5.5.2001, p. 15) Amended by:	1 September 2018

30-1	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).	
31	Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements (OJ L 168, 27.6.2002, p. 43).	1 September 2018
	Amended by:	
31-1	Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (OJ L 146, 10.6.2009, p. 37).	
31-2	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).	1 September 2018 ⁽²⁾
31-3	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1).	31 December 2024 (with the exception of: article 95 – 31 December 2022, article 87(2) – 31 December 2023, Articles 9(1), 9(2), 9(3), 9(4), 9(6), 9(7), 9(9), 9(10), 9(12), 9(13), 9(16), 9(17), 9(18), 9(19), 10(1), 10(2), 10(3), 10(8), 10(9), 10(10), 10(11), 10(12) and 11 – 31 December 2024, Articles 9(14) and 20 – 31 December 2025) ⁽²⁾
32	Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (OJ L 35, 11.2.2003, p. 1) and the related level 2 measures as appropriate Amended by:	1 September 2018
32-1	Directive 2005/1/EC of the European Parliament and of the Council of 9 March 2005 amending Council Directives 73/239/EEC, 85/611/EEC, 91/675/EEC, 92/49/EEC and 93/6/EEC and Directives 94/19/EC, 98/78/EC, 2000/12/EC, 2001/34/EC, 2002/83/EC and 2002/87/EC in order to establish a new organisational structure for financial services committees (OJ L 79, 24.3.2005, p. 9).	

32-2	Directive 2008/25/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2002/87/EC on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate, as regards the implementing powers conferred on the Commission (OJ L 81, 20.3.2008, p. 40).	
32-3	Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120).	
32-4	Directive 2011/89/EU of the European Parliament and of the Council of 16 November 2011 amending Directives 98/78/EC, 2002/87/EC, 2006/48/EC and 2009/138/EC as regards the supplementary supervision of financial entities in a financial conglomerate (OJ L 326, 8.12.2011, p. 113).	
32-5	Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).	
32-6	Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019, p. 64).	31 December 2023 (*)
33	Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 (OJ L 266, 9.10.2009, p. 11). Amended by:	1 September 2018
33-1	Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22).	1 September 2018 (*)
34	Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7). Amended by:	1 September 2016
34-1	Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).	1 September 2017 (*)
34-2	Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).	30 September 2018 (*)

35	Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12). Amended by:	1 September 2016
35-1	Regulation (EU) No 1022/2013 of the European Parliament and of the Council of 22 October 2013 amending Regulation (EU) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority) as regards the conferral of specific tasks on the European Central Bank pursuant to Council Regulation (EU) No 1024/2013 (OJ L 287, 29.10.2013, p. 5).	
35-2	Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 (OJ L 60, 28.2.2014, p. 34).	
35-3	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).	1 September 2018 ⁽³⁾
35-4	Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).	30 September 2018 ⁽⁴⁾
35-5	Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314, 5.12.2019, p. 1).	31 December 2023 ⁽⁸⁾
36	Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84). Amended by:	1 September 2016
36-1	Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ L 174, 1.7.2011, p. 1).	
36-2	Regulation (EU) No 258/2014 of the European Parliament and of the Council of 3 April 2014 establishing a Union programme to support specific activities in the field of financial reporting and auditing for the period of 2014-20 and repealing Decision No 716/2009/EC (OJ L 105, 8.4.2014, p. 1).	
36-3	Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 amending Directives 2003/71/EC and 2009/138/EC and Regulations (EC) No 1060/2009, (EU) No 1094/2010 and (EU) No 1095/2010 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 153, 22.5.2014, p. 1).	

36-4	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1).	31 December 2024 (with the exception of: article 95 – 31 December 2022, article 87(2) – 31 December 2023, Articles 9(1), 9(2), 9(3), 9(4), 9(6), 9(7), 9(9), 9(10), 9(12), 9(13), 9(16), 9(17), 9(18), 9(19), 10(1), 10(2), 10(3), 10(8), 10(9), 10(10), 10(11), 10(12) and 11 – 31 December 2024, Articles 9(14) and 20 – 31 December 2025) ⁽⁹⁾
37	Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22). Amended by:	1 April 2018 ⁽²⁾
37-1	Regulation (EU) No 248/2014 of the European Parliament and of the Council of 26 February 2014 amending Regulation (EU) No 260/2012 as regards the migration to Union-wide credit transfers and direct debits (OJ L 84, 20.3.2014, p. 1).	
38	Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories, (OJ L 201, 27.7.2012, p. 1) and the related level 2 measures as appropriate Amended by:	30 September 2019 ⁽³⁾
38-1	Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).	
38-2	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).	
38-3	Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).	31 December 2020 ⁽³⁾
38-4	Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).	

38-5	Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (OJ L 337, 23.12.2015, p. 1).	30 September 2019 ⁽⁴⁾
38-6	Regulation (EU) 2019/834 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EU) No 648/2012 as regards the clearing obligation, the suspension of the clearing obligation, the reporting requirements, the risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty, the registration and supervision of trade repositories and the requirements for trade repositories (OJ L 141, 28.5.2019, p. 42).	31 December 2021 ⁽⁸⁾
38-7	Regulation (EU) 2019/876 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EU) No 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements, and Regulation (EU) No 648/2012 (OJ L 150, 7.6.2019, p. 1).	31 December 2023 ⁽⁸⁾
38-8	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1).	31 December 2024 (with the exception of: article 95 – 31 December 2022, article 87(2) – 31 December 2023, Articles 9(1), 9(2), 9(3), 9(4), 9(6), 9(7), 9(9), 9(10), 9(12), 9(13), 9(16), 9(17), 9(18), 9(19), 10(1), 10(2), 10(3), 10(8), 10(9), 10(10), 10(11), 10(12) and 11 – 31 December 2024, Articles 9(14) and 20 – 31 December 2025) ⁽⁹⁾
38-9	Regulation (EU) 2021/168 of the European Parliament and of the Council of 10 February 2021 amending Regulation (EU) 2016/1011 as regards the exemption of certain third-country spot foreign exchange benchmarks and the designation of replacements for certain benchmarks in cessation, and amending Regulation (EU) No 648/2012 (OJ L 49, 12.2.2021, p. 6).	31 December 2023 ⁽⁹⁾
39	Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1) and the related level 2 measures as appropriate Amended by:	1 September 2017 ⁽¹⁾
39-1	Regulation (EU) 2017/2395 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 575/2013 as regards transitional arrangements for mitigating the impact of the introduction of IFRS 9 on own funds and for the large exposures treatment of certain public sector exposures denominated in the domestic currency of any Member State (OJ L 345, 27.12.2017, p. 27).	30 June 2019 ⁽⁶⁾

39-2	Regulation (EU) 2017/2401 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 575/2013 on prudential requirements for credit institutions and investment firms (OJ L 347, 28.12.2017, p. 1).	31 March 2020 ⁽⁶⁾
39-3	Regulation (EU) 2019/630 of the European Parliament and of the Council of 17 April 2019 amending Regulation (EU) No 575/2013 as regards minimum loss coverage for non-performing exposures (OJ L 111, 25.4.2019, p. 4).	31 December 2020 ⁽⁷⁾
39-4	Regulation (EU) 2019/876 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EU) No 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements, and Regulation (EU) No 648/2012 (OJ L 150, 7.6.2019, p. 1).	31 December 2023 ⁽⁸⁾
39-5	Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314, 5.12.2019, p. 1).	31 December 2023 ⁽⁸⁾
39-6	Regulation (EU) 2020/873 of the European Parliament and of the Council of 24 June 2020 amending Regulations (EU) No 575/2013 and (EU) 2019/876 as regards certain adjustments in response to the COVID-19 pandemic (OJ L 204, 26.6.2020, p. 4).	31 December 2022 (with the exception of point (4) of Article 1 – 31 December 2023) ⁽⁹⁾
39-7	Regulation (EU) 2021/558 of the European Parliament and of the Council of 31 March 2021 amending Regulation (EU) No 575/2013 as regards adjustments to the securitisation framework to support the economic recovery in response to the COVID-19 crisis (OJ L 116, 6.4.2021, p. 25).	31 December 2023 (with the exception of points (2) and (4) of Article 1 – 31 December 2024) ⁽⁹⁾
40	Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338) and the related level 2 measures as appropriate Amended by:	1 September 2017 ⁽¹⁾
40-1	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).	1 September 2018 ⁽³⁾
40-2	Directive (EU) 2019/878 of the European Parliament and of the Council of 20 May 2019 amending Directive 2013/36/EU as regards exempted entities, financial holding companies, mixed financial holding companies, remuneration, supervisory measures and powers and capital conservation measures (OJ L 150, 7.6.2019, p. 253).	31 December 2022 ⁽⁸⁾
40-3	Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019, p. 64).	31 December 2023 ⁽⁸⁾

40-4	Directive (EU) 2021/338 of the European Parliament and of the Council of 16 February 2021 amending Directive 2014/65/EU as regards information requirements, product governance and position limits, and Directives 2013/36/EU and (EU) 2019/878 as regards their application to investment firms, to help the recovery from the COVID-19 crisis (OJ L 68, 26.2.2021, p. 14).	31 December 2023 ^(?)
41	Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC (OJ L 173, 12.6.2014, p. 1) and the related level 2 measures as appropriate. Amended by:	30 September 2018 ⁽⁴⁾
41-1	Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1).	1 March 2020 ⁽⁶⁾
41-2	Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories (OJ L 175, 30.6.2016, p. 1).	30 September 2018 ⁽⁵⁾
42	Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit-guarantee schemes (recast) (OJ L 173, 12.6.2014, p. 149).	1 September 2016 ⁽²⁾
43	Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive) (OJ L 173, 12.6.2014, p. 179).	30 September 2018 ⁽⁴⁾
44	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190) and the related level 2 measures as appropriate Amended by:	1 September 2018 ⁽²⁾
44-1	Directive (EU) 2017/2399 of the European Parliament and of the Council of 12 December 2017 amending Directive 2014/59/EU as regards the ranking of unsecured debt instruments in insolvency hierarchy (OJ L 345, 27.12.2017, p. 96).	31 October 2019 ⁽⁶⁾
44-2	Directive (EU) 2019/879 of the European Parliament and of the Council of 20 May 2019 amending Directive 2014/59/EU as regards the loss-absorbing and recapitalisation capacity of credit institutions and investment firms and Directive 98/26/EC (OJ L 150, 7.6.2019, p. 296).	31 December 2022 ⁽⁸⁾
44-3	Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019, p. 64).	31 December 2023 ⁽⁸⁾

