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EN

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/813

of 8 February 2023

amending Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards Member States' allocations for direct payments and the annual breakdown by Member State of the Union support for rural development

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 ⁽¹⁾, and in particular Article 87(2) and Article 89(4) thereof,

Whereas:

- (1) In accordance with Article 103(1), point (a), and Article 103(2) of Regulation (EU) 2021/2115, Belgium (Flanders), Czechia, Denmark, Germany, Greece, France, Italy, Latvia, the Netherlands and Romania decided in their CAP Strategic Plan to transfer for calendar years 2023 to 2026 a certain percentage of their allocations for direct payments to their allocations for the European Agricultural Fund for Rural Development (EAFRD).
- (2) In accordance with Article 17(5), second subparagraph, of Regulation (EU) 2021/2115, Slovakia decided in its CAP Strategic Plan to reduce the amount of direct payments to be granted to a farmer for calendar years 2023 to 2026 and to transfer the resulting estimated product of reduction to the EAFRD.
- (3) In accordance with Article 103(1), point (b), and Article 103(3) of Regulation (EU) 2021/2115, Hungary, Malta, Poland and Portugal decided in their CAP Strategic Plan to transfer to their allocations for direct payments a certain percentage of their EAFRD allocations for 2024-2027.
- (4) In accordance with Article 88(6) of Regulation (EU) 2021/2115, Bulgaria, Czechia, Italy, Latvia and Slovakia decided in their CAP Strategic Plan to use up to 5 % of their allocations for direct payments for types of interventions in other sectors referred to in Title III, Chapter III, Section 7, of Regulation (EU) 2021/2115 for calendar year(s) 2023 to 2027. The corresponding amounts should therefore be deducted from their allocations for direct payments.
- (5) To reflect those decisions, it is necessary to adapt the Member States' allocations for direct payments set out in Annexes V and IX to Regulation (EU) 2021/2115, as well as the annual breakdown by Member State of the Union support for rural development set out in Annex XI to that Regulation.

⁽¹⁾ OJ L 435, 6.12.2021, p. 1.

- (6) Annexes V, IX and XI to Regulation (EU) 2021/2115 should therefore be amended accordingly.
- (7) As the amendments made by this Regulation affect the application of Regulation (EU) 2021/2115 from the year 2023, in particular as regards the types of intervention in the form of direct payments, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union* and should apply from 1 January 2023,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes V, IX and XI to Regulation (EU) 2021/2115 are amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2023.

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

Done at Brussels, 8 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes V, IX and XI to Regulation (EU) 2021/2115 are amended as follows:

(1) in Annex V, the columns for calendar years 2023 to 2027 are replaced by the following:

Calendar year	‘2023	2024	2025	2026	2027 and subsequent years
Belgium	471 996 006	469 703 014	469 703 014	467 410 022	494 925 924
Bulgaria	808 258 686	816 888 275	825 517 864	834 147 452	834 147 452
Czechia	823 533 615	823 533 615	823 533 615	802 159 932	844 907 297
Denmark	806 313 404	817 524 179	814 937 077	817 524 179	862 367 277
Germany	4 424 125 913	4 374 968 959	4 301 233 527	4 178 341 140	4 915 695 459
Estonia	196 436 567	199 297 294	202 158 021	205 018 748	205 018 748
Ireland	1 186 281 996	1 186 281 996	1 186 281 996	1 186 281 996	1 186 281 996
Greece	1 886 490 039	1 886 490 039	1 886 490 039	1 886 490 039	2 075 656 043
Spain	4 874 879 750	4 882 179 366	4 889 478 982	4 896 778 599	4 896 778 599
France	6 736 440 037	6 736 440 037	6 736 440 037	6 736 440 037	7 285 000 537
Croatia	374 770 237	374 770 237	374 770 237	374 770 237	374 770 237
Italy	3 496 243 863	3 496 243 863	3 496 243 863	3 496 243 863	3 622 529 155
Cyprus	47 647 540	47 647 540	47 647 540	47 647 540	47 647 540
Latvia	331 043 657	334 864 681	339 685 706	344 506 729	363 483 744
Lithuania	587 064 372	595 613 853	604 163 335	612 712 816	612 712 816
Luxembourg	32 747 827	32 747 827	32 747 827	32 747 827	32 747 827
Hungary	1 347 402 452	1 347 402 452	1 347 402 452	1 347 402 452	1 243 185 165
Malta	9 590 135	9 590 135	9 590 135	9 590 135	4 594 021
Netherlands	609 237 340	579 591 503	550 477 666	521 282 629	717 382 327
Austria	677 581 846	677 581 846	677 581 846	677 581 846	677 581 846
Poland	3 488 417 133	3 519 600 956	3 550 784 779	3 581 968 602	3 185 968 140
Portugal	698 619 128	707 403 166	716 187 204	724 971 242	639 971 242
Romania	1 897 051 311	1 924 609 371	1 952 167 430	1 979 725 489	2 029 595 196
Slovenia	131 530 052	131 530 052	131 530 052	131 530 052	131 530 052
Slovakia	394 892 166	397 751 933	400 605 131	402 456 080	407 456 080
Finland	519 350 246	521 168 786	522 987 325	524 805 865	524 805 865
Sweden	686 131 966	686 360 116	686 588 267	686 816 417	686 816 417’

(2) in Annex IX, the columns for calendar years 2023 to 2027 are replaced by the following:

Calendar year	‘2023	2024	2025	2026	2027 and subsequent years
Belgium	471 996 006	469 703 014	469 703 014	467 410 022	494 925 924
Bulgaria	805 700 866	814 330 455	822 960 044	831 589 632	831 589 632
Czechia	823 533 615	823 533 615	823 533 615	802 159 932	844 907 297

Denmark	806 313 404	817 524 179	814 937 077	817 524 179	862 367 277
Germany	4 424 125 913	4 374 968 959	4 301 233 527	4 178 341 140	4 915 695 459
Estonia	196 436 567	199 297 294	202 158 021	205 018 748	205 018 748
Ireland	1 186 281 996	1 186 281 996	1 186 281 996	1 186 281 996	1 186 281 996
Greece	1 702 494 039	1 702 494 039	1 702 494 039	1 702 494 039	1 891 660 043
Spain	4 815 189 110	4 822 488 726	4 829 788 342	4 837 087 959	4 837 087 959
France	6 736 440 037	6 736 440 037	6 736 440 037	6 736 440 037	7 285 000 537
Croatia	374 770 237	374 770 237	374 770 237	374 770 237	374 770 237
Italy	3 496 243 863	3 496 243 863	3 496 243 863	3 496 243 863	3 622 529 155
Cyprus	47 647 540	47 647 540	47 647 540	47 647 540	47 647 540
Latvia	331 043 657	334 864 681	339 685 706	344 506 729	363 483 744
Lithuania	587 064 372	595 613 853	604 163 335	612 712 816	612 712 816
Luxembourg	32 747 827	32 747 827	32 747 827	32 747 827	32 747 827
Hungary	1 347 402 452	1 347 402 452	1 347 402 452	1 347 402 452	1 243 185 165
Malta	9 590 135	9 590 135	9 590 135	9 590 135	4 594 021
Netherlands	609 237 340	579 591 503	550 477 666	521 282 629	717 382 327
Austria	677 581 846	677 581 846	677 581 846	677 581 846	677 581 846
Poland	3 488 417 133	3 519 600 956	3 550 784 779	3 581 968 602	3 185 968 140
Portugal	698 441 539	707 225 577	716 009 615	724 793 653	639 793 653
Romania	1 897 051 311	1 924 609 371	1 952 167 430	1 979 725 489	2 029 595 196
Slovenia	131 530 052	131 530 052	131 530 052	131 530 052	131 530 052
Slovakia	399 892 166	402 751 933	405 605 131	407 456 080	407 456 080
Finland	519 350 246	521 168 786	522 987 325	524 805 865	524 805 865
Sweden	686 131 966	686 360 116	686 588 267	686 816 417	686 816 417'

(3) in Annex XI, the columns for years 2024 to 2027 and for the total 2023-2027 are replaced by the following:

Year	2024	2025	2026	2027	Total 2023-2027
Belgium	105 730 812	108 023 804	108 023 804	110 316 796	537 826 110
Bulgaria	282 162 644	282 162 644	282 162 644	282 162 644	1 411 630 220
Czechia	280 561 390	280 561 390	280 561 390	301 935 073	1 410 646 952
Denmark	131 987 933	120 777 158	123 364 260	120 777 158	652 888 569
Germany	1 583 929 284	1 633 086 238	1 706 821 670	1 829 714 057	8 239 166 987
Estonia	88 016 648	88 016 648	88 016 648	88 016 648	440 098 240
Ireland	311 640 628	311 640 628	311 640 628	311 640 628	1 558 204 140
Greece	746 119 604	746 119 604	746 119 604	746 119 604	3 635 970 016
Spain	1 080 382 825	1 080 382 825	1 080 382 825	1 080 382 825	5 403 084 125
France	2 008 000 570	2 008 000 570	2 008 000 570	2 008 000 570	10 039 187 350

Croatia	297 307 401	297 307 401	297 307 401	297 307 401	1 458 079 005
Italy	1 476 206 667	1 476 206 667	1 476 206 667	1 476 206 667	7 260 148 043
Cyprus	23 770 514	23 770 514	23 770 514	23 770 514	118 852 570
Latvia	135 677 801	135 942 597	136 207 392	136 472 188	687 045 151
Lithuania	195 495 162	195 495 162	195 495 162	195 495 162	977 475 810
Luxembourg	12 310 644	12 310 644	12 310 644	12 310 644	60 869 220
Hungary	312 651 862	312 651 862	312 651 862	312 651 862	1 635 146 596
Malta	14 988 383	14 988 383	14 988 383	14 988 383	79 288 028
Netherlands	181 413 356	211 059 193	240 173 030	269 368 067	1 082 999 015
Austria	520 024 752	520 024 752	520 024 752	520 024 752	2 600 123 760
Poland	924 001 077	924 001 077	924 001 077	924 001 077	4 700 585 847
Portugal	455 550 620	455 550 620	455 550 620	455 550 620	2 277 833 100
Romania	1 016 919 599	1 016 919 599	1 016 919 599	1 016 919 599	5 034 728 288
Slovenia	110 170 192	110 170 192	110 170 192	110 170 192	550 850 960
Slovakia	264 077 909	264 077 909	264 077 909	264 077 909	1 316 911 545
Finland	354 549 956	354 549 956	354 549 956	354 549 956	1 772 751 780
Sweden	211 889 741	211 889 741	211 889 741	211 889 741	1 059 448 705
Total EU-27	13 125 537 974	13 195 687 778	13 301 388 944	13 474 820 736	66 001 840 132
Technical assistance	30 272 220	30 272 220	30 272 220	30 272 220	151 361 100
Total	13 155 810 194	13 225 959 998	13 331 661 164	13 505 092 956	66 153 201 232'

COMMISSION IMPLEMENTING REGULATION (EU) 2023/814**of 14 April 2023****on detailed arrangements for the conduct of certain proceedings by the Commission pursuant to Regulation (EU) 2022/1925 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) ⁽¹⁾, and in particular Article 46(1) points (a), (d), (e), (f), (h), (i), (j), (k) and (m) thereof,

After inviting all interested parties to submit their comments,

After consulting the Digital Markets Advisory Committee,

Whereas:

- (1) Regulation (EU) 2022/1925 empowers the Commission to adopt implementing acts laying down detailed arrangements for the application of certain aspects of said Regulation. In compliance with the principle of good administration and the principle of legal certainty, it is necessary to lay down rules concerning in particular notifications, requests, reports and other submissions of information, including determination of effective dates for notifications and submissions of information, and the opening of proceedings under Regulation (EU) 2022/1925. It is also necessary to lay down rules concerning the exercise of the right to be heard and the right of access to file by the addressees of the Commission's preliminary findings.
- (2) In order to ensure a fair and efficient procedure as well as the effective and full enforcement of Regulation (EU) 2022/1925 and to provide legal certainty for all natural and legal persons concerned, it is important to lay down among others the framework for the provision of documents under Regulation (EU) 2022/1925. In particular, it is necessary to set out rules as regards the format and maximum length of documents, the use of languages and the procedure for the transmission and receipt of documents. Furthermore, it is necessary to set out rules on the information to be included by undertakings providing core platform services in notifications submitted pursuant to Article 3(3), first subparagraph, or submissions of information following a Commission request referred to in Article 3(3), second subparagraph, of Regulation (EU) 2022/1925. In the process of preparing a notification pursuant to Article 3(3) of Regulation (EU) 2022/1925 and Article 2 of this Regulation and within a reasonable timeframe before this notification, an undertaking providing core platform services should be able to engage in pre-notification contacts with the Commission in view of ensuring an effective notification procedure pursuant to Article 3(3) of Regulation (EU) 2022/1925. In carrying out its tasks under Regulation (EU) 2022/1925, the Commission will mainly have to rely on the information provided by the undertakings concerned. Therefore, it is particularly important that the information is correct, complete and not misleading and is provided within the time limits, where applicable.
- (3) Regulation (EU) 2022/1925 requires a dedicated procedural framework taking into account the specificities of that Regulation. That framework should aim to set out a rapid and effective investigatory and enforcement process, while ensuring that the right to be heard of the parties to the proceedings is effectively protected. Clear and proportionate rules on the exercise of the right to be heard, including access to the file of the Commission, should thus be laid down. The undertaking or association of undertakings to whom the Commission has notified its preliminary findings should have the right to provide its views in writing within a time-limit that should be set by

⁽¹⁾ OJ L 265, 12.10.2022, p. 1-66.

the Commission with a view to reconciling the efficiency and effectiveness of the procedure on the one hand and the possibility to exercise the right to be heard on the other. The addressee of the preliminary findings should have the right to set out succinctly the relevant facts and provide supporting documents. While the addressee of the preliminary findings should always have the right to obtain from the Commission the non-confidential versions of all documents mentioned in the preliminary findings, it should additionally be provided with access to all documents on the Commission's file, without any redactions, under terms to be set out in a Commission decision. This access should be limited in certain situations, including when the disclosure of certain documents would harm the party that submitted them or where other interests prevail.

- (4) When granting the undertakings or associations of undertakings concerned access to the file, the Commission should ensure the protection of business secrets and other confidential information in a proportionate manner. The Commission should be able to request undertakings or associations of undertakings that submit or have submitted documents, including statements, to identify business secrets or other confidential information. In order to ensure the effectiveness of the assessment of third parties' comments to publications or consultations pursuant to Article 8(6), Article 18(5) and (6), and Articles 19(2) and 29(4) of Regulation (EU) 2022/1925, such comments should be treated as non-confidential for the purpose of granting access to file and of preparing Commission decisions, while giving third parties the right to request the redaction of the author's and the sender's name or other identifying information before the comments are shared with the addressee of the preliminary findings or with any other third party.
- (5) The Commission should, before making documents available to the addressee of its preliminary findings, assess whether, with a view to an effective exercise of the right to be heard, the need to disclose is greater than the harm to the third party which might result from disclosure.
- (6) In the interest of legal certainty, the time limits under Regulation (EU) 2022/1925 and this Regulation, including the time limits set by the Commission pursuant to those Regulations, should be governed by Council Regulation (EEC, Euratom) No 1182/71 ⁽⁷⁾. However, specific rules regarding time limits should be laid down to the extent necessary.

HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE

Article 1

Subject matter and scope

This Regulation lays down detailed arrangements in relation to:

- (1) the form, content and other details of notifications and submissions pursuant to Article 3, of reasoned requests pursuant to Article 8(3), Article 9 and Article 10, of regulatory reports pursuant to Article 11, and of notifications and submissions pursuant to Articles 14 and 15 of Regulation (EU) 2022/1925;
- (2) proceedings pursuant to Article 29 of Regulation (EU) 2022/1925;
- (3) the exercise of the right to be heard and the terms of disclosure provided for in Article 34 of Regulation (EU) 2022/1925;
- (4) time limits.

⁽⁷⁾ Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.1971, p. 1).

CHAPTER II

NOTIFICATIONS, REQUESTS AND OTHER SUBMISSIONS

*Article 2***Notifications and submissions of information following Commission requests**

1. Notifications pursuant to Article 3(3), first subparagraph, of Regulation (EU) 2022/1925 shall contain all the information, including documents, indicated in the form set out in Annex I to this Regulation.
2. Submissions of information following a Commission request for information referred to in Article 3(3), second subparagraph, of Regulation (EU) 2022/1925 shall contain all the information, including documents, set out in the Commission's request. The Commission may specify, in its request for information, which of the sections of the form set out in Annex I to this Regulation shall be completed.
3. If, in accordance with Article 3(5) of Regulation (EU) 2022/1925, the notifying undertaking wishes to submit, with its notification, sufficiently substantiated arguments to demonstrate that, exceptionally, although it meets all the thresholds in Article 3(2) of that Regulation, due to the circumstances in which the relevant core platform service operates, it does not satisfy the requirements of Article 3(1) of that Regulation, it shall provide such arguments in an annex to its notification. A separate annex shall be submitted for each distinct core platform service for which the notifying undertaking wishes to provide substantiated arguments. The notifying undertaking shall also clearly identify to which of the three cumulative requirements set out in Article 3(1) of Regulation (EU) 2022/1925 its arguments relate and, for each argument, it shall explain why the relevant core platform service exceptionally does not satisfy that requirement despite the fact that it meets the corresponding threshold laid down in Article 3(2) of that Regulation.
4. The information submitted to the Commission pursuant to paragraphs 1, 2 and 3 shall be correct, complete and not misleading. It shall be presented in a clear, well-structured and intelligible manner.
5. Where the notifying undertaking requests any piece of information supplied not to be published or otherwise disclosed to other parties, it shall submit that piece of information in a separate document, with each page being clearly marked 'Business Secrets', and provide reasons.
6. Notifications and submissions referred to in paragraphs 1, 2 and 3 shall be drafted in one of the official languages of the Union. The language of the procedure shall be the language of the notification referred to in paragraph 1 or, in the absence thereof, of the submission of information referred to in paragraph 2, unless the Commission and the undertaking concerned agree otherwise. Any annexes attached pursuant to paragraph 1 shall be submitted in their original language and, where their original language is not one of the official languages of the Union, they shall be accompanied by a faithful translation into the language of the procedure.
7. The notifications and submissions referred to in paragraphs 1, 2 and 3 shall be accompanied by written proof that the persons submitting them are authorised to act on behalf of the undertaking concerned.
8. The Commission may, upon reasoned request, exempt an undertaking from the obligation to provide specific documents or pieces of information required for the notification referred to in paragraph 1, where the Commission considers that compliance with those obligations is not necessary for its assessment of the notification pursuant to Article 3(4) of Regulation (EU) 2022/1925.
9. The Commission shall, without undue delay, acknowledge in writing to the undertaking concerned or its representatives receipt of notifications or submissions referred to in paragraphs 1, 2 and 3.

*Article 3***Effective date of notifications and submissions of information**

1. Where the information contained in a notification or in a submission of information or of substantiated arguments referred to in Article 2(1), (2) and (3) of this Regulation is incomplete in any material respect, the Commission shall inform the undertaking concerned or its representatives in writing without undue delay. In such a case, the notification or submission shall become effective on the date on which the complete information is received by the Commission or on the date on which the Commission informs the undertaking concerned that, in light of the relevant circumstances, the information requested is no longer necessary.
2. If a notification, or a submission of information or of substantiated arguments referred to in Article 2(1), (2) and (3) covers two or more core platform services, the Commission may specify that the information contained in the notification or submission is incomplete only in relation to one or more of those core platform services. In such a case, with respect to these core platform services only, the notification or the submission shall become effective on the date on which the complete information is received by the Commission or on the date on which the Commission informs the undertaking concerned that, in light of the relevant circumstances, the information requested is no longer necessary.
3. While a notification is under review, the notifying undertaking shall communicate the following to the Commission, without undue delay.
 - (a) any material changes in the facts presented in the notification or submission of information or of substantiated arguments referred to in Article 2(1), (2) or (3) coming to light subsequently to the relevant notification or submission, which the undertaking knows or ought to know;
 - (b) any new information coming to light subsequent to the notification or submission, which the undertaking knows or ought to know and which would have had to be submitted if known at the time of its notification or submission.
4. The Commission shall inform the undertaking concerned of the receipt of the communication concerning the material changes or new information pursuant to paragraph 3 in writing and without undue delay. Where such changes or information could have a significant effect on the Commission's assessment of the notification, of the submission of information or of substantiated arguments referred to in Article 2(1), (2) or (3), the notification or submission shall be deemed to be effective on the date on which the relevant information is received by the Commission. The Commission shall inform the undertaking thereof.
5. For the purposes of this Article, partly or totally incorrect or misleading information shall be considered to constitute incomplete information.

*Article 4***Format and length of documents**

1. Documents submitted to the Commission under Regulation (EU) 2022/1925 shall comply with the format and page limits set out in Annex II to this Regulation.
2. The Commission may, upon reasoned request, authorise an undertaking or association of undertakings to exceed those page limits where and to the extent that the undertaking or association of undertakings substantiates that it is objectively impossible or exceedingly difficult to deal with particularly complex legal or factual issues within the relevant page limits.
3. Where a document submitted by an undertaking or an association of undertakings pursuant to this Regulation or to Regulation (EU) 2022/1925 does not comply with paragraphs 1 and 2, the Commission may request the undertaking or association of undertakings to put the document in order.

CHAPTER III

OPENING OF PROCEEDINGS*Article 5***Opening of proceedings**

1. The Commission may decide to open proceedings with a view to adopting a decision pursuant to Article 29 of Regulation (EU) 2022/1925 at any point in time, but no later than the date on which it issues the preliminary findings pursuant to Article 29(3) of that Regulation.
2. The Commission shall make public the opening of proceedings.

CHAPTER IV

RIGHT TO BE HEARD AND ACCESS TO THE FILE*Article 6***Observations on preliminary findings**

The addressee of preliminary findings pursuant to Article 34(1) of Regulation (EU) 2022/1925 may, within the time-limit set by the Commission pursuant to Article 34(2) of that Regulation, succinctly and in accordance with the format and length requirements for documents set out in Annex II to this Regulation, inform the Commission of its views in writing and submit evidence in support thereof. The Commission shall not be obliged to take account of written submissions received after the expiry of that time-limit.

*Article 7***Identification and protection of confidential information**

1. Unless otherwise provided for in Regulation (EU) 2022/1925 or Article 8 of this Regulation and without prejudice to paragraph 6 of this Article, information or documents collected or obtained by the Commission shall not be disclosed or made accessible by the Commission in so far as they contain business secrets or other confidential information of any natural or legal person.
2. When requesting information pursuant to Article 21 of Regulation (EU) 2022/1925 or, carrying out interviews pursuant to Article 22 of Regulation (EU) 2022/1925, the Commission shall inform the relevant natural or legal persons that, by providing information to the Commission, they agree that access to that information may be granted pursuant to Article 8 of this Regulation. In any event, the provisions of Article 8 shall apply to any document spontaneously submitted to the Commission under Regulation (EU) 2022/1925 or this Regulation.
3. Without prejudice to paragraph 2, the Commission may require natural or legal persons who are the originators of documents in its file to identify the documents, statements or parts thereof which they consider to contain business secrets or other confidential information. The Commission may also set a time-limit for natural or legal persons to identify any part of a Commission decision which in their view contains business secrets or other confidential information.
4. The Commission may set a time-limit for natural or legal persons to:
 - (a) substantiate in a specific manner their claims for business secrets and other confidential information for each individual document, statement or part thereof;
 - (b) provide the Commission with a non-confidential version of the documents or statements in which the business secrets and other confidential information are redacted in a clear and intelligible manner;
 - (c) provide a concise, non-confidential and clear description of each piece of redacted information.

5. If natural or legal persons fail to comply within the time-limit set by the Commission with a request pursuant to paragraph 3 or 4, the Commission may consider that the documents or statements concerned do not contain business secrets or other confidential information.

6. If the Commission determines that certain information that is claimed confidential by a natural or legal person may be disclosed, either because this information does not constitute a business secret or other confidential information, or because there is an overriding interest in its disclosure, it shall inform the natural or legal person concerned that it intends to disclose such information unless it receives objections within one week. Should the natural or legal person in question object, the Commission may adopt a reasoned decision specifying the date after which the information will be disclosed. This date shall not be less than one week from the date of notification. The decision shall be notified to the natural or legal person concerned.

