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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2023/699**of 29 March 2023****amending Council Regulation (EC) No 297/95 as regards the adjustment of the fees of the European Medicines Agency to the inflation rate with effect from 1 April 2023***(Text with EEA relevance)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 297/95 of 10 February 1995 on fees payable to the European Agency for the Evaluation of Medicinal Products ⁽¹⁾, and in particular Article 12, fifth paragraph, thereof,

Whereas:

- (1) In accordance with Article 67(3) of Regulation (EC) No 726/2004 of the European Parliament and of the Council ⁽²⁾, the revenue of the European Medicines Agency consists of a contribution from the Union and fees paid by undertakings to that Agency. Regulation (EC) No 297/95 lays down the categories and levels of such fees.
- (2) Those fees should be updated by reference to the inflation rate of 2022. The inflation rate in the Union, as published by the Statistical Office of the European Union ⁽³⁾, was 10,4% in 2022.
- (3) For the sake of simplicity, the adjusted levels of the fees should be rounded to the nearest EUR 100.
- (4) Regulation (EC) No 297/95 should therefore be amended accordingly.
- (5) For reasons of legal certainty, this Regulation should not apply to valid applications which are pending on 1 April 2023.
- (6) In accordance with Article 12 of Regulation (EC) No 297/95, the update is to be made with effect from 1 April 2023. It is therefore appropriate that this Regulation enters into force as a matter of urgency and applies from that date,

⁽¹⁾ OJ L 35, 15.2.1995, p. 1.

⁽²⁾ Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1).

⁽³⁾ <https://ec.europa.eu/eurostat/documents/2995521/15725179/2-18012023-AP-EN.pdf/e301db8f-984c-27e2-1245-199a89f37bca>

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 297/95 is amended as follows:

(1) Article 3 is amended as follows:

(a) paragraph 1 is amended as follows:

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

- in the first subparagraph, “EUR 313 200” is replaced by “EUR 345 800”;
- in the second subparagraph, “EUR 31 500” is replaced by “EUR 34 800”;
- in the third subparagraph, “EUR 7 800” is replaced by “EUR 8 600”;

(ii) point (b) is amended as follows:

- in the first subparagraph, “EUR 121 500” is replaced by “EUR 134 100”;
- in the second subparagraph, “EUR 202 500” is replaced by “EUR 223 600”;
- in the third subparagraph, “12 100” is replaced by “EUR 13 400”;
- in the fourth subparagraph, “EUR 7 800” is replaced by “EUR 8 600”;

(iii) point (c) is amended as follows:

- in the first subparagraph, “EUR 94 000” is replaced by “EUR 103 800”;
- in the second subparagraph, “EUR 23 700 to EUR 70 600” is replaced by “EUR 26 200 to EUR 77 900”;
- in the third subparagraph, “EUR 7 800” is replaced by “EUR 8 600”;

(b) paragraph 2 is amended as follows:

(i) in point (a), the first subparagraph is amended as follows:

- “EUR 3 500” is replaced by “EUR 3 900”;
- “EUR 7 800” is replaced by “EUR 8 600”;

(ii) point (b) is amended as follows:

- in the first subparagraph, “EUR 94 000” is replaced by “EUR 103 800”;
- in the second subparagraph, “EUR 23 700 to EUR 70 600” is replaced by “EUR 26 200 to EUR 77 900”;

(c) in paragraph 3, “EUR 15 400” is replaced by “EUR 17 000”;

(d) in paragraph 4, first subparagraph, “EUR 23 700” is replaced by “EUR 26 200”;

(e) in paragraph 5, “EUR 7 800” is replaced by “EUR 8 600”;

(f) paragraph 6 is amended as follows:

- (i) in the first subparagraph, “EUR 112 200” is replaced by “EUR 123 900”;
- (ii) in the second subparagraph, “EUR 27 900 to EUR 84 100” is replaced by “EUR 30 800 to EUR 92 800”;

(2) in Article 4, first paragraph, “EUR 77 900” is replaced by “EUR 86 000”;

(3) Article 5 is amended as follows:

(a) paragraph 1 is amended as follows:

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

- in the first subparagraph, “EUR 156 700” is replaced by “EUR 173 000”;
- in the second subparagraph, “EUR 15 400” is replaced by “EUR 17 000”;
- in the third subparagraph, “EUR 7 800” is replaced by “EUR 8 600”;
- the fourth subparagraph is amended as follows:
 - “EUR 77 900” is replaced by “EUR 86 000”;
 - “EUR 7 800” is replaced by “EUR 8 600”;

(ii) point (b) is amended as follows :

- in the first subparagraph, “EUR 77 900” is replaced by “EUR 86 000”;
- in the second subparagraph, “EUR 132 400” is replaced by “EUR 146 200”;
- in the third subparagraph, “EUR 15 400” is replaced by “EUR 17 000”;
- in the fourth subparagraph, “EUR 7 800” is replaced by “EUR 8 600”;
- the fifth subparagraph is amended as follows:
 - “EUR 39 200” is replaced by “EUR 43 300”;
 - “EUR 7 800” is replaced by “EUR 8 600”;

(iii) point (c) is amended as follows:

- in the first subparagraph, “EUR 39 200” is replaced by “EUR 43 300”;
- in the second subparagraph, “ EUR 9 700 to EUR 29 500” is replaced by “EUR 10 700 to EUR 32 600”;
- in the third subparagraph, “EUR 7 800” is replaced by “EUR 8 600”;

(b) paragraph 2 is amended as follows:

(i) in point (a), the first subparagraph is amended as follows:

- “EUR 3 500” is replaced by “EUR 3 900”;
- “EUR 7 800” is replaced by “EUR 8 600”;

(ii) point (b) is amended as follows:

- in the first subparagraph, “EUR 46 900” is replaced by “EUR 51 800”;
- in the second subparagraph, “EUR 11 800 to EUR 35 400” is replaced by “EUR 13 000 to EUR 39 100”;
- in the third subparagraph, “EUR 7 800” is replaced by “EUR 8 600”;

(c) in paragraph 3, “EUR 7 800” is replaced by “EUR 8 600”;

(d) in paragraph 4, first subparagraph, “EUR 23 700” is replaced by “EUR 26 200”;

(e) in paragraph 5, “EUR 7 800” is replaced by “EUR 8 600”;

(f) paragraph 6 is amended as follows:

- (i) in the first subparagraph, “EUR 37 600” is replaced by “EUR 41 500”;
- (ii) in the second subparagraph, “EUR 9 200 to EUR 27 900” is replaced by “EUR 10 200 to EUR 30 800”;

- (4) in Article 6, first paragraph, “EUR 46 900” is replaced by “EUR 51 800”;
- (5) Article 7 is amended as follows:
 - (a) in the first paragraph, “EUR 77 900” is replaced by “EUR 86 000”;
 - (b) in the second paragraph, “EUR 23 700” is replaced by “EUR 26 200”;
- (6) Article 8 is amended as follows:
 - (a) paragraph 1 is amended as follows:
 - (i) in the second subparagraph, “EUR 94 000” is replaced by “EUR 103 800”;
 - (ii) in the third subparagraph, “EUR 46 900” is replaced by “EUR 51 800”;
 - (iii) in the fourth subparagraph, “EUR 23 700 to EUR 70 600” is replaced by “EUR 26 200 to EUR 77 900”;
 - (iv) in the fifth subparagraph, “EUR 11 800 to EUR 35 400” is replaced by “EUR 13 000 to EUR 39 100”;
 - (b) paragraph 2 is amended as follows:
 - (i) in the second subparagraph, “EUR 313 200” is replaced by “EUR 345 800”;
 - (ii) in the third subparagraph, “EUR 156 700” is replaced by “EUR 173 000”;
 - (iii) in the fifth subparagraph, “EUR 3 500 to EUR 269 900” is replaced by “EUR 3 900 to EUR 298 000”;
 - (iv) in the sixth subparagraph, “EUR 3 500 to EUR 135 100” is replaced by “EUR 3 900 to EUR 149 200”;
 - (c) in paragraph 3, first subparagraph, “EUR 7 800” is replaced by “EUR 8 600”.