44-4	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1).	31 December 2024 (with the exception of: article 95 – 31 December 2022, article 87(2) – 31 December 2023, Articles 9(1), 9(2), 9(3), 9(4), 9(6), 9(7), 9(9), 9(10), 9(12), 9(13), 9(16), 9(17), 9(18), 9(19), 10(1), 10(2), 10(3), 10(8), 10(9), 10(10), 10(11), 10(12) and 11 – 31 December 2024, Articles 9(14) and 20 – 31 December 2025) ⁽⁹⁾
45	Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349) and the related level 2 measures as appropriate Amended by:	31 December 2020 ⁽³⁾
45-1	Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1).	31 December 2020 ⁽⁴⁾
45-2	Directive (EU) 2016/1034 of the European Parliament and of the Council of 23 June 2016 amending Directive 2014/65/EU on markets in financial instruments (OJ L 175, 30.6.2016, p. 8). With the exception of Article 64, paragraph 5:	31 December 2021 ⁽⁵⁾
45-3	Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019, p. 64).	31 December 2023 ⁽⁶⁾
45-4	Directive (EU) 2019/2177 of the European Parliament and of the Council of 18 December 2019 amending Directive 2009/138/EC on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), Directive 2014/65/EU on markets in financial instruments and Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money-laundering or terrorist financing (OJ L 334, 27.12.2019, p. 155).	31 December 2024 ⁽⁸⁾
45-5	Directive (EU) 2020/1504 of the European Parliament and of the Council of 7 October 2020 amending Directive 2014/65/EU on markets in financial instruments (OJ L 347, 20.10.2020, p. 50).	31 December 2023 ⁽⁹⁾
45-6	Directive (EU) 2021/338 of the European Parliament and of the Council of 16 February 2021 amending Directive 2014/65/EU as regards information requirements, product governance and position limits, and Directives 2013/36/EU and (EU) 2019/878 as regards their application to investment firms, to help the recovery from the COVID-19 crisis (OJ L 68, 26.2.2021, p. 14).	31 December 2023 ⁽⁹⁾

46	Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84) and the related level 2 measures as appropriate Amended by:	31 December 2020 ⁽⁷⁾
46-1	Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories (OJ L 175, 30.6.2016, p. 1).	31 December 2020 ⁽⁷⁾
46-2	Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314, 5.12.2019, p. 1).	31 December 2023 ⁽⁸⁾
46-3	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1).	31 December 2024 (with the exception of: article 95 – 31 December 2022, article 87(2) – 31 December 2023, Articles 9(1), 9(2), 9(3), 9(4), 9(6), 9(7), 9(9), 9(10), 9(12), 9(13), 9(16), 9(17), 9(18), 9(19), 10(1), 10(2), 10(3), 10(8), 10(9), 10(10), 10(11), 10(12) and 11 – 31 December 2024, Articles 9(14) and 20 – 31 December 2025) ⁽⁹⁾
47	Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1). Amended by:	31 December 2020 ⁽⁴⁾
47-1	Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories (OJ L 175, 30.6.2016, p. 1).	31 December 2020 ⁽⁶⁾
48	Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (OJ L 337, 23.12.2015, p. 1). Amended by:	30 September 2019 ⁽⁴⁾

48-1	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1).	31 December 2024 (with the exception of: article 95 – 31 December 2022, article 87(2) – 31 December 2023, Articles 9(1), 9(2), 9(3), 9(4), 9(6), 9(7), 9(9), 9(10), 9(12), 9(13), 9(16), 9(17), 9(18), 9(19), 10(1), 10(2), 10(3), 10(8), 10(9), 10(10), 10(11), 10(12) and 11 – 31 December 2024, Articles 9(14) and 20 – 31 December 2025) ⁽⁹⁾
49	Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35) and the related level 2 measures as appropriate	30 September 2018 ⁽⁴⁾
50	Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1). Amended by:	1 March 2020 ⁽⁶⁾
50-1	Regulation (EU) 2019/2089 of the European Parliament and of the Council of 27 November 2019 amending Regulation (EU) 2016/1011 as regards EU Climate Transition Benchmarks, EU Paris-aligned Benchmarks and sustainability-related disclosures for benchmarks (OJ L 317, 9.12.2019, p. 17).	31 December 2021 ⁽⁸⁾
50-2	Regulation (EU) 2021/168 of the European Parliament and of the Council of 10 February 2021 amending Regulation (EU) 2016/1011 as regards the exemption of certain third-country spot foreign exchange benchmarks and the designation of replacements for certain benchmarks in cessation, and amending Regulation (EU) No 648/2012 (OJ L 49, 12.2.2021, p. 6). Legislation on collection of statistical information (*)	31 December 2023 ⁽⁹⁾
51	Guideline of the European Central Bank ECB/2013/24 of 25 July 2013 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 2, 7.1.2014, p. 34). Amended by:	1 September 2016 ⁽²⁾
51-1	Guideline (EU) 2016/66 of the European Central Bank of 26 November 2015 amending Guideline ECB/2013/24 on the statistical reporting requirements of the ECB in the field of quarterly financial accounts (ECB/2015/40) (OJ L 14, 21.1.2016, p. 36).	31 March 2017 ⁽⁴⁾
51-2	Guideline (EU) 2020/1553 of the European Central Bank of 14 October 2020 amending Guideline ECB/2013/24 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (ECB/2020/51) (OJ L 354, 26.10.2020, p. 24).	31 December 2022 ⁽⁹⁾

51-3	Guideline (EU) 2021/827 of the European Central Bank of 29 April 2021 amending Guideline ECB/2013/24 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (ECB/2021/20) (OJ L 184, 25.5.2021, p. 4).	31 December 2022 ⁽⁹⁾
52	Regulation (EU) 2021/379 of the European Central Bank of 22 January 2021 on the balance sheet items of credit institutions and of the monetary financial institutions sector (recast) (ECB/2021/2) (OJ L 73, 3.3.2021, p. 16)	31 December 2022 ⁽⁹⁾
53	Regulation (EU) No 1072/2013 of the European Central Bank of 24 September 2013 concerning statistics on interest rates applied by monetary financial institutions (recast) (ECB/2013/34) (OJ L 297, 7.11.2013, p. 51). Amended by:	1 September 2016 ⁽⁷⁾
53-1	Regulation (EU) No 756/2014 of the European Central Bank of 8 July 2014 amending Regulation (EU) No 1072/2013 (ECB/2013/34) concerning statistics on interest rates applied by monetary financial institutions (ECB/2014/30) (OJ L 205, 12.7.2014, p. 14).	
54	Guideline (EU) 2021/830 of the European Central Bank of 26 March 2021 on balance sheet item statistics and interest rate statistics of monetary financial institutions (ECB/2021/11) (OJ L 208, 11.6.2021, p. 1) Amended by:	31 December 2022 ⁽⁹⁾
54-1	Guideline (EU) 2022/67 of the European Central Bank of 6 January 2022 amending Guideline (EU) 2021/830 on balance sheet item statistics and interest rate statistics of monetary financial institutions (ECB/2022/1) (OJ L 11, 18.1.2022, p. 56)	31 December 2023 ⁽¹⁰⁾

⁽¹⁾ The Joint Committee of 2013 agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

⁽²⁾ The Joint Committee of 2014 agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

⁽³⁾ The Joint Committee of 2015 agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

⁽⁴⁾ The Joint Committee of 2016 agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

⁽⁵⁾ The Joint Committee of 2017 agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

⁽⁶⁾ The Joint Committee of 2018 agreed on these deadlines pursuant to Article 8(5) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

⁽⁷⁾ The Joint Committee of 2019 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

⁽⁸⁾ The Joint Committee of 2020 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

⁽⁹⁾ The Joint Committee of 2021 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

⁽¹⁰⁾ The Joint Committee of 2022 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 27 March 2012 between the European Union and the Republic of San Marino.

^(*) As agreed under the template on simplified statistical reporting.

COMMISSION DECISION (EU) 2023/392**of 15 February 2023****amending the Annex to the Monetary Agreement between the European Union and the Principality of Andorra**

THE EUROPEAN COMMISSION,

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

Having regard to the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra ⁽¹⁾, and in particular Article 8(4) thereof,

Whereas:

- (1) The Monetary Agreement between the Union and the Andorra ('the Agreement') entered into force on 1 April 2012.
- (2) Article 8(1) of the Agreement requires Andorra to implement Union acts concerning the rules on euro banknotes and coins, banking and financial law, prevention of money laundering, prevention of fraud and counterfeiting of cash and non-cash means of payment, medals and tokens and statistical reporting requirements. Those acts are listed in the Annex to the Monetary Agreement.
- (3) The Annex should be amended by the Commission every year to take into account the new relevant legal acts and rules of the Union and the amendments to the existing ones.
- (4) Some legal acts and rules of the Union are not relevant anymore and should therefore be deleted from the Annex, while other relevant legal acts and rules of the Union were adopted or amended and should be added to the Annex.
- (5) The Annex to the Monetary Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to the Monetary Agreement between the European Union and the Principality of Andorra is replaced by the text 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, 15 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

⁽¹⁾ OJ C 369, 17.12.2011, p. 1.

ANNEX

‘ANNEX

	Legal Provisions to be implemented	Deadline for implementing
	Prevention of money laundering	
1	Council Decision 2000/642/JHA of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information (OJ L 271, 24.10.2000, p. 4)	
2	Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1)	
3	Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ L 68, 15.3.2005, p. 49)	31 March 2015 ⁽¹⁾
4	Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (OJ L 332, 18.12.2007, p. 103)	
5	Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127, 29.4.2014, p. 39)	1 November 2016 ⁽²⁾
6	Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006 (OJ L 141, 5.6.2015, p. 1)	1 October 2017 ⁽³⁾
7	Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73)	1 October 2017 ⁽³⁾
	Amended by:	
7-1	Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (OJ L 156, 19.6.2018, p. 43)	31 December 2020 ⁽⁶⁾
	Supplemented by:	
7-2	Commission Delegated Regulation (EU) 2016/1675 of 14 July 2016 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council by identifying high-risk third countries with strategic deficiencies (OJ L 254, 20.9.2016, p. 1)	1 December 2017 ⁽⁵⁾

	Legal Provisions to be implemented	Deadline for implementing
	Amended by:	
7-2-1	Commission Delegated Regulation (EU) 2018/105 of 27 October 2017 amending Delegated Regulation (EU) 2016/1675, as regards adding Ethiopia to the list of high-risk third countries in the table in point I of the Annex (OJ L 19, 24.1.2018, p. 1)	31 March 2019 ⁽⁶⁾
7-2-2	Commission Delegated Regulation (EU) 2018/212 of 13 December 2017 amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Sri Lanka, Trinidad and Tobago, and Tunisia to the table in point I of the Annex (OJ L 41, 14.2.2018, p. 4)	31 March 2019 ⁽⁶⁾
7-2-3	Commission Delegated Regulation (EU) 2018/1467 of 27 July 2018 amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Pakistan to the table in point I of the Annex (OJ L 246, 2.10.2018, p. 1)	31 December 2020 ⁽⁷⁾
7-2-4	Commission Delegated Regulation (EU) 2020/855 of 7 May 2020 amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding the Bahamas, Barbados, Botswana, Cambodia, Ghana, Jamaica, Mauritius, Mongolia, Myanmar/Burma, Nicaragua, Panama and Zimbabwe to the table in point I of the Annex and deleting Bosnia-Herzegovina, Ethiopia, Guyana, Lao People's Democratic Republic, Sri Lanka and Tunisia from this table (OJ L 195, 19.6.2020, p. 1)	31 December 2022 ⁽⁸⁾
7-2-5	Commission Delegated Regulation (EU) 2021/37 of 7 December 2020 on amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards deleting Mongolia from the table in point I of the Annex (OJ L 14, 18.1.2021, p. 1)	31 December 2023 ⁽⁹⁾
7-2-6	Commission Delegated Regulation (EU) 2022/229 of 7 January 2022 on amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Burkina Faso, Cayman Islands, Haiti, Jordan, Mali, Morocco, the Philippines, Senegal, and South Sudan to the table in point I of the Annex and deleting the Bahamas, Botswana, Ghana, Iraq and Mauritius from this table (OJ L 39, 21.2.2022, p. 4)	31 December 2024 ⁽¹⁰⁾
7-3	Commission Delegated Regulation (EU) 2019/758 of 31 January 2019 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council with regard to regulatory technical standards for the minimum action and the type of additional measures credit and financial institutions must take to mitigate money laundering and terrorist financing risk in certain third countries (OJ L 125, 14.5.2019, p. 4)	31 December 2020 ⁽⁷⁾
8	Regulation (EU) 2018/1672 of the European Parliament and of the Council of 23 October 2018 on controls on cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005 (OJ L 284, 12.11.2018, p. 6)	31 December 2021 ⁽⁷⁾