7. Unless otherwise indicated by the Commission, any comments by third parties on a publication or consultation pursuant to Article 8(6), Article 18(5) and (6), Article 19(2) and Article 29(4) of Regulation (EU) 2022/1925 shall be treated as non-confidential. Interested third parties submitting comments shall have the right to request the redaction of the author's and the sender's name or other identifying information before the comments are shared with the addressee of the preliminary findings or with any other third party. The Commission may make those comments, or any non-confidential version thereof, publicly available, provided it has indicated this possibility in the context of the publication or consultation.

Article 8

Access to the file

1. Upon request, the Commission shall grant access to the file to the undertaking or association of undertakings to which it has addressed preliminary findings pursuant to Article 34(1) of Regulation (EU) 2022/1925 (the "addressee"). Access to the file shall not be granted before the notification of the preliminary findings.

2. When providing access to the file, the Commission shall provide the addressee with all documents mentioned in the preliminary findings, subject to redactions that have been made pursuant to Article 7(3) in order to protect business secrets or other confidential information.

3. Without prejudice to paragraph 4, the Commission shall also provide access to all documents on its file, without any redactions, under terms of disclosure to be set out in a Commission decision. The terms of disclosure shall be determined in accordance with the following:

- (a) Access to documents shall only be granted to a limited number of specified external legal and economic counsel and external technical experts engaged by the addressee and whose names shall be communicated to the Commission in advance.
- (b) The specified external legal and economic counsel and external technical experts shall be undertakings, employees of undertakings or in a situation comparable to that of employees of undertakings. All of them shall be bound by the terms of disclosure.
- (c) Persons listed as specified external legal and economic counsel and external technical experts shall not, at the date of the Commission decision setting out the terms of disclosure, be in an employment relationship with the addressee or in a situation comparable to that of an employee of the addressee. Should the specified external legal or economic counsel or external technical experts subsequently enter into such a relationship with the addressee or with other undertakings active on the same markets as the addressee during the investigation or during the three years following the end of the Commission's investigation, the specified external legal or economic counsel or external technical expert and the addressee shall promptly inform the Commission about the terms of such relationship. The specified external legal or economic counsel or external technical expert in question shall also provide the Commission with an assurance that they no longer have access to the information or documents on the file to which they were given access according to point (a) and which were not made available to the addressee by the Commission. They shall also provide assurances to the Commission that they will continue to comply with the requirements referred to in point (d) of this paragraph.

(d) Specified external legal and economic counsel and external technical experts shall not disclose any of the documents provided or their content to any natural or legal person that is not bound by the terms of disclosure and shall not use any of the documents provided or their content other than for the purposes referred to in Article 8(8) below.

(e) The Commission shall specify, in the terms of disclosure, the technical means of the disclosure and its duration. Disclosure may be made by electronic means or (for some or all documents) physically at the Commission's premises.

4. In exceptional circumstances the Commission may decide not to grant access to certain documents or to grant access to partly redacted documents under the terms of disclosure referred to in paragraph 3 if it determines that the harm that the party that submitted the documents in question would likely suffer from disclosure under those terms would, on balance, outweigh the importance of the disclosure of the full document for the exercise of the right to be heard. Without prejudice to Article 34(4), fourth and fifth sentences, of Regulation (EU) 2022/1925, the Commission may for the same reason decide not to disclose or partly disclose correspondence between the Commission and public authorities of the Member States or of third countries and other types of sensitive documents.

5. The specified external legal and economic counsel and external technical experts referred to in paragraph 3 may, within one week of receiving access to the file under the terms of disclosure, make a reasoned request to the Commission for access to a non-confidential version of any document on the Commission's file not already provided to the addressee under paragraph 2, with a view to making such non-confidential version available to the addressee, or for an extension of the terms of disclosure to additional specified external legal and economic counsel or external technical experts. Such additional access or extension may only be granted exceptionally and provided that it is shown to be indispensable for the proper exercise of the addressee's right to be heard.

6. For the purposes of applying paragraph 4 or 5, the Commission may request the party that submitted the documents in question to provide a non-confidential version thereof pursuant to Article 7(3) and (4).

7. Where the Commission considers a request under paragraph 5 to be well-founded in view of the need to ensure that the addressee is in a position to exercise its right to be heard effectively, the Commission shall request the party that submitted the documents in question either to agree to making a non-confidential version available to the addressee or to agree to the extension of the terms of disclosure to specified individuals or undertakings for the documents in question only. In the event that the party that submitted the documents in question does not agree, the Commission shall adopt a decision setting out the terms of disclosure for the documents in question.

8. Documents obtained through access to the file pursuant to this Article shall only be used for the purposes of the relevant proceedings within which access to those documents was given or of administrative or judicial proceedings concerning the application of Regulation (EU) 2022/1925 that are related to those proceedings.

9. At any time during the procedure, the Commission may instead of or in combination with the method of granting access to the file pursuant to paragraph 3 above, give access to some or all documents redacted pursuant to Article 7(3) in order to avoid a disproportionate delay or administrative burden.

CHAPTER V

TIME LIMITS

Article 9

Beginning of time periods

1. Without prejudice to paragraph 2, the time limits under Regulation (EU) 2022/1925 and this Regulation shall be calculated in accordance with Regulation (EEC, Euratom) No 1182/71.

2. By way of derogation from paragraph 1, time periods shall begin running on the working day following the event to which the relevant provision of Regulation (EU) 2022/1925 or this Regulation refers.
3. Where a document does not comply with the requirements regarding format and length laid down in Annex II to this Regulation, time periods shall not start running until the document is put in order in accordance with a request by the Commission pursuant to Article 4(3)

Article 10

Setting of time limits

1. Where the Commission sets a time-limit under Regulation (EU) 2022/1925 or this Regulation, it shall have due regard to all relevant elements of fact and law and all the interests concerned, in particular the possibility for individuals to exercise their right to be heard and the expediency of the proceedings.
2. Where appropriate and upon reasoned request by the undertakings or associations of undertakings concerned before the expiry of the time-limit set by the Commission pursuant to Regulation (EU) 2022/1925 or this Regulation, a time-limit may be extended. In deciding whether to grant such extension, the Commission shall assess whether the reasoned request is sufficiently substantiated and whether the requested extension is liable to endanger compliance with the applicable procedural time limits laid down in Regulation (EU) 2022/1925.

CHAPTER VI

GENERAL AND FINAL PROVISIONS

Article 11

Transmission and receipt of the documents

1. Transmission of documents to and from the Commission pursuant to Regulation (EU) 2022/1925 and this Regulation shall take place by digital means. Technical specifications regarding the means of transmission and signature may be published and regularly updated by the Commission.
2. Documents transmitted by digital means shall be signed using at least one Qualified Electronic Signature complying with the requirements set out in Regulation (EU) No 910/2014 of the European Parliament and of the Council. ^(*)
3. Documents transmitted to the Commission by digital means shall be deemed to have been received on the day on which an acknowledgement of receipt is sent by the Commission.
4. A document transmitted to the Commission by digital means shall be deemed not to have been received if one of the following circumstances occurs:
 - (a) the document or parts thereof is inoperable or unusable;
 - (b) the document contains viruses, malware or other threats;
 - (c) the document contains an electronic signature the validity of which cannot be verified by the Commission.
5. The Commission shall inform the sender without undue delay if one of the circumstances referred to in paragraph 4 occurs and give it the possibility to express its views and rectify the situation within a reasonable time limit.

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

6. By way of derogation from paragraph 1, under exceptional circumstances which make transmission by digital means impossible or exceedingly difficult, documents may be transmitted to the Commission by registered mail. Those documents shall be deemed to have been received by the Commission on the day of their delivery at the address of the responsible Commission service as published by the Commission on its website.

7. By way of derogation from paragraph 1, under exceptional circumstances which make transmission by digital means and registered mail impossible or exceedingly difficult, documents may be transmitted to the Commission by means of hand delivery. Those documents shall be deemed to have been received on the day of their delivery at the address of the responsible Commission service as published by the Commission on its website. The delivery shall be confirmed in an acknowledgement of receipt by the Commission.

Article 12

Entry into force

This Regulation shall enter into force on 2 May 2023.

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

Done at Brussels, 14 April 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

**FORM RELATING TO THE NOTIFICATION PURSUANT TO ARTICLE 3(3) OF REGULATION (EU) 2022/1925
FOR THE PURPOSES OF GATEKEEPER DESIGNATION ("Form GD")**

SECTION 1

Information about the notifying undertaking

- 1.1. Provide the following information about the notifying undertaking:
 - 1.1.1. name of undertaking;
 - 1.1.2. a description of the corporate structure of the notifying undertaking, including the identity of: (i) the entities that operate each of the core platform services identified under Section 2.1.1 below and (ii) the entities solely or jointly controlling, directly or indirectly, the former entities ⁽¹⁾; and
 - 1.1.3. contact details, including:
 - 1.1.3.1. name, address, telephone number and email address of, and position held by, the appropriate contact person; the address given must be an address for service to which documents and, in particular, Commission decisions and other procedural documents may be notified, and the contact person given must be deemed to be authorised to accept service;
 - 1.1.3.2. if one or more authorised external representatives of the undertaking are appointed, the representative or representatives to which documents and, in particular, Commission decisions and other procedural documents may be notified; the name, address, telephone number and email address of, and position held by each representative; and the original written proof that each representative is authorised to act (based on the model Power of Attorney available on the Commission's website).
- 1.2. Indicate whether the notifying undertaking has previously been designated as a gatekeeper under Regulation (EU) 2022/1925. If yes, specify the core platform services concerned by the designation and the number and date of the Commission's designation decision.

SECTION 2

Information about core platform services

For the purposes of this Form GD, a plausible alternative delineation of a core platform service is a delineation of that core platform service which is different in scope from the delineation that the notifying undertaking considers relevant and which is plausible in light of all relevant provisions of Regulation (EU) 2022/1925, in particular Section D, paragraph 2, and Section E of the Annex and recital 14 of that Regulation.

Plausible alternative delineations of a core platform service may include: (i) delineations that are broader in scope than that which the notifying undertaking considers relevant (for example, where the notifying undertaking considers certain services as distinct core platform services on the ground that they are provided across different types of devices), or (ii) delineations that are narrower in scope than that which the notifying undertaking considers relevant (for example, where the notifying undertaking considers certain services that it offers and markets separately to form part of a single core platform service).

- 2.1. For each relevant category of core platform services listed in Article 2, point (2), of Regulation (EU) 2022/1925, provide:

⁽¹⁾ On the definition of "undertaking" and "control" see Article 2, points (27) and (28), of Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (OJ L 265, 12.10.2022, p. 1).

- 2.1.1. an exhaustive list of all core platform services provided by the notifying undertaking, including any plausible alternative delineation of each of these core platform services; and
- 2.1.2. a detailed explanation of the boundaries between the distinct core platform services, including the manner in which the methodology set out in Section D, paragraph 2, and Section E of the Annex to Regulation (EU) 2022/1925, having regard to all relevant provisions of that Regulation, in particular recital 14, has been applied for the purposes of identifying distinct core platform services and plausible alternative delineations of these core platform services.
- 2.2. For all core platform services provided by the notifying undertaking, indicate on the basis of the information provided under Sections 4.1 and 4.2 of this Form:
 - 2.2.1. which core platform services, according to any plausible alternative delineation, meet the thresholds in Article 3(2), points (b) and (c), of Regulation (EU) 2022/1925; and
 - 2.2.2. which core platform services, according to any plausible alternative delineation, meet the thresholds in Article 3(2), point (b), but not point (c) of Regulation (EU) 2022/1925.
- 2.3. For each core platform service provided by the notifying undertaking that meets the thresholds in Article 3(2), point (b), of Regulation (EU) 2022/1925, according to any plausible alternative delineation, provide a brief description of the notifying undertaking's activities in that respect, including the nature of its business, its main subsidiaries, brands, product names, trademarks.
- 2.4. Indicate whether, in accordance with Article 3(5) of Regulation (EU) 2022/1925, the notifying undertaking is presenting, with its notification, sufficiently substantiated arguments to demonstrate that, exceptionally, although it meets all the thresholds in Article 3(2) of that Regulation, due to the circumstances in which the relevant core platform service operates, it does not satisfy the requirements of Article 3(1) of that Regulation. If yes, please specify the relevant core platform services and refer to the respective annexes.

SECTION 3

Information relating to the quantitative thresholds in Article 3(2), point (a), of Regulation (EU) 2022/1925

Provide the following information regarding the notifying undertaking:

- 3.1. its annual turnover in the Union in each of the last three financial years; ⁽²⁾
- 3.2. its average market capitalisation or its equivalent fair market value in the last financial year;
- 3.3. for each core platform service provided by the notifying undertaking, according to any plausible alternative delineation, a list of the Member States in which it provides that service;
- 3.4. precise and succinct explanations about the methodology used to arrive at the information provided under Sections 3.1 to 3.3 of this Form.

⁽²⁾ On the calculation of turnover see Commission Consolidated Jurisdictional Notice under Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (OJ C 95, 16.4.2008, p. 1).

SECTION 4

Information relating to the quantitative thresholds in Article 3(2), points (b) and (c), of Regulation (EU) 2022/1925

For each core platform service provided by the notifying undertaking, according to any plausible alternative delineation, that meets the thresholds in Article 3(2), point (b), of Regulation (EU) 2022/1925, provide the following information separately, in accordance with the methodology and indicators set out in Sections A, B, C and D and E, of the Annex to Regulation (EU) 2022/1925:

- 4.1. the number of monthly active end users ^(?) established or located in the Union in each of the last three financial years;
- 4.2. the number of yearly active business users established in the Union in each of the last three financial years;
- 4.3. precise and succinct explanations about the methodology used to determine the information provided under Sections 4.1 and 4.2 of this Form;
- 4.4. any external reports and internal documents relied on to determine the information provided under Sections 4.1 and 4.2 of this Form.

SECTION 5

Declaration

The notification must conclude with the following declaration which is to be signed by or on behalf of the notifying undertaking:

'The notifying undertaking declares that, to the best of its knowledge and belief, the information given in this notification, including in its annexes, is correct, complete and non-misleading, that truthful and complete copies of documents required by the Form have been supplied, that all estimates are identified as such and are its best estimates of the underlying facts, and that all the opinions expressed are sincere. It is aware of the provisions of Article 30(3)(a) of Regulation (EU) 2022/1925.'

For digitally signed forms, the following field is for information purposes only. It should correspond to the metadata of the corresponding electronic signature.

Date:

[signatory]

Name:

Organisation:

Position:

Address:

Phone number:

Email:

["e-signed"/signature]

^(?) As provided for in Section B, paragraph 2, of the Annex to Regulation (EU) 2022/1925, monthly active end users shall refer to the average number of monthly active end users throughout the largest part of the financial year.

ANNEX II

FORMAT AND LENGTH OF DOCUMENTS TO BE SUBMITTED UNDER REGULATION (EU) 2022/1925

FORMAT OF DOCUMENTS TO BE SUBMITTED UNDER REGULATION (EU) 2022/1925

Documents submitted to the Commission pursuant to Article 3, Article 8(3), and Articles 9, 10, 11, 14, 15, 17, 18, 19, 24, 25, 29 and 34 of Regulation (EU) 2022/1925 shall be submitted in a format allowing the Commission to process them electronically and, in particular, enabling their digitisation and character recognition.

For this purpose, the following requirements must be complied with:

- (a) the text, in A4 format, shall be easily legible and appear on one side of the page only;
- (b) documents produced in paper format shall be assembled in such a way as to be easily separable (not bound together or permanently attached by other means, such as glue or staples);
- (c) the text shall be in a commonly-used font (such as Times New Roman, Courier or Arial) in at least 12 point in the body of the text and at least 10 point in the footnotes, with single line spacing, and upper, lower, left and right margins of at least 2.5 cm (maximum 4 700 characters per page);
- (d) the pages and paragraphs of each document shall be numbered consecutively.

LENGTH OF DOCUMENTS TO BE SUBMITTED UNDER REGULATION (EU) 2022/1925

The following rules on page limits apply to the respective types of documents set out below. By way of exception, any annexes accompanying those documents shall not count towards the applicable page limits, provided those annexes have a purely evidential and instrumental function and are proportionate in number and length.

(a) **Notifications under Article 3(3), first subparagraph, and submissions of information following a Commission request under Article 3(3), second subparagraph, of Regulation (EU) 2022/1925**

All the information concerning the thresholds set out in Article 3(2) of Regulation (EU) 2022/1925 shall be presented in the body of the Form GD provided in Annex I to this Regulation.

For each distinct core platform service, including all plausible alternative delineations thereof, in relation to which the notifying undertaking meets all of the thresholds set out in Article 3(2) of Regulation (EU) 2022/1925, the maximum number of pages in the notification concerned shall be 50. This page limit applies to the information provided in relation to core platform services in Section 2 and Section 4 of the Form GD. In completing Sections 2, 3 and 4 of that Form, the notifying undertaking is invited to consider whether, for purposes of clarity, these sections are best presented in numerical order, or whether they can be grouped together for each distinct core platform service.

(b) **Substantiated arguments under Article 3(5) of Regulation (EU) 2022/1925**

For each distinct core platform service for which the notifying undertaking elects to present substantiated arguments under Article 3(5) of Regulation (EU) 2022/1925, the maximum number of pages shall be 30.

(c) **Reasoned requests under Articles 9 and 10 of Regulation (EU) 2022/1925**

For reasoned requests pursuant to Articles 9 and 10 of Regulation (EU) 2022/1925, the maximum number of pages shall be 30.

(d) **Replies to preliminary findings under Regulation (EU) 2022/1925**

Where the Commission informed the undertaking or association of undertakings concerned in writing of its preliminary findings with a view to adopting a decision pursuant to Article 8, Articles 9(1) and 10(1), Articles 17, 18, 24, 25, 29, 30 or Article 31(2) of Regulation (EU) 2022/1925, the maximum number of pages of the written reply shall be 50 pages or the number of pages of the preliminary findings, whichever is higher.

DECISIONS

DECISION (EU) 2023/815 OF THE EUROPEAN CENTRAL BANK

of 28 March 2023

amending Decision ECB/2010/4 concerning the management of pooled bilateral loans for the benefit of the Hellenic Republic (ECB/2023/7)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 132 thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Articles 17 and 21 thereof,

Whereas:

- (1) On 8 September 2022, the Governing Council decided to adjust temporarily the remuneration of deposits held with the European Central Bank (ECB) applied in accordance with Article 2 of Decision (EU) 2019/1743 of the European Central Bank (ECB/2019/31) ⁽¹⁾ and Article 5 of Decision ECB/2010/4 of the European Central Bank ⁽²⁾. Decision (EU) 2022/1521 of the European Central Bank (ECB/2022/30) ⁽³⁾ implemented this temporary framework by setting the remuneration of such deposits at the deposit facility rate or the euro short-term rate (€STR), whichever is lower. Decision (EU) 2022/1521 (ECB/2022/30) will not be in force after 30 April 2023.
- (2) On 6 February 2023, the Governing Council decided that from 1 May 2023 the remuneration of such deposits will be set at the euro short-term rate (€STR) minus 20 basis points. This remuneration rate is aligned with the remuneration ceiling applicable to government deposits held with national central banks of Member States whose currency is the euro, as specified in Guideline (EU) 2019/671 of the European Central Bank (ECB/2019/7) ⁽⁴⁾, which will also be set at the euro short-term rate (€STR) minus 20 basis points from 1 May 2023.
- (3) Decision ECB/2010/4 includes a provision on remuneration, which should be aligned with the remuneration set out in Article 2(1) of Decision (EU) 2019/1743 (ECB/2019/31) to ensure consistency in the remuneration of comparable deposits across the Eurosystem. For transparency and consistency, an explicit reference to that provision should be included in Decision ECB/2010/4.
- (4) Therefore, Decision ECB/2010/4 should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendment

Article 5 of Decision ECB/2010/4 is replaced by the following:

-
- ⁽¹⁾ Decision (EU) 2019/1743 of the European Central Bank of 15 October 2019 on the remuneration of holdings of excess reserves and of certain deposits (ECB/2019/31) (OJ L 267, 21.10.2019, p. 12).
- ⁽²⁾ Decision ECB/2010/4 of the European Central Bank of 10 May 2010 concerning the management of pooled bilateral loans for the benefit of the Hellenic Republic and amending Decision ECB/2007/7 (OJ L 119, 13.5.2010, p. 24).
- ⁽³⁾ Decision (EU) 2022/1521 of the European Central Bank of 12 September 2022 on temporary adjustments to the remuneration of certain non-monetary policy deposits held with national central banks and the European Central Bank (ECB/2022/30) (OJ L 236 I, 13.9.2022, p. 1).
- ⁽⁴⁾ Guideline (EU) 2019/671 of the European Central Bank of 9 April 2019 on domestic asset and liability management operations by the national central banks (ECB/2019/7) (OJ L 113, 29.4.2019, p. 11).

'Article 5

Remuneration

The account maintained with the ECB in the name of the Lenders shall be remunerated in accordance with the provisions of Article 2(1) of Decision (EU) 2019/1743 of the European Central Bank (ECB/2019/31) (*).

(*) Decision (EU) 2019/1743 of the European Central Bank of 15 October 2019 on the remuneration of holdings of excess reserves and of certain deposits (ECB/2019/31) (OJ L 267, 21.10.2019, p. 12).'

Article 2

Entry into force

1. This Decision shall enter into force on the fifth day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from 1 May 2023.

Done at Frankfurt am Main, 28 March 2023.

The President of the ECB
Christine LAGARDE

COMMISSION IMPLEMENTING DECISION (EU) 2023/816**of 5 April 2023****amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States***(notified under document C(2023) 2511)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Article 259(1), point (c), thereof,

Whereas:

- (1) Highly pathogenic avian influenza (HPAI) is an infectious viral disease in birds and may have a severe impact on the profitability of poultry farming causing disturbance to trade within the Union and exports to third countries. HPAI viruses can infect migratory birds, which can then spread these viruses over long distances during their autumn and spring migrations. Therefore, the presence of HPAI viruses in wild birds poses a continuous threat for the direct and indirect introduction of these viruses into establishments where poultry or captive birds are kept. In the event of an outbreak of HPAI, there is a risk that the disease agent may spread to other establishments where poultry or captive birds are kept.
- (2) Regulation (EU) 2016/429 establishes a new legislative framework for the prevention and control of diseases that are transmissible to animals or humans. HPAI falls within the definition of a listed disease in that Regulation, and it is subject to the disease prevention and control rules laid down therein. In addition, Commission Delegated Regulation (EU) 2020/687 ⁽²⁾ supplements Regulation (EU) 2016/429 as regards the rules for the prevention and control of certain listed diseases, including disease control measures for HPAI.
- (3) Commission Implementing Decision (EU) 2021/641 ⁽³⁾ was adopted within the framework of Regulation (EU) 2016/429 and it lays down emergency measures at Union level in relation to outbreaks of HPAI.
- (4) More particularly, Implementing Decision (EU) 2021/641 provides that the protection, surveillance and further restricted zones established by the Member States following outbreaks of HPAI, in accordance with Delegated Regulation (EU) 2020/687, are to comprise at least the areas listed as protection, surveillance and further restricted zones in the Annex to that Implementing Decision.
- (5) The Annex to Implementing Decision (EU) 2021/641 was recently amended by Commission Implementing Decision (EU) 2023/719 ⁽⁴⁾ following outbreaks of HPAI in poultry or captive birds in Denmark, Germany, France, Italy, Lithuania and Sweden that needed to be reflected in that Annex.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council, as regards rules for the prevention and control of certain listed diseases (OJ L 174, 3.6.2020, p. 64).

⁽³⁾ Commission Implementing Decision (EU) 2021/641 of 16 April 2021 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 134, 20.4.2021, p. 166).

⁽⁴⁾ Commission Implementing Decision (EU) 2023/719 of 24 March 2023 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 93, 31.3.2023, p. 108).