Article 2

This Regulation shall not apply to valid applications pending on 1 April 2023.

Article 3

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

It shall apply from 1 April 2023.

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

Done at Brussels, 29 March 2023.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2023/700**of 29 March 2023****entering a name in the register of protected designations of origin and protected geographical indications ('Plăcintă dobrogeană' (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Articles 15(2) and 52(3)(b) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, the application from Romania to register the name 'Plăcintă dobrogeană' as Protected Geographical Indication was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) On 27 April 2021 the Commission received from Bulgaria the notice of opposition. The Commission forwarded the notice of opposition to Romania on 29 April 2021. On 23 June 2021 Bulgaria submitted to the Commission a reasoned statement of opposition.
- (3) After examining the reasoned statement of opposition and founding it admissible, in accordance with Article 51(3) of Regulation (EU) No 1151/2012, the Commission invited Romania and Bulgaria, by letter of 20 July 2021, to engage in appropriate consultations in view of reaching an agreement.
- (4) The consultations between Romania and Bulgaria ended without an agreement being reached. The Commission should therefore take a decision on the registration in accordance with the procedure provided for in Article 52(3)(b) of Regulation (EU) No 1151/2012 taking into account the results of these consultations.
- (5) In accordance with Article 10(1)(c) of Regulation (EU) No 1151/2012 Bulgaria alleged that the registration of 'Plăcintă dobrogeană' as a Protected Geographical Indication would be a threat to the existence of the product named 'Dobrudzhanska banitsa', which has been prepared as traditional pastry in Bulgaria for centuries and is a part of the Bulgarian gastronomic and cultural heritage.

In fact, in Bulgarian 'Dobrudzhanska banitsa' has the same meaning as 'Plăcintă dobrogeană'. Moreover, Bulgaria claimed that this name designates products sharing similar ingredients, preparation stages and final product characteristics, and thus the essential elements of both 'Dobrudzhanska banitsa' and 'Plăcintă dobrogeană' could be considered as identical. Such similarities are historically determined, bearing in mind that Dobrudzha, as a historical and geographic region, is divided between the two countries, e.g. Northern Dobrudzha situated in Romania, and Southern Dobrudzha situated in Bulgaria. Therefore, both regions, even if located in two different countries, share similar traditions and culinary habits.

As a result, Bulgaria questioned the link between the product and the geographical area.

- (6) Finally, Bulgaria drew attention to a negative effect on the economic interests of 'Dobrudzhanska banitsa' producers in Bulgaria that the registration of 'Plăcintă dobrogeană' as a Protected Geographical Indication would have, and claimed it might mislead consumers about the origin of the product.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 38, 3.2.2021, p. 4.

- (7) The Commission has assessed the arguments exposed in the reasoned statement of opposition from Bulgaria in the light of the provisions of Regulation (EU) No 1151/2012, taking into account the results of the appropriate consultations carried out between the applicant and the opponent.
- (8) The product designated as 'Plăcintă dobrogeană' in Romania shares similarities with the product being in legal use in Bulgaria and which is designated as 'Dobrudzhanska banitsa'. However, despite the shared traditions and culinary habits linked to the geographical and historical region of Dobrogea/Dobrudzha, these traditions and habits evolved distinctively in Romania and Bulgaria, resulting in differences in the preparation, reputation and the use of the names designating the products.

Firstly, the product designated as 'Plăcintă dobrogeană' has specific characteristics that makes it distinctive, if compared to the product designated as 'Dobrudzhanska banitsa'. In Romania only cheese, yoghurt and eggs are admitted as filling, while for production of 'Dobrudzhanska banitsa' in Bulgaria also meat and/or vegetables can be used, as well as fresh milk. Further differences concern the use of curd – compulsory in Romania, but optional in Bulgaria. Another distinction concerns dough sheets, which are creased and rolled in Romania, while in Bulgaria they are folded like an accordion.

Romania has also demonstrated an established reputation of the name 'Plăcintă dobrogeană', which refers to the product produced in the geographical area, defined in the single document as the Tulcea and Constanța Counties, also known as 'Dobrogea'. In Bulgaria, a parallel reputation of the name 'Dobrudzhanska banitsa' was neither claimed, nor sufficiently demonstrated.

Finally, in contrast to 'Plăcintă dobrogeană', the product designated as 'Dobrudzhanska banitsa' is primarily destined for local and home production.

- (9) The name 'Plăcintă dobrogeană' is indisputably associated with the pastry product made out of pastry sheets filled with salted soft cheese (telemea) mixed with curd and eggs produced in the geographical area. The product has, therefore, qualities and reputation that are attributable to its geographical origin. In the light of the above, the link between the product designated as 'Plăcintă dobrogeană' and the geographical area may not be questioned.
- (10) The terms 'Dobrudzhanska banitsa' is the translation in Bulgarian of the name 'Plăcintă dobrogeană'. As the names are identical in translation, the protection of the registered name 'Plăcintă dobrogeană', as provided for by Article 13 of Regulation (EU) No 1151/2012, would have the result of preventing Bulgarian producers from using the term 'Dobrudzhanska banitsa' to market their comparable products.
- (11) The use of the term 'Dobrudzhanska banitsa' was not meant to exploit the reputation of the name 'Plăcintă dobrogeană'. The consumers have not been, nor could have been misled as to the true origin of the products. In fact, the situation on the two markets was different for the two products. 'Plăcintă dobrogeană' refers to a product that possesses its distinct market, where it enjoys reputation for its own qualities and characteristics linked to the geographic origin. 'Dobrudzhanska banitsa' refers to a product that is consumed mainly as local or even home production.
- (12) The product 'Dobrudzhanska banitsa' is usually prepared and consumed directly within the same day. This product has not been marketed in another country, as it is not offered frozen and, therefore, consumers have not been and could not be misled as to the true origin of the product. In particular, 'Dobrudzhanska banitsa' has not been and it is not export oriented.
- (13) For these reasons, and as it was shown that the name 'Dobrudzhanska banitsa' has been in legal use consistently and fairly for at least 25 years before the application for registration of 'Plăcintă dobrogeană' was submitted to the Commission, in the interests of fairness and traditional usage and given the agreement reached between the applicant and the opponent in this regard, the transitional period of 10 years should be granted.