	Legal Provisions to be implemented	Deadline for implementing
9	Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (OJ L 284, 12.11.2018, p. 22)	31 December 2021 ⁽⁷⁾
	Prevention of fraud and counterfeiting	
10	Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 181, 4.7.2001, p. 6)	30 September 2013
	Amended by:	
10-1	Council Regulation (EC) No 44/2009 of 18 December 2008 amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 17, 22.1.2009, p. 1)	
11	Council Decision 2001/887/JHA of 6 December 2001 on the protection of the euro against counterfeiting (OJ L 329, 14.12.2001, p. 1)	30 September 2013
12	Council Decision 2003/861/EC of 8 December 2003 concerning analysis and cooperation with regard to counterfeit euro coins (OJ L 325, 12.12.2003, p. 44)	30 September 2013
13	Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins (OJ L 373, 21.12.2004, p. 1)	30 September 2013
	Amended by:	
13-1	Council Regulation (EC) No 46/2009 of 18 December 2008 amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins (OJ L 17, 22.1.2009, p. 5)	
14	Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (OJ L 151, 21.5.2014, p. 1)	30 June 2016 ⁽⁷⁾
15	Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA (OJ L 123, 10.5.2019, p. 18)	31 December 2021 ⁽⁷⁾
	Rules on euro banknotes and coins	
16	With the exception of Article 1a, paragraphs 2 and 3, and Articles 4a, 4b and 4c: Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the European Central Bank to impose sanctions (OJ L 318, 27.11.1998, p. 4)	30 September 2014 ⁽¹⁾
	Amended by:	
16-1	Council Regulation (EU) 2015/159 of 27 January 2015 amending Regulation (EC) No 2532/98 concerning the powers of the European Central Bank to impose sanctions (OJ L 27, 3.2.2015, p. 1)	31 December 2020 ⁽⁸⁾

	Legal Provisions to be implemented	Deadline for implementing
17	Council Conclusions of 10 May 1999 on the quality management system for euro coins	31 March 2013
18	Communication from the Commission 2001/C 318/03 of 22 October 2001 on copyright protection of the common face design of the euro coins (C (2001) 600 final) (OJ C 318, 13.11.2001, p. 3)	31 March 2013
19	Guideline of the European Central Bank ECB/2003/5 of 20 March 2003 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 78, 25.3.2003, p. 20) Amended by:	31 March 2013
19-1	Guideline of the European Central Bank ECB/2013/11 of 19 April 2013 amending Guideline ECB/2003/5 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 118, 30.4.2013, p. 43)	30 September 2014 ⁽¹⁾
19-2	Guideline (EU) 2020/2091 of the European Central Bank of 4 December 2020 amending Guideline ECB/2003/5 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (ECB/2020/61) (OJ L 423, 15.12.2020, p. 65)	30 September 2022 ⁽²⁾
20	Decision of the European Central Bank ECB/2010/14 of 16 September 2010 on the authenticity and fitness checking and recirculation of euro banknotes (OJ L 267, 9.10.2010, p. 1) Amended by:	30 September 2013
20-1	Decision of the European Central Bank ECB/2012/19 of 7 September 2012 amending Decision ECB/2010/14 on the authenticity and fitness checking and recirculation of euro banknotes (OJ L 253, 20.9.2012, p. 19)	30 September 2014 ⁽¹⁾
20-2	Decision (EU) 2019/2195 of the European Central Bank of 5 December 2019 amending Decision ECB/2010/14 on the authenticity and fitness checking and recirculation of euro banknotes (ECB/2019/39) (OJ L 330, 20.12.2019, p. 91)	31 December 2021 ⁽⁸⁾
21	Regulation (EU) No 1210/2010 of the European Parliament and of the Council of 15 December 2010 concerning authentication of euro coins and handling of euro coins unfit for circulation (OJ L 339, 22.12.2010, p. 1)	31 March 2013
22	Regulation (EU) No 1214/2011 of the European Parliament and of the Council of 16 November 2011 on the professional transport of euro cash by road between euro-area Member States (OJ L 316, 29.11.2011, p. 1)	31 March 2015 ⁽¹⁾
23	Regulation (EU) No 651/2012 of the European Parliament and of the Council of 4 July 2012 on the issuance of euro coins (OJ L 201, 27.7.2012, p. 135)	30 September 2014 ⁽¹⁾
24	Decision of the European Central Bank ECB/2013/10 of 19 April 2013 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (OJ L 118, 30.4.2013, p. 37)	30 September 2014 ⁽¹⁾

	Legal Provisions to be implemented	Deadline for implementing
	Amended by:	
24-1	Decision (EU) 2019/669 of the European Central Bank of 4 April 2019 amending Decision ECB/2013/10 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (OJ L 113, 29.4.2019, p. 6)	31 December 2020 ⁽⁷⁾
24-2	Decision (EU) 2020/2090 of the European Central Bank of 4 December 2020 amending Decision ECB/2013/10 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (ECB/2020/60) (OJ L 423, 15.12.2020, p. 62)	30 September 2022 ⁽⁸⁾
25	Council Regulation (EU) No 729/2014 of 24 June 2014 on denominations and technical specifications of euro coins intended for circulation (Recast) (OJ L 194, 2.7.2014, p. 1)	30 September 2014 ⁽²⁾
	Banking and Financial Legislation	
26	Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions (OJ L 372, 31.12.1986, p. 1)	31 March 2016
	Amended by:	
26-1	Directive 2001/65/EC of the European Parliament and of the Council of 27 September 2001 amending Directives 78/660/EEC, 83/349/EEC and 86/635/EEC as regards the valuation rules for the annual and consolidated accounts of certain types of companies as well as of banks and other financial institutions (OJ L 283, 27.10.2001, p. 28)	
26-2	Directive 2003/51/EC of the European Parliament and of the Council of 18 June 2003 amending Directives 78/660/EEC, 83/349/EEC, 86/635/EEC and 91/674/EEC on the annual and consolidated accounts of certain types of companies, banks and other financial institutions and insurance undertakings (OJ L 178, 17.7.2003, p. 16)	
26-3	Directive 2006/46/EC of the European Parliament and of the Council of 14 June 2006 amending Council Directives 78/660/EEC on the annual accounts of certain types of companies, 83/349/EEC on consolidated accounts, 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions and 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings (OJ L 224, 16.8.2006, p. 1)	
27	Council Directive 89/117/EEC of 13 February 1989 on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents (OJ L 44, 16.2.1989, p. 40)	31 March 2018
28	Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 on investment compensation schemes (OJ L 84, 26.3.1997, p. 22)	31 March 2018
29	Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998, p. 45)	31 March 2018

	Legal Provisions to be implemented	Deadline for implementing
	Amended by:	
29-1	Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (OJ L 146, 10.6.2009, p. 37)	
29-2	Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120)	
29-3	Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1)	30 September 2019
29-4	Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1)	31 March 2018 except for Article 3(1): 1 February 2023 and from 1 February 2025 ⁽⁷⁾
29-5	Directive (EU) 2019/879 of the European Parliament and of the Council of 20 May 2019 amending Directive 2014/59/EU as regards the loss-absorbing and recapitalisation capacity of credit institutions and investment firms and Directive 98/26/EC (OJ L 150, 7.6.2019, p. 296)	31 December 2022 ⁽⁸⁾
30	Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding up of credit institutions (OJ L 125, 5.5.2001, p. 15)	31 March 2018
	Amended by:	
30-1	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190)	
31	Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements (OJ L 168, 27.6.2002, p. 43)	31 March 2018
	Amended by:	
31-1	Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (OJ L 146, 10.6.2009, p. 37)	

	Legal Provisions to be implemented	Deadline for implementing
31-2	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190)	31 March 2018 ⁽²⁾
31-3	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1)	31 December 2024 (with the exception of: Article 95 – 31 December 2022, Article 87(2) – 31 December 2023, Articles 9(1), 9(2), 9(3), 9(4), 9(6), 9(7), 9(9), 9(10), 9(12), 9(13), 9(16), 9(17), 9(18), 9(19), 10(1), 10(2), 10(3), 10(8), 10(9), 10(10), 10(11), 10(12) and 11 – 31 December 2024, Articles 9(14) and 20 – 31 December 2025) ⁽³⁾
32	Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (OJ L 35, 11.2.2003, p. 1) and the related level 2 measures as appropriate Amended by:	31 March 2018
32-1	Directive 2005/1/EC of the European Parliament and of the Council of 9 March 2005 amending Council Directives 73/239/EEC, 85/611/EEC, 91/675/EEC, 92/49/EEC and 93/6/EEC and Directives 94/19/EC, 98/78/EC, 2000/12/EC, 2001/34/EC, 2002/83/EC and 2002/87/EC in order to establish a new organisational structure for financial services committees (OJ L 79, 24.3.2005, p. 9)	
32-2	Directive 2008/25/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2002/87/EC on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate, as regards the implementing powers conferred on the Commission (OJ L 81, 20.3.2008, p. 40)	
32-3	Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120)	

	Legal Provisions to be implemented	Deadline for implementing
32-4	Directive 2011/89/EU of the European Parliament and of the Council of 16 November 2011 amending Directives 98/78/EC, 2002/87/EC, 2006/48/EC and 2009/138/EC as regards the supplementary supervision of financial entities in a financial conglomerate (OJ L 326, 8.12.2011, p. 113)	31 December 2023 ⁽⁸⁾
32-5	Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338)	
32-6	Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019, p. 64)	
33	Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 (OJ L 266, 9.10.2009, p. 11) Amended by:	31 March 2018
33-1	Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22)	
34	Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7) Amended by:	31 March 2016
34-1	Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338)	30 September 2017 ⁽⁹⁾
34-2	Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35)	30 September 2018 ⁽⁴⁾
35	Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12)	31 March 2016