- (6) Since the date of adoption of Implementing Decision (EU) 2023/719, Czechia, Hungary, Italy and Poland have notified the Commission of new outbreaks of HPAI in establishments where poultry or captive birds were kept, located in Central Bohemian Region in Czechia, in Veneto and Tuscany Regions in Italy, in Bács-Kiskun and Nógrád counties in Hungary and in Greater Poland Voivodeship in Poland.
- (7) In addition, Bulgaria has notified the Commission of an outbreak of HPAI in an establishment where poultry were kept, located in Veliko Tarnovo Province of that Member State.
- (8) The competent authorities of Bulgaria, Czechia, Italy, Hungary, and Poland have taken the necessary disease control measures required in accordance with Delegated Regulation (EU) 2020/687, including the establishment of protection and surveillance zones around those outbreaks.
- (9) In addition, one of the outbreaks confirmed in Hungary is located in close proximity to the border with Slovakia. Accordingly, the competent authorities of these Member States have duly collaborated with regard to the establishment of the necessary protection and surveillance zones, in accordance with Delegated Regulation (EU) 2020/687, as the protection and surveillance zones extend into the territory of Slovakia.
- (10) The Commission has examined the disease control measures taken by Bulgaria, Czechia, Italy, Hungary, Poland and Slovakia in collaboration with those Member States, and it is satisfied that the boundaries of the protection and surveillance zones in Bulgaria, Czechia, Italy, Hungary, Poland and Slovakia established by the competent authority of those Member States are at a sufficient distance from the establishments where the outbreaks of HPAI have been confirmed.
- (11) In the Annex to Implementing Decision (EU) 2021/641 there are currently no areas listed as protection zone for Poland and no areas listed as protection and surveillance zones for Bulgaria and Slovakia.
- (12) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with Bulgaria, Czechia, Italy, Hungary, Poland and Slovakia, the protection and surveillance zones duly established by those Member States in accordance with Delegated Regulation (EU) 2020/687.
- (13) Therefore, the areas listed as protection and surveillance zones for Czechia, Italy, Hungary and Poland, in the Annex to Implementing Decision (EU) 2021/641 should be amended.
- (14) In addition, a protection zone should be listed for Poland and protection and surveillance zones should be listed for Bulgaria and Slovakia in the Annex to Implementing Decision (EU) 2021/641.
- (15) Accordingly, the Annex to Implementing Decision (EU) 2021/641 should be amended to update regionalisation at Union level to take account of the protection and surveillance zones duly established by Bulgaria, Czechia, Italy, Hungary, Poland and Slovakia in accordance with Delegated Regulation (EU) 2020/687, and the duration of the measures applicable therein.
- (16) Implementing Decision (EU) 2021/641 should therefore be amended accordingly.
- (17) Given the urgency of the epidemiological situation in the Union as regards the spread of HPAI, it is important that the amendments to be made to Implementing Decision (EU) 2021/641 by this Decision take effect as soon as possible.
- (18) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2021/641 is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 5 April 2023.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

ANNEX

PART A

Protection zones in the concerned Member States* as referred to in Articles 1 and 2:

Member State: Bulgaria

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
<i>Region: Veliko Tarnovo</i>		
BG-HPAI(P)-2023-00002	The following village in Veliko Tarnovo municipality: Novo selo	21.4.2023

Member State: Czechia

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
<i>Central Bohemian Region</i>		
CZ-HPAI(P)-2023-00020	Chodouň (652113); Libomyšl (683205); Želkovice u Libomyšle (683213); Málkov u Suchomast (690996); Neumětely (704202); Otmíče (716561); Stašov u Zdic (755311); Lochovice (686468) – KU Lochovice vyjma částí obce Lochovice – Obora a Netolice.	13.4.2023

Member State: Denmark

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
DK-HPAI(P)-2023-00002	The parts of Gribskov municipality that are contained within a circle of radius 3 km, centered on GPS coordinates N 56.0319; E 12.1340	9.4.2023

Member State: Germany

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
BAYERN		
DE-HPAI(P)-2023-00019	Landkreis Ansbach 3 km Radius um den Ausbruchsbetrieb mit den GPS-Koordinaten 10.370223/49.339214. Betroffen sind Teile der Gemeinden Buch a. Wald, Colberg, Geslau und Leutershausen	4.4.2023
RHEINLAND-PFALZ		
DE-HPAI(P)-2023-00021	Kreis Cochem-Zell 3 km-Radius um den Ausbruchsbetrieb mit den GPS Koordinaten: 7.156477/50.228485 Betroffen sind die Ortsgemeinden Düngenheim, Eulgem, Gamlen, Hambuch, Illerich, Kaisersesch, Landkern, Masburg, Urmersbach und Zettingen	11.4.2023
SCHLESWIG-HOLSTEIN		
DE-HPAI(P)-2023-00020	Dithmarschen 3 km Radius um den Ausbruchsbetrieb GPS-Koordinaten 9.118042/54.088966 Gemeinde Nindorf sowie Teile der Gemeinden Bargenstedt, Elpersbüttel, Krumstedt, Meldorf, Sarzbüttel, Windbergen und Wolmersdorf	7.4.2023

Member State: France

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
<i>Département: Eure-et-Loir (28)</i>		
FR-HPAI(P)-2023-00064	FONTAINE-LA-GUYON SAINT-ARNOULT-DES-BOIS SAINT-AUBIN-DES-BOIS SAINT-LUPERCE	3.4.2023
<i>Département: Vendée (85)</i>		
FR-HPAI(P)-2022-01523	GROSBREUIL CHÂTEAU D'OLONNE SAINTE FOY LE GIROUARD GROSBREUIL TALMONT SAINT HILAIRE	3.4.2023

	LES ACHARDS SAINT MATHURIN SAINTE FLAIVE DES LOUPS	
FR-HPAI(P)-2022-01526	AUIGNY LES CLOUZEUX BEAULIEU SOUS LA ROCHE LANDERONDE LA ROCHE SUR YON VENANSALT	3.4.2023
FR-HPAI(P)-2022-01465 FR-HPAI(P)-2022-01468 FR-HPAI(P)-2022-01439 FR-HPAI(P)-2022-01453	CHALLANS LE PERRIER SALLERTAINE SOULLANS APPREMONT COMMEQUIERS LA CHAPELLE PALLAU SAINT PAUL MONT PENIT SAINT CHRISTOPHE DU LIGNERON	3.4.2023
FR-HPAI(P)-2022-01536	LES LUCS SUR BOULOGNE MONTREVERD ROCHESERVIERE SAINT PHILBERT DE BOUAINE	10.3.2023
FR-HPAI(P)-2022-01424 FR-HPAI(P)-2022-01426 FR-HPAI(P)-2022-01438 FR-HPAI(P)-2022-01440 FR-HPAI(P)-2022-01441 FR-HPAI(P)-2022-01442 FR-HPAI(P)-2022-01446 FR-HPAI(P)-2022-01451 FR-HPAI(P)-2022-01454 FR-HPAI(P)-2022-01455 FR-HPAI(P)-2022-01456 FR-HPAI(P)-2022-01459 FR-HPAI(P)-2022-01460 FR-HPAI(P)-2022-01461 FR-HPAI(P)-2022-01462 FR-HPAI(P)-2022-01463 FR-HPAI(P)-2022-01464 FR-HPAI(P)-2022-01469	ANTIGNY BAZOGES EN PAILLERS BAZOGES EN PAREDS BEAUREPAIRE BOUFFERE BOURNEZEAU CHANTONNAY CHANVERRIE CHAVAGNES EN PAILLERS CHAVAGNES LES REDOUX CHEFFOIS FOUGERE LA BOISSIERE DE MONT TAIGU LA BRUFFIERE LA CAILLERE SAINT HILAIRE LA CHATAIGNERAIE LA GUYONNIERE LA JAUDONNIERE LA MEILLERAIE TILLAY LA TARDIERE LE BOUPERE LES EPESES LES HERBIERS LES LANDES GENUSSON MENOMBLET MONSIREIGNE MONTAIGU MONTOURNAIS	3.4.2023

FR-HPAI(P)-2022-01470		
FR-HPAI(P)-2022-01478		
FR-HPAI(P)-2022-01479		
FR-HPAI(P)-2022-01488		
FR-HPAI(P)-2022-01490		
FR-HPAI(P)-2022-01491		
FR-HPAI(P)-2022-01493		
FR-HPAI(P)-2022-01494		
FR-HPAI(P)-2022-01495		
FR-HPAI(P)-2022-01500	MORTAGNE SUR SEVRE	
FR-HPAI(P)-2022-01503	MOUCHAMPS	
FR-HPAI(P)-2022-01507	MOUILLERON SAINT GERMAIN	
FR-HPAI(P)-2022-01508	POUZAUGES	
FR-HPAI(P)-2022-01509	REAUMUR	
FR-HPAI(P)-2022-01510	ROCHETREJOUX	
FR-HPAI(P)-2022-01513	SAINT AUBIN DES ORMEAUX	
FR-HPAI(P)-2022-01514	SAINT CYR DES GATS	
FR-HPAI(P)-2022-01520	SAINT GEORGES DE MONTAIGU	
FR-HPAI(P)-2022-01525	SAINT GERMAIN DE PRINCAY	
FR-HPAI(P)-2022-01527	SAINT HILAIRE DE LOULAY	
FR-HPAI(P)-2022-01528	SAINT HILAIRE LE VOUHIS	
FR-HPAI(P)-2022-01529	SAINT LAURENT SUR SEVRE	
FR-HPAI(P)-2022-01530	SAINT MALO DU BOIS	
FR-HPAI(P)-2022-01531	SAINT MARS LA REORTHE	
FR-HPAI(P)-2022-01533	SAINT MARTIN DES NOYERS	
FR-HPAI(P)-2022-01537	SAINT MARTINS DES TILLEULS	
FR-HPAI(P)-2022-01539	SAINT LMAURICE LE GIRARD	
FR-HPAI(P)-2022-01540	SAINT MESMIN	
FR-HPAI(P)-2022-01542	SAINT PAUL EN PÄREDS	
FR-HPAI(P)-2022-01543	SAINT PIERRE DU CHEMIN	
FR-HPAI(P)-2022-01546	SAINT PROUANT	
FR-HPAI(P)-2022-01551	SAINT SULPICE EN PAREDS	
FR-HPAI(P)-2022-01552	SAINT VINCENT STERLANGES	
FR-HPAI(P)-2022-01553	SAINTE CECILE	
FR-HPAI(P)-2022-01555	SEVREMONT	
FR-HPAI(P)-2022-01556	SIGOURNAIS	
FR-HPAI(P)-2022-01557	TALLUD SAINTE GEMME	
FR-HPAI(P)-2022-01560	THOUARSAIS BOUILDROUX	
FR-HPAI(P)-2022-01561	TIFFAUGES	
FR-HPAI(P)-2022-01562	VENDRENNES	
FR-HPAI(P)-2022-01563		
FR-HPAI(P)-2022-01565		
FR-HPAI(P)-2022-01566		
FR-HPAI(P)-2022-01567		
FR-HPAI(P)-2022-01568		
FR-HPAI(P)-2022-01570		
FR-HPAI(P)-2022-01572		
FR-HPAI(P)-2022-01574		

FR-HPAI(P)-2022-01575 FR-HPAI(P)-2022-01576 FR-HPAI(P)-2022-01577 FR-HPAI(P)-2022-01583 FR-HPAI(P)-2022-01585 FR-HPAI(P)-2022-01589 FR-HPAI(P)-2022-01590 FR-HPAI(P)-2022-01593 FR-HPAI(P)-2022-01595 FR-HPAI(P)-2022-01596 FR-HPAI(P)-2022-01599 FR-HPAI(P)-2022-01600 FR-HPAI(P)-2022-01601 FR-HPAI(P)-2022-01602 FR-HPAI(P)-2022-01604 FR-HPAI(P)-2022-01607 FR-HPAI(P)-2022-01608 FR-HPAI(P)-2022-01610 FR-HPAI(P)-2022-01611 FR-HPAI(P)-2022-01613 FR-HPAI(P)-2022-01614 FR-HPAI(P)-2022-01615 FR-HPAI(P)-2022-01618 FR-HPAI(P)-2022-01620 FR-HPAI(P)-2023-00002 FR-HPAI(P)-2023-00003 FR-HPAI(P)-2023-00004 FR-HPAI(P)-2023-00005 FR-HPAI(P)-2023-00006 FR-HPAI(P)-2023-00020		
FR-HPAI(P)-2022-01602 FR-HPAI(P)-2022-01618 FR-HPAI(P)-2023-00011	L'HERMENAULT MARSAIS-SAINT-RADEGONDE SAINT CYR DES GATS SAINT MARTIN DES FONTAINES SAINT VALERIEN est de la D52, D14 puis D99 POUILLE SAINT ETIENNE DE BRILLOUET THIRE	3.4.2023
FR-HPAI(P)-2022-01604 FR-HPAI(P)-2022-01611 FR-HPAI(P)-2023-00003 FR-HPAI(P)-2023-00004	LA GARNACHE FROIDFOND FALLERON GRAND'LANDES	3.4.2023

Member State: Italy

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
<i>Regions: Veneto and Lombardia</i>		
IT-HPAI(P)-2023-00003	The area of the parts of Veneto and Lombardia Regions contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 45.290374, E 10.902535	25.4.2023
IT-HPAI(P)-2023-00005	The area of the parts of Veneto and Lombardia Regions contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 45.307002212, E 10.924128439	10.5.2023
<i>Region: Emilia Romagna</i>		
IT-HPAI(P)-2023-00002	The area of the parts of Emilia Romagna Region contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 44.172952, E 12.323829	12.4.2023
<i>Region: Toscana</i>		
IT-HPAI(P)-2023-00004	The area of the parts of Toscana Region contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 43.924961, E 10.225462	26.4.2023

Member State: Hungary

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
<i>Bács-Kiskun vármegye</i>		
HU-HPAI(P)-2023-00005 HU-HPAI(P)-2023-00006 HU-HPAI(P)-2023-00008 HU-HPAI(P)-2023-00011- HU-HPAI(P)-2023-00013 HU-HPAI(P)-2023-00018 HU-HPAI(P)-2023-00025	Kiskunmajsa, Jászszentlászló, Móricgát és Szank települések közigazgatási területének a 46.567675 és a 19.643564, a 46.560250 és a 19.653790, a 46.551046 és a 19.790439, a 46.561767 és a 19.663297, a 46.569793 és a 19.692088, a 46.570880 és a 19.682400, a 46.550029 és a 19.723605, a 46.544094 és a 19.746475, valamint a 46.589123 és a 19.752358 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	20.4.2023

HU-HPAI(P)-2023-00009 HU-HPAI(P)-2023-00010 HU-HPAI(P)-2023-00015 – HU-HPAI(P)-2023-00017 HU-HPAI(P)-2023-00019 – HU-HPAI(P)-2023-00021 HU-HPAI(P)-2023-00024 HU-HPAI(P)-2023-00029	Bócsa, Bugac, Bugacpusztaháza, Kaskantyú, Soltvadkert, Szank és Tázlár települések közigazgatási területének a 46.572330 és a 19.486939, a 46.556370 és a 19.521271, a 46.641252 és a 19.532421, a 46.607374 és a 19.538858, a 46.616224 és a 19.444349, a 46.635031 és a 19.545341, a 46.609697 és a 19.530675, a 46.598273 és a 19.462954, a 46.631954 és a 19.533666, valamint a 46.614164 és a 19.439083 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	4.4.2023
HU-HPAI(P)-2023-00022 HU-HPAI(P)-2023-00023	Bugac, Bugacpusztaháza, Jakabszállás és Móricgát települések közigazgatási területének a 46.698392 és a 19.650317, valamint a 46.675382 és a 19.663231 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	4.4.2023
HU-HPAI(P)-2023-00030 HU-HPAI(P)-2023-00032 HU-HPAI(P)-2023-00035 – HU-HPAI(P)-2023-00039 HU-HPAI(P)-2023-00041 – HU-HPAI(P)-2023-00043	Csölyospálos, Kiskunmajsa és Kömpöc a települések közigazgatási területének a 46.443106 és a 19.844167, a 46.444530 és a 19.840710, a 46.411530 és a 19.852480, a 46.403030 és a 19.836280, a 46.450524 és a 19.779081, a 46.423886 és a 19.854827, a 46.421357 és a 19.851937, a 46.403984 és a 19.880357, a 46.464470 és a 19.763320, valamint a 46.403803 és a 19.834630 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	22.4.2023
HU-HPAI(P)-2023-00040 HU-HPAI(P)-2023-00044	Kiskunfélegyháza, Pálmonostora és Petőfiszállás települések közigazgatási területének a 46.642973 és a 19.896612, valamint a 46.664167 és a 19.838889 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	25.4.2023
HU-HPAI(P)-2023-00045	Pálmonostora település közigazgatási területének a 46.554700 és a 19.983900 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	25.4.2023

Csongrád-Csanád vármegye

HU-HPAI(P)-2023-00008	Csengele település közigazgatási területének a 46.551046 és a 19.790439 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	20.4.2023
HU-HPAI(P)-2023-00030 HU-HPAI(P)-2023-00035 HU-HPAI(P)-2023-00036 HU-HPAI(P)-2023-00038 HU-HPAI(P)-2023-00041 HU-HPAI(P)-2023-00043	Balástya, Forráskút és Üllés települések közigazgatási területének a 46.443106 és a 19.844167, a 46.411530 és a 19.852480, a 46.403030 és a 19.836280, a 46.423886 és a 19.854827, a 46.403984 és a 19.880357 valamint a 46.403803 és a 19.834630 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	22.4.2023

HU-HPAI(P)-2023-00045	Kistelek és Pusztaszer települések közigazgatási területének a 46.554700 és a 19.983900 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	25.4.2023
Nógrád vármegye		
HU-HPAI(P)-2023-00031	Cered és Zabar települések közigazgatási területének a 48.160610 és a 20.013815 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	14.4.2023

Member State: Lithuania

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
LT-HPAI(P)-2023-00001	Varėnos r. sav. Matuizų sen., Valkininkų sen.	10.4.2023

Member State: Poland

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
PL-HPAI(P)-2023-00066 PL-HPAI(P)-2023-00067	W województwie wielkopolskim: 1. W gminie Ostrów Wielkopolski: Topola Mała, Smardowskie Olendry, Wysocko Wielkie; 2. Miasto Ostrów Wielkopolski; 3. W gminie Przygodzice: Wysocko Małe, Smardów, Przygodzice, Janków Przygodzki, Topola Wielka w powiecie ostrowskim.	14.4.2023

Member State: Slovakia

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
HU-HPAI(P)-2023-00031	Municipality of Petrovce and part Bakov in the municipality of Nová Bašta	14.4.2023

Member State: Sweden

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
SE-HPAI(P)-2023-00001	Those parts of the municipality Kävlinge contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N55.777073 and E13.012336	14.4.2023

PART B

Surveillance zones in the concerned Member States* as referred to in Articles 1 and 3:

Member State: Bulgaria

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
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Regions: Veliko Tarnovo and Gabrovo

BG-HPAI(P)-2023-00002	The following villages in Veliko Tarnovo region, Veliko Tarnovo municipality: Balvan, Emen, Momin sbor, Vetrintsi, Pushevo; The following villages in Veliko Tarnovo region, Pavlikeni municipality: Vishovgrad, Musina;	30.4.2023
	The following villages in Gabrovo region, Dryanovo municipality: Kalomen, Elentsite, Kereka, Balvantsite, Plachka, Denchevtsi, Chukovo, Gostilitsa, Slaveykovo; The following villages in Gabrovo region, Sevlievo municipality: Burya, Idilevo, Dobromirka.	
	The following village in the Veliko Tarnovo municipality: Novo selo	22.4.2023 – 30.4.2023

Member State: Czechia

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
<i>Central Bohemian Region</i>		
CZ-HPAI(P)-2023-00020	Bavoryně (601217); Jarov u Berouna (603091); Běštín (603368); Březová u Hořovic (614602); Bykoš (616494); Bzová u Hořovic (617318); Felbabka (634468); Hořovice (645371); Velká Víska (645389); Bezdědice u Hostomic (645877); Hostomice pod Brdy (645885); Radouš (738697); Hředle u Zdíc (648931); Hudlice (649252); Chlustina (651869); Běřín (603180); Jince (660281); Rejkovice (740047); Bítov u Koněprus (669024); Koněprusy (669032); Kotopeky (671070); Králův Dvůr (672947); Levín u Berouna (680796); Počaply (672971); Popovice u Králova Dvora (672963); Zahořany u Berouna (789844); Křešín (676101); Lážovice (679577); Lhotka u Hořovic (681300); Měňany (693014); Tobolka (693022); Nesvačily u Berouna (703842); Ohrazenice u Jince (709310); Osov (713325); Podbrdy (723363); Podluhy (724033); Praskolesy (732940); Rpety (743062); Skřípel (748919); Suchomasty (759244); Svatá (759961); Tlustice (767603); Lounín (767611); Tmaň (767620); Točnick (795704); Trubín (768961); Trubská (768979); Velký Chlumec (779598); Vinařice u Suchomast (782246); Vižina (783200); Všeradice (787299); Záluží u Hořovic (790770); Černín u Zdíc (792420); Knížkovice (792438); Zdice (792446); Sedlec u Žebráku (795691); Žebrák (795712); Broumy (612871) – část katastrálního území Broumy na východ od silnice č. 23613; Lochovice (686468) – KU Lochovice v částech obce Obora a Netolice.	22.4.2023
	Chodouň (652113); Libomyšl (683205); Želkovice u Libomyšle (683213); Málkov u Suchomast (690996); Neumětely (704202); Otmíče (716561); Stašov u Zdíc (755311); Lochovice (686468) – KU Lochovice vyjma částí obce Lochovice – Obora a Netolice.	14.4.2023 – 22.4.2023
<i>Pardubice Region</i>		
CZ-HPAI(P)-2023-00019	Anenská Studánka (600377); Helvíkov (600385); Borušov (608041); Prklišov (608050); Svojanov u Borušova (608068); Damníkov (624683); Dětrichov u Svitav (626031); Dětrichov u Moravské Třebové (626074); Dlouhá Loučka (626431); Gruna (636231); Žipotín (636258); Česká Kamenná Horka (662798); Moravská Kamenná Horka (662801); Koclířov (667595); Koruna (669636); Krasíkov (673200); Linhartice (683868); Květná u Lukové (689017); Luková (689025); Malíkov (690945); Pacov u Moravské Třebové (717274); Stará Trnávka (693367); Mladějov na Moravě (696927); Boršov u Moravské Třebové (607991);	2.4.2023

	Moravská Třebová (698806); Nová Ves u Moravské Třebové (705641); Opatov v Čechách (711454); Radkov u Moravské Třebové (737976); Rozstání u Moravské Třebové (742473); Rychnov na Moravě (744093); Petrušov (754463); Tatenice (765180); Trpík (624691); Třebařov (769355); Útěchov u Moravské Třebové (775541); Žichlínek (796913).	
	Kunčina (677141); Radišov (754471); Staré Město u Moravské Třebové (754480).	25.3.2023 – 2.4.2023

Member State: Denmark

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
DK-HPAI(P)-2023-00002	The parts of Gribskov, Halsnæs and Hillerød municipalities beyond the area described in the protection zone and within the circle of radius 10 kilometres, centred on GPS coordinates N 56.0319; E 12.1340	18.4.2023
	The parts of Gribskov municipality that are contained within a circle of radius 3 km, centered on GPS coordinates N 56.0319; E 12.1340	10.4.2023 – 18.4.2023

Member State: Germany

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
BAYERN		
DE-HPAI(P)-2023-00019	Landkreis und Stadt Ansbach 10 km Radius um den Ausbruchsbetrieb mit den GPS-Koordinaten 10.370223/49.339214. Betroffen ist die Stadt Ansbach mit den Stadtteilen Dornberg, Liegenbach, Neudorf, Oberdormbach. Betroffen ist der Landkreis Ansbach mit der Gemeinde Herrieden mit dem Ortsteil Niederdornbach, den Gemeinden oder Teilen der Gemeinden Leutershausen, Schillingsfürst, Aurach, Buch a. Wald, Colmberg, Dombühl, Gebsattel, Geslau, Lehrberg, Oberdachstetten und Windelsbach	13.4.2023