- (14) In the light of the above, the name 'Plăcintă dobrogeană' should be entered in the Register of protected designations of origin and protected geographical indications.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Agricultural Product Quality Policy Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Plăcintă dobrogeană' (PGI) 'is registered.

The name in the first paragraph identifies a product from Class 2.3. Bread, pastry, cakes, confectionery, biscuits and other baker's wares set out in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

Article 2

The term 'Dobrudzhanska banitsa' ('Добруджанска баница') may be used to designate pastry product not complying with the specification for 'Plăcintă dobrogeană' PGI for a period of 10 years from the date of entry into force of this Regulation in the territory of the Union, provided that the principles and rules applicable in its legal order are respected.

Article 3

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

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

Done at Brussels, 29 March 2023.

For the Commission
The President
Ursula VON DER LEYEN

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

DECISIONS

COUNCIL DECISION (EU) 2023/701

of 21 March 2023

on the position to be adopted on behalf of the European Union in the Joint Consultative Working Group established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards the amendment of its rules of procedure

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 50(2) thereof,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ('the Withdrawal Agreement') was concluded by Council Decision (EU) 2020/135 ⁽¹⁾ and entered into force on 1 February 2020. The Protocol on Ireland/Northern Ireland ('the Protocol') forms an integral part of the Withdrawal Agreement, pursuant to Article 182 thereof.
- (2) The Joint Consultative Working Group ('the working group') was established by Article 15(1) of the Protocol to serve as a forum for the exchange of information and mutual consultation on the implementation of the Protocol.
- (3) Pursuant to Article 15(2) of the Protocol, the working group is composed of representatives of the Union and the United Kingdom and is to carry out its functions under the supervision of the Specialised Committee on issues related to the implementation of the Protocol, established by Article 165(1), point (c), of the Withdrawal Agreement, to which it reports.
- (4) Pursuant to Article 15(6) of the Protocol, the working group is to adopt its own rules of procedure by mutual consent. The working group adopted its own rules of procedure at its first meeting on 29 January 2021 ('the Rules of Procedure').
- (5) It is necessary to amend the Rules of Procedure to allow the working group to be supported by structured sub-groups in order to improve the manner in which the working group carries out its tasks as defined in Article 15 of the Protocol.
- (6) It is appropriate to establish the position to be taken on the Union's behalf within the working group concerning the amendment of the Rules of Procedure.
- (7) In order to allow for the prompt application of the measures provided for in this Decision, this Decision should enter into force on the date of its adoption,

⁽¹⁾ Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the Joint Consultative Working Group established by Article 15(1) of the Protocol ('the working group'), on a decision amending the rules of procedure of the working group, is set out in the draft Decision of the working group attached to this Decision.

Article 2

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

Done at Brussels, 21 March 2023.

For the Council
The President
J. ROSWALL

COUNCIL DECISION (EU) 2023/702**of 21 March 2023**

on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards a decision to be adopted, and recommendations and joint and unilateral declarations to be made

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 50(2) thereof,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ('the Withdrawal Agreement') was concluded by the Union by Council Decision (EU) 2020/135 ⁽¹⁾ and entered into force on 1 February 2020.
- (2) Article 164(5)(d) of the Withdrawal Agreement empowers the Joint Committee established under Article 164(1) thereof ('the Joint Committee') to adopt decisions amending that Agreement, provided that such amendments are necessary to correct errors, to address omissions or other deficiencies, or to address situations unforeseen when the Agreement was signed, except in relation to Parts One, Four and Six of the Withdrawal Agreement, and provided that such decisions do not amend the essential elements of that Agreement.
- (3) Article 166(1) of the Withdrawal Agreement empowers the Joint Committee to adopt decisions in respect of all matters for which that Agreement so provides and to make appropriate recommendations to the Union and the United Kingdom. Pursuant to Article 166(2) of the Withdrawal Agreement, the decisions adopted by the Joint Committee are binding on the Union and the United Kingdom, and the Union and the United Kingdom are to implement those decisions, which have the same legal effect as the Withdrawal Agreement. Article 166(3) of the Withdrawal Agreement provides that recommendations are to be made by mutual consent.
- (4) In accordance with Article 182 of the Withdrawal Agreement, the Protocol on Ireland/Northern Ireland ('the Protocol') forms an integral part of that Agreement.
- (5) It is appropriate for the Union and the United Kingdom to make a Joint Declaration within the Joint Committee to the effect that, wherever relevant in their dealings under the Withdrawal Agreement, they will, consistent with the requirements of legal certainty, refer to the Protocol as amended as the 'Windsor Framework', and that they may in the same way refer to the Protocol as amended in their domestic legislation.
- (6) Having regard to the specific circumstances in Northern Ireland, it is necessary to provide that the Union and the United Kingdom should make their best efforts to ensure that the facilitations to trade between Northern Ireland and other parts of the United Kingdom include specific arrangements for the movement of goods within the United Kingdom's internal market, consistent with Northern Ireland's position as part of the customs territory of the United Kingdom in accordance with that Protocol, where the goods are destined for final consumption or final use in Northern Ireland and where the necessary safeguards are in place to protect the integrity of the Union's internal market and customs union. Consequently, the Protocol should be amended accordingly.

⁽¹⁾ Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 1).

- (7) The Union should take note of the Unilateral Declaration by the United Kingdom within the Joint Committee setting out the practice it intends to put in place as regards the movement of goods from Northern Ireland to other parts of the United Kingdom.
- (8) The Union should take note of the Unilateral Declaration by the United Kingdom in the Joint Committee setting out the practice it intends to put in place as regards market surveillance and enforcement activities.
- (9) It is necessary to ensure enhanced cooperation between the United Kingdom and the Union, and between the United Kingdom and Member State authorities where appropriate, to underpin the envisaged specific arrangements with effective market surveillance and enforcement activity. The Joint Committee should therefore make a recommendation providing for such enhanced cooperation and setting out that the cooperation could encompass knowledge-sharing, information exchange, work with operators and joint activity.
- (10) Taking into account the specific circumstances in Northern Ireland, including its integral place in the United Kingdom's internal market, certain amendments to Annex 3 to the Protocol should be made. The application of those amendments should not lead to fiscal fraud risks or to any potential distortion of competition. The implementation of those amendments in Northern Ireland, and in particular the implementation of the special scheme for distance sales of goods imported from third territories or third countries, should neither create risks to the Union's internal market, and the United Kingdom's internal market, nor create undue burdens for businesses operating in Northern Ireland. In order to clarify the scope of application to and in the United Kingdom in respect of Northern Ireland, of certain acts already listed in Annex 3 to the Protocol, two notes should be added to that Annex. With a view to addressing further potential deficiencies or unforeseen circumstances, and in order to ensure that any other notes specifying the manner in which the Union acts listed in Annex 3 apply to and in the United Kingdom in respect of Northern Ireland could be added to that Annex at any point in time, such possibility should be foreseen.
- (11) The Union and the United Kingdom should make a Joint Declaration within the Joint Committee on the VAT regime for goods not being at risk for the Union's internal market and the VAT arrangements for cross border refunds. By that declaration the Union and the United Kingdom would commit to examining the possibility to add notes clarifying the scope of application of certain acts listed in Annex 3 to the Protocol. The first note would concern the application of the rates laid down in Council Directive 2006/112/EC ⁽²⁾ and would contain a list of goods that by their nature and by the conditions under which they are supplied would be subject to final consumption in Northern Ireland and where the application of different rates would not lead to a negative impact on the Union's internal market in the form of fiscal fraud risks or potential distortion of competition. The Union and the United Kingdom should also indicate their willingness to evaluate and revise such a list on a regular basis. The second note would concern the current VAT arrangements for cross border refunds under the applicable Union law referred to in Article 8 of the Protocol.
- (12) To ensure the effectiveness of Article 8 of the Protocol, the Union and the United Kingdom should exchange information and discuss in a structured manner any issues arising from the implementation and application of Article 8 of that Protocol, including important changes envisaged in the applicable legislative framework in the Union and the United Kingdom in the areas of VAT and excise concerning goods. It is therefore appropriate for a Decision of the Joint Committee to provide for special meetings of the Specialised Committee on issues related to the implementation of the Protocol on Ireland/Northern Ireland ('the Specialised Committee') as an enhanced coordination mechanism to allow the Union and the United Kingdom to identify and discuss any issues relating to the functioning of the Protocol in the areas of VAT and excise and propose appropriate action, as necessary.