	Legal Provisions to be implemented	Deadline for implementing
	Amended by:	
35-1	Regulation (EU) No 1022/2013 of the European Parliament and of the Council of 22 October 2013 amending Regulation (EU) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority) as regards the conferral of specific tasks on the European Central Bank pursuant to Council Regulation (EU) No 1024/2013 (OJ L 287, 29.10.2013, p. 5)	
35-2	Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 (OJ L 60, 28.2.2014, p. 34)	
35-3	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190)	31 March 2018 ⁽²⁾
35-4	Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ L 225, 30.7.2014, p. 1)	
35-5	Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35)	30 September 2018 ⁽⁴⁾
35-6	Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314, 5.12.2019, p. 1)	31 December 2023 ⁽⁸⁾
36	Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84)	31 March 2016
	Amended by:	
36-1	Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ L 174, 1.7.2011, p. 1)	

	Legal Provisions to be implemented	Deadline for implementing
36-2	Regulation (EU) No 258/2014 of the European Parliament and of the Council of 3 April 2014 establishing a Union programme to support specific activities in the field of financial reporting and auditing for the period of 2014-20 and repealing Decision No 716/2009/EC (OJ L 105, 8.4.2014, p. 1)	
36-3	Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 amending Directives 2003/71/EC and 2009/138/EC and Regulations (EC) No 1060/2009, (EU) No 1094/2010 and (EU) No 1095/2010 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 153, 22.5.2014, p. 1)	
36-4	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1)	31 December 2024 (with the exception of: Article 95 – 31 December 2022, Article 87(2) – 31 December 2023, Articles 9(1), 9(2), 9(3), 9(4), 9(6), 9(7), 9(9), 9(10), 9(12), 9(13), 9(16), 9(17), 9(18), 9(19), 10(1), 10(2), 10(3), 10(8), 10(9), 10(10), 10(11), 10(12) and 11 – 31 December 2024, Articles 9(14) and 20 – 31 December 2025) ⁽⁹⁾
37	Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1) and the related level 2 measures as appropriate Amended by:	30 September 2019 ⁽¹⁾
37-1	Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1)	
37-2	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190)	
37-3	Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84)	31 December 2020 ⁽²⁾

	Legal Provisions to be implemented	Deadline for implementing
37-4	Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73)	
37-5	Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (OJ L 337, 23.12.2015, p. 1)	30 September 2019 ⁽⁴⁾
37-6	Regulation (EU) 2019/834 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EU) No 648/2012 as regards the clearing obligation, the suspension of the clearing obligation, the reporting requirements, the risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty, the registration and supervision of trade repositories and the requirements for trade repositories (OJ L 141, 28.5.2019, p. 42)	31 December 2021 ⁽⁸⁾
37-7	Regulation (EU) 2019/876 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EU) No 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements, and Regulation (EU) No 648/2012 (OJ L 150, 7.6.2019, p. 1)	31 December 2023 ⁽⁸⁾
37-8	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1)	31 December 2024 (with the exception of: Article 95 – 31 December 2022, Article 87(2) – 31 December 2023, Articles 9(1), 9(2), 9(3), 9(4), 9(6), 9(7), 9(9), 9(10), 9(12), 9(13), 9(16), 9(17), 9(18), 9(19), 10(1), 10(2), 10(3), 10(8), 10(9), 10(10), 10(11), 10(12) and 11 – 31 December 2024, Articles 9(14) and 20 – 31 December 2025) ⁽⁹⁾
37-9	Regulation (EU) 2021/168 of the European Parliament and of the Council of 10 February 2021 amending Regulation (EU) 2016/1011 as regards the exemption of certain third-country spot foreign exchange benchmarks and the designation of replacements for certain benchmarks in cessation, and amending Regulation (EU) No 648/2012 (OJ L 49, 12.2.2021, p. 6)	31 December 2023 ⁽⁹⁾
38	Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1) and the related level 2 measures as appropriate	30 September 2017 ⁽¹⁾

	Legal Provisions to be implemented	Deadline for implementing
	Amended by:	
38-1	Regulation (EU) 2017/2395 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 575/2013 as regards transitional arrangements for mitigating the impact of the introduction of IFRS 9 on own funds and for the large exposures treatment of certain public sector exposures denominated in the domestic currency of any Member State (OJ L 345, 27.12.2017, p. 27)	30 June 2019 ⁽⁶⁾
38-2	Regulation (EU) 2017/2401 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 575/2013 on prudential requirements for credit institutions and investment firms (OJ L 347, 28.12.2017, p. 1)	31 March 2020 ⁽⁶⁾
38-3	Regulation (EU) 2019/630 of the European Parliament and of the Council of 17 April 2019 amending Regulation (EU) No 575/2013 as regards minimum loss coverage for non-performing exposures (OJ L 111, 25.4.2019, p. 4)	31 December 2020 ⁽⁷⁾
38-4	Regulation (EU) 2019/876 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EU) No 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements, and Regulation (EU) No 648/2012 (OJ L 150, 7.6.2019, p. 1)	31 December 2023 ⁽⁸⁾
38-5	Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314, 5.12.2019, p. 1)	31 December 2023 ⁽⁸⁾
38-6	Regulation (EU) 2020/873 of the European Parliament and of the Council of 24 June 2020 amending Regulations (EU) No 575/2013 and (EU) 2019/876 as regards certain adjustments in response to the COVID-19 pandemic (OJ L 204, 26.6.2020, p. 4)	31 December 2022 (with the exception of point (4) of Article 1 – 31 December 2023) ⁽⁹⁾
38-7	Regulation (EU) 2021/558 of the European Parliament and of the Council of 31 March 2021 amending Regulation (EU) No 575/2013 as regards adjustments to the securitisation framework to support the economic recovery in response to the COVID-19 crisis (OJ L 116, 6.4.2021, p. 25)	31 December 2023 (with the exception of points (2) and (4) of Article 1 – 31 December 2024) ⁽⁹⁾
39	Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338) and the related level 2 measures as appropriate	30 September 2017 ⁽¹⁾

	Legal Provisions to be implemented	Deadline for implementing
	Amended by:	
39-1	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190)	31 March 2018 ⁽²⁾
39-2	Directive (EU) 2019/878 of the European Parliament and of the Council of 20 May 2019 amending Directive 2013/36/EU as regards exempted entities, financial holding companies, mixed financial holding companies, remuneration, supervisory measures and powers and capital conservation measures (OJ L 150, 7.6.2019, p. 253)	31 December 2022 ⁽⁸⁾
39-3	Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019, p. 64)	31 December 2023 ⁽⁸⁾
39-4	Directive (EU) 2021/338 of the European Parliament and of the Council of 16 February 2021 amending Directive 2014/65/EU as regards information requirements, product governance and position limits, and Directives 2013/36/EU and (EU) 2019/878 as regards their application to investment firms, to help the recovery from the COVID-19 crisis (OJ L 68, 26.2.2021, p. 14)	31 December 2023 ⁽⁹⁾
40	Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC, (OJ L 173, 12.6.2014, p. 1) and the related level 2 measures as appropriate Amended by:	30 September 2018 ⁽⁴⁾
40-1	Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1)	1 March 2020 ⁽⁶⁾
40-2	Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories (OJ L 175, 30.6.2016, p. 1)	30 September 2018 ⁽⁷⁾
41	Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit-guarantee schemes (recast) (OJ L 173, 12.6.2014, p. 149)	31 March 2016 ⁽²⁾

	Legal Provisions to be implemented	Deadline for implementing
42	Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive) (OJ L 173, 12.6.2014, p. 179)	30 September 2018 ⁽⁴⁾
43	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190) and the related level 2 measures as appropriate Amended by:	31 March 2018 ⁽²⁾
43-1	Directive (EU) 2017/2399 of the European Parliament and of the Council of 12 December 2017 amending Directive 2014/59/EU as regards the ranking of unsecured debt instruments in insolvency hierarchy (OJ L 345, 27.12.2017, p. 96)	31 October 2019 ⁽⁶⁾
43-2	Directive (EU) 2019/879 of the European Parliament and of the Council of 20 May 2019 amending Directive 2014/59/EU as regards the loss-absorbing and recapitalisation capacity of credit institutions and investment firms and Directive 98/26/EC (OJ L 150, 7.6.2019, p. 296)	31 December 2022 ⁽⁸⁾
43-3	Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019, p. 64)	31 December 2023 ⁽⁸⁾
43-4	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1)	31 December 2024 (with the exception of: Article 95 – 31 December 2022, Article 87(2) – 31 December 2023, Articles 9(1), 9(2), 9(3), 9(4), 9(6), 9(7), 9(9), 9(10), 9(12), 9(13), 9(16), 9(17), 9(18), 9(19), 10(1), 10(2), 10(3), 10(8), 10(9), 10(10), 10(11), 10(12) and 11 – 31 December 2024, Articles 9(14) and 20 – 31 December 2025) ⁽⁹⁾
44	Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349) and the related level 2 measures as appropriate Amended by:	31 December 2020 ⁽³⁾
44-1	Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1)	31 December 2020 ⁽⁴⁾

	Legal Provisions to be implemented	Deadline for implementing
44-2	Directive 2016/1034 of the European Parliament and of the Council of 23 June 2016 amending Directive 2014/65/EU on markets in financial instruments (OJ L 175, 30.6.2016, p. 8)	31 December 2021 ⁽⁵⁾
44-3	With the exception of Article 64, paragraph 5: Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019, p. 64)	31 December 2023 ⁽⁸⁾
44-4	Directive (EU) 2019/2177 of the European Parliament and of the Council of 18 December 2019 amending Directive 2009/138/EC on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), Directive 2014/65/EU on markets in financial instruments and Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money-laundering or terrorist financing (OJ L 334, 27.12.2019, p. 155)	31 December 2024 ⁽⁸⁾
44-5	Directive (EU) 2020/1504 of the European Parliament and of the Council of 7 October 2020 amending Directive 2014/65/EU on markets in financial instruments (OJ L 347, 20.10.2020, p. 50)	31 December 2023 ⁽⁹⁾
44-6	Directive (EU) 2021/338 of the European Parliament and of the Council of 16 February 2021 amending Directive 2014/65/EU as regards information requirements, product governance and position limits, and Directives 2013/36/EU and (EU) 2019/878 as regards their application to investment firms, to help the recovery from the COVID-19 crisis (OJ L 68, 26.2.2021, p. 14)	31 December 2023 ⁽⁹⁾
45	Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84) and the related level 2 measures as appropriate Amended by:	31 December 2020 ⁽³⁾
45-1	Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories (OJ L 175, 30.6.2016, p. 1)	31 December 2020 ⁽⁵⁾
45-2	Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314, 5.12.2019, p. 1)	31 December 2023 ⁽⁸⁾