	Landkreis Ansbach 3 km Radius um den Ausbruchsbetrieb mit den GPS-Koordinaten 10.370223/49.339214. Betroffen sind Teile der Gemeinden Buch a. Wald, Colberg, Geslau und Leutershausen	5.4.2023-13.4.2023
DE-HPAI(P)-2023-00019	Landkreis Neustadt a.d. Aisch- Bad Windsheim Betroffen sind die Gemeindeteile Marktbergel (Gemarkung Marktbergel), Munasiedlung (Gemarkung Marktbergel) und Ermetzhof (Gemarkung Ermetzhof) der Marktgemeinde Marktbergel	13.4.2023
MECKLENBURG-VORPOMMERN		
DE-HPAI(P)-2023-00018	Landkreis Ludwigslust-Parchim 10 km Radius um den Ausbruchsbetrieb mit den GPS-Koordinaten 11,696565/53,457479 Betroffen sind Gemeinden oder Teile der Gemeinden Brenz, Domsühl, Friedrichsruhe, Lewitzrand, Neustadt-Glewe, Parchim, Spornitz und Tramm	11.4.2023
RHEINLAND-PFALZ		
DE-HPAI(P)-2023-00021	Kreis Cochem-Zell 3 km-Radius um den Ausbruchsbetrieb mit den GPS Koordinaten: 7.156477/50.228485 Betroffen sind die Ortsgemeinden Düngenheim, Eulgem, Gamlen, Hambuch, Illerich, Kaisersesch, Landkern, Masburg, Urmersbach und Zettingen	12.4.2023-20.4.2023
	Kreis Cochem-Zell 10 km-Radius um den Ausbruchsbetrieb mit den GPS Koordinaten: 7.156477/50.228485 Betroffen sind die Ortsgemeinden und Ortsgemeindeteile Alflen, Binningen, Brachtendorf, Brieden, Brohl, Büchel, Cochem, Dünfus, Eppenberg, Faid, Forst (Eifel), Gevenich, Greimersburg, Hauröth, Kaifenheim, Kail, Kalenborn, Klotten, Laubach, Leienkaul, Mönthenich, Müllenbach, Pommern, Roes, Treis-Karden (nördlich der Mosel und nördlich von Allmesch), Ulmen (östlich des Endertbaches), Valwig und Wirfus	20.4.2023
	Kreis Mayen-Koblenz 10 km-Radius um den Ausbruchsbetrieb mit den GPS Koordinaten: 7.156477/50.228485 Betroffen sind die Ortsgemeinden Alzheim, Anschau, Bermel, Ditscheid, Gering, Kehrig, Kollig, Monreal, Reudelsterz, Weiler	20.4.2023

	Kreis Vulkaneifel 10 km-Radius um den Ausbruchsbetrieb mit den GPS Koordinaten: 7.156477/50.228485 Betroffen sind die Ortsgemeinden Arbach, Höchstberg, Kaperich, Kötterichen, Lirstal, Oberelz, Retterath, Uersfeld	20.4.2023
SCHLESWIG-HOLSTEIN		
DE-HPAI(P)-2023-00020	Dithmarschen 10 km Radius um den Ausbruchsbetrieb GPS-Koordinaten 9.118042/54.088966 Teile der Gemeinden Bargaenstedt, Elpersbüttel, Krumstedt, Meldorf, Sarzbüttel, Windbergen und Wolmersdorf, die nicht in der Schutzzone liegen, die Gesamtflächen der Gemeinden Epenwöhrden, Gudendorf, Hemmingstedt, Lieth, Odderade, Süderhastedt und Teile der Gemeinden Albersdorf, Arkebek, Barlt, Busenwurth, Eggstedt, Frestedt, Großenrade, Heide, Lohe- Rickelshof, Nordhastedt, Nordermeldorf, Quickborn, Schafstedt, Tensbüttel-Röst, St. Michaelisdonn und Wöhrden	16.4.2023
	Dithmarschen 3 km Radius um den Ausbruchsbetrieb GPS-Koordinaten 9.118042/54.088966 Gemeinde Nindorf sowie Teile der Gemeinden Bargaenstedt, Elpersbüttel, Krumstedt, Meldorf, Sarzbüttel, Windbergen und Wolmersdorf	8.4.2023 16.4.2023

Member State: Estonia

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
EE-HPAI(P)-2023-00001	The parts of Harju and Rapla county, beyond the area described in the protection zone and within the circle of radius 10 kilometres, centred on GPS coordinates coordinates N 59.190840; E 24.792034	7.4.2023
	The parts of Harju and Rapla county, that are contained within a circle of radius 3 kilometer, centered on GPS coordinates N 59.190840; E 24.792034	30.3.2023 – 7.4.2023

Member State: France

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
<i>Département: Calvados (14)</i>		
FR-HPAI(NON-P)-2023-00246	VALAMBRAY ARGENCES BELLENGREVILLE LE BU-SUR-ROUVRES CANTELOUP CESNY-AUX-VIGNES CLEVILLE CONDE-SUR-IFS ERNES MAIZIERES MERY-BISSIERES-EN-AUGE MEZIDON VALLEE D'AUGE MOULT-CHICHEBOVILLE NOTRE-DAME-D'ESTREES-CORBON OUEZY BELLE VIE EN AUGE SAINT-OUEN-DU-MESNIL-OGER SAINT-PIERRE-EN-AUGE SAINT-SYLVAIN SASSY VENDEUVRE VIMONT	5.4.2023
	CESNY-AUX-VIGNES MEZIDON VALLEE D'AUGE OUEZY	28.3.2023 – 5.4.2023
FR-HPAI(P)-2023-00063	ABLON LES AUTHIEUX-SUR-CALONNE BONNEVILLE-LA-LOUVET VANDEINS QUETTEVILLE LA RIVIERE-SAINT-SAUVEUR SAINT-ANDRE-D'HEBERTOT VONGNES LE THEIL-EN-AUGE VIEUX-BOURG	6.4.2023
<i>Département: Côtes-d'Armor (22)</i>		
FR-HPAI(P)-2023-00035 FR-HPAI(P)-2023-00037 FR-HPAI(P)-2023-00038 FR-HPAI(P)-2023-00039 FR-HPAI(P)-2023-00040 FR-HPAI(P)-2023-00045 FR-HPAI(P)-2023-00046 FR-HPAI(P)-2023-00047 FR-HPAI(P)-2023-00048 FR-HPAI(P)-2023-00049 FR-HPAI(P)-2023-00050 FR-HPAI(P)-2023-00051 FR-HPAI(P)-2023-00053 FR-HPAI(P)-2023-00054 FR-HPAI(P)-2023-00055 FR-HPAI(P)-2023-00056 FR-HPAI(P)-2023-00057	BOQUEHO BOURBRIAC CANIHUEL KERIEN KERPERT MAGOAR LA HARMOYE LANRIVAIN LANRODEC LE HAUT-CORLAY LE LESLAY LE VIEUX-BOURG SAINT-ADRIEN	14.4.2023

FR-HPAI(P)-2023-00058 FR-HPAI(P)-2023-00061	SAINT-GILLES-PLIGEAUX CORLAY PLUSSULIEN SAINT-IGEAUX SAINT-MAYEUX BON REPOS SUR BLAVET PLOUNEVEZ-QUINTIN SAINT-MARTIN-DES-PRES SAINT-GILLES-VIEUX-MARCHE SAINT-NICOLAS-DU-PÉLEM ALLINEUC CAUREL COADOUT MERLEAC LANFAINS LE BODEO PLAINE HAUTE QUINTIN SAINT AGATHON SAINT BRANDAN SAINT DONAN SAINTE TREPHINE COHINIAC LE FOEIL CHATELAUDREN PLOUAGAT PLOEUC L'HERMITAGE PLOUMAGOAR PLOUVARA SAINT JEAN Kerdaniel CAUREL	
	SAINT CONNAN KERPERT PLÉSIDY SAINT-GILLES-PLIGEAUX SEVEN-LÉHART BOQUEHO LANDRODEC LA HARMOYE LANFAINS LE FOEIL LE VIEUX BOURG SAINT ADRIEN SAINT BIHY SAINT FIACRE SAINT GILDAS SAINT GILLES PLIGEAUX SAINT PEVER	6.4.2023 – 14.4.2023

<i>Département: Eure (27)</i>		
FR-HPAI(P)-2023-00063	BERVILLE-SUR-MER LE BOIS-HELLAIN LA CHAPELLE-BAYVEL CONTEVILLE EPAIGNES FATOUVILLE-GRESTAIN FIQUEFLEUR-EQUAINVILLE FOULBEC LA LANDE-SAINT-LEGER MARTAINVILLE LES PREAUX SAINT-PIERRE-DU-VAL SAINT-SAMSON-DE-LA-ROQUE SAINT-SULPICE-DE-GRIMBOUVILLE SAINT-SYMPHORIEN SELLES TOUTAINVILLE TRIQUEVILLE VANNECROCQ	6.4.2023
	BEUZEVILLE BOULLEVILLE FORT-MOVILLE MANNEVILLE-LA-RAOULT SAINT-MACLOU LE TORPT	29.3.2023 – 6.4.2023
<i>Département: Eure-et-Loir (28)</i>		
FR-HPAI(P)-2023-00064	AMILLY BAILLEAU-LE-PIN BAILLEAU-L'EVEQUE BILLANCELLES BRICONVILLE CERNAY CHAUFFOURS CHUISNES CINTRAY CLEVILLIERS COURVILLE-SUR-EURE DANGERS FAVIERES FONTENAY-SUR-EURE FRESNAY-LE-GILMERT FRUNCE LANDELLES LUCE MAINVILLIERS MITTAINVILLIERS-VERIGNY NOGENT-SUR-EURE OLLE ORROUER SAINT-GEORGES-SUR-EURE SAINT-GERMAIN-LE-GAILLARD THIMERT-GATELLES	12.4.2023

	FONTAINE-LA-GUYON SAINT-ARNOULT-DES-BOIS SAINT-AUBIN-DES-BOIS SAINT-LUPERCE	4.4.2023 – 12.4.2023
<i>Département: Deux-Sèvres (79)</i>		
FR-HPAI(P)-2022-01411 FR-HPAI(P)-2022-01415 FR-HPAI(P)-2022-01414 FR-HPAI(P)-2022-01417 FR-HPAI(P)-2022-01430 FR-HPAI(P)-2022-01436 FR-HPAI(P)-2022-01428 FR-HPAI(P)-2022-01447 FR-HPAI(P)-2022-01448 FR-HPAI(P)-2022-01477 FR-HPAI(P)-2022-01450 FR-HPAI(P)-2022-01475 FR-HPAI(P)-2022-01474 FR-HPAI(P)-2022-01482 FR-HPAI(P)-2022-01484 FR-HPAI(P)-2022-01473 FR-HPAI(P)-2022-01502 FR-HPAI(P)-2022-01504 FR-HPAI(P)-2022-01515 FR-HPAI(P)-2022-01499 FR-HPAI(P)-2022-01521 FR-HPAI(P)-2022-01522 FR-HPAI(P)-2022-01532 FR-HPAI(P)-2022-01541 FR-HPAI(P)-2022-01534 FR-HPAI(P)-2022-01538 FR-HPAI(P)-2022-01544 FR-HPAI(P)-2022-01569 FR-HPAI(P)-2022-01587 FR-HPAI(P)-2022-01588	CERIZAY MONTRAVERS SAINT-ANDRE-SUR-SEVRE LA FORÊT-SUR-SÈVRE MOUTIERS-SOUS-CHANTEMERLE SAINT-PAUL-EN-GATINE	3.4.2023

<i>Département: Vendée (85)</i>		
FR-HPAI(P)-2022-01424	SAINT HILAIRE DES LOGES au sud de la D745	12.4.2023
FR-HPAI(P)-2022-01426	FOUSSAIS PAYRE à l'ouest de la D49	
FR-HPAI(P)-2022-01438	FAYMOREAU	
FR-HPAI(P)-2022-01440	MARILLET	
FR-HPAI(P)-2022-01441	ANTIGNY	
FR-HPAI(P)-2022-01442	BOURNEAU	
FR-HPAI(P)-2022-01446	CEZAIS	
FR-HPAI(P)-2022-01451	FONTENAY-LE-COMTE	
FR-HPAI(P)-2022-01454	L'ORBRIE	
FR-HPAI(P)-2022-01455	LA CHATAIGNERAIE	
FR-HPAI(P)-2022-01456	LA TARDIERE	
FR-HPAI(P)-2022-01459	LOGE-FOUGEREUSE	
FR-HPAI(P)-2022-01460	MARSAIS-SAINT-RADEGONDE	
FR-HPAI(P)-2022-01461	SAINT-MARTIN-DE-FRAIGNEAU	
FR-HPAI(P)-2022-01462	SAINT-MAURICE-DES-NOUES	
FR-HPAI(P)-2022-01463	SAINT-PIERRE-DU-CHEMIN	
FR-HPAI(P)-2022-01464	SERIGNE	
FR-HPAI(P)-2022-01469	PISSOTTE	
FR-HPAI(P)-2022-01470	MARVENT	
FR-HPAI(P)-2022-01478	NIEUL-SUR-L'AUTISTE	
FR-HPAI(P)-2022-01479	PUY-DE-SERRE	
FR-HPAI(P)-2022-01488	SAINT-HILAIRE-DE-VOUST	
FR-HPAI(P)-2022-01490	VOUVANT	
FR-HPAI(P)-2022-01491	SAINT-MICHEL-LE-CLOUCQ	
FR-HPAI(P)-2022-01493	XANTON-CHASSENON	
	SAINT HILAIRE DES LOGES au nord de la D745	
	FOUSSAIS PAYRE à l'est de la D49	
	BREUIL-BARRET	
	LA CHAPELLE-AUX-LYS	
	LOGE-FOUGEREUSE	
	SAINT-HILAIRE-DE-VOUST	
	BAZOGES-EN-PAILLERS	
	BEAUREPAIRE	
	BESSAY	
	BOURNEZEAU au nord de la D948 et de la D949B	
	CHAILLE-LES-MARAIS	
	CHAMPAGNE-LES-MARAIS	
	CHANTONNAY à l'ouest de la D137	
	CHÂTEAU-GUIBERT à l'est de la D746	
	CHAUCHE à l'ouest de l'A83	
	CHAVAGNES-EN-PAILLERS au nord de la D6	

	CORPE	
	DOMPIERRE-SUR-YON	
	ESSARTS EN BOCAGE	
	FOUGERE	
	LA BOISSIERE-DE-MONTAIGU au sud de la D23 et D72	
	LA CHAIZE-LE-VICOMTE au sud de la D948	
	LA COPECHAGNIERE	
	LA FERRIERE	
	LA MERLATIERE	
FR-HPAI(P)-2022-01494	LA RABATELIERE	
FR-HPAI(P)-2022-01495	LA REORTHE	
FR-HPAI(P)-2022-01500	LA ROCHE-SUR-YON à l'est de la D746 et D763	
FR-HPAI(P)-2022-01503	LES BROUZILS	
FR-HPAI(P)-2022-01507	LES HERBIERS au nord de la D160 et à l'ouest de la D23	
FR-HPAI(P)-2022-01508	LES LANDES-GENUSSON au sud de la D72 et D755	
FR-HPAI(P)-2022-01509	MAREUIL-SUR-LAY-DISSAIS à l'est de la D746	
FR-HPAI(P)-2022-01510	MESNARD-LA-BAROTIERE	
FR-HPAI(P)-2022-01513	MOUTIERS-SUR-LE-LAY au sud de la D19	
FR-HPAI(P)-2022-01514	RIVES-DE-L'YON à l'est de la D746	
FR-HPAI(P)-2022-01520	SAINT-ANDRE-GOULE-D'OIE au sud de l'A87	
FR-HPAI(P)-2022-01525	SAINTE-CECILE	
FR-HPAI(P)-2022-01527	SAINTE-HERMINE	
FR-HPAI(P)-2022-01528	SAINTE-PEXINE au sud de la D19	
FR-HPAI(P)-2022-01529	SAINT-FULGENT à l'est de l'A87	
FR-HPAI(P)-2022-01530	SAINT-GEORGES-DE-MONTAIGU	
FR-HPAI(P)-2022-01531	SAINT-HILAIRE-LE-VOUHIS	
FR-HPAI(P)-2022-01533	SAINT-JEAN-DE-BEUGNE	
FR-HPAI(P)-2022-01537	SAINT-JUIRE-CHAMPGILLON	
FR-HPAI(P)-2022-01539	SAINT-MARTIN-DES-NOYERS à l'est de la D7	
FR-HPAI(P)-2022-01540	THORIGNY	
FR-HPAI(P)-2022-01542	LES MAGNILS-REIGNIERS	
FR-HPAI(P)-2022-01543	LUCON	
FR-HPAI(P)-2022-01546	MOUZEUIL-SAINT-MARTIN	
FR-HPAI(P)-2022-01551	NALLIERS	
FR-HPAI(P)-2022-01552	PUYRAVAULT	
FR-HPAI(P)-2022-01553	SAINT-AUBIN-LA-PLAINE	
FR-HPAI(P)-2022-01555	SAINTE-GEMME-LA-PLAINE	
FR-HPAI(P)-2022-01556	SAINTE-RADEGONDE-DES6NOYERS	
FR-HPAI(P)-2022-01557	SAINTE-ETIENNE-DE6BRILLOUET	
FR-HPAI(P)-2022-01583	TRIAIZE	
	VENDRENNES	
	BOURNEZEAU au sud de la D498 et de la D949B	
	LES PINEAUX	
	MOUTIERS-SUR-LE-LAY	
	SAINTE-PEXINE au nord de la D19	
	SAINT-MARTIN-DES-NOYERS à l'ouest de la D7	
	LA CHAIZE-LE-VICOME au nord de la D948	
	LA FERRIERE au sud de la D160	
	CHAUCHE à l'est de l'A83	

FR-HPAI(P)-2022-01585		
FR-HPAI(P)-2022-01589		
FR-HPAI(P)-2022-01590		
FR-HPAI(P)-2022-01593		
FR-HPAI(P)-2022-01595	CHAVAGNES-EN-PAILLERS au sud de la D6	
FR-HPAI(P)-2022-01596	SAINT-ANDRE-GOULE-D'OIE au nord de l'A87	
FR-HPAI(P)-2022-01599	SAINT-FULGENT à l'ouest de l'A87	
FR-HPAI(P)-2022-01600	BREM-SUR-MER	
FR-HPAI(P)-2022-01601	BRETIGNOLLES-SUR-MER	
FR-HPAI(P)-2022-01602	COEX	
FR-HPAI(P)-2022-01604	GIVRAND	
FR-HPAI(P)-2022-01607	LA CHAIZE-GIRAUD	
FR-HPAI(P)-2022-01608	LA CHAPELLE-HERMIER	
FR-HPAI(P)-2022-01610	L'AIUGUILLON-SUR-VIE	
FR-HPAI(P)-2022-01611	LES ACHARDS	
FR-HPAI(P)-2022-01613	L'ILE-D'OLONNE	
FR-HPAI(P)-2022-01614	MARTINET	
FR-HPAI(P)-2022-01615	OLONNE-SUR-MER	
FR-HPAI(P)-2022-01618	SAINTE-FOY	
FR-HPAI(P)-2022-01620	SAINT-GEORGES-DES-POINTINDOUX	
FR-HPAI(P)-2023-00002	SAINT-JULIEN-DES-LANDES	
FR-HPAI(P)-2023-00003	SAINT-MATHURIN	
FR-HPAI(P)-2023-00004	SAINT-REVEREND	
FR-HPAI(P)-2023-00005	BREM-SUR-MER	
FR-HPAI(P)-2023-00006	LANDEVIEILLE	
FR-HPAI(P)-2023-00007	SAINT-JULIEN-DES-LANDES	
FR-HPAI(P)-2023-00011	VAIRE	
FR-HPAI(P)-2023-00017		
FR-HPAI(P)-2023-00018		
FR-HPAI(P)-2023-00020		
FR-HPAI(P)-2023-00030		

Member State: Italy

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
<i>Regions: Veneto and Lombardia</i>		
IT-HPAI(P)-2023-00001	The area of the parts of Veneto and Lombardia Regions extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N 45.189848901, E11.01251936	8.4.2023
	The area of the parts of Veneto and Lombardia Regions contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 45.189848901, E11.01251936	31.3.2023 – 8.4.2023
IT-HPAI(P)-2023-00003	The area of the parts of Veneto and Lombardia Regions extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N 45.290374, E 10.902535	4.5.2023
	The area of the parts of Veneto and Lombardia Regions contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 45.290374, E 10.902535	26.4.2023 – 4.5.2023
IT-HPAI(P)-2023-00005	The area of the parts of Veneto and Lombardia Regions extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N 45.307002212, E 10.924128439	19.5.2023
	The area of the parts of Veneto and Lombardia Regions contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 45.307002212, E 10.924128439	11.5.2023 – 19.5.2023
<i>Region: Emilia Romagna</i>		
IT-HPAI(P)-2023-00002	The area of the parts of Emilia Romagna Region extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N 44.172952, E 12.323829	21.4.2023
	The area of the parts of Emilia Romagna Region contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 44.172952, E 12.323829	13.4.2023 – 21.4.2023
<i>Region: Toscana</i>		
IT-HPAI(P)-2023-00004	The area of the parts of Toscana Region extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N 43.924961, E 10.225462	5.5.2023
	The area of the parts of Toscana Region contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 43.924961, E 10.225462	27.4.2023 – 5.5.2023

Member State: Hungary

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
Bács-Kiskun és Csongrád-Csanád vármegye		
HU-HPAI(P)-2023-00005 – HU-HPAI(P)-2023-00013 – HU-HPAI(P)-2023-00015 – HU-HPAI(P)-2023-00025 – HU-HPAI(P)-2023-00029 – HU-HPAI(P)-2023-00030 – HU-HPAI(P)-2023-00032 – HU-HPAI(P)-2023-00045	Bócsa, Bugac, Bugacpusztaháza, Csólyospálos Fülöppjakab, Gátér, Harkakötöny, Jakabszállás, Jászszentlászló, Kaskantyú, Kiskunmajsa, Kömpöc, Móricgát, Pálmonostora, Petőfiszállás, Pirtó, Soltvadkert, Szank, Tázlár, Zsana, Baks, Balástya, Csanytelek, Csengele, Forráskút, Kistelek, Ópusztaszer, Pusztaszer Tömörkény települések védőközvetlen kívül eső teljes közigazgatási területe. Kecskemét település közigazgatási területének a 46.698392 és a 19.650317 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Kiskőrös település közigazgatási területének a 46.572330 és a 19.486939, a 46.616224 és a 19.444349, a 46.598273 és a 19.462954, valamint a 46.614164 és a 19.439083 GPS- koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Kiskunfélegyháza település közigazgatási területének a 46.551046 és a 19.790439, a 46.561767 és a 19.663297, a 46.569793 és a 19.692088, a 46.570880 és a 19.682400, a 46.550029 és a 19.723605, a 46.698392 és a 19.650317, a 46.675382 és a 19.663231, valamint a 46.537062 és a 19.727489 koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Kiskunhalas település közigazgatási területének a 46.572330 és a 19.486939, a 46.556370 és a 19.521271, valamint a 46.598273 és a 19.462954 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Kiskunfélegyháza település közigazgatási területének a 46.642973 és a 19.896612, valamint a 46.664167 és a 19.838889 GPS- koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Kunszállás település közigazgatási területének a 46.698392 és a 19.650317, valamint a 46.675382 és a 19.663231 GPS- koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Orgovány település közigazgatási területének a 46.641252 és a 19.532421, a 46.607374 és a 19.538858, a 46.635031 és a 19.545341, a 46.609697 és a 19.530675, valamint a 46.631954 és a 19.533666 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe.	4.5.2023