⁽²⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

- (13) In order to further clarify the scope of application of Article 10(1) of the Protocol, it is appropriate for the Union and the United Kingdom to set out a common understanding of the conditions for state aid granted by the United Kingdom authorities to be within the scope of Article 10(1), notably as regards the genuine and direct link to Northern Ireland. It is therefore appropriate for the Union and the United Kingdom to make a Joint Declaration in the Joint Committee to that effect.
- (14) In order to address a situation where a specific Union act amending or replacing an act referred to in the Protocol significantly changes the content or the scope of that act as applicable before being amended or replaced and where the application in Northern Ireland of the Union act as thus amended or replaced would have a significant impact on everyday life of communities in Northern Ireland in a way that is liable to persist, it is necessary to establish an emergency brake mechanism enabling 30 Members of the Legislative Assembly (MLAs) in Northern Ireland from at least two parties (and excluding the Speaker and Deputy Speakers), under each of the conditions set out in paragraph 1 of the draft Unilateral Declaration by the United Kingdom on involvement of the institutions of the Good Friday or Belfast Agreement of 10 April 1998 between the Government of the United Kingdom, the Government of Ireland and the other participants in the multi-party negotiations ('the 1998 Agreement') annexed to the envisaged Joint Committee Decision amending the Protocol, to address the abovementioned situation. Those conditions provide, *inter alia*, that the notification can be made in the most exceptional circumstances and as a last resort, and that MLAs have sought prior substantive discussion with the UK Government and within the Northern Ireland Executive to examine all possibilities in relation to the Union act. Where the United Kingdom has made a notification to the Union to that effect, the Union act as amended or replaced by the specific Union act would not apply to and in the United Kingdom in respect of Northern Ireland pursuant to Article 13(3) of the Protocol. Instead, the Union act as amended or replaced by the specific Union act would have to be added to the relevant Annex to the Protocol in accordance with the procedure provided for in Article 13(4) thereof. The Protocol should therefore be amended accordingly.
- (15) Where the United Kingdom has made the notification to the Union referred to in Article 13(3a), first subparagraph, of the Protocol as newly envisaged, but an arbitration panel has ruled that the United Kingdom has failed to comply with the conditions for such notification as laid down in the third subparagraph of that paragraph, swift compliance with such an arbitration panel ruling should be achieved. The Joint Committee should therefore make a recommendation providing for such swift compliance. That should be based on the joint understanding that swift compliance should be achieved in the same way where the United Kingdom has failed to comply with its good faith obligations under Article 5 of the Withdrawal Agreement by making such notification without each of the conditions set out in paragraph 1 of the Unilateral Declaration by the United Kingdom on involvement of the institutions of the 1998 Agreement, as annexed to Joint Committee Decision No 1/2023, being met.
- (16) The Union and the United Kingdom should acknowledge that the United Kingdom's notification under the newly envisaged Article 13(3a) of the Protocol is to be made under each of the conditions of paragraph 1 of the Unilateral Declaration by the United Kingdom on involvement of the institutions of the 1998 Agreement for it to be made in good faith, in accordance with Article 5 of the Withdrawal Agreement. It is also appropriate to clarify through a Joint Declaration that where an arbitration panel has ruled that the United Kingdom failed to comply with Article 5 of the Withdrawal Agreement in relation to a notification to the Union triggering the mechanism, swift compliance with the ruling of the arbitration panel should be achieved.
- (17) The Union and the United Kingdom should make full use of the joint bodies established by the Withdrawal Agreement to oversee its implementation. The Specialised Committee may allow for exchanges of views on any future legislation of the United Kingdom regarding goods of relevance to the operation of the Protocol. To that end, the Specialised Committee may convene in a specific composition, namely the Special Body on Goods, to assess the potential impact of that future legislation in Northern Ireland, anticipate and discuss any practical difficulties at stake. The Union and United Kingdom would resolve any issues in the operation of the Protocol in the best and most expeditious way possible. It is therefore appropriate for the Union and the United Kingdom to adopt a Joint Declaration in the Joint Committee to that effect.

- (18) The Union should take note of the Unilateral Declaration by the United Kingdom in the Joint Committee concerning the democratic consent mechanism in Article 18 of the Protocol, recalling the tasks of the Joint Committee under Article 164 of the Withdrawal Agreement.
- (19) It has proven necessary to extend the scope of the traders eligible for moving goods not at risk from other parts of the United Kingdom to Northern Ireland referred to in Decision No 4/2020 of the Joint Committee ⁽³⁾. In particular, new conditions should be established for considering that goods are not subject to commercial processing including by increasing the annual turnover threshold for operators in order to consider that the processing of goods by those operators does not qualify as commercial processing, irrespective of their sector of activity. Moreover, operators established in other parts of the United Kingdom should be allowed to adhere to the trusted trader scheme underpinning the arrangements for moving goods not at risk. The specific conditions for the authorisation of trusted traders should be set out in greater detail, thereby ensuring that the customs facilitations afforded to trusted traders and authorised carriers when moving goods not at risk from other parts of the United Kingdom to Northern Ireland, which are to be laid down in targeted amendments to the relevant Union acts will be accompanied by stronger safeguards.
- (20) In addition, rules should be laid down for specifying the conditions under which goods sent in parcels from other parts of the United Kingdom to Northern Ireland can be considered as being not at risk where those parcels are delivered to private individuals residing in Northern Ireland and are brought into Northern Ireland by authorised carriers.
- (21) The Union should take note of the Unilateral Declaration by the United Kingdom in the Joint Committee setting out the practice it intends to put in place to strengthen enforcement action concerning goods moved in parcels from another part of the United Kingdom to Northern Ireland.
- (22) It is appropriate to establish the position to be taken on the Union's behalf within the Joint Committee as regards a decision to be adopted, and recommendations and joint and unilateral declarations to be made,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Joint Committee established by Article 164 of the Withdrawal Agreement ('the Joint Committee') as regards a Decision to be adopted and certain Recommendations to be made by the Joint Committee is set out in the draft Decision and draft Recommendations attached in Annex 1 to this Decision.