	Legal Provisions to be implemented	Deadline for implementing
45-3	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1)	31 December 2024 (with the exception of: Article 95 – 31 December 2022, Article 87(2) – 31 December 2023, Articles 9(1), 9(2), 9(3), 9(4), 9(6), 9(7), 9(9), 9(10), 9(12), 9(13), 9(16), 9(17), 9(18), 9(19), 10(1), 10(2), 10(3), 10(8), 10(9), 10(10), 10(11), 10(12) and 11 – 31 December 2024, Articles 9(14) and 20 – 31 December 2025) ⁽⁹⁾
46	Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1) Amended by:	31 December 2020 ⁽⁴⁾
46-1	Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories (OJ L 175, 30.6.2016, p. 1)	31 December 2020 ⁽⁶⁾
47	Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (OJ L 337, 23.12.2015, p. 1) Amended by:	30 September 2019 ⁽⁴⁾
47-1	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1)	31 December 2024 (with the exception of: Article 95 – 31 December 2022, Article 87(2) – 31 December 2023, Articles 9(1), 9(2), 9(3), 9(4), 9(6), 9(7), 9(9), 9(10), 9(12), 9(13), 9(16), 9(17), 9(18), 9(19), 10(1), 10(2), 10(3), 10(8), 10(9), 10(10), 10(11), 10(12) and 11 – 31 December 2024, Articles 9(14) and 20 – 31 December 2025) ⁽⁹⁾
48	Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35) and the related level 2 measures as appropriate	30 September 2018 ⁽⁴⁾

	Legal Provisions to be implemented	Deadline for implementing
49	Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1) Amended by:	1 March 2020 ⁽⁶⁾
49-1	Regulation (EU) 2019/2089 of the European Parliament and of the Council of 27 November 2019 amending Regulation (EU) 2016/1011 as regards EU Climate Transition Benchmarks, EU Paris-aligned Benchmarks and sustainability-related disclosures for benchmarks (OJ L 317, 9.12.2019, p. 17)	31 December 2021 ⁽⁸⁾
49-2	Regulation (EU) 2021/168 of the European Parliament and of the Council of 10 February 2021 amending Regulation (EU) 2016/1011 as regards the exemption of certain third-country spot foreign exchange benchmarks and the designation of replacements for certain benchmarks in cessation, and amending Regulation (EU) No 648/2012 (OJ L 49, 12.2.2021, p. 6)	31 December 2023 ⁽⁹⁾
	Legislation on collection of statistical information (*)	
50	Guideline of the European Central Bank ECB/2013/24 of 25 July 2013 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 2, 7.1.2014, p. 34) Amended by:	31 March 2016 ⁽²⁾
50-1	Guideline (EU) 2016/66 of the European Central Bank of 26 November 2015 amending Guideline ECB/2013/24 on the statistical reporting requirements of the ECB in the field of quarterly financial accounts (ECB/2015/40) (OJ L 14, 21.1.2016, p. 36)	31 March 2017 ⁽⁴⁾
50-2	Guideline (EU) 2020/1553 of the European Central Bank of 14 October 2020 amending Guideline ECB/2013/24 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (ECB/2020/51) (OJ L 354, 26.10.2020, p. 24)	31 December 2022 ⁽⁹⁾
50-3	Guideline (EU) 2021/827 of the European Central Bank of 29 April 2021 amending Guideline ECB/2013/24 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (ECB/2021/20) (OJ L 184, 25.5.2021, p. 4)	31 December 2022 ⁽⁹⁾
51	Regulation (EU) 2021/379 of the European Central Bank of 22 January 2021 on the balance sheet items of credit institutions and of the monetary financial institutions sector (recast) (ECB/2021/2) (OJ L 73, 3.3.2021, p. 16)	31 December 2022 ⁽⁹⁾
52	Regulation (EU) No 1072/2013 of the European Central Bank of 24 September 2013 concerning statistics on interest rates applied by monetary financial institutions (recast) (ECB/2013/34) (OJ L 297, 7.11.2013, p. 51)	31 March 2016 ⁽²⁾

	Legal Provisions to be implemented	Deadline for implementing
52-1	Amended by: Regulation (EU) No 756/2014 of the European Central Bank of 8 July 2014 ECB/2014/30 amending Regulation (EU) No 1072/2013 (ECB/2013/34) concerning statistics on interest rates applied by monetary financial institutions (ECB/2014/30) (OJ L 205, 12.7.2014, p. 14)	
53	Guideline (EU) 2021/830 of the European Central Bank of 26 March 2021 on balance sheet item statistics and interest rate statistics of monetary financial institutions (ECB/2021/11) (OJ L 208, 11.6.2021, p. 1) Amended by:	31 December 2022 ⁽⁹⁾
53-1	Guideline (EU) 2022/67 of the European Central Bank of 6 January 2022 amending Guideline (EU) 2021/830 on balance sheet item statistics and interest rate statistics of monetary financial institutions (ECB/2022/1) (OJ L 11, 18.1.2022, p. 56)	31 December 2023 ⁽¹⁰⁾

⁽¹⁾ The Joint Committee of 2013 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

⁽²⁾ The Joint Committee of 2014 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

⁽³⁾ The Joint Committee of 2015 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

⁽⁴⁾ The Joint Committee of 2016 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

⁽⁵⁾ The Joint Committee of 2017 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

⁽⁶⁾ The Joint Committee of 2018 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

⁽⁷⁾ The Joint Committee of 2019 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

⁽⁸⁾ The Joint Committee of 2020 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

⁽⁹⁾ The Joint Committee of 2021 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

⁽¹⁰⁾ The Joint Committee of 2022 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

^(*) As agreed under the template on simplified statistical reporting'

COMMISSION DECISION (EU) 2023/393**of 15 February 2023****amending the Annex to the Monetary Agreement between the European Union and the Vatican City State**

THE EUROPEAN COMMISSION,

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

Having regard to the Monetary Agreement of 17 December 2009 between the European Union and the Vatican City State ⁽¹⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) The Monetary Agreement between the Union and the Vatican ('the Agreement') entered into force on 1 January 2010.
- (2) Article 8(1) the Agreement requires the Vatican to implement Union legal acts and rules on euro banknotes and coins, prevention of money laundering, of fraud and counterfeiting of cash and non-cash means of payment; medals and tokens and statistical reporting requirements. Those acts and rules are listed in the Annex to the Monetary Agreement.
- (3) The Annex to the Monetary Agreement should be amended by the Commission every year to take into account the new relevant Union legal acts and rules and the amendments to the existing ones.
- (4) Some legal acts and rules of the Union are not relevant anymore and should therefore be deleted from the Annex, while other relevant legal acts and rules of the Union were adopted or amended and should be added to the Annex.
- (5) The Annex to the Monetary Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to the Monetary Agreement between the European Union and the Vatican City State is replaced by the text 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, 15 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

⁽¹⁾ OJ C 28, 4.2.2010, p. 13.

ANNEX

‘ANNEX

	Legal Provisions to be implemented	Deadline for implementing
	Prevention of money laundering	
1	Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1).	
2	Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127, 29.4.2014, p. 39).	31 December 2016 ⁽³⁾
3	Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006 (OJ L 141, 5.6.2015, p. 1).	31 December 2017 ⁽³⁾
4	Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73). Amended by:	31 December 2017 ⁽³⁾
4-1	Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (OJ L 156, 19.6.2018, p. 43). Supplemented by:	31 March 2020 ⁽⁶⁾
4-2	Commission Delegated Regulation (EU) 2016/1675 of 14 July 2016 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council by identifying high-risk third countries with strategic deficiencies (OJ L 254, 20.9.2016, p. 1). Amended by:	31 December 2017 ⁽³⁾
4-2-1	Commission Delegated Regulation (EU) 2018/105 of 27 October 2017 amending Delegated Regulation (EU) 2016/1675, as regards adding Ethiopia to the list of high-risk third countries in the table in point I of the Annex (OJ L 19, 24.1.2018, p. 1).	31 March 2019 ⁽⁶⁾
4-2-2	Commission Delegated Regulation (EU) 2018/212 of 13 December 2017 amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Sri Lanka, Trinidad and Tobago, and Tunisia to the table in point I of the Annex (OJ L 41, 14.2.2018, p. 4).	31 March 2019 ⁽⁶⁾
4-2-3	Commission Delegated Regulation (EU) 2018/1467 of 27 July 2018 amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Pakistan to the table in point I of the Annex (OJ L 246, 2.10.2018, p. 1).	31 December 2019 ⁽⁷⁾

	Legal Provisions to be implemented	Deadline for implementing
4-2-4	Commission Delegated Regulation (EU) 2020/855 of 7 May 2020 amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding the Bahamas, Barbados, Botswana, Cambodia, Ghana, Jamaica, Mauritius, Mongolia, Myanmar/Burma, Nicaragua, Panama and Zimbabwe to the table in point I of the Annex and deleting Bosnia-Herzegovina, Ethiopia, Guyana, Lao People's Democratic Republic, Sri Lanka and Tunisia from this table (OJ L 195, 19.6.2020, p. 1).	31 December 2022 ⁽⁹⁾
4-2-5	Commission Delegated Regulation (EU) 2021/37 of 7 December 2020 on amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards deleting Mongolia from the table in point I of the Annex (OJ L 14, 18.1.2021, p. 1).	31 December 2023 ⁽⁹⁾
4-2-6	Commission Delegated Regulation (EU) 2022/229 of 7 January 2022 on amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Burkina Faso, Cayman Islands, Haiti, Jordan, Mali, Morocco, the Philippines, Senegal, and South Sudan to the table in point I of the Annex and deleting the Bahamas, Botswana, Ghana, Iraq and Mauritius from this table (OJ L 39, 21.2.2022, p. 4).	31 December 2024 ⁽¹⁰⁾
4-3	Commission Delegated Regulation (EU) 2019/758 of 31 January 2019 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council with regard to regulatory technical standards for the minimum action and the type of additional measures credit and financial institutions must take to mitigate money laundering and terrorist financing risk in certain third countries (OJ L 125, 14.5.2019, p. 4).	31 December 2020 ⁽⁷⁾
5	Regulation (EU) 2018/1672 of the European Parliament and of the Council of 23 October 2018 on controls on cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005 (OJ L 284, 12.11.2018, p. 6).	31 December 2021 ⁽⁷⁾
6	Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (OJ L 284, 12.11.2018, p. 22). Prevention of fraud and counterfeiting	31 December 2021 ⁽⁷⁾
7	Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 181, 4.7.2001, p. 6) Amended by:	31 December 2010
7-1	Council Regulation (EC) No 44/2009 of 18 December 2008 amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 17, 22.1.2009, p. 1).	
8	Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins (OJ L 373, 21.12.2004, p. 1). Amended by:	31 December 2010