	Páhi település közigazgatási területének a 46.641252 és a 19.532421, 46.616224 és a 19.444349, a 46.631954 és a 19.533666, valamint a 46.614164 és a 19.439083 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Tabdi település közigazgatási területének a 46.616224 és a 19.444349, valamint a 46.614164 és a 19.439083 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Bordány, Pusztamérge, Ruzsa, Szatymaz, Üllés, Zákányszék és Zsombó települések közigazgatási területének a 46.443106 és a 19.844167, a 46.444530 és a 19.840710, a 46.411530 és a 19.852480, a 46.403030 és a 19.836280, a 46.450524 és a 19.779081, a 46.423886 és a 19.854827, a 46.421357 és a 19.851937, a 46.403984 és a 19.880357, a 46.464470 és a 19.763320, valamint a 46.403803 és a 19.834630 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Csongrád és Felgyő települések közigazgatási területének a 46.642973 és a 19.896612, valamint a 46.554700 és a 19.983900 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe.	
HU-HPAI(P)-2023-00005 HU-HPAI(P)-2023-00006 HU-HPAI(P)-2023-00008 HU-HPAI(P)-2023-00011 – HU-HPAI(P)-2023-00013 HU-HPAI(P)-2023-00018 HU-HPAI(P)-2023-00025	Kiskunmajsa, Jásszentlászló, Móricgát és Szank települések közigazgatási területének a 46.567675 és a 19.643564, a 46.560250 és a 19.653790, a 46.551046 és a 19.790439, a 46.561767 és a 19.663297, a 46.569793 és a 19.692088, a 46.570880 és a 19.682400, valamint a 46.550029 és a 19.723605 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	31.3.2023 – 13.4.2023
HU-HPAI(P)-2023-00007	Kiskunmajsa település közigazgatási területének a 46.475730 és a 19.743580 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	25.3.2023 – 13.4.2023
HU-HPAI(P)-2023-00009 HU-HPAI(P)-2023-00010 HU-HPAI(P)-2023-00015 – HU-HPAI(P)-2023-00017 HU-HPAI(P)-2023-00019 – HU-HPAI(P)-2023-00021 HU-HPAI(P)-2023-00024 HU-HPAI(P)-2023-00029	Bócsa, Bugac, Bugacpusztaháza, Kaskantyú, Soltvadkert, Szank és Tázlár települések közigazgatási területének a 46.572330 és a 19.486939, a 46.556370 és a 19.521271, a 46.641252 és a 19.532421, a 46.607374 és a 19.538858, a 46.616224 és a 19.444349, a 46.635031 és a 19.545341, a 46.609697 és a 19.530675, a 46.598273 és a 19.462954, a 46.631954 és a 19.533666, valamint a 46.614164 és a 19.439083 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	2.4.2023 – 13.4.2023

HU-HPAI(P)-2023-00022 HU-HPAI(P)-2023-00023	Bugac, Bugacpusztaháza, Jakabszállás és Móricgát települések közigazgatási területének a 46.698392 és a 19.650317, valamint a 46.675382 és a 19.663231 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	5.4.2023 – 13.4.2023
HU-HPAI(P)-2023-00008	Csengele település közigazgatási területének a 46.551046 és a 19.790439 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	31.3.2023 – 13.4.2023
Békés vármegye		
HU-HPAI(P)-2023-00026 – HU-HPAI(P)-2023-00028	Békés, Békéscsaba, Csabaszabadi, Csanádapáca, Gerendás, Gyula, Kamut, Kétegyháza, Kétsoprony, Medgyesbodzás, Medgyesegyháza, Mezőberény, Murony, Pusztatottlaka, Szabadkígyós, Telekgerendás és Ujkígyós települések közigazgatási területének a 46.717690 és a 21.046991, a 46.595656 és a 21.028554, valamint a 46.686160 és a 21.069071 790439 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül és védőközveten kívül eső területe.	7.4.2023
Nógrád vármegye		
HU-HPAI(P)-2023-00031	Bárna, Cered, Mátranovák, Salgótarján, Szilasogony és Zabar települések közigazgatási területének a 48.160610 és a 20.013815 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül és védőközveten kívül eső területe.	23.4.2023
	Cered és Zabar települések közigazgatási területének a 48.160610 és a 20.013815 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	15.4.2023 – 23.4.2023
Borsod-Abaúj-Zemplén vármegye		
HU-HPAI(P)-2023-00031	Arló, Borsodszentgyörgy, Domaháza, Hangony és Kissikátor települések közigazgatási területének a 48.160610 és a 20.013815 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	23.4.2023
Heves vármegye		
HU-HPAI(P)-2023-00031	Bükkszenterzsébet, Istenmezeje, Pétervására, Tarnalelesz és Váraszó települések közigazgatási területének a 48.160610 és a 20.013815 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	23.4.2023

Member State: Lithuania

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
LT-HPAI(P)-2023-00001	Varėnos r. sav. Jakėnų sen., Vydenių sen. Barčių k., Kamorūnų k., Vaidagų k., and Šalčininkų r. sav. Kalesninkų sen., Dainavos sen., Pabarės sen.	19.4.2023
	Varėnos r. sav. Matuizų sen., Valkininkų sen.	11.4.2023 – 19.4.2023

Member State: Poland

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
PL-HPAI(P)-2023-00066 PL-HPAI(P)-2023-00067	W województwie wielkopolskim: 1. W gminie Ostrów Wielkopolski: Nowe Kamienice, Łakociny, Radziwiłłów, Gorzyce Wielkie, Lamki, Zacharzew, Świeligów, Sadowie, Wtórek, Czekanów, Karski, Kołatajew, Lewków, Kwiatków, Franklinów, Lewkowiec; 2. W gminie Przygodzice: Boguśławów, Chynowa, Przygodziczki, Antonin, Ludwików, Dębica; 3. W gminie Odolanów: Świeca Pierwsza, Huta, Nadstawki, Odolanów, Tarchały Wielkie, Glińnica, Tarchały Małe, Gorzyce Małe, Wierzbno; 4. W gminie Raszków: Radłów, Jaskółki, Przybysławice, Jelitów, Rąbczyn; 5. W gminie Nowe Skalmierzyce: Fabianów, Ociąż, Biskupice Ołoboczne; 6. W gminie Sieroszewice: Latowice, Sieroszewice, Parczew, Strzyżew, Bibianki, Westrza w powiecie ostrowskim. 1. W gminie Mikstat: część miejscowości Mikstat Pustkowie – od granicy miejscowości na północ, do rzeki Leśna Struga na południe, część miejscowości Kotłów – od granicy miejscowości na północnym zachodzie do drogi powiatowej nr 5316 na wschód w powiecie ostreszewskim.	23.4.2023
	W województwie wielkopolskim: 1. W gminie Ostrów Wielkopolski: Topola Mała, Smardowskie Olendry, Wysocko Wielkie; 2. Miasto Ostrów Wielkopolski; 3. W gminie Przygodzice: Wysocko Małe, Smardów, Przygodzice, Janków Przygodzki, Topola Wielka w powiecie ostrowskim.	15.4.2023-23.4.2023

Member State: Slovakia

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
HU-HPAI(P)-2023-00031	The municipalities of: Dubno, Jestice, Hostice, Gemerské Dechtáre, Gemerský Jablonec, Hajnáčka, Stará bašta, Nová Bašta, Večelkov, Studená, Tachty	23.4.2023
	Municipality of Petrovce and part Bakov in the municipality of Nová Bašta	15.4.2023 – 23.4.2023

Member State: Sweden

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
SE-HPAI(P)-2023-00001	The area of the parts of the municipality Kävlinge extending beyond the area described in the protection zone and within the circle of a radius of 10 kilometres, centred on WGS84 dec. coordinates N55.777073 and E13.012336	23.4.2023
	Those parts of the municipality Kävlinge contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N55.777073 and E13.012336	15.4.2023 – 23.4.2023

PART C

Further restricted zones in the concerned Member States* as referred to in Articles 1 and 3a:

Member State: France

Area comprising:	Date until measures are to remain applicable in accordance with Article 3a
<i>Les communes suivantes dans le département: Calvados (14)</i>	
VALAMBRAY ANGERVILLE AUVILLARS BANNEVILLE-LA-CAMPAGNE BAROU-EN-AUGE BASSENEVILLE BAVENT BERNIERES-D'AILLY BEUVRON-EN-AUGE	5.4.2023

LA BOISSIERE BONS-TASSILLY BOURGUEBUS BRETTEVILLE-LE-RABET BRETTEVILLE-SUR-LAIZE BREVILLE-LES-MONTS BRUCOURT CAGNY CAMBREMER CASTILLON-EN-AUGE CAUVICOURT CINTHEAUX CORMELLES-LE-ROYAL COURCY CRICQUEVILLE-EN-AUGE CUVERVILLE DAMBLAINVILLE DEMOUVILLE DOZULE BEAUFOR-DUVAL EMIEVILLE EPANEY ESCOVILLE ESTREES-LA-CAMPAGNE FONTAINE-LE-PIN FONTENAY-LE-MARMION FRENOUVILLE FRESNEY-LE-PUCEUX GERROTS GIBERVILLE GOUSTRANVILLE GOUVIX GRAINVILLE-LANGANNERIE GRENTHEVILLE HEROUILLETTE HOTOT-EN-AUGE LA HOUBLONNIERE IFS JANVILLE JORT LEAUPARTIE LESSARD-ET-LE-CHENE LIVAROT-PAYS-D'AUGE LOUVAGNY LE MESNIL-SIMON MEZIDON VALLEE D'AUGE LES MONCEAUX MONDEVILLE MONTREUIL-EN-AUGE MORTEAUX-COULIBÂUF NOTRE-DAME-DE-LIVAYE OLENDON OUILLY-LE-TESSON PERRIERES PETIVILLE POTIGNY LE PRE-D'AUGE PUTOT-EN-AUGE REPENTIGNY	
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CASTINE-EN-PLAINE LA ROQUE-BAIGNARD ROUVRES RUMESNIL LE CASTELET SAINT-GERMAIN-LE-VASSON SAINT-JOUIN SAINT-LEGER-DUBOSQ SAINT-MARTIN-DE-FONTENAY SAINT-OUEN-LE-PIN SAINT-PAIR SAINT-PIERRE-EN-AUGE SAINT-SAMSON SASSY SOIGNOLLES SOLIER SOULANGY SOUMONT-SAINT-QUENTIN TOUFFREVILLE SALINE URVILLE VENDEUVRE VERSAINVILLE VICQUES VICTOT-PONTFOL	
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BARNEVILLE-LA-BERTRAN BLANGY-LE-CHATEAU BONNEVILLE-SUR-TOUQUES LE BREVEDENT CANAPVILLE CRICQUEBŒUF ENGLESQUEVILLE-EN-AUGE EQUEMAUVILLE FAUGUERNON LE FAULQ FIERVILLE-LES-PARCS FOURNEVILLE FUMICHON GONNEVILLE-SUR-HONFLEUR HONFLEUR MANNEVILLE-LA-PIPARD LE MESNIL-SUR-BLANGY MOYAUX NOROLLES PENNEDEPIE PIERREFITTE-EN-AUGE LE PIN PONT-L'EVEQUE REUX SAINT-ETIENNE-LA-THILLAYE SAINT-GATIEN-DES-BOIS SAINT-HYMER SAINT-JULIEN-SUR-CALONNE SAINT-MARTIN-AUX-CHARTRAINS SAINT-PHILBERT-DES-CHAMPS SURVILLE TOUQUES TOURVILLE-EN-AUGE TROUVILLE-SUR-MER VILLERVILLE	6.4.2023
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<i>Les communes suivantes dans le département: Cher (18)</i>	
GENOUILLY GRACAY SAINT-OUTRILLE	4.4.2023
<i>Les communes suivantes dans le département: Eure (27)</i>	
AIZIER ASNIERES BAILLEUL-LA-VALLEE BOUQUELON BOURNEVILLE-SAINT-E-CROIX CAMPIGNY COLLETOT COLLETOT CONDE-SUR-RISLE CORMEILLES CORNEVILLE-SUR-RISLE EPREVILLE-EN-LIEUVIN LE PERREY FRESNE-CAUVERVILLE HEUDREVILLE-EN-LIEUVIN LIEUREY MANNEVILLE-SUR-RISLE MARAI-S-VERNIER MORAINVILLE-JOUEVAUX NOARDS LA NOE-POULAIN PIENCOURT PONT-AUDEMER LA POTERIE-MATHIEU QUILLEBEUF-SUR-SEINE SAINT-AUBIN-DE-SCCELLON SAINT-AUBIN-SUR-QUILLEBEUF SAINT-CHRISTOPHE-SUR-CONDE SAINT-ETIENNE-L'ALLIER LE MESNIL-SAINT-JEAN SERRE-LES-SAPINS SAINT-MARDS-DE-BLACARVILLE SAINT-MARTIN-SAINT-FIRMIN SAINT-OPPORTUNE-LA-MARE SAINT-PIERRE-DE-CORMEILLES SAINT-PIERRE-DES-IFS SAINT-SIMEON SAINT-SYLVESTRE-DE-CORMEILLES TOCQUEVILLE TOURVILLE-SUR-PONT-AUDEMER TROUVILLE-LA-HAULE VALLETOT VIEUX-PORT	6.4.2023
<i>Les communes suivantes dans le département: Eure-et-Loir (28)</i>	
ARDELLES AUNAY-SOUS-CRECY BARJOUVILLE BELHOMERT-GUEHOVILLE BERCHERES-LES-PIERRES	12.4.2023

BERCHERES-SAINT-GERMAIN BLANDAINVILLE LA BOURDINIERE-SAINT-LOUP BOUGLAINVAL LE BOULLAY-LES-DEUX-EGLISES LE BOULLAY-THIERRY CHALLET CHAMPHOL CHAMPROND-EN-GATINE CHARONVILLE CHARTAINVILLIERS CHARTRES CHATEAUNEUF-EN-THYMER AIS LES CHATELLIERS-NOTRE-DAME COLTAINVILLE CORANCEZ LES CORVEES-LES-YY S LE COUDRAY DAMMARIE DIGNY EPEAUTROLLES ERMENONVILLE-LA-GRANDE ERMENONVILLE-LA-PETITE LE FAVRIL FRESNAY-LE-COMTE FRIAIZE GASVILLE-OISEME GELLAINVILLE HAPPONVILLIERS ILLIERS-COMBRAY JAUDRAIS JOUY LEVES LA LOUPE LUISANT LUPLANTE MAGNY MARCHEVILLE MAILLEBOIS MEREGLISE MESLAY-LE-GRENET MIGNIERES MONTIREAU MORANCEZ NERON NOGENT-LE-PHAYE NONVILLIERS-GRANDHOUX POISVILLIERS PONTGOUIN PUISEUX SAINT-ANGE-ET-TORCAY SAINT-AVIT-LES-GUESPIERES SAINT-DENIS-DES-PUITS SAINT-ELIPH SAINT-EMAN SAINT-JEAN-DE-REBERVILLIERS SAINT-MAIXME-HAUTERIVE SAINT-MAURICE-SAINT-GERMAIN	
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SAINT-PREST SAINT-SAUVEUR-MARVILLE SANDARVILLE SAULNIERES SAUMERAY SENONCHES SERAZEREUX SOURS LE THIEULIN THIVARS TREMBLAY-LES-VILLAGES VER-LES-CHARTRES VILLEBON VITRAY-EN-BEAUCE	
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Les communes suivantes dans le département: Vendée (85)

AUCHAY SUR VENDEE BESSAY BOURNEZEAU CHÂTEAU GUIBERT CORPE FONTENAY LE COMTE FOUGERE L'HERMANAULT LA COUTURE LE LANGON LE TABLIER LES MAGNILS REIGNIERS LES VELLUIRE SUR VENDEE LONGEVES LUCON MAREUIL SUR LAY DISSAIS MOUZEUIL SAINT MARTIN NALLIERS PEAULT PETOSSE POUILLE RIVE DE L'YON ROSNAY SAINT AUBIN LA PLAINE SAINT ETIENNE DE BRILLOUET SAINT JEAN DE BEUGNE SAINTE GEMME LA PLAINE SAINTE PEXINE SERIGNE THIRE	12.4.2023
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* In accordance with 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, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to Member State include the United Kingdom in respect of Northern Ireland.'

DECISION (EU) 2023/817 OF THE EUROPEAN CENTRAL BANK**of 5 April 2023****amending Decision (EU) 2019/1743 on the remuneration of holdings of excess reserves and of certain deposits (ECB/2019/31) (ECB/2023/9)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

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

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Articles 17 and 19 thereof,

Whereas:

- (1) On 8 September 2022, the Governing Council decided to adjust temporarily the remuneration of deposits held with the European Central Bank (ECB) applied in accordance with Article 2 of Decision (EU) 2019/1743 of the European Central Bank (ECB/2019/31) ⁽¹⁾ and Article 5 of Decision ECB/2010/4 of the European Central Bank ⁽²⁾. Decision (EU) 2022/1521 of the European Central Bank (ECB/2022/30) ⁽³⁾ implemented this temporary framework by setting the remuneration of such deposits at the deposit facility rate or the euro short-term rate (€STR), whichever is lower. Decision (EU) 2022/1521 (ECB/2022/30) will not be in force after 30 April 2023.
- (2) On 6 February 2023, the Governing Council decided that from 1 May 2023 the remuneration of such deposits will be set at the euro short-term rate (€STR) minus 20 basis points. This remuneration rate is aligned with the remuneration ceiling applicable to government deposits held with national central banks of Member States whose currency is the euro, as specified in Guideline (EU) 2019/671 of the European Central Bank (ECB/2019/7) ⁽⁴⁾, which will also be set at the euro short-term rate (€STR) minus 20 basis points from 1 May 2023.
- (3) Therefore, Decision (EU) 2019/1743 (ECB/2019/31) should be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1***Amendments**

Article 2 of Decision (EU) 2019/1743 (ECB/2019/31) is amended as follows:

- (1) paragraph 1 is replaced by the following:

‘1. The holdings in the following accounts maintained with the ECB shall be remunerated at the euro short-term rate (€STR) minus 20 basis points:

- (a) accounts maintained in accordance with Decision ECB/2003/14 of the European Central Bank (*), Decision ECB/2010/4 of the European Central Bank (**), Decision ECB/2010/17 of the European Central Bank (***), Decision ECB/2010/31 of the European Central Bank (****), and Council Regulation (EU) 2020/672 (*****);
- (b) other deposit accounts for the European Stability Mechanism and for the European Financial Stability Facility not covered under point (a).

⁽¹⁾ Decision (EU) 2019/1743 of the European Central Bank of 15 October 2019 on the remuneration of holdings of excess reserves and of certain deposits (ECB/2019/31) (OJ L 267, 21.10.2019, p. 12).

⁽²⁾ Decision ECB/2010/4 of the European Bank of 10 May 2010 concerning the management of pooled bilateral loans for the benefit of the Hellenic Republic and amending Decision ECB/2007/7 (OJ L 119, 13.5.2010, p. 24).

⁽³⁾ Decision (EU) 2022/1521 of the European Central Bank of 12 September 2022 on temporary adjustments to the remuneration of certain non-monetary policy deposits held with national central banks and the European Central Bank (ECB/2022/30) (OJ L 236 I, 13.9.2022, p. 1).

⁽⁴⁾ Guideline (EU) 2019/671 of the European Central Bank of 9 April 2019 on domestic asset and liability management operations by the national central banks (ECB/2019/7) (OJ L 113, 29.4.2019, p. 11).

However, when deposits need to be held in the relevant accounts in advance of the date on which a payment must be made in accordance with the legal or contractual rules applicable to the relevant facility, such deposits shall be remunerated during this advance period at zero per cent or the euro short-term rate (€STR), whichever is higher.

- (*) Decision ECB/2003/14 of the European Central Bank of 7 November 2003 concerning the administration of the borrowing-and-lending operations concluded by the European Community under the medium-term financial assistance facility (OJ L 297, 15.11.2003, p. 35).
- (**) Decision ECB/2010/4 of the European Central Bank of 10 May 2010 concerning the management of pooled bilateral loans for the benefit of the Hellenic Republic and amending Decision ECB/2007/7 (OJ L 119, 13.5.2010, p. 24).
- (***) Decision ECB/2010/17 of the European Central Bank of 14 October 2010 concerning the administration of the borrowing and lending operations concluded by the Union under the European financial stabilisation mechanism (OJ L 275, 20.10.2010, p. 10).
- (****) Decision ECB/2010/31 of the European Central Bank of 20 December 2010 concerning the opening of accounts for the processing of payments in connection with EFSF loans to Member States whose currency is the euro (OJ L 10, 14.1.2011, p. 7).
- (*****) Council Regulation (EU) 2020/672 of 19 May 2020 on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak (OJ L 159, 20.5.2020, p. 1).;

(2) paragraph 2 is replaced by the following:

‘2. The rate specified in paragraph 1 shall also apply to the dedicated account maintained with the ECB in accordance with Article 13(2) of Commission Implementing Decision of 14 April 2021 establishing the necessary arrangements for the administration of the borrowing operations under Council Decision (EU, Euratom) 2020/2053 and for the lending operations related to loans granted in accordance with Article 15 of Regulation (EU) 2021/241 of the European Parliament and of the Council (*) and used for the purposes of prudential cash holdings in relation to:

- (a) NextGenerationEU (“NGEU”);
- (b) the Instrument for providing support to Ukraine for 2023 (macro-financial assistance+) (**);
- (c) any other European Union financing programme which the ECB and the Commission may agree to include.

However, an aggregate amount of deposits held in that dedicated account not exceeding EUR 20 billion shall be remunerated at zero per cent or the euro short-term rate (€STR) minus 20 basis points, whichever is higher.

- (*) C(2021)2502 final.
- (**) Regulation (EU) 2022/2463 of the European Parliament and of the Council of 14 December 2022 establishing an Instrument for providing support to Ukraine for 2023 (macro-financial assistance+) (OJ L 322, 16.12.2022, p. 1).;

Article 2

Entry into force

1. This Decision shall enter into force on the fifth day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from 1 May 2023.

Done at Frankfurt am Main, 5 April 2023.

The President of the ECB
Christine LAGARDE

GUIDELINES

GUIDELINE (EU) 2023/818 OF THE EUROPEAN CENTRAL BANK

of 5 April 2023

amending Guideline (EU) 2019/671 on domestic asset and liability management operations by the national central banks (ECB/2019/7) (ECB/2023/8)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

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

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Articles 12.1 and 14.3 thereof,

Whereas:

- (1) On 8 September 2022, the Governing Council decided to adjust temporarily the remuneration of deposits held with the national central banks of Member States whose currency is the euro (hereinafter 'NCBs') acting as fiscal agents pursuant to Article 21.2 of the Statute of the European System of Central Banks and of the European Central Bank, as specified in Guideline (EU) 2019/671 of the European Central Bank (ECB/2019/7) ⁽¹⁾. Decision (EU) 2022/1521 of the European Central Bank (ECB/2022/30) ⁽²⁾ implemented this temporary framework by setting the remuneration ceiling applicable to such deposits at the deposit facility rate or the euro short-term rate (€STR), whichever is lower. Decision (EU) 2022/1521 (ECB/2022/30) will not be in force after 30 April 2023.
- (2) On 6 February 2023, the Governing Council decided that from 1 May 2023 the remuneration ceiling applicable to such deposits held with NCBs will be adjusted so that with respect to government deposits other than government deposits related to an adjustment programme it will be set at the euro short-term rate (€STR) minus 20 basis points, and that the possibility of a more favourable remuneration of government deposits up to a certain threshold will be removed. This decision aims to provide incentives for a gradual and orderly reduction of those deposits held with the NCBs, thereby minimising the risk of adverse effects on market functioning and ensuring the smooth transmission of monetary policy.
- (3) On 12 May 2022, the Governing Council decided to reduce the frequency of the assessment of the implementation of Guideline (EU) 2019/671 (ECB/2019/7) to be submitted by the European Central Bank (ECB) to the Governing Council, from one year to two years. Consequently, it is appropriate that the frequency with which the NCBs inform the ECB of the related organisational arrangements is also reduced from one year to two years.
- (4) Therefore, Guideline (EU) 2019/671 (ECB/2019/7) should be amended accordingly,

HAS ADOPTED THIS GUIDELINE:

Article 1

Amendments

Guideline (EU) 2019/671 (ECB/2019/7) is amended as follows:

- (1) in Article 3, paragraph 4 is replaced by the following:

⁽¹⁾ Guideline (EU) 2019/671 of the European Central Bank of 9 April 2019 on domestic asset and liability management operations by the national central banks (ECB/2019/7) (OJ L 113, 29.4.2019, p. 11).

⁽²⁾ Decision (EU) 2022/1521 of the European Central Bank of 12 September 2022 on temporary adjustments to the remuneration of certain non-monetary policy deposits held with national central banks and the European Central Bank (ECB/2022/30) (OJ L 236 I, 13.9.2022, p. 1).

‘4. The NCBs shall inform the ECB of the arrangements established in accordance with this Article once every two years.’;

(2) in Article 4, paragraph 1 is replaced by the following:

‘1. The remuneration of government deposits shall be subject to the following ceilings:

(a) in the case of government deposits denominated in euro, other than government deposits related to an adjustment programme:

(i) for overnight government deposits, the unsecured overnight market rate minus 20 basis points;

(ii) for fixed term government deposits, the secured market rate with a comparable maturity minus 20 basis points or if that is not available, the unsecured overnight market rate minus 20 basis points;

(b) in the case of government deposits denominated in other currencies, other than government deposits related to an adjustment programme, an approach comparable for the concerned currency to the approach set out for deposits denominated in euro, as set out in point (a);

(c) in the case of government deposits related to an adjustment programme, the higher of: (i) zero per cent and (ii) the unsecured overnight market rate or, if available, the secured market rate with a comparable maturity, as applicable.’;

(3) in Article 7, paragraph 1 is replaced by the following:

‘1. Once every two years the ECB shall prepare an assessment of the implementation of this Guideline in the previous two years and submit it to the Governing Council.’.