Article 2

The position to be taken on the Union's behalf within the Joint Committee as regards certain Joint Declarations to be made by the Union and the United Kingdom in the Joint Committee is set out in the draft Joint Declarations attached in Annex 2 to this Decision.

Article 3

The position to be taken on the Union's behalf within the Joint Committee as regards certain Unilateral Declarations to be made by the United Kingdom in the Joint Committee which are attached in draft form in Annex 3 to this Decision shall be to take note of these Declarations. In relation to the Unilateral Declaration by the United Kingdom in the Joint Committee concerning the democratic consent mechanism in Article 18 of the Protocol, the Union shall also recall the tasks of the Joint Committee under Article 164 of the Withdrawal Agreement.

⁽³⁾ Decision No 4/2020 of the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 17 December 2020 on the determination of goods not at risk [2020/2248] (OJ L 443, 30.12.2020, p. 6).

Article 4

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

Done at Brussels, 21 March 2023.

For the Council

The President

J. ROSWALL

COUNCIL DECISION (EU) 2023/703**of 28 March 2023****appointing a member, proposed by Ireland, of the European Economic and Social Committee**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 302 thereof,

Having regard to Council Decision (EU) 2019/853 of 21 May 2019 determining the composition of the European Economic and Social Committee ⁽¹⁾,

Having regard to the proposal of the Government of Ireland,

After consulting the European Commission,

Whereas:

- (1) Pursuant to Article 300(2) of the Treaty, the Economic and Social Committee is to consist of representatives of organisations of employers, of the employed, and of other parties representative of civil society, notably in socioeconomic, civic, professional and cultural areas.
- (2) On 2 October 2020, the Council adopted Decision (EU) 2020/1392 ⁽²⁾, appointing the members of the European Economic and Social Committee for the period from 21 September 2020 to 20 September 2025.
- (3) A member's seat on the European Economic and Social Committee has become vacant following the resignation of Ms Mary DOYLE.
- (4) The Government of Ireland has proposed Mr Neil WALKER, *Head of Infrastructure, Energy and Environment, Irish Business and Employers Confederation (IBEC)*, as a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2025,

HAS ADOPTED THIS DECISION:

Article 1

Mr Neil WALKER, *Head of Infrastructure, Energy and Environment, Irish Business and Employers Confederation (IBEC)*, is hereby appointed as a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2025.

Article 2

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

⁽¹⁾ OJ L 139, 27.5.2019, p. 15.

⁽²⁾ Council Decision (EU) 2020/1392 of 2 October 2020 appointing the members of the European Economic and Social Committee for the period from 21 September 2020 to 20 September 2025, and repealing and replacing the Council Decision appointing the members of the European Economic and Social Committee for the period 21 September 2020 to 20 September 2025 adopted on 18 September 2020 (OJ L 322, 5.10.2020, p. 1).

Done at Brussels, 28 March 2023.

For the Council
The President
E. BUSCH

COUNCIL DECISION (EU) 2023/704**of 28 March 2023****appointing a member and an alternate member, proposed by the Kingdom of Belgium, of the
Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Having regard to the proposals of the Belgian Government,

Whereas:

- (1) Pursuant to Article 300(3) of the Treaty, the Committee of the Regions is to consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.
- (2) On 20 January 2020, the Council adopted Decision (EU) 2020/102 ⁽²⁾, appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025. On 26 March 2020, the Council adopted Decision (EU) 2020/511 ⁽³⁾, appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025.
- (3) A member's seat on the Committee of the Regions has become vacant following the resignation of Mr Pierre-Yves JEHOLET.
- (4) An alternate member's seat will become vacant following the appointment of Ms Annabel TAVERNIER as a member of the Committee of the Regions.
- (5) The Belgian Government has proposed Ms Annabel TAVERNIER, representative of a regional body who holds a regional authority electoral mandate, *Vlaams Parlementslid* (Member of the Flemish Parliament), as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025.
- (6) The Belgian Government has proposed Mr Jeroen TIEBOUT, representative of a regional body who holds a regional authority electoral mandate, *Vlaams Parlementslid* (Member of the Flemish Parliament), as an alternate member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025,

⁽¹⁾ OJ L 139, 27.5.2019, p. 13.

⁽²⁾ Council Decision (EU) 2020/102 of 20 January 2020 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025 (OJ L 20, 24.1.2020, p. 2).

⁽³⁾ Council Decision (EU) 2020/511 of 26 March 2020 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025 (OJ L 113, 8.4.2020, p. 18).

HAS ADOPTED THIS DECISION:

Article 1

The following representatives of regional bodies who hold an electoral mandate are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025:

(a) as a member:

— Ms Annabel TAVERNIER, *Vlaams Parlementslid* (Member of the Flemish Parliament),
and

(b) as an alternate member:

— Mr Jeroen TIEBOUT, *Vlaams Parlementslid* (Member of the Flemish Parliament).

Article 2

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

Done at Brussels, 28 March 2023.

For the Council
The President
E. BUSCH

COMMISSION DECISION (EU) 2023/705**of 29 March 2023****amending Decisions (EU) 2017/175 and (EU) 2018/680 as regards the energy efficiency requirements for EU Ecolabel tourist accommodation and EU Ecolabel indoor cleaning services for certain energy-related products***(notified under document C(2023) 2067)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel ⁽¹⁾, and in particular Article 8(2) thereof,

After consulting the European Union Ecolabelling Board,

Whereas:

- (1) Regulation (EC) No 66/2010 provides that the EU Ecolabel may be awarded to products with a reduced environmental impact during their entire life cycle. Specific EU Ecolabel criteria are to be established for each product group.
- (2) By Commission Decision (EU) 2017/175 ⁽²⁾ EU Ecolabel criteria and related assessment and verifications requirements were established for the product group “tourist accommodation”.
- (3) By Commission Decision (EU) 2018/680 ⁽³⁾ EU Ecolabel criteria and related assessment and verifications requirements were established for the product group “indoor cleaning services”.
- (4) Both Decisions (EU) 2017/175 and (EU) 2018/680 include energy efficiency requirements for specific energy-related products, referring to legislation that need to be updated.
- (5) The Commission has introduced A to G rescaled energy efficiency labels for certain energy-related products (“rescaled products”) as per the working plan referred to in Article 15 of Regulation (EU) 2017/1369 of the European Parliament and of the Council ⁽⁴⁾. Those rescaled products are referred to in criteria 8, 31 (a), 31 (c), 31 (d), 31 (e) and 31 (h) of Decision (EU) 2017/175, and in criterion O10 (a) of Decision (EU) 2018/680 and are, respectively, light sources, refrigerating appliances, household dishwashers, household washing machines and

⁽¹⁾ OJ L 27, 30.1.2010, p. 1.

⁽²⁾ Commission Decision (EU) 2017/175 of 25 January 2017 on establishing EU Ecolabel criteria for tourist accommodation (OJ L 28, 2.2.2017, p. 9).

⁽³⁾ Commission Decision (EU) 2018/680 of 2 May 2018 establishing EU Ecolabel criteria for indoor cleaning services (OJ L 114, 4.5.2018, p. 22).