	Legal Provisions to be implemented	Deadline for implementing
8-1	Council Regulation (EC) No 46/2009 of 18 December 2008 amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins (OJ L 17, 22.1.2009, p. 5).	
9	Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (OJ L 151, 21.5.2014, p. 1).	31 December 2016 ⁽⁷⁾
10	Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA (OJ L 123, 10.5.2019, p. 18). Rules on euro banknotes and coins	31 December 2021 ⁽⁷⁾
11	Council Conclusions of 10 May 1999 on the quality management system for euro coins	31 December 2010
12	Guideline ECB/2003/5 of the European Central Bank of 20 March 2003 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 78, 25.3.2003, p. 20). Amended by:	31 December 2010
12-1	Guideline ECB/2013/11 of the European Central Bank of 19 April 2013 amending Guideline ECB/2003/5 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 118, 30.4.2013, p. 43).	31 December 2014 ⁽¹⁾
12-2	Guideline (EU) 2020/2091 of the European Central Bank of 4 December 2020 amending Guideline ECB/2003/5 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (ECB/2020/61) (OJ L 423, 15.12.2020, p. 65).	30 September 2022 ⁽⁹⁾
13	Decision ECB/2010/14 of the European Central Bank of 16 September 2010 on the authenticity and fitness checking and recirculation of euro banknotes (OJ L 267, 9.10.2010, p. 1). Amended by:	31 December 2012
13-1	Decision ECB/2012/19 of the European Central Bank of 7 September 2012 (OJ L 253, 20.9.2012, p. 19).	31 December 2013 ⁽¹⁾
13-2	Decision (EU) 2019/2195 of the European Central Bank of 5 December 2019 amending Decision ECB/2010/14 on the authenticity and fitness checking and recirculation of euro banknotes (ECB/2019/39) (OJ L 330, 20.12.2019, p. 91).	31 December 2021 ⁽⁸⁾
14	Regulation (EU) No 1210/2010 of the European Parliament and of the Council of 15 December 2010 concerning authentication of euro coins and handling of euro coins unfit for circulation (OJ L 339, 22.12.2010, p. 1).	31 December 2012
15	Regulation (EU) No 651/2012 of the European Parliament and of the Council of 4 July 2012 on the issuance of euro coins (OJ L 201, 27.7.2012, p. 135).	31 December 2013 ⁽¹⁾

	Legal Provisions to be implemented	Deadline for implementing
16	Decision ECB/2013/10 of the European Central Bank of 19 April 2013 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (OJ L 118, 30.4.2013, p. 37). Amended by:	31 December 2014 ⁽¹⁾
16-1	Decision (EU) 2019/669 of the European Central Bank of 4 April 2019 amending Decision ECB/2013/10 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (OJ L 113, 29.4.2019, p. 6).	31 December 2020 ⁽⁷⁾
16-2	Decision (EU) 2020/2090 of the European Central Bank of 4 December 2020 amending Decision ECB/2013/10 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (ECB/2020/60) (OJ L 423, 15.12.2020, p. 62).	30 September 2022 ⁽⁹⁾
17	Council Regulation (EU) No 729/2014 of 24 June 2014 on denominations and technical specifications of euro coins intended for circulation (Recast) (OJ L 194, 2.7.2014, p. 1).	30 September 2014 ⁽²⁾

Section of the Annex to the Monetary Agreement in accordance with the Ad hoc arrangement of the Joint Committee on a request from the Holy See and Vatican City State on the inclusion of relevant rules applicable to entities carrying out financial activities on a professional basis

	Relevant parts of the following legal instruments	Deadline for implementing
18	Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions (OJ L 372, 31.12.1986, p. 1). Amended by:	31 December 2016 ⁽²⁾
18-1	Directive 2001/65/EC of the European Parliament and of the Council of 27 September 2001 (OJ L 283, 27.10.2001, p. 28).	
18-2	Directive 2003/51/EC of the European Parliament and of the Council of 18 June 2003 (OJ L 178, 17.7.2003, p. 16).	
18-3	Directive 2006/46/EC of the European Parliament and of the Council of 14 June 2006 (OJ L 224, 16.8.2006, p. 1).	
19	Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338). Amended by:	31 December 2017 ⁽²⁾
19-1	Directive (EU) 2021/338 of the European Parliament and of the Council of 16 February 2021 amending Directive 2014/65/EU as regards information requirements, product governance and position limits, and Directives 2013/36/EU and (EU) 2019/878 as regards their application to investment firms, to help the recovery from the COVID-19 crisis (OJ L 68, 26.2.2021, p. 14).	31 December 2023 ⁽⁹⁾

	Relevant parts of the following legal instruments	Deadline for implementing
20	Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1) and the related level 2 measures as appropriate Amended by:	31 December 2017 ⁽³⁾
20-1	Regulation (EU) 2017/2395 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 575/2013 as regards transitional arrangements for mitigating the impact of the introduction of IFRS 9 on own funds and for the large exposures treatment of certain public sector exposures denominated in the domestic currency of any Member State (OJ L 345, 27.12.2017, p. 27).	30 June 2019 ⁽⁶⁾
20-2	Regulation (EU) 2017/2401 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 575/2013 on prudential requirements for credit institutions and investment firms (OJ L 347, 28.12.2017, p. 1).	31 March 2020 ⁽⁶⁾
20-3	Regulation (EU) 2019/630 of the European Parliament and of the Council of 17 April 2019 amending Regulation (EU) No 575/2013 as regards minimum loss coverage for non-performing exposures (OJ L 111, 25.4.2019, p. 4).	31 December 2020 ⁽⁷⁾
20-4	Regulation (EU) 2019/876 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EU) No 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements, and Regulation (EU) No 648/2012 (OJ L 150, 7.6.2019, p. 1).	31 December 2023 ⁽⁸⁾
20-5	Regulation (EU) 2020/873 of the European Parliament and of the Council of 24 June 2020 amending Regulations (EU) No 575/2013 and (EU) 2019/876 as regards certain adjustments in response to the COVID-19 pandemic (OJ L 204, 26.6.2020, p. 4).	31 December 2022 (with the exception of point (4) of Article 1 – 31 December 2023) ⁽⁹⁾
20-6	Regulation (EU) 2021/558 of the European Parliament and of the Council of 31 March 2021 amending Regulation (EU) No 575/2013 as regards adjustments to the securitisation framework to support the economic recovery in response to the COVID-19 crisis (OJ L 116, 6.4.2021, p. 25).	31 December 2023 (with the exception of points (2) and (4) of Article 1 – 31 December 2024) ⁽⁹⁾
21	Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC (OJ L 173, 12.6.2014, p. 1) and the related level 2 measures as appropriate Amended by:	30 September 2018 ⁽⁴⁾
21-1	Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories (OJ L 175, 30.6.2016, p. 1).	30 September 2018 ⁽⁵⁾

	Relevant parts of the following legal instruments	Deadline for implementing
22	Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive) (OJ L 173, 12.6.2014, p. 179). Legislation on collection of statistical information (*)	30 September 2018 ⁽⁴⁾
23	Guideline ECB/2013/24 of the European Central Bank of 25 July 2013 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 2, 7.1.2014, p. 34). Amended by:	31 December 2016 ⁽²⁾
23-1	Guideline (EU) 2016/66 of the European Central Bank of 26 November 2015 amending Guideline ECB/2013/24 on the statistical reporting requirements of the ECB in the field of quarterly financial accounts (ECB/2015/40) (OJ L 14, 21.1.2016, p. 36).	31 March 2017 ⁽⁴⁾
23-2	Guideline (EU) 2020/1553 of the European Central Bank of 14 October 2020 amending Guideline ECB/2013/24 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (ECB/2020/51) (OJ L 354, 26.10.2020, p. 24).	31 December 2022 ⁽⁹⁾
23-3	Guideline (EU) 2021/827 of the European Central Bank of 29 April 2021 amending Guideline ECB/2013/24 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (ECB/2021/20) (OJ L 184, 25.5.2021, p. 4).	31 December 2022 ⁽⁹⁾
24	Regulation (EU) 2021/379 of the European Central Bank of 22 January 2021 on the balance sheet items of credit institutions and of the monetary financial institutions sector (recast) (ECB/2021/2) (OJ L 73, 3.3.2021, p. 16)	31 December 2022 ⁽⁹⁾
25	Regulation (EU) No 1072/2013 of the European Central Bank of 24 September 2013 concerning statistics on interest rates applied by monetary financial institutions (ECB/2013/34) (OJ L 297, 7.11.2013, p. 51). Amended by:	31 December 2016 ⁽²⁾
25-1	Regulation (EU) No 756/2014 of the European Central Bank of 8 July 2014 amending Regulation (EU) No 1072/2013 (ECB/2013/34) concerning statistics on interest rates applied by monetary financial institutions (ECB/2014/30) (OJ L 205, 12.7.2014, p. 14).	
26	Guideline (EU) 2021/830 of the European Central Bank of 26 March 2021 on balance sheet item statistics and interest rate statistics of monetary financial institutions (ECB/2021/11) (OJ L 208, 11.6.2021, p. 1) Amended by:	31 December 2022 ⁽⁹⁾
26-1	Guideline (EU) 2022/67 of the European Central Bank of 6 January 2022 amending Guideline (EU) 2021/830 on balance sheet item statistics and interest rate statistics of monetary financial institutions (ECB/2022/1) (OJ L 11, 18.1.2022, p. 56)	31 December 2023 ⁽¹⁰⁾

(¹) These deadlines were agreed by the Joint Committee of 2013.

(²) These deadlines were agreed by the Joint Committee of 2014.

(³) These deadlines were agreed by the Joint Committee of 2015.

(⁴) These deadlines were agreed by the Joint Committee of 2016.

(⁵) These deadlines were agreed by the Joint Committee of 2017.

(⁶) These deadlines were agreed by the Joint Committee of 2018.

⁽⁷⁾ These deadlines were agreed by the Joint Committee of 2019.

⁽⁸⁾ These deadlines were agreed by the Joint Committee of 2020.

⁽⁹⁾ These deadlines were agreed by the Joint Committee of 2021.

⁽¹⁰⁾ These deadlines were agreed by the Joint Committee of 2022.

^(*) As agreed under the template on simplified statistical reporting.'

COMMISSION DECISION (EU) 2023/394**of 15 February 2023****updating Annex A to the Monetary Agreement between the European Union and the Principality of Monaco**

THE EUROPEAN COMMISSION,

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

Having regard to the Monetary Agreement of 29 November 2011 between the European Union and the Principality of Monaco ⁽¹⁾, and in particular Article 11(3) thereof,

Whereas:

- (1) Article 11(2) of the Monetary Agreement between the European Union and the Principality of Monaco (hereinafter 'the Monetary Agreement') requires the Principality of Monaco to apply the same rules as those established in the French Republic for the purposes of transposing European legal acts concerning the activities and prudential regulation of credit institutions and the prevention of systemic risks to payment and securities settlement systems contained in Annex A.
- (2) Pursuant to Article 11(3) of the Monetary Agreement, Annex A to that Agreement must be updated by the Commission upon amendment of any relevant acts and also each time a new text is adopted by the European Union.
- (3) New texts have been adopted by the European Union and amendments have been made to the texts already referred to in Annex A.
- (4) Annex A to the Monetary Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex A to the Monetary Agreement between the European Union and the Principality of Monaco is hereby replaced by the text 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, 15 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

⁽¹⁾ OJ C 23, 28.1.2012, p. 13.