Article 2

Taking effect and implementation

1. This Guideline shall take effect on the day of its notification to the NCBs.

2. The NCBs shall take the necessary measures to comply with this Guideline and apply them from 1 May 2023. They shall notify the ECB of the texts and means relating to the measures specified in Article 1, point (2) by 17 April 2023 at the latest.

Article 3

Addressees

This Guideline is addressed to the NCBs.

Done at Frankfurt am Main, 5 April 2023.

For the Governing Council of the ECB

The President of the ECB

Christine LAGARDE

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2023 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 24 March 2023

laying down arrangements relating to the Windsor Framework [2023/819]

THE JOINT COMMITTEE,

Having regard to 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 ⁽¹⁾ ('the Withdrawal Agreement'), and in particular Article 164(5)(d) thereof, Article 5(2) of the Protocol on Ireland/Northern Ireland ('the Protocol'), as well as Article 164(5)(c) of the Withdrawal Agreement and the fifth paragraph of Article 8 of the Protocol,

Whereas:

- (1) Pursuant to Article 166(2) of the Withdrawal Agreement, the decisions adopted by the Joint Committee established under Article 164(1) thereof ('the Joint Committee') are binding on the Union and the United Kingdom. The Union and the United Kingdom are to implement such decisions, which have the same legal effect as the Withdrawal Agreement.
- (2) Under Article 182 of the Withdrawal Agreement, the Protocol forms an integral part of that Agreement.
- (3) Article 164(5)(d) of the Withdrawal Agreement empowers the Joint Committee to adopt decisions amending the Withdrawal 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, and provided that such decisions do not amend essential elements of that Agreement.
- (4) The Union and the United Kingdom have made a Joint Declaration in 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.
- (5) The Union and United Kingdom recall their shared commitment that 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'), which is annexed to the British-Irish Agreement of the same date, including its subsequent implementation agreements and arrangements, should be protected in all its parts.
- (6) Having regard to the specific circumstances of Northern Ireland, facilitations referred to in Article 6(2) of the Protocol should 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 the 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.

⁽¹⁾ OJ L 29, 31.1.2020, p. 7.

- (7) An emergency brake mechanism should be established enabling Members of the Legislative Assembly in Northern Ireland, under 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 annexed to this Decision, to address significant impacts specific to everyday lives of communities arising from the application in Northern Ireland of provisions of Union law, as amended or replaced by future Union acts.
- (8) As regards VAT and excise, having regard to the specific circumstances of Northern Ireland, including its integral place in the United Kingdom's internal market, certain amendments to Annex 3 to the Protocol should be made. These amendments should not lead to fiscal fraud risks or to any potential distortion of competition. Their implementation 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.
- (9) In order to clarify the scope of application of certain acts already listed in Annex 3 to the Protocol, two notes should be added to that Annex. In order to ensure that any other notes could be added to that Annex at any point in time, such possibility should be provided in this Decision.
- (10) As regards the movement of goods, Article 5(2) of the Protocol empowers the Joint Committee to adopt decisions establishing the conditions under which processing is not to be considered as commercial processing and the criteria for considering that a good brought into Northern Ireland from outside the Union is not at risk of subsequently being moved into the Union.
- (11) It is desirable to improve the operation of the schemes set out in Joint Committee Decision No 4/2020 ⁽²⁾, including in relation to goods sent in parcels to Northern Ireland from other parts of the United Kingdom, which will enable provision to be made for far reaching facilitations in the area of customs.
- (12) In accordance with Article 175 of the Withdrawal Agreement, the Union and the United Kingdom will take measures necessary to comply rapidly and in good faith with an arbitration panel ruling concerning the conditions for suspension, termination and becoming applicable of provisions of this Decision.
- (13) Joint Committee Decision No 4/2020 should be replaced by Section 2 of this Decision.
- (14) As regards the establishment of an enhanced coordination mechanism related to the functioning of the Protocol in the areas of VAT and excise, in accordance with Article 164(5)(c) of the Withdrawal Agreement, the Joint Committee may *inter alia* change the tasks assigned to specialised committees.
- (15) Pursuant to Article 8, fourth paragraph, of the Protocol, the Joint Committee is to regularly discuss the implementation of that Article, including as concerns the reductions and exemptions provided for in the provisions referred to in the first paragraph of that Article, and is, where appropriate, to adopt measures for its proper application, as necessary.
- (16) Under Article 8, fifth paragraph, of the Protocol, the Joint Committee may review the application of that Article, taking into account Northern Ireland's integral place in the United Kingdom's internal market, and may adopt appropriate measures as necessary.
- (17) To ensure the effectiveness of Article 8 of the Protocol and in particular to take account of Northern Ireland's integral place in the United Kingdom's internal market, the Union and the United Kingdom should assess in a structured manner any issues arising from the implementation and application of Article 8, including in particular the potential impact on Northern Ireland of any future policy and regulatory initiatives in the Union and the United Kingdom in the areas of VAT and excise concerning goods.

⁽²⁾ 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).

- (18) It is therefore appropriate to establish 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 to propose appropriate action, as necessary. To that end, specific meetings of the Specialised Committee on issues related to the implementation of the Protocol on Ireland/Northern Ireland established by Article 165 (1)(c) of the Withdrawal Agreement should be convened to discuss VAT and excise concerning goods as necessary. These meetings will be known as the Enhanced Coordination Mechanism on VAT and excise,

HAS ADOPTED THIS DECISION:

SECTION 1

Amendments to the Protocol

Article 1

In Article 6(2) of the Protocol, the following sentence shall be inserted after the first sentence:

‘This includes 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 this 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.’

Article 2

In Article 13 of the Protocol, after paragraph (3), the following paragraph shall be added:

‘3a. By derogation from paragraph 3, and subject to the fourth subparagraph of this paragraph, a Union act covered by this paragraph that has been amended or replaced by a specific Union act (“specific Union act”) shall not apply as amended or replaced by the specific Union act as from two weeks after the day on which the United Kingdom has notified the Union in writing through the Joint Committee that the procedure set out in the unilateral declaration on involvement of the institutions of the 1998 Agreement made by the United Kingdom, as annexed as Annex I to Joint Committee Decision No 1/2023 (*), has been followed. Such notification shall be made within two months of the publication of the specific Union act and shall include a detailed explanation of the United Kingdom’s assessment as regards the conditions referred to in the third subparagraph of this paragraph, as well as of the procedural steps taken within the United Kingdom prior to the notification.

If the Union considers that the United Kingdom’s explanation is insufficient as regards the circumstances referred to in the third subparagraph of this paragraph, it may request further explanation within two weeks as of the date of notification and the United Kingdom shall provide that further explanation within two weeks as of the date of the request. In that case the Union act covered by this paragraph shall not apply as amended or replaced by the specific Union act as from the third day after the day on which the United Kingdom has provided that further explanation.

The United Kingdom shall make the notification referred to in the first subparagraph of this paragraph only where:

- (a) the content or scope of the Union act as amended or replaced by the specific Union act significantly differs, in whole or in part, from the content or scope of the Union act as applicable before being amended or replaced; and
- (b) the application in Northern Ireland of the Union act as amended or replaced by the specific Union act, or of the relevant part thereof as the case may be, would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.

Where the conditions set out in points (a) and (b) are met in relation only to a part of the Union act as amended or replaced by the specific Union act, the notification shall be made only in respect of that part, provided that the latter is severable from the other parts of the Union act as amended or replaced by the specific Union act. If the latter is not severable, the notification shall be made in respect of the smallest severable element of the Union act as amended or replaced by the specific Union act containing the part in question.

Where the notification is made in respect of a part of the Union act as amended or replaced by the specific Union act, in accordance with the second sentence of the previous subparagraph, the Union act shall not apply as amended or replaced by the specific Union act only in respect of that part.

Where the notification referred to in the first subparagraph of this paragraph has been made, paragraph 4 shall apply with regard to the Union act as amended or replaced by the specific Union act; in case the Union act as amended or replaced by the specific Union act is added to this Protocol, this shall be in lieu of the Union act before being amended or replaced.

This paragraph covers Union acts referred to in the first indent of heading 1 and headings 7 to 47 of Annex 2 to this Protocol, and the third subparagraph of Article 5(1) thereof.

(*) Decision no 1/2023 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 24 March 2023 laying down arrangements relating to the Windsor Framework [2023/819] (OJ L 102, 17.4.2023, p. 61).¹

Article 3

Annex 3 to the Protocol shall be amended as follows:

- (1) under the heading '1. Value Added Tax', following the entry 'Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax', the following note shall be inserted:

'As regards goods supplied and installed in immovable property located in Northern Ireland by taxable persons, the United Kingdom in respect of Northern Ireland may apply reduced rates, rates lower than 5 % or an exemption with deductibility of the VAT paid at the preceding stage.

The United Kingdom in respect of Northern Ireland shall not be required to apply the third subparagraph of Article 98(1) and the first subparagraph of Article 98(2) of Directive 2006/112/EC and may therefore apply reduced VAT rates to supplies covered in more than 24 points in Annex III and may apply a reduced rate lower than the minimum of 5 % and an exemption with deductibility of the VAT paid at the preceding stage to supplies covered in more than seven points in Annex III of Directive 2006/112/EC.

The United Kingdom in respect of Northern Ireland shall not be required to apply the special scheme on small enterprises, laid down in Title XII, Chapter 1, of Directive 2006/112/EC, as amended by Council Directive (EU) 2020/285 of 18 February 2020 amending Directive 2006/112/EC on the common system of value added tax as regards the special scheme for small enterprises and Regulation (EU) No 904/2010 as regards the administrative cooperation and exchange of information for the purpose of monitoring the correct application of the special scheme for small enterprises (*), to and in the United Kingdom in respect of Northern Ireland, and may therefore apply any exemption scheme to taxable persons whose annual turnover, attributable to supplies of goods and services, complies with the rules on the threshold of turnover laid down in Article 284(1), Article 288 and Article 288a(1) and (3) of Directive 2006/112/EC, as amended by Council Directive (EU) 2020/285. The equivalent in pounds sterling of the

threshold of turnover referred to in Article 284(1) shall be calculated by applying the exchange rate on the day following the date of entry into force of Directive (EU) 2020/285, as published by the European Central Bank. To take account of variations in this exchange rate over time, a maximum difference of 15 % shall be allowed when calculating the equivalent of the threshold of EUR 85 000.

The United Kingdom in respect of Northern Ireland shall not be required to apply the special scheme for distance sales of goods imported from third territories or third countries, laid down in Title XII, Chapter 6, Section 4, of Directive 2006/112/EC, as regards distance sales of goods from Great Britain to Northern Ireland, provided that the goods are subject to final consumption in Northern Ireland and that value added tax has been charged in the United Kingdom.

(*) OJ L 62, 2.3.2020, p. 1.;

- (2) under the heading ‘2. Excise’, following the entry ‘Council Directive 92/83/EEC of 19 October 1992 on the harmonization of the structures of excise duties on alcohol and alcoholic beverages’, the following note shall be inserted:

‘The United Kingdom in respect of Northern Ireland shall not be required to apply Article 3(1) and Articles 9, 13, 18 and 21 of Council Directive 92/83/EEC and may therefore apply excise duty rates on alcohol and alcoholic beverages always on the basis of alcoholic strength and may apply reduced duty rates to alcoholic beverages packaged in large draught containers served for immediate consumption in hospitality venues, provided such duty rates in the United Kingdom in respect of Northern Ireland are in no case, even after any applicable relief, below the duty minima rates as laid down in Article 3(1) and Articles 4, 5 and 6 of Directive 92/84/EEC, and shall apply no less favourably to products supplied from the Union as they do to like domestic products.

The United Kingdom in respect of Northern Ireland shall not be required to apply Articles 4, 9a, 13a, 18a, Article 22(1) to (5) and Article 23a of Council Directive 92/83/EEC and may therefore define small producers and set reduced duty rates to alcohol and alcoholic beverages produced by small producers, provided that such reduced duty rates are in no case, even after any applicable relief, lower than the duty minima rates as laid down in Article 3(1) and Articles 4, 5 and 6 of Directive 92/84/EEC, and that the annual production of the small producers entitled to benefit from the application of the reduced duty rate is in no case higher than the production thresholds laid down in the first indents of Articles 4(1), 9a(1), 13a(1), 18a(1) and 22(1) of Council Directive 92/83/EEC. The mutual recognition procedures laid down under Articles 4(3), 9a(3), 13a(5), 18a(4), 22(3) and 23a(3) of Directive 92/83/EEC shall not apply between Member States and the United Kingdom in respect of Northern Ireland.’.

Article 4

1. In Annex 3 to the Protocol, under the heading ‘1. Value Added Tax’ any notes other than those laid down in point 1 of Article 3 of this Decision as will be adopted by the Joint Committee shall be inserted, provided that such notes specify the manner in which the Union acts listed in section 1 of Annex 3 apply to and in the United Kingdom in respect of Northern Ireland. Such notes shall ensure that there is no negative impact on the Union’s internal market in the form of fiscal fraud risks nor any potential distortion of competition.

2. In Annex 3 to the Protocol, under the heading ‘2. Excise’ any notes other than those laid down in point 2 of Article 3 of this Decision as will be adopted by the Joint Committee shall be inserted, provided that such notes specify the manner in which the Union acts listed in section 2 of Annex 3 apply to and in the United Kingdom in respect of Northern Ireland. Such notes shall ensure that there is no negative impact on the Union’s internal market in the form of fiscal fraud risks nor any potential distortion of competition.

SECTION 2

Determination of goods not at risk and repeal of Decision No 4/2020*Article 5***Subject matter**

This Section sets out rules for implementing Article 5(2) of the Protocol as regards:

- (a) the conditions for considering that a good brought into Northern Ireland from outside the Union will not be subject to commercial processing in Northern Ireland;
- (b) the criteria for considering that a good brought into Northern Ireland from outside the Union is not at risk of subsequently being moved into the Union.

*Article 6***Non-commercial processing**

For the purposes of point (a) of the first subparagraph, and of the third subparagraph of Article 5(2) of the Protocol, the processing of a good shall be considered as being non-commercial, where:

- (a) the person who lodges a declaration for release for free circulation in respect of that good or on whose behalf such declaration is lodged ('importer') had a total annual turnover of less than GBP 2 000 000 in its most recent complete financial year; or
- (b) the processing is in Northern Ireland and is for the sole purpose of:
 - (i) the sale of food to an end consumer in the United Kingdom;
 - (ii) construction, where the processed goods are to form a permanent part of a structure that is constructed and located in Northern Ireland by the importer or one subsequent entity;
 - (iii) direct provision to the recipient of health or care services in Northern Ireland by the importer or one subsequent entity;
 - (iv) not for profit activities in Northern Ireland by the importer or one subsequent entity, where there is no subsequent sale of the processed good; or
 - (v) the final use of animal feed on premises located in Northern Ireland by the importer or one subsequent entity.

*Article 7***Criteria for considering goods not to be at risk of subsequently being moved into the Union**

1. A good shall be considered not to be at risk of subsequently being moved into the Union, where it is not considered to be subject to commercial processing in accordance with Article 6 of this Decision, and where:

- (a) in the case of goods brought into Northern Ireland from another part of the United Kingdom by direct transport:
 - (i) the duty payable according to the Union Common Customs Tariff is equal to zero; or
 - (ii) the importer has been authorised in accordance with Articles 9 to 11 of this Decision to bring that good into Northern Ireland for its sale to, or final use by, end consumers located in the United Kingdom, including where that good has been subject to non-commercial processing in accordance with Article 6 of this Decision before its sale to, or final use by, end consumers; or
 - (iii) it is sent in a parcel, and
 - (aa) it is of a non-commercial nature and is sent by a private individual to another private individual residing in Northern Ireland; or

- (bb) it is sent by an economic operator through a carrier authorised in accordance with Article 12 of this Decision to a private individual residing in Northern Ireland and is exclusively for personal use.
- (b) in the case of goods brought into Northern Ireland by direct transport other than from the Union or another part of the United Kingdom:
 - (i) the duty payable according to the Union Common Customs Tariff is equal to or less than the duty payable according to the customs tariff of the United Kingdom; or
 - (ii) the importer has been authorised in accordance with Articles 9 to 11 of this Decision to bring that good into Northern Ireland for its sale to, or final use by, end consumers located in Northern Ireland (including where that good has been subject to non commercial processing in accordance with Article 6 of this Decision before its sale to, or final use by, end consumers), and the difference between the duty payable according to the Union Common Customs Tariff and the duty payable according to the customs tariff of the United Kingdom is lower than 3% of the customs value of the good.
- 2. Paragraphs 1(a)(ii), 1(a)(iii) and 1(b)(ii) shall not apply to goods subject to trade defence measures adopted by the Union.
- 3. For the purposes of this Decision, 'parcel' means a package containing:
 - (a) goods, other than an item of correspondence, with a total gross weight not exceeding 31,5 kg; or
 - (b) a single item good, other than an item of correspondence, with a total gross weight not exceeding 100 kg, in relation to a commercial transaction.

Article 8

Determination of the applicable duties

For the purposes of Article 7(1)(a)(i) and Article 7(1)(b) of this Decision, the following rules shall apply:

- (a) the duty payable according to the Union Common Customs Tariff to a good shall be determined in accordance with the rules set out in the Union customs legislation;
- (b) the duty payable according to the customs tariff of the United Kingdom to a good shall be determined in accordance with the rules set out in the customs legislation of the United Kingdom.

Article 9

Authorisation for the purposes in Article 7

- 1. For the purposes of Article 7(1)(a)(ii) and Article 7(1)(b)(ii) of this Decision, an application for an authorisation to bring goods into Northern Ireland by direct transport for sale to, or final use by, end consumers shall be submitted to the competent authority of the United Kingdom.
- 2. The application for the authorisation referred to in paragraph 1 shall contain information on the applicant's business activities, on the goods typically brought into Northern Ireland, as well as a description of the type of records, systems and controls put in place by the applicant to ensure that the goods covered by the authorisation are properly declared for customs purposes and evidence can be provided to support the undertaking in Article 10(b) of this Decision. The trader shall keep the evidence, e.g. invoices, for the past five years and shall provide it to the competent authorities upon their request. The data requirements of the application are set out in detail in Annex II to this Decision.
- 3. The authorisation shall at least indicate the following:
 - (a) the name of the person to whom the authorisation has been granted ('authorisation holder');
 - (b) a single reference number attributed by the competent customs authority to the decision ('authorisation reference number');

- (c) the authority having granted the authorisation;
- (d) the date of taking effect of the authorisation.

4. The provisions of Union customs legislation on decisions relating to the application of the customs legislation shall apply to applications and authorisations referred to in this Article, including as regards monitoring.

5. In cases where the competent customs authority of the United Kingdom observes deliberate misuse of an authorisation or breaches of conditions for an authorisation set out in this Decision the authority shall suspend or revoke the authorisation.

6. The Union representatives may request that the competent customs authority of the United Kingdom verify a specific authorisation. The competent customs authority of the United Kingdom will take appropriate steps in response to such request and will provide information about the action undertaken within 30 days.

Article 10

General conditions for authorisation

For the purposes of Article 7(1)(a)(ii) and Article 7(1)(b)(ii) of this Decision, an authorisation may be granted to applicants who:

- (a) meet the following establishment criteria:
 - (i) they are established in Northern Ireland or they have a fixed place of business in Northern Ireland
 - where human and technical resources are permanently present; and
 - from where goods are sold to, or provided for final use by, end consumers; and
 - where customs, commercial and transport records and information are available or accessible in Northern Ireland, or
 - (ii) they are established in parts of the United Kingdom other than Northern Ireland and fulfil the following criteria:
 - their customs related operations are carried out in the United Kingdom;
 - they have an indirect customs representative in Northern Ireland;
 - their customs, commercial and transport records and information are available or accessible in the United Kingdom to the competent authorities of the United Kingdom and the Union representatives for verifying compliance with the conditions and undertakings given pursuant to this Decision; and
- (b) undertake to bring goods into Northern Ireland solely for sale to, or final use by, end consumers in the United Kingdom, including where those goods have been subject to non-commercial processing in accordance with Article 6 of this Decision before their sale to, or final use by, end consumers in the United Kingdom; and, in the case of a sale to end consumers in Northern Ireland, undertake that the sale will be from one or several physical outlets in Northern Ireland from which physical direct sales are made to end consumers.

Article 11

Specific conditions for authorisation of importers

1. For the purposes of Article 7(1)(a)(ii) and Article 7(1)(b)(ii) of this Decision, an authorisation to bring goods into Northern Ireland shall only be granted to applicants fulfilling the conditions set out in Article 10 of this Decision as well as the following conditions, as further explained in Annex III to this Decision:

- (a) the applicant declares they will declare for release for free circulation goods brought into Northern Ireland in accordance with Article 7(1)(a)(ii) or Article 7(1)(b)(ii) of this Decision;

- (b) within three years prior to the application, the applicant must not have committed any serious infringement or repeated infringements of customs legislation and taxation rules and must not have any record of serious criminal offences relating to their economic activity;
- (c) in respect of goods to be declared as not at risk, the applicant shall demonstrate that they have a high level of control of their operations and of the flow of goods, by means of a system of managing commercial and, where appropriate, transport records, which allows appropriate controls and provision of evidence to support the undertaking in Article 10(b) of this Decision;
- (d) the applicant is of good financial standing during the three-year period prior to the application, or in the period since its establishment where less than three years, such as to enable the applicant to fulfil its commitments, with due regard to the characteristics of the type of business activity concerned;
- (e) the applicant should be able to show a clear understanding of its obligations under this authorisation and in relation to the movements of goods under the scheme and how to comply with them.

2. Applicants shall be able to determine whether the goods they bring into Northern Ireland correspond to any of the categories set out in Annex IV to this Decision.

3. Authorisations shall be granted only if the customs authority considers that it will be able to carry out controls in accordance with relevant agreed operational arrangements without disproportionate administrative effort, including control of any evidence that the goods were sold to, or subject to final use by, end consumers.

Article 12

Specific conditions for authorisation of Carriers

1. For the purposes of Article 7(1)(a)(iii)(bb) of this Decision, an economic operator moving parcels, including the United Kingdom designated postal operator, can apply to be an authorised carrier moving parcels from another part of the United Kingdom to Northern Ireland ('Authorised Carrier') if it fulfils the following conditions:

- (a) it has registered as an economic operator;
- (b) it is established in the United Kingdom and, in case it is not established in Northern Ireland, it has an indirect customs representative there;
- (c) within three years prior to application it must not have committed any serious infringement or repeated infringements of a legislative or regulatory requirement that is relevant to its economic activity;
- (d) it must have a high level of control of its operations, by means of a system of managing commercial and, where appropriate, transport records, which allows appropriate controls and provision of evidence to support its economic activity.

2. Authorisations shall be granted only if the United Kingdom competent authority considers that it will be able to carry out controls in accordance with the relevant agreed operational arrangements without disproportionate administrative effort, including control of any evidence that the goods were delivered to private individuals residing in Northern Ireland.

*Article 13***Obligations of Authorised Carriers**

An Authorised Carrier shall:

- (a) take responsibility for establishing that the goods in each parcel are of the type described in Article 138, point (l), of Commission Delegated Regulation (EU) 2015/2446 ⁽³⁾;
- (b) maintain operational processes that enable it to distinguish between economic operators and private individuals as recipients or senders of parcels;
- (c) be able to determine whether the goods they bring into Northern Ireland correspond to category 1 as set out in Annex IV to this Decision;
- (d) maintain systems that enable it to collect and share the data referred to in Annex 52-03 to Delegated Regulation (EU) 2015/2446;
- (e) provide to the United Kingdom competent authority the data referred to in Article 141(1)(d)(vii) of Delegated Regulation (EU) 2015/2446 at regular intervals and under the conditions set out therein;
- (f) report to the United Kingdom competent authority any suspicious activity relating to the movement of parcels referred to in Article 7(1)(a)(iii)(bb) of this Decision;
- (g) respond to ad hoc requests from the United Kingdom competent authority for further information;
- (h) comply with any instructions from the United Kingdom competent authority as to the movements of parcels referred to in Article 7(1)(a)(iii)(bb) of this Decision.