⁽⁴⁾ Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1).

electronic displays. Given that Commission Delegated Regulations (EU) 2019/2015 ⁽³⁾, (EU) 2019/2016 ⁽⁴⁾, (EU) 2019/2017 ⁽⁷⁾, (EU) 2019/2014 ⁽⁸⁾ and (EU) 2019/2013 ⁽⁹⁾ have repealed Commission Delegated Regulations (EU) No 874/2012 ⁽¹⁰⁾, (EU) No 1060/2010 ⁽¹¹⁾, (EU) No 1059/2010 ⁽¹²⁾, (EU) No 1061/2010 ⁽¹³⁾ and (EU) No 1062/2010 ⁽¹⁴⁾, those criteria therefore need to be updated with references to energy requirements set out in Delegated Regulations (EU) 2019/2015, (EU) 2019/2016, (EU) 2019/2017, (EU) 2019/2014 and (EU) 2019/2013. In addition to the references, those criteria need to be updated in order to reflect rescaled top classes of energy efficiency so that the EU Ecolabel criteria continue to correspond to the best 10-20% of the products available on the Union market in terms of environmental performance, in accordance with Annex I, Part A, point 2, of Regulation (EC) No 66/2010.

- (6) References to the energy requirements set out in Delegated Regulations (EU) No 874/2012, (EU) No 1060/2010, (EU) No 1059/2010, (EU) No 1061/2010 and (EU) No 1062/2010 should be maintained in Decisions (EU) 2017/175 and (EU) 2018/680 to allow products purchased prior to the entry into force of the new energy labelling rules to be considered still compliant with the EU Ecolabel criteria.

⁽³⁾ Commission Delegated Regulation (EU) 2019/2015 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of light sources and repealing Commission Delegated Regulation (EU) No 874/2012 (OJ L 315, 5.12.2019, p. 68).

⁽⁴⁾ Commission Delegated Regulation (EU) 2019/2016 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances and repealing Commission Delegated Regulation (EU) No 1060/2010 (OJ L 315, 5.12.2019, p. 102).

⁽⁷⁾ Commission Delegated Regulation (EU) 2019/2017 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household dishwashers and repealing Commission Delegated Regulation (EU) No 1059/2010 (OJ L 315, 5.12.2019, p. 134).

⁽⁸⁾ Commission Delegated Regulation (EU) 2019/2014 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household washing machines and household washer-dryers and repealing Commission Delegated Regulation (EU) No 1061/2010 and Commission Directive 96/60/EC (OJ L 315, 5.12.2019, p. 29).

⁽⁹⁾ Commission Delegated Regulation (EU) 2019/2013 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of electronic displays and repealing Commission Delegated Regulation (EU) No 1062/2010 (OJ L 315, 5.12.2019, p. 1).

⁽¹⁰⁾ Commission Delegated Regulation (EU) No 874/2012 of 12 July 2012 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of electrical lamps and luminaires (OJ L 258, 26.9.2012, p. 1).

⁽¹¹⁾ Commission Delegated Regulation (EU) No 1060/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household refrigerating appliances (OJ L 314, 30.11.2010, p. 17).

⁽¹²⁾ Commission Delegated Regulation (EU) No 1059/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household dishwashers (OJ L 314, 30.11.2010, p. 1).

⁽¹³⁾ Commission Delegated Regulation (EU) No 1061/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household washing machines (OJ L 314, 30.11.2010, p. 47).

⁽¹⁴⁾ Commission Delegated Regulation (EU) No 1062/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of televisions (OJ L 314, 30.11.2010, p. 64).

- (7) Criterion 31 (e) set out in Decision (EU) 2017/175 includes references to the EU Energy Star programme for office equipment and to EU-USA Energy Star agreements ⁽¹⁵⁾, ⁽¹⁶⁾ expired on 20 February 2018. In order to guarantee a high environmental performance of the EU Ecolabel criteria, in the absence of relevant energy labels or Regulations defining energy classes for office equipment, except for “electronic displays” for which rescaled classes of energy efficiency are available⁹, the amended requirement should require that newly bought office equipment qualifies according to an EN ISO 14024 type I ecolabel ⁽¹⁷⁾.
- (8) Criterion 31(g) set out in Decision (EU) 2017/175 and criterion O5 set out in Decision (EU) 2018/680 award points to EU Ecolabel applicants for the use of energy-efficient vacuum cleaners and include a reference to Commission Delegated Regulation (EU) No 665/2013 ⁽¹⁸⁾ and related energy efficiency classes. The General Court, by decision in case T-544/13 RENV, had annulled that Delegated Regulation ⁽¹⁹⁾. In order to ensure that points can continue to be awarded to EU Ecolabel applicants for the use of energy-efficient vacuum cleaners, references to that the annulled Delegated Regulation (EU) No 665/2013 should be replaced by references to Commission Delegated Regulation (EU) No 666/2013 ⁽²⁰⁾, and the references to energy efficiency classes should be replaced by references to annual energy consumption thresholds.
- (9) Decisions (EU) 2017/175 and (EU) 2018/680 should therefore be amended accordingly.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 16 of Regulation (EC) No 66/2010,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision (EU) 2017/175 is amended in accordance with Annex I to this Decision.

Article 2

The Annex to Decision (EU) 2018/680 is amended in accordance with Annex II to this Decision.

Article 3

This Decision is addressed to the Member States.

⁽¹⁵⁾ Commission Decision (EU) 2015/1402 of 15 July 2015 determining the European Union position with regard to a decision of the management entities under the Agreement between the Government of the United States of America and the European Union on the coordination of energy-efficiency labelling programmes for office equipment on the revision of specifications for computers included in Annex C to the Agreement (OJ L 217, 18.8.2015, p. 9).

⁽¹⁶⁾ Commission Decision 2014/202/EU of 20 March 2014 determining the European Union position for a decision of the Management entities under the Agreement between the Government of the United States of America and the European Union on the coordination of energy-efficiency labelling programmes for office equipment on adding specifications for computer servers and uninterruptible power supplies to Annex C to the Agreement and on the revision of specifications for displays and imaging equipment included in Annex C to the Agreement (OJ L 114, 16.4.2014, p. 68).

⁽¹⁷⁾ ISO 14024:2018. Environmental labels and declarations – Type I environmental labelling – Principles and procedures.

⁽¹⁸⁾ Commission Delegated Regulation (EU) No 665/2013 of 3 May 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of vacuum cleaners (OJ L 192, 13.7.2013, p. 1).

⁽¹⁹⁾ Judgment of the General Court, Dyson Ltd v European Commission, Case T-544/13 RENV, ECLI:EU:T:2018:761.

⁽²⁰⁾ Commission Regulation (EU) No 666/2013 of 8 July 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for vacuum cleaners (OJ L 192, 13.7.2013, p. 24).

Done at Brussels, 29 March 2023.

