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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2023/1182 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 14 June 2023****on specific rules relating to medicinal products for human use intended to be placed on the market in Northern Ireland and amending Directive 2001/83/EC****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 and Article 168(4), point (c), thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

(1) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (the 'Withdrawal Agreement') was concluded on behalf of the Union by Council Decision (EU) 2020/135 ⁽³⁾ and entered into force on 1 February 2020. The transition period referred to in Article 126 of the Withdrawal Agreement, during which Union law continued to apply to and in the United Kingdom in accordance with Article 127 of the Withdrawal Agreement, ended on 31 December 2020.

(2) The Protocol on Ireland/Northern Ireland (the 'Protocol') forms an integral part of the Withdrawal Agreement.

⁽¹⁾ Opinion of 27 April 2023 (not yet published in the Official Journal).

⁽²⁾ Position of the European Parliament of 9 May 2023 (not yet published in the Official Journal) and decision of the Council of 30 May 2023.

⁽³⁾ Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 1).

- (3) The provisions of Union law listed in Annex 2 to the Protocol apply, under the conditions set out in that Annex, to and in the United Kingdom in respect of Northern Ireland. That list includes Directive 2001/83/EC of the European Parliament and of the Council ⁽⁴⁾ and Regulation (EC) No 726/2004 of the European Parliament and of the Council ⁽⁵⁾. Therefore, medicinal products placed on the market in Northern Ireland are required to comply with those provisions of Union law.
- (4) Directive 2001/83/EC lays down rules for medicinal products for human use and Regulation (EC) No 726/2004 lays down Union procedures for the authorisation of medicinal products for human use.
- (5) In order to take account of the specific situation of Northern Ireland, it is appropriate to adopt specific rules relating to the placing on the market in Northern Ireland of medicinal products for human use.
- (6) It is appropriate to clarify that the provisions of Union law listed in Annex 2 to the Protocol should apply in respect of medicinal products for human use intended to be placed on the market in Northern Ireland, unless specific rules are laid down in this Regulation. Where specific rules of this Regulation apply, and there is an inconsistency between those specific rules of this Regulation and the provisions of Union law listed in Annex 2 to the Protocol, those specific rules of this Regulation should take precedence.
- (7) Furthermore, it is important to ensure that the application of the specific rules laid down in this Regulation does not lead to an increased risk to public health in the internal market.
- (8) The specific rules should include a prohibition against displaying the safety features referred to in Directive 2001/83/EC on the outer packaging or, where there is no outer packaging, on the immediate packaging of medicinal products for human use intended to be placed on the market in Northern Ireland and a prohibition against placing on the market in Northern Ireland new and innovative medicinal products that have been granted a marketing authorisation in accordance with Regulation (EC) No 726/2004. Furthermore, the specific rules should include certain labelling requirements for medicinal products for human use intended to be placed on the market in Northern Ireland. As a consequence, Commission Delegated Regulation (EU) 2016/161 ⁽⁶⁾ should not apply to medicinal products for human use intended to be placed on the market in Northern Ireland.
- (9) In respect of new and innovative medicinal products, the competent authorities of the United Kingdom should be able to authorise the placing of those medicinal products on the market in Northern Ireland provided that certain conditions are fulfilled, namely that the authorisation is granted in accordance with the law of the United Kingdom and that the medicinal products are placed on the market in Northern Ireland under the terms of the authorisation granted by the competent authorities of the United Kingdom, that those medicinal products comply with certain labelling requirements, and that written guarantees have been provided by the United Kingdom to the Commission.
- (10) Furthermore, appropriate safeguards for the Union should be put in place in order to ensure that the application of the specific rules does not increase risks to public health in the internal market. Such safeguards should include continuous monitoring by the competent authority of the United Kingdom of the placing on the market in Northern Ireland of medicinal products for human use subject to specific rules laid down in this Regulation and a total prohibition against the movement to or placing on the market in a Member State of medicinal products subject to the specific rules laid down in this Regulation.

⁽⁴⁾ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

⁽⁵⁾ Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Union procedures for the authorisation and supervision of medicinal products for human use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1).

⁽⁶⁾ Commission Delegated Regulation (EU) 2016/161 of 2 October 2015 supplementing Directive 2001/83/EC of the European Parliament and of the Council by laying down detailed rules for the safety features appearing on the packaging of medicinal products for human use (OJ L 32, 9.2.2016, p. 1).