*Article 14***Exchange of information on the application of Article 5(1) and (2) of the Protocol**

1. Without prejudice to its obligations pursuant to Article 5(4) of the Protocol, read in conjunction with Regulation (EC) No 638/2004 of the European Parliament and of the Council ⁽⁴⁾ and Regulation (EC) No 471/2009 of the European Parliament and of the Council ⁽⁵⁾, the United Kingdom shall provide the Union with information on the application of Article 5(1) and (2) of the Protocol as well as of this Decision on a monthly basis. This information shall comprise volumes and values, in aggregated form and per consignment, as well as means of transport, relating to:

- (a) goods brought into Northern Ireland in relation to which no customs duties were payable in accordance with the first subparagraph of Article 5(1) of the Protocol;
- (b) goods brought into Northern Ireland in relation to which the customs duties payable were those applicable in the United Kingdom in accordance with the second subparagraph of Article 5(1) of the Protocol; and
- (c) goods brought into Northern Ireland in relation to which the customs duties payable were in accordance with the Union Common Customs Tariff.

2. The United Kingdom shall provide the information referred to in paragraph 1 on the 15th working day of the following month for which the information is provided.

⁽³⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

⁽⁴⁾ Regulation (EC) No 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No 3330/91 (OJ L102, 7.4.2004, p. 1).

⁽⁵⁾ Regulation (EC) No 471/2009 of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95 (OJ L 152, 16.6.2009, p. 23).

3. The information shall be provided using electronic data processing techniques.

4. At the request of the Union representatives referred to in Decision No 6/2020 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 ⁽⁶⁾ and at least twice per year, the competent authorities of the United Kingdom shall provide information in aggregated and per authorisation form to these representatives on the authorisations granted pursuant to Articles 9 to 12 of this Decision, including numbers of accepted, rejected and revoked authorisations, and the place of establishment of the authorisation holders.

Article 15

Review, suspension and termination of Section 2 of this Decision

1. The Joint Committee shall discuss the application of this Section unless the Parties decide otherwise.

2. The Union may notify the United Kingdom within the Joint Committee where the United Kingdom:

- (a) in a sustained manner, fails to implement Article 5 of Joint Committee Decision No 6/2020 through the provision of access to information contained in United Kingdom networks, information systems and databases and United Kingdom national modules of Union systems referred to in Annex I to that Joint Committee Decision; or
- (b) six months after the date referred to in Article 23(5) of this Decision or at any moment thereafter, fails to ensure that Union representatives have access to information contained in United Kingdom networks, information systems and databases and United Kingdom national modules of Union systems referred to in point a) in accessible format and in such a way as to allow them to conduct risk analysis including identification of recent and historical trends patterns; or
- (c) seriously mismanages implementation of Articles 9 to 14 of, and Annex III to, this Decision.

The Union shall provide the United Kingdom with the reasons for which it has made the notification. The Parties shall use their best endeavours to find a mutually satisfactory resolution of the matter. If the Parties do not find a mutually satisfactory resolution within 30 working days of the notification, or such longer period as the Joint Committee may decide, Article 7(1)(a)(ii), Article 7(1)(a)(iii), Article 7(1)(b)(ii) and Articles 9 to 14 of this Decision shall cease to apply from the first day of the month following the end of that period.

In the case referred to in the second subparagraph, the Union and the United Kingdom shall immediately enter into consultations in the Joint Committee and shall use their best endeavours to find a mutually satisfactory resolution of the matter, or to agree on alternative provisions for the period of suspension.

If the situation having given rise to that notification has been remedied, the Union shall notify the United Kingdom within the Joint Committee. In that case, the provisions referred to in the second subparagraph shall apply again from the first day of the month following that during which the second notification was made.

3. The United Kingdom may notify the Union within the Joint Committee where the Union acts providing for facilitations relating to the movement of goods referred to in Article 7(1)(a)(ii) and Article 7(1)(a)(iii) of this Decision cease to be in force, in whole or in part, in such a way that they no longer provide for the same level of facilitations.

⁽⁶⁾ Decision No 6/2020 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 providing for the practical working arrangements relating to the exercise of the rights of Union representatives referred to in Article 12(2) of the Protocol on Ireland/Northern Ireland [2020/2250] (OJ L 443, 30.12.2020, p. 16).

The United Kingdom shall provide the Union with the reasons for which it has made the notification. The Parties shall use their best endeavours to find a mutually satisfactory resolution of the matter. If the Parties do not find a mutually satisfactory resolution within 30 working days of the notification, or such longer period as the Joint Committee may decide, Articles 9, 10, 11 and 14 of this Decision shall cease to apply from the first day of the month following the end of that period and instead rules identical to those contained in Articles 5 to 8 of Joint Committee Decision No 4/2020 shall apply.

If the situation having given rise to that notification has been remedied, the United Kingdom shall notify the Union within the Joint Committee. In that case, Articles 9, 10, 11 and 14 of this Decision shall apply again and rules identical to those contained in Articles 5 to 8 of Joint Committee Decision No 4/2020 shall cease to apply from the first day of the month following that during which the second notification was made.

4. If either Party considers there is significant diversion of trade, or fraud or other illegal activities, that Party shall inform the other Party in the Joint Committee at the latest one year after the date referred to in Article 23(5) of this Decision, and the Parties shall use their best endeavours to find a mutually satisfactory resolution of the matter. If the Parties do not find a mutually satisfactory resolution, Article 7(1)(a)(ii), Article 7(1)(a)(iii), Article 7(1)(b)(ii) and Articles 9 to 14 of this Decision shall cease to apply 24 months after the date referred to in Article 23(5) of this Decision, unless the Joint Committee decides within 18 months of the date referred to in Article 23(5) of this Decision to continue their application.

In case Article 7(1)(a)(ii), Article 7(1)(a)(iii), Article 7(1)(b)(ii), and Articles 9 to 14 of this Decision cease to apply in accordance with the first subparagraph, the Joint Committee shall amend this Decision at the latest 24 months after the date referred to in Article 23(5) of this Decision to make appropriate alternative provision applicable from 24 months after the date referred to in Article 23(5) of this Decision, having regard to the specific circumstances in Northern Ireland and fully respecting Northern Ireland's place in the United Kingdom's customs territory.

In case Article 7(1)(a)(ii), Article 7(1)(a)(iii), Article 7(1)(b)(ii) and Articles 9 to 14 of this Decision have been suspended in accordance with paragraphs 2(a) or 2(b) of this Article, the time periods in the first and second subparagraphs shall be extended by the duration of such suspension.

Article 16

Repeal of Joint Committee Decision No 4/2020

This Section of this Decision shall replace Joint Committee Decision No 4/2020, which is hereby repealed.

SECTION 3

Establishment of an enhanced coordination mechanism related to the functioning of the Protocol in the areas of VAT and excise

Article 17

Subject matter

1. An Enhanced Coordination Mechanism on VAT and excise concerning goods ('the Mechanism') is hereby established.
2. The purpose of the Mechanism is to assist the Joint Committee in fulfilling its task to review the implementation and application of Article 8 of the Protocol with regard to the provisions of Union law listed in Annex 3 to the Protocol, taking into account Northern Ireland's integral place in the United Kingdom's internal market, while ensuring the integrity of the Union internal market.

*Article 18***Tasks**

The Mechanism shall assist the Joint Committee to:

- (a) provide a forum for the enhanced and timely coordination of the exchange of relevant information and for consultation on future United Kingdom and Union VAT and excise legislation whenever in particular it affects the trade in goods in Northern Ireland due to important changes envisaged in the applicable legislative framework or major difficulties that may arise from separation of treatment of goods and services in the field of VAT;
- (b) provide a forum to assess the potential impact and prepare a smooth implementation of the legislation referred to in point (a) in Northern Ireland. This assessment should particularly look at avoiding undue administrative burdens and unnecessary costs for businesses and tax administrations;
- (c) provide a forum to discuss practical difficulties in relation to the application of existing United Kingdom and Union VAT and excise legislation as applicable by virtue of the Protocol;
- (d) adopt decisions or recommendations in relation to provisions of Union law listed in Annex 3 to the Protocol, while avoiding adverse impact on fiscal fraud risks and any potential distortion of competition in the Union. Such decisions and recommendations shall not affect the level of VAT and excise levied on goods; and
- (e) discuss and adopt any other appropriate measures as necessary to address issues arising from the implementation and application of Article 8 of the Protocol.

*Article 19***Operation**

1. The co-chairs of the Specialised Committee on issues related to the implementation of the Protocol on Ireland/Northern Ireland established by Article 165(1)(c) of the Withdrawal Agreement ('the Specialised Committee') shall convene specific meetings of the Specialised Committee to discuss VAT and excise concerning goods as necessary. These meetings will be known as the Enhanced Coordination Mechanism on VAT and excise.

The co-chairs of the Specialised Committee shall each designate a lead expert in the area of VAT and excise ('the lead experts').

2. Meetings of the Mechanism shall be arranged when necessary. The lead experts may informally exchange views between the meetings of the Mechanism and may also meet informally. After each informal meeting, the lead experts shall draw up minutes and send them to the co-chairs of the Specialised Committee and the joint consultative working group established by Article 15 of the Protocol ('the joint consultative working group').

3. The lead experts shall submit a final report to the co-chairs of the Specialised Committee summarising the outcome of the discussion on a particular issue and setting out any recommended action, including any issues on which agreement could not be reached.

4. The lead experts may invite representatives of third parties or other experts to talk on particular matters. They will communicate the names of these experts to the co-chairs of the Specialised Committee.

The co-chairs of the joint consultative working group may attend the meetings of the Mechanism. The co-chairs of the joint consultative working group may inform the lead experts about planned Union acts and other issues relating to VAT and excise concerning goods.

5. The Rules of procedure of the Joint Committee and Specialised Committees as set out in Annex VIII to the Withdrawal Agreement shall apply *mutatis mutandis* to the Mechanism unless otherwise provided for in this Decision.

*Article 20***Proposals for decisions or recommendations related to this section**

On the basis of the final report from the lead experts referred to in Article 19(3), the Specialised Committee may draw up proposals for decisions or recommendations and refer them for adoption by the Joint Committee. These proposals shall set out:

- (a) the issues jointly identified by the Union and the United Kingdom in relation to the application of Article 8 of the Protocol; and
- (b) the proposed solutions.

*Article 21***Review of this section**

The Mechanism shall be regularly reviewed and, if appropriate, revised.

The first review shall take place by 1 January 2027, at the latest.

*SECTION 4***Final Provisions***Article 22*

Annexes I to IV shall form an integral part of this Decision.

*Article 23***Entry into force and application**

1. This Decision shall enter into force on the day following the date of its adoption.
2. Sections 1, 3 and 4 shall apply as of the date of entry into force of this Decision.
3. Articles 9, 11 and 12 of, and Annex III to, this Decision shall apply as from the date of the entry into force of this Decision. As from that date, Articles 5 and 7 of Joint Committee Decision No 4/2020 shall cease to apply. An authorisation granted pursuant to Articles 5 and 7 of Joint Committee Decision No 4/2020 shall remain valid until the date at which the provisions of this Decision, with the exception of Article 7(1)(a)(iii), Articles 9, 11, 12, 13 and Article 15(3), apply, in accordance with paragraph 3 of this Article. Any authorisation granted under Articles 9 and 11 of this Decision will be treated as an authorisation granted under Articles 5 and 7 of Joint Committee Decision No 4/2020 for as long as the other provisions of that Joint Committee Decision No 4/2020 apply.
4. Subject to the second subparagraph, the other provisions of this Decision, with the exception of Article 7(1)(a)(iii), Article 13 and Article 15(3), shall apply as from 30 September 2023, provided that the following declarations have been made within the Joint Committee:
 - (a) a declaration by the Union to the effect that it is satisfied:
 - (i) with the implementation by the United Kingdom of Article 5 of Joint Committee Decision No 6/2020 through the provision of access to information contained in United Kingdom networks, information systems and databases and United Kingdom national modules of Union systems referred to in Annex I to that Joint Committee Decision; and
 - (ii) that all existing XI EORI registrations are correctly issued; and
 - (iii) that the United Kingdom has issued new guidance for parcels in line with the arrangements set out in this Decision; and
 - (iv) that the United Kingdom has issued its unilateral declaration on export procedures for goods exiting Northern Ireland to other parts of the United Kingdom.

- (b) a declaration by the United Kingdom to the effect that all importers wishing to operate under Article 7(1)(a)(ii) and Article 7(1)(b)(ii) of this Decision have been granted authorisations in accordance with Articles 9 and 11 of, and Annex III to, this Decision.

Should any of the declarations referred to in the first subparagraph not have been made by 30 September 2023, the provisions of this Decision, with the exception of Article 7(1)(a)(iii), Articles 9, 11, 12, 13 and Article 15(3), shall apply as from the first day of the month following that in which the last of these declarations has been made.

5. Provided that the Union acts providing for facilitations relating to the movement of goods referred to in Article 7(1)(a)(ii) and Article 7(1)(a)(iii) of this Decision have entered into force and subject to the second subparagraph, Article 7(1)(a)(iii), Article 13 and Article 15(3) shall apply as from 30 September 2024, provided that the following declarations have been made within the Joint Committee:

- (a) a declaration by the Union to the effect that it is satisfied that the United Kingdom has set up the networks, information systems and databases in relation to the data referred to in Article 141(10)(d)(vii) of Delegated Regulation (EU) 2015/2446 that are to be provided to the United Kingdom competent authority and is satisfied with the implementation by the United Kingdom of Article 5 of Joint Committee Decision No 6/2020 through the provision of access to information contained in these networks, information systems and databases; and
- (b) a declaration by the United Kingdom to the effect that all authorised carriers are able to comply with the obligations set out in Article 13 of this Decision.

Should both declarations referred to in the first subparagraph have been made earlier than by 30 September 2024 or should any of the declarations referred to in the first paragraph not have been made by that date, Article 7(1)(a)(iii), Article 13 and Article 15(3) shall apply as from the first day of the month following that in which the last of these declarations has been made.

Done at London, 24 March 2023.

For the Joint Committee
The Co-chairs
Maroš ŠEFČOVIČ
James CLEVERLY

ANNEX I

Unilateral Declaration by the United Kingdom**Involvement of the institutions of the 1998 Agreement**

1. The United Kingdom will adopt the following procedure to operate the emergency brake mechanism in Article 13(3a) of the Windsor Framework ⁽¹⁾. This mechanism will apply in the unique circumstances of this Declaration and is without prejudice to the status of cross-community voting and safeguards in the 1998 Agreement, which apply solely and exclusively to devolved matters.
 - a. The mechanism will operate solely and exclusively in the event that after the date of this declaration, the Northern Ireland Executive has been restored and become operational, including with a First Minister and deputy First Minister in post, and the Northern Ireland Assembly has been in regular session. Thereafter, Members of the Legislative Assembly ('MLAs') wishing to operate the mechanism must be individually and collectively seeking in good faith to fully operate the institutions, including through the nomination of Ministers and support for the normal operation of the Assembly.
 - b. The minimum threshold for the mechanism will operate on the same basis as the separate 'Petition of Concern' process within the 1998 Agreement, as updated through the New Decade, New Approach Agreement in 2020. This means 30 MLAs from at least two parties (and excluding the Speaker and Deputy Speakers) will need to notify the UK Government of their wish that the emergency brake mechanism should be applied.
 - c. When providing notification to the UK Government, MLAs will need to demonstrate, in a detailed and publicly available written explanation:
 - i. that they have met the same requirements as those set out in Annex B of Part 2 of the New Decade, New Approach Agreement, namely that the notification is only being made in the most exceptional circumstances and as a last resort, having used every other available mechanism;
 - ii. that the conditions set out in the third subparagraph of Article 13(3a) of the Windsor Framework are met; and
 - iii. 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; taken steps to consult businesses, other traders and civic society affected by the relevant Union act; and made all reasonable use of applicable consultation processes provided by the European Union for new Union acts relevant to Northern Ireland.
2. If it accepts that the conditions in paragraph 1(a) and (b) have been met and that the explanation provided under paragraph 1(c) is satisfactory, the United Kingdom will notify the Union in accordance with the first subparagraph of Article 13(3a) of the Windsor Framework.
3. The United Kingdom, following a notification by MLAs, commits to informing the Union without delay.
4. The United Kingdom, following a notification to the Union that the emergency brake has been triggered, commits to intensive consultations in the Joint Committee on the relevant Union act as provided for by Article 13(4) of the Windsor Framework.

⁽¹⁾ See Joint Declaration No 1/2023.

ANNEX II

Application for Authorisation to bring goods into Northern Ireland for end consumers
(referred to in Article 9)

Application information

1. Supporting documents

Mandatory supporting documents and information to be provided by all applicants:

Document of establishment / proof of a permanent business establishment

2. Other supporting documents and information to be provided by the applicant:

Any other supporting document or information that is considered relevant for checking the applicant's compliance with the conditions referred to in Articles 10 and 11 of this Decision.

Provide information on the type and, if applicable, the identification number and/or the date of issue of the supporting document(s) attached to the application. Indicate also the total number of the documents attached.

3. Date and signature of the applicant

Applications made by using an electronic data processing technique shall be authenticated by the person who lodges the application.

Date on which the applicant has signed or otherwise authenticated the application.

Details of the applicant

4. Applicant

The applicant is the person who applies to the customs authorities for a decision.

Enter the name and address of the person concerned.

5. Applicant identification number

The applicant is the person who applies to the customs authorities for a decision.

Enter the Economic Operators Registration and Identification number (EORI number), of the person concerned, as provided for in Article 1(18) of Delegated Regulation (EU) 2015/2446.

6. Legal status of the applicant

The legal status as mentioned in the document of establishment.

7. VAT identification number(s)

Where assigned, enter the VAT identification number.

8. Business activities

Enter information on the business activity of the applicant. Please describe briefly your commercial activity and state your role in the supply chain (e.g. manufacturer of goods, importer, retailer, etc.). Please describe:

- the intended use of the imported goods, including a description of the type of goods and whether they undergo any type of processing;
- an estimation on the number of customs declarations for release for free circulation for the goods concerned to be made per year;
- the type of records, systems and controls put in place to support the undertaking in Article 10(b).

9. Annual turnover

For the purposes of Article 6 of this Decision, enter the annual turnover for the most recent complete financial year. If a newly established business, provide such records and information as relevant to enable an assessment of anticipated turnover e.g. latest cash flow, balance sheet and profit and loss forecasts, approved by the directors/partners/sole proprietor.

10. Contact person responsible for the application

The contact person shall be responsible for keeping contact with customs as regards the application.

Enter the contact person's name and any of the following: telephone number, e-mail address (preferably of a functional mailbox).

11. Person in charge of the applicant company or exercising control over its management

For the purposes of Article 11(1)(b) of this Decision, enter the name(s) and full details of the person(s) concerned according to the legal establishment/form of the applicant company, in particular: director/manager of the company and board directors if any. Details should include: full name and address, and date of birth and National Identification Number.

Dates, times, periods and places

12. Date of establishment

With numbers – the day, month and year of establishment.

13. Address of establishment / address of residence

The full address of the place where the person is established/resides, including the identifier of the country or territory.

14. Place where records are kept

Enter full address of the location(s) where the applicant's records are kept or intended to be kept. The UN/LOCODE may replace the address, if it provides an unambiguous identification of the location concerned.

15. Place(s) of processing or use

Please indicate the address of the place(s) where the goods will be processed, where applicable, and sold to the end consumers.

ANNEX III

Explanation of conditions referred to in Article 11

This Annex is an explanation of the conditions in Article 11 and does not change (either constrain or expand), those conditions.

Article 11(1)(b)

1. The criterion laid down in Article 11(1)(b) of this Decision shall be considered to be fulfilled if:
 - (a) there is no decision taken by an administrative or judicial authority concluding that one of the persons described in point (b) has committed, within three years prior to the application, a serious infringement or repeated infringements of customs legislation or taxation rules in relation to their economic activity; and
 - (b) none of the following persons has a record of serious criminal offence in relation to their economic activity and, where applicable, the applicant's economic activity:
 - (i) the applicant,
 - (ii) the employee(s) including any direct representative(s) in charge of the applicant's administration related to the movement of goods under this scheme,
 - (iii) the person(s) in charge of the applicant or exercising control over its management, and
 - (iv) a person acting in their own name and on behalf of the applicant in relation to movement of goods under this scheme.
2. The criterion may nevertheless be considered to be fulfilled where the competent authority considers any infringement to be of minor importance, in relation to the number or size of the related operations, and the competent authority has no doubt as to the good faith of the applicant.
3. Where the person referred to in paragraph 1(b)(iii), other than the applicant is established or has their residence outside the UK, the competent authority shall assess the fulfilment of the criterion referred to on the basis of the records and information that are available to it.
4. Where the applicant has been established for less than three years, the competent authority shall assess the fulfilment of the criterion as regards the applicant on the basis of the records and information that are available to it.

Article 11(1)(c)

The criterion laid down in Article 11(1)(c) of this Decision shall be considered to be fulfilled if:

5. The applicant has an administrative organisation and internal controls which correspond to the type and size of business, and which is suitable for the management of the flow of goods. Applicants must have internal controls capable of preventing, detecting and correcting errors and of preventing and detecting illegal activities within their organisation.
6. The applicant should demonstrate adequate record keeping in relation to the movement of goods under this scheme. Procedures for protection against loss of information and archiving procedures with respect to keeping of historical records should be demonstrated including the assessment, back-up and protection of records for five years.
7. The management of records should be consistent with the accounting principles applied in the UK.

8. Records on goods movements into Northern Ireland should either be integrated in the accounting system or, when held separately, there should be a possibility to allow for cross checks between records relating to purchases, sales, stock control and movement of goods.
9. The authorised trader shall provide the competent authority with electronic and/or physical access, upon request, to the records referred to in point 8 in a suitable format.
10. The authorised trader is obliged to inform the competent UK authorities whenever compliance difficulties are discovered as well as any factor arising after the decision to grant the authorised trader status which might influence its continuation or content. Internal instructions should be in place to ensure that relevant staff are aware of how to inform the competent authority of such compliance difficulties.
11. Where authorised traders are handling prohibited and restricted goods, there should be appropriate procedures in place for the handling of those goods in accordance with relevant legislation.
12. An authorised trader needs to have evidence relating to their customers to ensure that they can make accurate assessments in respect of goods moved under this scheme. Measures must be in place to ensure that any goods moved under this scheme are only to be sold or used if in accordance with this Joint Committee Decision. The authorised trader will be obliged to maintain an ongoing understanding of the business operations of new and existing clients, sufficient to ensure compliance with the criteria laid down for a trusted trader in this Joint Committee Decision. The following are examples of scenarios in which an authorised trader who is not responsible for the end destination of the goods could move goods under the scheme:
 - (a) a written and signed declaration from the customer stating that the goods will remain in Northern Ireland;
 - (b) evidence that the customer only makes retail sales for final use or end-consumption in the UK from a physical outlet in Northern Ireland;
 - (c) evidence that the customer only sells goods that will be for final use by end-consumers in the UK and are delivered within the UK;
 - (d) commercial contracts and purchase orders showing that goods will be for final use in the UK;
 - (e) evidence that the sale is of a good to be permanently installed within the UK.

Article 11(1)(d)

13. The criterion laid down in Article 11(1)(d) of this Decision shall be considered to be fulfilled where the competent authority checks that the applicant complies in particular with the following:
 - (a) the applicant is not subject to bankruptcy proceedings;
 - (b) during the last three years preceding the submission of the application, the applicant has fulfilled their financial obligations regarding payments of customs duties and all other duties, taxes or charges which are collected on or in connection with the import or export of goods;
 - (c) the applicant demonstrates on the basis of the records and information available for the last three years preceding the submission of the application that they have sufficient financial standing to meet their obligations and fulfil their commitments having regard to the type and volume of the business activity.
14. If the applicant has been established for less than three years, their financial solvency shall be checked on the basis of records and information that are available.