For the Commission
Virginijus SINKEVIČIUS
Member of the Commission

ANNEX I

The Annex to Decision (EU) 2017/175 is amended as follows:

(1) criterion 8 is replaced by the following:

‘Criterion 8 — Energy efficient lighting

(a) At the date of the EU Ecolabel licence award:

- (i) at least 40 % of all light sources in the tourist accommodation shall have at least Class A as determined in accordance with Annex VI to Commission Delegated Regulation (EU) No 874/2012 (*), as applicable on 31 August 2021, or shall have at least Class D as determined in accordance with Annex II to Commission Delegated Regulation (EU) 2019/2015 (**).
- (ii) at least 50 % of light sources that are situated where the lamps are likely to be turned on for more than five hours a day shall have at least Class A as determined in accordance with Annex VI to Delegated Regulation (EU) No 874/2012, as applicable on 31 August 2021, or shall have at least Class D as determined in accordance with Annex II to Delegated Regulation (EU) 2019/2015.

(b) In maximum of 2 years from the date of the EU Ecolabel licence award:

- (i) at least 80 % of all light sources in the tourist accommodation shall have at least Class A as determined in accordance with Annex VI to Delegated Regulation (EU) No 874/2012, as applicable on 31 August 2021, or shall have at least Class D as determined in accordance with Annex II to Delegated Regulation (EU) 2019/2015;
- (ii) 100 % of light sources that are situated where the lamps are likely to be turned on for more than five hours a day shall have at least Class A as determined in accordance with Annex VI to Delegated Regulation (EU) No 874/2012, as applicable on 31 August 2021, or shall have at least Class D as determined in accordance with Annex II to Delegated Regulation (EU) 2019/2015.

Note: Percentages are set in reference to the total amount of light fittings suitable to use energy-saving lighting. The targets above do not apply to light fittings whose physical characteristics do not allow use of energy-saving lighting.

Assessment and verification

The applicant shall provide to the competent body written reports indicating the total amount of lamps and luminaires suitable to use energy-saving lighting, operating hours and amount of energy-saving lamps and luminaires with energy efficient light lamps and luminaires of at least Class A as determined in accordance with Annex VI to Delegated Regulation (EU) No 874/2012, as applicable on 31 August 2021, or light sources with at least energy efficiency Class D as determined in accordance with Annex II to Delegated Regulation (EU) 2019/2015. The reports shall also include the explanation on the impossibility to substitute lamps and luminaires where physical characteristics do not allow use of energy-saving lamps and luminaires. Two reports shall be provided, a first one at the application date and a second one within a maximum of 2 years from the date of the award respectively.

The physical characteristics which may prevent the use of energy-saving light bulbs may include: decorative lighting requiring specialised lamps and luminaires; dimmable lighting; situations where energy-saving lighting may not be available. Where this is the case, evidence shall be provided to show why energy-saving lamps and luminaires cannot be used. This may include, for example, photographic evidence of the type of lighting installed.

(*) Commission Delegated Regulation (EU) No 874/2012 of 12 July 2012 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of electrical lamps and luminaires (OJ L 258, 26.9.2012, p. 1).

(**) Commission Delegated Regulation (EU) 2019/2015 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of light sources and repealing Commission Delegated Regulation (EU) No 874/2012 (OJ L 315, 5.12.2019, p. 68).'

(2) criterion 31 is replaced by the following:

‘Criterion 31. Energy efficient household appliances and lighting (up to 4 points)

Tourist accommodation shall have energy efficient appliances for the following categories (0,5 point or 1 point each of the following categories, to a maximum of 4 points):

- (a) household refrigerating appliances, of which at least 50 % (0,5 point) or 90 % (1 point) (rounded to the next integer) shall be of EU Energy Label rated Class A++ or better as laid down in Annex IX to Commission Delegated Regulation (EU) No 1060/2010 ^{(1)*}, as applicable on 28 February 2021, or shall be of at least energy efficiency Class D as determined in accordance with Annex II to Commission Delegated Regulation (EU) 2019/2016 ^{(2)*};
- (b) household electric ovens, of which at least 50 % (0,5 point) or 90 % (1 point) (rounded to the next integer) shall be of EU Energy Label rated Class A++ or better as laid down in Annex I to Commission Delegated Regulation (EU) No 65/2014 ^{(3)*};
- (c) household dishwashers, of which at least 50 % (0,5 point) or 90 % (1 point) (rounded to the next integer) shall be of EU Energy Label rated Class A++ or better as laid down in Annex VI to Commission Delegated Regulation (EU) No 1059/2010 ^{(4)*}, as applicable on 28 February 2021, or shall be of at least energy efficiency Class C as determined in accordance with Annex II to Commission Delegated Regulation (EU) 2019/2017 ^{(5)*};
- (d) household washing machines, of which at least 50 % (0,5 point) or 90 % (1 point) (rounded to the next integer) shall be of EU Energy Label rated Class A++ or better as laid down in Annex VI to Commission Delegated Regulation (EU) No 1061/2010 ^{(6)*}, as applicable on 28 February 2021, or shall be of at least energy efficiency Class A as determined in accordance with Annex II to Commission Delegated Regulation (EU) 2019/2014 ^{(7)*};
- (e) office equipment, of which at least 50 % (0,5 point) or 90 % (1 point) (rounded to the next integer) complies with the following:
 - i. office equipment purchased before 20 February 2018, is qualified as follows, under the agreements set out in Commission Decisions (EU) 2015/1402 ^{(8)*} and 2014/202/EU ^{(9)*}:
 - is compliant with Energy Star v6.1 for computers;
 - is compliant with Energy Star v6.0 for displays;
 - is compliant with Energy Star v2.0 for imaging equipment;
 - is compliant with Energy Star v1.0 for uninterruptible power supplies;
 - is compliant with Energy Star v2.0 for enterprise servers;
 - ii. office equipment purchased after 20 February 2018, is qualified as follows:
 - is compliant with EN ISO 14024 ^{(10)*} type I ecolabel, for office equipment other than electronic displays,
 - is falling at least under energy efficiency Class E in accordance with Commission Delegated Regulation (EU) 2019/2013 ^{(11)*}, for electronic displays;
- (f) household tumble driers, of which at least 50 % (0,5 point) or 90 % (1 point) (rounded to the next integer) shall be of EU Energy Label rated Class A++ or better as laid down in Annex VI to Commission Delegated Regulation (EU) No 392/2012 ^{(12)*};
- (g) household vacuum cleaners, of which at least 50 % (0,5 point) or 90 % (1 point) (rounded to the next integer) shall have an annual energy consumption (AE) as laid down in Annex II, point 3 of the Commission Regulation (EU) No 666/2013 ^{(13)*} below 28 kWh/year;
- (h) electrical lamps and luminaires, of which at least 50 % (0,5 point) or 90 % (1 point) (rounded to the next integer) shall be at least of Class A++ as laid down in Annex VI to Commission Delegated Regulation (EU) No 874/2012, as applicable on 31 August 2021, or shall be at least of Class C as determined in accordance with Commission Delegated Regulation (EU) 2019/2015.

Note: The criterion does not apply to appliances and lighting not covered by the Regulations mentioned for each category (e.g. industrial appliances).

Assessment and verification

The applicant shall provide documentation indicating the energy class (Energy Star certificate for category (e)) of all appliances for the applicable category purchased before 20 February 2018.

The applicant shall provide a copy of the EN ISO 14024 type I ecolabel certificate of all relevant appliances or documentation demonstrating compliance with the energy class requirements, (such as an invoices, technical fiches and manufacturer declarations), of all appliances for the applicable category purchased after 20 February 2018.