ANNEX
'ANNEX A

	Legislation applicable to the activities and supervision of credit institutions and the prevention of systemic risks to payment and securities settlement systems
1	With regard to the provisions applicable to credit institutions Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions (OJ L 372, 31.12.1986, p. 1) amended by:
1-2	Directive 2001/65/EC of the European Parliament and of the Council of 27 September 2001 amending Directives 78/660/EEC, 83/349/EEC and 86/635/EEC as regards the valuation rules for the annual and consolidated accounts of certain types of companies as well as of banks and other financial institutions (OJ L 283, 27.10.2001, p. 28)
1-3	Directive 2003/51/EC of the European Parliament and of the Council of 18 June 2003 amending Directives 78/660/EEC, 83/349/EEC, 86/635/EEC and 91/674/EEC on the annual and consolidated accounts of certain types of companies, banks and other financial institutions and insurance undertakings (OJ L 178, 17.7.2003, p. 16)
1-4	Directive 2006/46/EC of the European Parliament and of the Council of 14 June 2006 amending Council Directives 78/660/EEC on the annual accounts of certain types of companies, 83/349/EEC on consolidated accounts, 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions and 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings (OJ L 224, 16.8.2006, p. 1)
2	Council Directive 89/117/EEC of 13 February 1989 on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents (OJ L 44, 16.2.1989, p. 40)
3	Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998, p. 45) amended by:
3-1	Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (OJ L 146, 10.6.2009, p. 37)
3-2	Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120)
3-3	Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1)
3-4	Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directive 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1)

3-5	Directive (EU) 2019/879 of the European Parliament and of the Council of 20 May 2019 amending Directive 2014/59/EU as regards the loss-absorbing and recapitalisation capacity of credit institutions and investment firms and Directive 98/26/EC (OJ L 150, 7.6.2019, p. 296) and the related level 2 measures, where applicable
4	Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding up of credit institutions (OJ L 125, 5.5.2001, p. 15) amended by:
4-1	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190)
5	Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements (OJ L 168, 27.6.2002, p. 43) amended by:
5-1	Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (OJ L 146, 10.6.2009, p. 37)
5-2	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190)
5-3	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1)
6	Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (OJ L 35, 11.2.2003, p. 1) and the related level 2 measures, where applicable amended by:
6-1	Directive 2005/1/EC of the European Parliament and of the Council of 9 March 2005 amending Council Directives 73/239/EEC, 85/611/EEC, 91/675/EEC, 92/49/EEC and 93/6/EEC and Directives 94/19/EC, 98/78/EC, 2000/12/EC, 2001/34/EC, 2002/83/EC and 2002/87/EC in order to establish a new organisational structure for financial services committees (OJ L 79, 24.3.2005, p. 9)
6-2	Directive 2008/25/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2002/87/EC on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate, as regards the implementing powers conferred on the Commission (OJ L 81, 20.3.2008, p. 40)

6-3	Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120)
6-4	Directive 2011/89/EU of the European Parliament and of the Council of 16 November 2011 amending Directives 98/78/EC, 2002/87/EC, 2006/48/EC and 2009/138/EC as regards the supplementary supervision of financial entities in a financial conglomerate (OJ L 326, 8.12.2011, p. 113)
6-5	With the exception of Title V: Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338)
6-6	Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019, p. 64)
7	Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7) amended by:
7-1	With the exception of Title V: Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338)
7-2	With the exception of Titles III and IV: Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35)
8	Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12) amended by:
8-1	Regulation (EU) No 1022/2013 of the European Parliament and of the Council of 22 October 2013 amending Regulation (EU) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority) as regards the conferral of specific tasks on the European Central Bank pursuant to Council Regulation (EU) No 1024/2013 (OJ L 287, 29.10.2013, p. 5)
8-2	Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 (OJ L 60, 28.2.2014, p. 34)
8-3	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190)

8-4	Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ L 225, 30.7.2014, p. 1)
8-5	With the exception of Titles III and IV: Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35)
8-6	Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314, 5.12.2019, p. 1)
9	Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1) and the related level 2 measures, where applicable amended by:
9-1	Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1)
9-2	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190)
9-3	Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84) and the related level 2 measures, where applicable amended by:
9-3-1	Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories (OJ L 175, 30.6.2016, p. 1–7)
9-4	Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73)
9-5	Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (OJ L 337, 23.12.2015, p. 1), in relation to credit institutions
9-6	Regulation (EU) 2019/834 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EU) No 648/2012 as regards the clearing obligation, the suspension of the clearing obligation, the reporting requirements, the risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty, the registration and supervision of trade repositories and the requirement for trade repositories (OJ L 141, 28.5.2019, p. 42)

9-7	Regulation (EU) 2019/876 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EU) No 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements, and Regulation (EU) No 648/2012 (OJ L 150, 7.6.2019, p. 1) and the related level 2 measures, where applicable
9-8	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1)
9-9	Regulation (EU) 2021/168 of the European Parliament and of the Council of 10 February 2021 amending Regulation (EU) 2016/1011 as regards the exemption of certain third-country spot foreign exchange benchmarks and the designation of replacements for certain benchmarks in cessation, and amending Regulation (EU) No 648/2012 (OJ L 49, 12.2.2021, p. 6)
10	Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1) and the related level 2 measures, where applicable amended by:
10-1	Regulation (EU) 2017/2395 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 575/2013 as regards transitional arrangements for mitigating the impact of the introduction of IFRS 9 on own funds and for the large exposures treatment of certain public sector exposures denominated in the domestic currency of any Member State (OJ L 345, 27.12.2017, p. 27)
10-2	Regulation (EU) 2017/2401 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 575/2013 on prudential requirements for credit institutions and investment firms (OJ L 347, 28.12.2017, p. 1)
10-3	Regulation (EU) 2019/630 of the European Parliament and of the Council of 17 April 2019 amending Regulation (EU) No 575/2013 as regards minimum loss coverage for non-performing exposures (OJ L 111, 25.4.2019, p. 4)
10-4	Regulation (EU) 2019/876 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EU) No 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements, and Regulation (EU) No 648/2012 (OJ L 150, 7.6.2019, p. 1) and the related level 2 measures, where applicable
10-5	Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314, 5.12.2019, p. 1)
10-6	Regulation (EU) 2020/873 of the European Parliament and of the Council of 24 June 2020 amending Regulations (EU) No 575/2013 and (EU) 2019/876 as regards certain adjustments in response to the COVID-19 pandemic (OJ L 204, 26.6.2020, p. 4)
10-7	Regulation (EU) 2021/558 of the European Parliament and of the Council of 31 March 2021 amending Regulation (EU) No 575/2013 as regards adjustments to the securitisation framework to support the economic recovery in response to the COVID-19 crisis (OJ L 116, 6.4.2021, p. 25)

11	With the exception of Title V: Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338) and the related level 2 measures, where applicable amended by:
11-1	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190)
11-2	Directive (EU) 2019/878 of the European Parliament and of the Council of 20 May 2019 amending Directive 2013/36/EU as regards exempted entities, financial holding companies, mixed financial holding companies, remuneration, supervisory measures and powers and capital conservation measures (OJ L 150, 7.6.2019, p. 253) and the related level 2 measures, where applicable
11-3	Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019, p. 64)
11-4	Directive (EU) 2021/338 of the European Parliament and of the Council of 16 February 2021 amending Directive 2014/65/EU as regards information requirements, product governance and position limits, and Directives 2013/36/EU and (EU) 2019/878 as regards their application to investment firms, to help the recovery from the COVID-19 crisis (OJ L 68, 26.2.2021, p. 14)
12	Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit-guarantee schemes (recast) (OJ L 173, 12.6.2014, p. 149)
13	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190) and the related level 2 measures, where applicable amended by:
13-1	Directive (EU) 2017/2399 of the European Parliament and of the Council of 12 December 2017 amending Directive 2014/59/EU as regards the ranking of unsecured debt instruments in insolvency hierarchy (OJ L 345, 27.12.2017, p. 96)
13-2	Directive (EU) 2019/879 of the European Parliament and of the Council of 20 May 2019 amending Directive 2014/59/EU as regards the loss-absorbing and recapitalisation capacity of credit institutions and investment firms and Directive 98/26/EC (OJ L 150, 7.6.2019, p. 296) and the related level 2 measures, where applicable
13-3	Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019, p. 64)
13-4	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1)

14	With regard to the provisions applicable to credit institutions and with the exception of Articles 34 to 36 and Title III: Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) (OJ L 173, 12.6.2014, p. 349) and the related level 2 measures, where applicable amended by:
14-1	Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1)
14-2	Directive (EU) 2016/1034 of the European Parliament and of the Council of 23 June 2016 amending Directive 2014/65/EU on markets in financial instruments (OJ L 175, 30.6.2016, p. 8)
14-3	With the exception of Article 64(5): Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019, p. 64)
14-4	Directive (EU) 2019/2177 of the European Parliament and of the Council of 18 December 2019 amending Directive 2009/138/EC on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), Directive 2014/65/EU on markets in financial instruments and Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money-laundering or terrorist financing (OJ L 334, 27.12.2019, p. 155)
14-5	Directive (EU) 2020/1504 of the European Parliament and of the Council of 7 October 2020 amending Directive 2014/65/EU on markets in financial instruments (OJ L 347, 20.10.2020, p. 50)
14-6	Directive (EU) 2021/338 of the European Parliament and of the Council of 16 February 2021 amending Directive 2014/65/EU as regards information requirements, product governance and position limits, and Directives 2013/36/EU and (EU) 2019/878 as regards their application to investment firms, to help the recovery from the COVID-19 crisis (OJ L 68, 26.2.2021, p. 14)
15	Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1) amended by:
15-1	Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories (OJ L 175, 30.6.2016, p. 1)
16	With regard to the provisions applicable to credit institutions Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84) amended by:
16-1	Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories (OJ L 175, 30.6.2016, p. 1)

16-2	Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314, 5.12.2019, p. 1)
16-3	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1)
17	Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (OJ L 337, 23.12.2015, p. 1), in relation to credit institutions amended by:
17-1	Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1)
18	With the exception of Titles III and IV: Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35) and the related level 2 measures, where applicable'

COMMISSION IMPLEMENTING DECISION (EU) 2023/395**of 20 February 2023****establishing the equivalence, for the purpose of facilitating the right to free movement within the Union, of COVID-19 certificates issued by the Republic of Azerbaijan to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EU) 2021/953 lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates ('EU Digital COVID Certificate') for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. It is also to contribute to facilitating the gradual lifting of restrictions to free movement put in place by Member States, in accordance with Union law, to limit the spread of SARS-CoV-2, in a coordinated manner.
- (2) Regulation (EU) 2021/953 provides for the acceptance of COVID-19 certificates issued by third countries to Union citizens and their family members where the Commission finds that those COVID-19 certificates are issued in accordance with standards that are to be considered as equivalent to those established pursuant to that Regulation. Furthermore, in accordance with Regulation (EU) 2021/954 of the European Parliament and of the Council ⁽²⁾, Member States are to apply the rules laid down in Regulation (EU) 2021/953 to third-country nationals who do not fall within the scope of that Regulation, but who are legally staying or residing in their territory and who are entitled to travel to other Member States in accordance with Union law. Therefore, any equivalence findings laid down in this Decision should apply to COVID-19 vaccination, test and recovery certificates issued by the Republic of Azerbaijan to Union citizens and their family members. Similarly, on the basis of Regulation (EU) 2021/954, such equivalence findings also apply to COVID-19 vaccination, test and recovery certificates issued by the Republic of Azerbaijan to third-country nationals legally staying or residing in the territory of the Member States under the conditions laid down in that Regulation.
- (3) On 17 January 2023, the Republic of Azerbaijan provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination, test and recovery certificates under the system entitled 'e-tebib web application'. The Republic of Azerbaijan informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and technological system, that are interoperable with the trust framework established by Regulation (EU) 2021/953 and that allow for the verification of the authenticity, validity and integrity of the certificates. In this regard the Republic of Azerbaijan informed the Commission that COVID-19 vaccination, test and recovery certificates issued by the Republic of Azerbaijan in accordance with the 'e-tebib web application' system contain the data set out in the Annex to Regulation (EU) 2021/953.