Article 11(1)(e)

The criterion laid down in Article 11(1)(e) of this Decision shall be considered to be fulfilled if:

15. The applicant or the person in charge of the applicant's administration related to the movement of goods under this scheme should be able to show a clear understanding of, and how to comply with, their obligations in relation to these criteria and must display sufficient competence in providing accurate information to the competent authority in relation to these obligations and applicable procedures.
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ANNEX IV

Category 1

The goods referred to as 'category 1 goods' are those goods subject to:

1. restrictive measures in force based on Article 215 Treaty on the Functioning of the European Union, insofar as they relate to trade in goods between the Union and third countries;
2. total bans and prohibitions;
3. trade defence instruments as set out in section 5 of Annex 2 to the Protocol;
4. Union tariff rate quotas when the quota is claimed by the importer;
5. Union quotas other than tariff rate quotas.

Category 2

The goods referred to as 'category 2 goods' are those goods subject to:

1. Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors
2. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC
3. Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products
4. Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste
5. Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008
6. Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein
7. Council Regulation (EEC) No 3254/91 of 4 November 1991 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards
8. Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species
9. Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel
10. Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community
11. Council Directive 83/129/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom
12. Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products
13. Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses
14. Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles
15. Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors
16. Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons

17. Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment
 18. Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds
 19. Union tariff rate quotas when the quota is not claimed by the importer
 20. Article 47 of Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (Official Controls Regulation), except when the goods are also subject to the Regulation of the European Parliament and of the Council on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals into Northern Ireland as will be adopted on the basis of the European Commission's legislative proposal (COM(2023) 124 final)
 21. Union acts listed in point 2 of Annex 3 to the Protocol
 22. Union acts listed in point 20 of Annex 2 to the Protocol
 23. Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals
 24. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC
 25. Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and the import of cultural goods
 26. Any Union act as applying to and in the United Kingdom in respect of Northern Ireland in accordance with the Protocol which provides for any steps which must be carried out by an economic operator or by a partner competent authority prior to, or when, goods enter the Union, for the purpose of controlling the goods or controlling other formalities. The Union shall inform without delay the United Kingdom where a Union act is of the nature referred to in the first sentence.
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**RECOMMENDATION No 1/2023 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 24 March 2023

on market surveillance and enforcement [2023/820]

THE JOINT COMMITTEE,

Having regard to 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 ⁽¹⁾ ('the Withdrawal Agreement'), and in particular Article 166(1) thereof,

Whereas:

- (1) Article 166(3) of the Withdrawal Agreement provides that recommendations are to be made by mutual consent.
- (2) Under Article 182 of the Withdrawal Agreement, the Protocol on Ireland/Northern Ireland ('the Protocol') forms an integral part of that Agreement.
- (3) Article 6(2) of the Protocol envisages the establishment of 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 the 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 in accordance with the Protocol,

HAS MADE THE FOLLOWING RECOMMENDATION:

Article 1

The Joint Committee recommends to the Union and the United Kingdom the following:

In the context of the specific arrangements envisaged under Article 6(2) of the Protocol, market surveillance and enforcement tools should be used collaboratively to monitor the flow of goods and manage any risks that goods might illegally enter the Union or the United Kingdom.

Enhanced cooperation between the United Kingdom and the Union, and between the United Kingdom and Member State authorities where appropriate, should underpin those arrangements with effective market surveillance and enforcement activity. This should support monitoring and management of those arrangements without requiring any checks or controls at the border between Northern Ireland and Ireland.

This cooperation could encompass knowledge-sharing, information exchange, work with operators and joint activity where appropriate, in particular between authorities in Northern Ireland and in relevant Member States, to tackle illegal activity and smuggling, ensure that goods are not placed on the market which do not meet the applicable standards, and ensure enforcement and surveillance activity is prioritised based on risk and intelligence. Authorities will also ensure business and operator awareness of the market access available for goods moving between Northern Ireland and the Union, where those goods meet the applicable requirements, in accordance with the Protocol.

The United Kingdom and the Union should work constructively through the structures of the Withdrawal Agreement, including the Joint Committee, to support the effective functioning of the new arrangements, in the interests of people and businesses in Northern Ireland.

⁽¹⁾ OJ L 29, 31.1.2020, p. 7.

Article 2

This Recommendation shall take effect on the day following the date on which it is made.

Done at London, 24 March 2023.

For the Joint Committee

The Co-chairs

Maroš ŠEFČOVIČ

James CLEVERLY

**RECOMMENDATION No 2/2023 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 24 March 2023

on Article 13(3a) of the Protocol on Ireland/Northern Ireland [2023/821]

THE JOINT COMMITTEE,

Having regard to 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 ⁽¹⁾ ('the Withdrawal Agreement'), and in particular Article 166(1) thereof,

Whereas:

- (1) Article 166 (3) of the Withdrawal Agreement provides that recommendations are to be made by mutual consent.
- (2) Under Article 182 of the Withdrawal Agreement, the Protocol on Ireland/Northern Ireland ('the Protocol') forms an integral part of that Agreement.
- (3) Where an arbitration panel has ruled that the United Kingdom has failed to comply with the conditions set out in Article 13(3a), third sub-paragraph, of the Protocol, swift compliance with such an arbitration panel ruling should be achieved,

HAS MADE THE FOLLOWING RECOMMENDATION:

Article 1

The Joint Committee recommends to the Union and the United Kingdom the following:

In case the arbitration panel has ruled, in accordance with Article 175 of the Withdrawal Agreement, that the United Kingdom has failed to comply with Article 13(3a), third sub-paragraph, of the Protocol, the Union and the United Kingdom agree no later than 30 days after such notification that in order to comply with the arbitration panel ruling, and as the case may be, to the extent set out therein, the Union act applies as amended or replaced by the specific Union act, as defined in Article 13(3a) of the Protocol, as from the first day of the second month following the notification of the arbitration panel ruling to the Union and the United Kingdom.

Article 2

This Recommendation shall take effect on the day following the date on which it is made.

Done at London, 24 March 2023.

*For the Joint Committee
The Co-chairs*

Maroš ŠEFČOVIČ
James CLEVERLY

⁽¹⁾ OJ L 29, 31.1.2020, p. 7.

**JOINT DECLARATION No 1/2023 OF THE UNION AND THE UNITED KINGDOM IN THE JOINT
COMMITTEE ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED
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Reflecting the arrangements laid down in Decision No 1/2023 of the Joint Committee, the Protocol on Ireland/Northern Ireland ('the Protocol'), as amended by that Joint Committee Decision, should now be known as the 'Windsor Framework'.

Therefore, wherever relevant in dealings between the Union and the United Kingdom under the Withdrawal Agreement, the Protocol, as amended by Joint Committee Decision No 1/2023, will, consistent with the requirements of legal certainty, be referred to as the 'Windsor Framework'. The Protocol, as amended by Joint Committee Decision No 1/2023, may also be referred to as the 'Windsor Framework' in the domestic law of the Union and the United Kingdom.

**JOINT DECLARATION OF THE UNION AND THE UNITED KINGDOM IN THE JOINT COMMITTEE
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of 24 March 2023

on the application of Article 10(1) of the Windsor Framework ⁽¹⁾

The provisions of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part govern the subsidy control obligations between the United Kingdom and the Union generally and ensure a level playing field between the United Kingdom and the Union.

Article 10(1) of the Windsor Framework exists separately from those provisions. The Windsor Framework reflects both Northern Ireland's unique access to the Union's internal market and its integral place in the United Kingdom's internal market. In this context, Article 10(1) of the Windsor Framework should be understood as only relevant for trade in goods or on the electricity market (hereafter referred to as goods) between Northern Ireland and the Union which is subject to the Windsor Framework.

On 17 December 2020, the Union made the following unilateral declaration in the Joint Committee established under Article 164 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: 'When applying Article 107 TFEU to situations referred to in Art. 10(1) of the Protocol, the European Commission will have due regard to Northern Ireland's integral place in the United Kingdom's internal market. The European Union underlines that, in any event, an effect on trade between Northern Ireland and the Union which is subject to this Protocol cannot be merely hypothetical, presumed, or without a genuine and direct link to Northern Ireland. It must be established why the measure is liable to have such an effect on trade between Northern Ireland and the Union, based on the real foreseeable effects of the measure.'

This Joint Declaration on the application of Article 10(1) of the Windsor Framework builds upon the Union Unilateral Declaration, affirming Northern Ireland's place in the United Kingdom's internal market, and at the same time ensuring that the Union internal market is protected. It clarifies the conditions of application of Article 10(1) of the Windsor Framework setting out the particular circumstances in which it is likely to be engaged when subsidies are granted in the United Kingdom, and can be used to interpret that provision.

For a measure to be considered to have a genuine and direct link to Northern Ireland and thus to have an effect on the trade between Northern Ireland and the Union that is subject to the Windsor Framework, that measure needs to have real foreseeable effects on that trade. The relevant real foreseeable effects should be material, and not merely hypothetical or presumed.

For measures granted to any beneficiary that is located in Great Britain, factors relevant to materiality may include the size of the undertaking, the size of the subsidy, and the market presence of the undertaking in the relevant market in Northern Ireland. While the mere placement of goods on the Northern Ireland market is not sufficient, on its own, to represent a direct and genuine link engaging Article 10(1) of the Windsor Framework, measures that are granted to beneficiaries located in Northern Ireland are more likely to have material effects.

For measures granted to any beneficiary that is located in Great Britain that have a material effect, it must be further demonstrated that the economic benefit of the subsidy would be wholly or partially passed on to an undertaking in Northern Ireland, or through the relevant goods placed on the market in Northern Ireland, for example through selling below market price, for there to be a direct and genuine link engaging Article 10(1) of the Windsor Framework.

⁽¹⁾ See Joint Declaration No 1/2023.

The European Commission and the United Kingdom will set out in their respective guidance the circumstances in which Article 10 of the Windsor Framework will apply, providing further detail to enable both granters and businesses across the United Kingdom to operate with greater certainty.

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of 24 March 2023

on Article 13(3a) of the Windsor Framework ⁽¹⁾

The Union and the United Kingdom recognise that for a notification under Article 13(3a) of the Windsor Framework to be made in good faith in accordance with Article 5 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 ⁽²⁾ ('the Withdrawal Agreement'), it needs to be made under 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 Decision No 1/2023 ⁽³⁾.

In case the arbitration panel has ruled, in accordance with Article 175 of the Withdrawal Agreement, that the United Kingdom has failed to comply with Article 5 of the Withdrawal Agreement in relation to a notification under Article 13(3a) of the Windsor Framework, swift compliance with the ruling of the arbitration panel should be achieved, as set out in Recommendation No 2/2023 ⁽⁴⁾.

⁽¹⁾ See Joint Declaration No 1/2023.

⁽²⁾ OJ L 29, 31.1.2020, p.7.

⁽³⁾ Decision No 1/2023 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 24 March 2023 laying down arrangements relating to the Windsor Framework (see page 61 of this Official Journal).

⁽⁴⁾ Recommendation No 2/2023 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 24 March 2023 on Article 13(3a) of the Protocol on Ireland/Northern Ireland (see page 86 of this Official Journal).

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The Union and the United Kingdom wish to restate their commitment to make full use of the structures provided for in 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'), namely the Joint Committee, the Specialised Committees and the Joint Consultative Working Group to oversee the implementation of the Agreement. They will assist each other in carrying out tasks which flow from the Windsor Framework ⁽¹⁾ in full mutual respect and good faith, in accordance with Article 5 of the Withdrawal Agreement.

The United Kingdom recalls its unilateral commitment to ensure full participation of the First Minister and deputy First Minister of Northern Ireland in the United Kingdom's delegation to the Joint Committee, and in that context its determination to ensure that the application of the Windsor Framework should impact as little as possible on the everyday life of communities.

The Union and the United Kingdom intend to organise meetings of the relevant joint bodies on a regular basis in order to foster dialogue and engagement. In this context, the Specialised Committee on the implementation of the Windsor Framework may provide for exchanges of views on any future United Kingdom legislation regarding goods of relevance to the operation of the Windsor Framework. In particular, this would allow the United Kingdom and the Union to assess the potential impact of that future legislation in Northern Ireland, anticipate and discuss any practical difficulties at stake.

To that end, the Specialised Committee may convene in a specific composition, namely the Special Body on Goods. It may request, if necessary, the Joint Consultative Working Group and any of its relevant sub-groups composed of experts from the European Commission and the United Kingdom Government to examine and provide information on a particular issue. As appropriate, representatives from businesses and civic society stakeholders may be invited to attend relevant meetings. The Specialised Committee may make relevant recommendations to the Joint Committee as needed.

The Union and United Kingdom are committed to resolving any issues in the operation of the Windsor Framework in the best and most expeditious way possible. The Union and the United Kingdom will use the joint bodies to address any issues that may arise in the implementation of the Windsor Framework. Such issues can therefore be subject to dialogue in the joint bodies of the Withdrawal Agreement at the request of the Parties. This allows the Parties to regularly discuss relevant developments of importance for the proper fulfilment of their respective obligations under the Windsor Framework.

The Union and the United Kingdom renew their commitment to make every attempt, through dialogue, to arrive at mutually satisfactory resolutions of matters affecting the operation of the Withdrawal Agreement. To this end, the Union and United Kingdom intend to make full use of the powers of the Joint Committee, in good faith, with the aim of reaching mutually agreed solutions on issues of common interest.

Exchanges in such frameworks are without prejudice to the autonomy of the decision-making and respective legal orders of the Union and the United Kingdom.

⁽¹⁾ See Joint Declaration No 1/2023.

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of 24 March 2023

**on the VAT regime for goods not being at risk for the Union's internal market and on the VAT
arrangements for cross-border refunds**

The Union and the United Kingdom intend to examine the possibility to adopt a Joint Committee decision, based on Article 4 of Decision No 1/2023 ⁽¹⁾, providing for the rules on rates laid down in Article 98, read in conjunction with Annex III, of Council Directive 2006/112/EC ⁽²⁾ not to apply to certain goods, other than goods supplied and installed in immovable property located in Northern Ireland by taxable persons. That decision would only relate to such goods which by their nature and by the conditions under which they are supplied would be subject to final consumption in Northern Ireland, and in relation to which not applying the rules on rates laid down in Article 98, read in conjunction with Annex III, of Directive 2006/112/EC would not lead to a negative impact on the Union's internal market in the form of fiscal fraud risks and any potential distortion of competition. Such a decision should establish a detailed list that would be valid for five years. The Union and the United Kingdom indicate their willingness to evaluate and revise such a list on a regular basis.

The Union and the United Kingdom also intend to evaluate the current VAT arrangements for cross-border refunds under Council Directive 2008/9/EC ⁽³⁾ and Council Directive 86/560/EEC ⁽⁴⁾ and examine the need to adopt, if appropriate, based on Article 4 of Decision No 1/2023, a Joint Committee decision whereby any necessary adjustments would be laid down or refund arrangements would only be limited to the application of Directive 86/560/EEC. Such evaluation should take account of the administrative burden on taxable persons as well as administrative costs on tax administrations.

⁽¹⁾ Decision No 1/2023 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 24 March 2023 laying down arrangements relating to the Windsor Framework (see page 61 of this Official Journal).

⁽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).

⁽³⁾ Council Directive 2008/9/EC of 12 February 2008 laying down detailed rules for the refund of value added tax, provided for in Directive 2006/112/EC, to taxable persons not established in the Member State of refund but established in another Member State (OJ L 44, 20.2.2008, p. 23).

⁽⁴⁾ Thirteenth Council Directive 86/560/EEC of 17 November 1986 on the harmonization of the laws of the Member States relating to turnover taxes – Arrangements for the refund of value added tax to taxable persons not established in Community territory (OJ L 326, 21.11.1986, p. 40).

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of 24 March 2023

on market surveillance and enforcement

The United Kingdom recalls its commitment to ensure a robust system of market surveillance and enforcement in the context of the unique arrangements agreed with the European Union in accordance with the Windsor Framework ⁽¹⁾ to protect trade within the UK's internal market, and Northern Ireland's place in the UK's customs territory, while ensuring the integrity of the European Union's internal market and customs union.

The United Kingdom underlines that there must be robust enforcement to ensure that traders are not abusing these new internal UK trade arrangements to move goods into the European Union.

Market surveillance

The United Kingdom recognises the important role of market surveillance, and the work of market surveillance authorities and other competent authorities, in meeting these objectives. The United Kingdom will therefore continue to ensure that those authorities deliver a programme of activities which drive safety and compliance, including working with businesses to ensure they are aware of their obligations, assessing documentation and checking products on the market where relevant.

The United Kingdom will continue to:

- build capability and capacity amongst market surveillance authorities and other competent authorities;
- improve methodologies for product safety risk assessment;
- ensure that relevant authorities have the necessary powers to undertake effective monitoring activity in the context of the international border between the United Kingdom and the European Union;
- support risk-based and intelligence-led activities from relevant authorities, including appropriate audits, inspections and spot checks, to check compliance against applicable requirements;
- use robust intelligence and data gathering to ensure a detailed evidence base for identifying emerging risks, including of possible movements into the European Union;
- use accurate and detailed information to inform policy and enforcement decisions; and
- share and receive information through any relevant IT systems on the compliance activities of market surveillance authorities and other competent authorities.

The United Kingdom will also continue to support cooperation with market surveillance authorities in other markets, via the Single Liaison Office for market surveillance.

Enforcement

Robust enforcement will not involve new checks or controls at the border between Northern Ireland and Ireland, but will mean enhanced activity by relevant UK authorities, in accordance with international best practice, with the European Union and Member State authorities where appropriate, in order to protect the UK internal market and the European Union's internal market and customs union, and robustly tackle illegal activity and smuggling, including by organised criminal groups.

⁽¹⁾ See Joint Declaration No 1/2023.

With respect to goods subject to sanitary and phytosanitary rules, market surveillance and enforcement activities will further enhance the specific procedures set out in the applicable rules for the entry of those goods into Northern Ireland. In addition, the United Kingdom will reinforce its monitoring and enforcement activity to effectively manage the risks stemming from goods moved by parcel, recognising the particular reliance placed by consumers on those movements.

The United Kingdom will also maintain its strong regime of penalties for illegal trading and smuggling activities. This will be kept under close review, with a view to increasing penalties relating to the abuse of these new rules by moving goods into the European Union if necessary to provide a further deterrent.

The United Kingdom will take effective, dissuasive and proportionate action in relation to potential non-compliance. This will include risk analysis, risk-based compliance action and ongoing risk assessments of trader populations, underpinned by sanctions and penalties.

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**taking note of the Unilateral Declaration by the United Kingdom in 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 24 March 2023 on
market surveillance and enforcement**

The Union takes note of the United Kingdom's declaration on market surveillance and enforcement.

**UNILATERAL DECLARATION BY THE UNITED KINGDOM IN THE JOINT COMMITTEE
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of 24 March 2023

**on export procedures for goods moving from Northern Ireland to other parts of the United
Kingdom**

The United Kingdom notes Northern Ireland's place in the United Kingdom's customs territory, the need to protect the Good Friday or Belfast Agreement of 10 April 1998 in all its dimensions, and its commitment to unfettered access for Northern Ireland businesses to the whole of the UK market.

In respect of all goods moving from Northern Ireland to other parts of the United Kingdom's internal market, the United Kingdom confirms that export procedures under Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽¹⁾ will apply only where goods:

1. are placed under a procedure listed in Article 210 of that Regulation,
2. are in temporary storage in accordance with Article 144 of that Regulation,
3. are subject to provisions of Union law falling within the second sentence of Article 6(1) of the Windsor Framework ⁽²⁾ which prohibit or restrict the exportation of goods,
4. are placed under the export procedure within the Union in accordance with Title V and Title VIII of that Regulation, or
5. do not exceed EUR 3 000 in value and are packed or loaded for export shipment within the Union, in accordance with Article 221 of Commission Regulation (EU) No 2015/2447 ⁽³⁾.

The United Kingdom recalls its commitment to ensure full protection under international requirements and commitments that are relevant to the prohibitions and restrictions on the exportation of goods from the Union to third countries as set out in Union law.

The United Kingdom confirms it will provide to the Union meaningful information in relation to goods subject to prohibitions and restrictions moving from Northern Ireland to other parts of the United Kingdom as regards exports, transfer, brokering and transit of dual use items, exports of cultural goods and shipments of waste.

This Unilateral Declaration will replace the Unilateral Declaration by the United Kingdom of Great Britain and Northern Ireland in the Joint Committee on export declarations of 17 December 2020.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ See Joint Declaration No 1/2023.

⁽³⁾ OJ L 343, 29.12.2015, p. 558.

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**taking note of the Unilateral Declaration by the United Kingdom in 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 24 March 2023 on
export procedures for goods moving from Northern Ireland to other parts of the United Kingdom**

The Union takes note of the United Kingdom's declaration on export procedures for goods moving from Northern Ireland to other parts of the United Kingdom.

**UNILATERAL DECLARATION BY THE UNITED KINGDOM IN THE JOINT COMMITTEE
ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF
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of 24 March 2023

on the democratic consent mechanism in Article 18 of the Windsor Framework ⁽¹⁾

The United Kingdom notes that the joint solutions announced in Windsor are intended to constitute a series of practical and sustainable measures to address, in a definitive way, deficiencies and situations unforeseen that have emerged since the Protocol on Ireland/Northern Ireland ('the Protocol') entered into force.

The United Kingdom recognises the importance of ensuring that these arrangements are always able to command the broadest possible support across the community in Northern Ireland, in line with its responsibility to uphold the Good Friday or Belfast Agreement of 10 April 1998, including its subsequent implementation agreements and arrangements, in all its parts – and with regard to its specific responsibilities to respect the identity, ethos and aspirations of both communities. The democratic consent mechanism in Article 18 of the Windsor Framework provides an ongoing and important safeguard in that respect, alongside which the United Kingdom is committed to commissioning an independent review in the circumstances set out in its Unilateral Declaration on consent ⁽²⁾. In any such circumstances, whether following the first exercise of the democratic consent mechanism or thereafter, the United Kingdom commits to bring the recommendations of the review to the Joint Committee, recognising the responsibility of the Joint Committee under Article 164 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 to consider any matter of interest relating to an area covered by the Windsor Framework, and to seek appropriate ways and methods of preventing problems that might arise in areas covered by the Windsor Framework.

⁽¹⁾ See Joint Declaration No 1/2023.

⁽²⁾ Declaration by Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland concerning the operation of the 'Democratic consent in Northern Ireland' provision of the Protocol on Ireland/Northern Ireland.

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**taking note of the Unilateral Declaration by the United Kingdom in 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 24 March 2023 on the
democratic consent mechanism in Article 18 of the Windsor Framework ⁽¹⁾**

The Union takes note of the United Kingdom's declaration on the democratic consent mechanism in Article 18 of the Windsor Framework, recalling the tasks of the Joint Committee under Article 164 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.

⁽¹⁾ See Joint Declaration No 1/2023.

**UNILATERAL DECLARATION BY THE UNITED KINGDOM IN 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 24 March 2023

**on strengthening enforcement action for goods moved in parcels from another part of the United
Kingdom to Northern Ireland**

Prior to the entirety of the provisions of Decision No 1/2023 ⁽¹⁾ becoming applicable, the United Kingdom is committed to working with the Union to provide protection to the Union internal market by strengthening enforcement action concerning goods moved in parcels from another part of the United Kingdom to Northern Ireland. In that context, the United Kingdom undertakes to:

- Work with economic operators, notably fast parcels and postal operators, to make available to the United Kingdom Government and Union representatives commercial data on the movement of parcels, including the sender, the recipient and the description of the relevant goods. This data would support enforcement and compliance action, supplementing existing risk and intelligence led activity.
- Enhance existing co-operation between UK customs authorities and the European Commission, by collaborating on enforcement and compliance risks on the basis of the agreed operational arrangements referred to in Decision No 1/2023.
- The United Kingdom will regularly update the Specialised Committee on issues related to the implementation of the Windsor Framework ⁽²⁾ on the progress of the work carried out on the above-mentioned issues.

⁽¹⁾ Decision No 1/2023 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 24 March 2023 laying down arrangements relating to the Windsor Framework (see page 61 of this Official Journal).

⁽²⁾ See Joint Declaration No 1/2023.

**UNILATERAL DECLARATION BY THE UNION IN 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 24 March 2023

**taking note of the Unilateral Declaration by the United Kingdom in 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 24 March 2023 on
strengthening enforcement action for goods moved in parcels from another part of the United
Kingdom to Northern Ireland**

The Union takes note of the United Kingdom's declaration on strengthening enforcement action for goods moved in parcels from another part of the United Kingdom to Northern Ireland.

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