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- ^{(1)*} Commission Delegated Regulation (EU) No 1060/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household refrigerating appliances (OJ L 314, 30.11.2010, p. 17).
- ^{(2)*} Commission Delegated Regulation (EU) 2019/2016 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances and repealing Commission Delegated Regulation (EU) No 1060/2010 (OJ L 315, 5.12.2019, p. 102).
- ^{(3)*} Commission Delegated Regulation (EU) No 65/2014 of 1 October 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of domestic ovens and range hoods (OJ L 29, 31.1.2014, p.1).
- ^{(4)*} Commission Delegated Regulation (EU) No 1059/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household dishwashers (OJ L 314, 30.11.2010, p. 1).
- ^{(5)*} Commission Delegated Regulation (EU) 2019/2017 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household dishwashers and repealing Commission Delegated Regulation (EU) No 1059/2010 (OJ L 315, 5.12.2019, p. 134).
- ^{(6)*} Commission Delegated Regulation (EU) No 1061/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household washing machines (OJ L 314, 30.11.2010, p. 47).
- ^{(7)*} Commission Delegated Regulation (EU) 2019/2014 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household washing machines and household washer-dryers and repealing Commission Delegated Regulation (EU) No 1061/2010 and Commission Directive 96/60/EC (OJ L 315, 5.12.2019, p. 29).
- ^{(8)*} Commission Decision (EU) 2015/1402 of 15 July 2015 determining the European Union position with regard to a decision of the management entities under the Agreement between the Government of the United States of America and the European Union on the coordination of energy-efficiency labelling programmes for office equipment on the revision of specifications for computers included in Annex C to the Agreement (OJ L 217, 18.8.2015, p. 9).
- ^{(9)*} Commission Decision 2014/202/EU of 20 March 2014 determining the European Union position for a decision of the Management entities under the Agreement between the Government of the United States of America and the European Union on the coordination of energy-efficiency labelling programmes for office equipment on adding specifications for computer servers and uninterruptible power supplies to Annex C to the Agreement and on the revision of specifications for displays and imaging equipment included in Annex C to the Agreement (OJ L 114, 16.4.2014, p. 68).
- ^{(10)*} EN ISO 14024. Environmental labels and declarations – Type I environmental labelling - Principles and procedures. Second edition 2018-02.
- ^{(11)*} Commission Delegated Regulation (EU) 2019/2013 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of electronic displays and repealing Commission Delegated Regulation (EU) No 1062/2010 (OJ L 315, 5.12.2019, p.1).
- ^{(12)*} Commission Delegated Regulation (EU) No 392/2012 of 1 March 2012 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household tumble driers (OJ L 123, 9.5.2012, p. 1).
- ^{(13)*} Commission Regulation (EU) No 666/2013 of 8 July 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for vacuum cleaners (OJ L 192, 13.7.2013, p. 24).'
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ANNEX II

The Annex to Decision (EU) 2018/680 is amended as follows:

(1) criterion O5 is replaced by the following:

‘Criterion O5 —Energy efficiency for vacuum cleaners (3 points)

Only vacuum cleaners covered by the scope of Commission Regulation (EU) No 666/2013 * are covered by this criterion. Exempted from the scope of that Regulation are wet, wet and dry, robots, industrial, central and battery operated vacuum cleaners and floor polishers and outdoor vacuum cleaners.

At least 40 % of the vacuum cleaners (rounded up to the next integer) owned or leased by the applicant and used in the provision of the EU Ecolabel indoor cleaning services shall have an annual energy consumption (AE) as laid down in Annex II, point 3 of Regulation (EU) No 666/2013:

- below 28 kWh/year for vacuum cleaners bought before 1 September 2017,
- below 22 kWh/year for vacuum cleaners bought after 1 September 2017.

Assessment and verification

The applicant shall provide documentation demonstrating compliance with the annual energy consumption requirements (such as a manufacturer declaration), along with a full list of vacuum cleaners used in the provision of EU Ecolabel services.’

(2) criterion O10 is amended as follows:

(a) the second paragraph is replaced by the following:

‘Sub-criterion O10 (a) is only applicable if household washing machines are used that are covered by Commission Delegated Regulation (EU) No 1061/2010 **, as well as Commission Regulation (EU) No 1015/2010 ***, as applicable on 28 February 2021, or by Commission Delegated Regulation (EU) 2019/2014 ****’

(b) under the title ‘O10 (a): Energy label (up to 2 points)’, the following is added:

‘Or the applicant shall earn points based on the percentage of the household washing machines (rounded up to the next integer) complying with EU Energy Label rated class B or A for energy efficiency under Delegated Regulation (EU) 2019/2014 as follows:

- At least 50% of class B or better machines: 1 point
- At least 90% of class B or better machines: 2 points
- At least 50% of class A machines: 2 points’

(c) under the title ‘Assessment and verification’, the second paragraph is replaced by the following:

‘Product fiches in accordance with Annex II to Delegated Regulation (EU) No 1061/2010 **, as applicable on 28 February 2021, or Annex III to Delegated Regulation (EU) 2019/2014 **** may be used as proof of compliance with this requirement.’

(*) Commission Regulation (EU) No 666/2013 of 8 July 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for vacuum cleaners (OJ L 192, 13.7.2013, p. 24).

(**) Commission Delegated Regulation (EU) No 1061/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household washing machines (OJ L 314, 30.11.2010, p. 47).

(***) Commission Regulation (EU) No 1015/2010 of 10 November 2010 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household washing machines (OJ L 293, 11.11.2010, p. 21).

(****) Commission Delegated Regulation (EU) 2019/2014 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household washing machines and household washer-dryers and repealing Commission Delegated Regulation (EU) No 1061/2010 and Commission Directive 96/60/EC (OJ L 315, 5.12.2019, p. 29).

CORRIGENDA

Corrigendum to Commission Implementing Regulation (EU) 2022/2515 of 15 December 2022 on the granting of unlimited duty-free access to the Union for 2023 to certain goods originating in Norway resulting from the processing of agricultural products covered by Regulation (EU) No 510/2014 of the European Parliament and of the Council*(Official Journal of the European Union L 326 of 21 December 2022)*

On page 12, in the Annex, in the column titled 'Description of goods', in the row corresponding to CN Code 'ex 2202 99 15':

for: 'Soya-based beverages with a protein content of less than 2,8 % by weight; beverages based on nuts of Chapter 8 of the Union Customs Code, cereals of Chapter 10 of the Union Customs Code or seeds of Chapter 12 of the Union Customs Code containing sugar (sucrose or invert sugar)',

read: 'Soya-based beverages with a protein content of less than 2,8 % by weight; beverages based on nuts of Chapter 8 of the Common Customs Tariff, cereals of Chapter 10 of the Common Customs Tariff or seeds of Chapter 12 of the Common Customs Tariff containing sugar (sucrose or invert sugar)'.

Corrigendum to Commission Implementing Directive 2014/98/EU of 15 October 2014 implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections

(Official Journal of the European Union L 298 of 16 October 2014)

On page 61, in Annex V:

for: **'Prunus avium and P. cerasus',**

read: **'Prunus avium L. and Prunus cerasus L.'**

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