⁽¹⁾ OJ L 211, 15.6.2021, p. 1.

⁽²⁾ Regulation (EU) 2021/954 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) with regard to third country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic (OJ L 211, 15.6.2021, p. 24).

- (4) The Republic of Azerbaijan also informed the Commission that it accepts vaccination, test and recovery certificates issued by the Member States and countries of the European Economic Area in accordance with Regulation (EU) 2021/953.
- (5) On 6 February 2023, following a request by the Republic of Azerbaijan, the Commission carried out technical tests that demonstrated that the COVID-19 vaccination, test, and recovery certificates issued by the Republic of Azerbaijan in accordance with the 'e-tebib web application' system are interoperable with the trust framework established by Regulation (EU) 2021/953, allowing for the verification of the authenticity, validity and integrity of the certificates. The Commission also confirmed that the COVID-19 vaccination, test, and recovery certificates issued by the Republic of Azerbaijan in accordance with the 'e-tebib web application' system contain the necessary data.
- (6) In addition, the Republic of Azerbaijan informed the Commission that it currently issues interoperable vaccination certificates for the Comirnaty, CoronaVac, Vaxzevria and Sputnik V COVID-19 vaccines.
- (7) The Republic of Azerbaijan also informed the Commission that it issues interoperable test certificates for nucleic acid amplification tests.
- (8) Furthermore, the Republic of Azerbaijan informed the Commission that it issues interoperable certificates of recovery.
- (9) In addition, the Republic of Azerbaijan informed the Commission that when verifiers in the Republic of Azerbaijan verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination, test result, or recovery status and will not be retained afterwards.
- (10) The necessary elements for establishing that COVID-19 certificates issued by the Republic of Azerbaijan in accordance with the 'e-tebib web application' system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 are thus fulfilled.
- (11) Therefore, COVID-19 vaccination, test and recovery certificates issued by the Republic of Azerbaijan in accordance with the 'e-tebib web application' system should be accepted under the conditions referred to in Article 5(5), Article 6(5), and Article 7(8) of Regulation (EU) 2021/953.
- (12) In order for this Decision to be operational, the Republic of Azerbaijan should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In order to connect the Republic of Azerbaijan to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953 as rapidly as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 14 of Regulation (EU) 2021/953,

HAS ADOPTED THIS DECISION:

Article 1

COVID-19 vaccination, test and recovery certificates issued by the Republic of Azerbaijan in accordance with the 'e-tebib web application' system shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

The Republic of Azerbaijan shall be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.

Article 3

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

Done at Brussels, 20 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2023/396**of 20 February 2023****establishing the equivalence, for the purpose of facilitating the right to free movement within the Union, of COVID-19 certificates issued by Hong Kong Special Administrative Region to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EU) 2021/953 lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates ('EU Digital COVID Certificate') for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. It is also to contribute to facilitating the gradual lifting of restrictions to free movement put in place by Member States, in accordance with Union law, to limit the spread of SARS-CoV-2, in a coordinated manner.
- (2) Regulation (EU) 2021/953 provides for the acceptance of COVID-19 certificates issued by third countries to Union citizens and their family members where the Commission finds that those COVID-19 certificates are issued in accordance with standards that are to be considered as equivalent to those established pursuant to that Regulation. Furthermore, in accordance with Regulation (EU) 2021/954 of the European Parliament and of the Council ⁽²⁾, Member States are to apply the rules laid down in Regulation (EU) 2021/953 to third-country nationals who do not fall within the scope of that Regulation, but who are legally staying or residing in their territory and who are entitled to travel to other Member States in accordance with Union law. Therefore, any equivalence findings laid down in this Decision should apply to COVID-19 vaccination, test and recovery certificates issued by Hong Kong Special Administrative Region to Union citizens and their family members. Similarly, on the basis of Regulation (EU) 2021/954, such equivalence findings also apply to COVID-19 vaccination, test and recovery certificates issued by Hong Kong Special Administrative Region to third-country nationals legally staying or residing in the territory of the Member States under the conditions laid down in that Regulation.
- (3) On 5 July 2022, Hong Kong Special Administrative Region provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination, test and recovery certificates under the system entitled 'COVID-19 Electronic Vaccination and Testing Record System (eVT)'. Hong Kong Special Administrative Region informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and technological system, that are interoperable with the trust framework established by Regulation (EU) 2021/953 and that allow for the verification of the authenticity, validity and integrity of the certificates. In this

⁽¹⁾ OJ L 211, 15.6.2021, p. 1.

⁽²⁾ Regulation (EU) 2021/954 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) with regard to third country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic (OJ L 211, 15.6.2021, p. 24).

regard Hong Kong Special Administrative Region informed the Commission that COVID-19 vaccination, test and recovery certificates issued by Hong Kong Special Administrative Region in accordance with the 'COVID-19 Electronic Vaccination and Testing Record System (eVT)' contain the data set out in the Annex to Regulation (EU) 2021/953.

- (4) Hong Kong Special Administrative Region also informed the Commission that it accepts vaccination, test and recovery certificates issued by the Member States and countries of the European Economic Area in accordance with Regulation (EU) 2021/953.
- (5) On 23 November 2022, following a request by Hong Kong Special Administrative Region, the Commission carried out technical tests that demonstrated that the COVID-19 vaccination, test and recovery certificates issued by Hong Kong Special Administrative Region in accordance with the 'COVID-19 Electronic Vaccination and Testing Record System (eVT)' are interoperable with the trust framework established by Regulation (EU) 2021/953, allowing for the verification of the authenticity, validity and integrity of the certificates. The Commission also confirmed that the COVID-19 vaccination, test and recovery certificates issued by Hong Kong Special Administrative Region in accordance with the 'COVID-19 Electronic Vaccination and Testing Record System (eVT)' contain the necessary data.
- (6) In addition, Hong Kong Special Administrative Region informed the Commission that it currently issues interoperable vaccination certificates for the Comirnaty and CoronaVac COVID-19 vaccines.
- (7) Hong Kong Special Administrative Region also informed the Commission that it issues interoperable test certificates for nucleic acid amplification tests.
- (8) Furthermore, Hong Kong Special Administrative Region informed the Commission that it issues interoperable certificates of recovery.
- (9) In addition, Hong Kong Special Administrative Region informed the Commission that when verifiers in Hong Kong Special Administrative Region verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination, test result, or recovery status, and will not be retained afterwards, with the exception of health data of persons who test positive upon arrival which would be recorded as part of the epidemiological investigation.
- (10) The necessary elements for establishing that COVID-19 certificates issued by Hong Kong Special Administrative Region in accordance with the 'COVID-19 Electronic Vaccination and Testing Record System (eVT)' are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 are thus fulfilled.
- (11) Therefore, COVID-19 vaccination, test and recovery certificates issued by Hong Kong Special Administrative Region in accordance with the 'COVID-19 Electronic Vaccination and Testing Record System (eVT)' should be accepted under the conditions referred to in Article 5(5), Article 6(5), and Article 7(8) of Regulation (EU) 2021/953.
- (12) In order for this Decision to be operational, Hong Kong Special Administrative Region should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In order to connect Hong Kong Special Administrative Region to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953 as rapidly as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 14 of Regulation (EU) 2021/953,

HAS ADOPTED THIS DECISION:

Article 1

COVID-19 vaccination, test and recovery certificates issued by Hong Kong Special Administrative Region in accordance with the 'COVID-19 Electronic Vaccination and Testing Record System (eVT)' shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

Hong Kong Special Administrative Region shall be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.

Article 3

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

Done at Brussels, 20 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

RECOMMENDATIONS

COMMISSION RECOMMENDATION (EU) 2023/397

of 17 February 2023

on reference metadata and quality reports for the European Statistical System, replacing Recommendation 2009/498/EC on reference metadata for the European Statistical System

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) The European Statistics Code of Practice ⁽¹⁾, intended for national and Union statistical authorities, sets out the principles and indicators covering the institutional environment, statistical processes and statistical output.
- (2) The European Statistics Code of Practice addresses the accessibility and clarity of European statistics and says that the accompanying metadata should be documented using a standardised metadata system.
- (3) The European Interoperability Framework ⁽²⁾ outlines key principles for interoperability in the Union.
- (4) Reference metadata and quality reports are an integral part of each statistical authority's metadata system.
- (5) Reference metadata and quality reporting requirements are included in Union regulations that apply to various statistical areas.
- (6) By adopting the European Statistics Code of Practice, national and Union statistical authorities have committed themselves to producing high quality statistics, which require more transparent and harmonised reporting on data quality.
- (7) Considerable efficiency gains and burden reduction can arise from producing reference metadata and quality reports on the basis of a harmonised list of statistical concepts in the European Statistical System, while at the same time allowing national and Union statistical authorities to add more statistical concepts in particular statistical areas if needed.
- (8) Regulation (EC) No 223/2009 of the European Parliament and of the Council ⁽³⁾ on European Statistics provides a reference framework for this Recommendation.
- (9) Commission Recommendation 2009/498/EC ⁽⁴⁾ lays the foundations for metadata standardisation in European statistics, but it does not fully cover quality reporting concepts.
- (10) The Commission (Eurostat) coordinates and maintains the version updates of the Single Integrated Metadata Structure and supports the Member States to implement them and ensure their uptake.

⁽¹⁾ <https://ec.europa.eu/eurostat/web/quality/european-quality-standards/european-statistics-code-of-practice>

⁽²⁾ COM(2017) 134.

⁽³⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

⁽⁴⁾ Commission Recommendation 2009/498/EC of 23 June 2009 on reference metadata for the European Statistical System (OJ L 168, 30.6.2009, p. 50).

- (11) The Commission (Eurostat) and the Member States should cooperate in implementing this Recommendation and assessing its impact.
- (12) This Recommendation replaces Recommendation 2009/498/EC,

HAS ADOPTED THIS RECOMMENDATION:

1. Member States are invited to ensure that their national statistical authorities apply the statistical concepts listed in the latest version of the Single Integrated Metadata Structure (SIMS) ⁽⁵⁾ approved by the European Statistical System Committee, when compiling reference metadata and quality reports in the various statistical areas, and when exchanging reference metadata and quality reports in the European Statistical System.
2. It is for each Member State to choose the procedures and practices best designed to ensure the implementation of this Recommendation. For this, Member States should make full use of the support available, especially in the European Statistical System.
3. National statistical authorities are invited to inform the Commission (Eurostat) by 1 January 2024 and regularly after that of the measures taken to apply, and the degree of implementation of, the concepts listed in the Single Integrated Metadata Structure.

Done at Brussels, 17 February 2023.

For the Commission
Paolo GENTILONI
Member of the Commission

⁽⁵⁾ <https://ec.europa.eu/eurostat/web/quality/quality-monitoring/quality-reporting>

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