- (11) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of suspending the application of some or all of the specific rules laid down in this Regulation where there is evidence that the United Kingdom is not taking appropriate measures to tackle serious or repeated infringements of those specific rules. In such an event, it is appropriate to provide for a formal information and consultation mechanism with clear time limits within which the Commission should act. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽⁷⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (12) Where the specific rules for the placing on the market in Northern Ireland of medicinal products for human use are suspended, the relevant provisions of Union law listed in Annex 2 to the Protocol should apply again to such medicinal products.
- (13) In order to ensure an effective and swift reaction to any increased risk for public health, this Regulation should provide for the possibility for the Commission to adopt delegated acts in accordance with an urgency procedure.
- (14) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (15) It is appropriate to provide for a transitional period for the application of the specific rules laid down in this Regulation to medicinal products for human use which are already on the market in Northern Ireland.
- (16) As a consequence of the adoption of this Regulation, Directive 2001/83/EC should be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down specific rules relating to medicinal products for human use intended to be placed on the market in Northern Ireland in accordance with Article 6 of Directive 2001/83/EC.
2. This Regulation also lays down rules regarding the suspension of the application of the specific rules laid down in this Regulation.
3. The provisions of Union law listed in Annex 2 to the Protocol on Ireland/Northern Ireland (the 'Protocol') shall apply in respect of the placing on the market in Northern Ireland of medicinal products as referred to in paragraph 1 of this Article, unless specific rules are laid down in this Regulation.

Article 2

Definitions

For the purposes of this Regulation, the definitions laid down in Article 2 of Regulation (EC) No 726/2004, including the definitions laid down in Article 1 of Directive 2001/83/EC, apply.

⁽⁷⁾ OJ L 123, 12.5.2016, p. 1.

*Article 3***Specific rules for medicinal products as referred to in Article 1(1)**

1. The competent authorities of the United Kingdom in respect of Northern Ireland may allow medicinal products as referred to in Article 1(1) of this Regulation to be imported into Northern Ireland from other parts of the United Kingdom by holders of a wholesale distribution authorisation that are not in possession of a relevant manufacturing authorisation, provided that the conditions laid down in Article 40(1a), first subparagraph, points (a) to (d), of Directive 2001/83/EC are fulfilled.
2. The safety features referred to in Article 54, point (o), of Directive 2001/83/EC shall not appear on the outer packaging or, where there is no outer packaging, on the immediate packaging of medicinal products as referred to in Article 1(1) of this Regulation.
3. Where a medicinal product as referred to in Article 1(1) of this Regulation bears the safety features referred to in Article 54, point (o), of Directive 2001/83/EC, those features shall be fully removed or covered.
4. The qualified person referred to in Article 48 of Directive 2001/83/EC shall, in the case of a medicinal product as referred to in Article 1(1) of this Regulation, ensure that the safety features referred to in Article 54, point (o), of that Directive have not been affixed on the packaging of the medicinal product.
5. Holders of a wholesale distribution authorisation shall not be required to:
 - (a) verify medicinal products as referred to in Article 1(1) of this Regulation in accordance with Article 80, first paragraph, point (ca), of Directive 2001/83/EC;
 - (b) keep records as regards the information referred to in Article 80, first paragraph, point (e), last indent, of Directive 2001/83/EC.
6. For all supplies of medicinal products as referred to in Article 1(1) of this Regulation to a person authorised or entitled to supply medicinal products to the public, as referred to in Article 82 of Directive 2001/83/EC, as regards the United Kingdom in respect of Northern Ireland, the authorised wholesaler shall not be required to enclose a document that makes it possible to ascertain the batch number of the medicinal products in accordance with Article 82, first paragraph, last indent, of that Directive.

*Article 4***Specific rules for medicinal products as referred to in Article 1(1) of this Regulation belonging to the categories referred to in Article 3(1) and (2) of Regulation (EC) No 726/2004**

1. A medicinal product as referred to in Article 1(1) of this Regulation belonging to the categories referred to in Article 3(1) and (2) of Regulation (EC) No 726/2004 that has been granted a marketing authorisation in accordance with Article 10 of that Regulation shall not be placed on the market in Northern Ireland.
2. Notwithstanding paragraph 1 of this Article, a medicinal product as referred to in Article 1(1) of this Regulation belonging to the categories referred to in Article 3(1) and (2) of Regulation (EC) No 726/2004 may be placed on the market in Northern Ireland provided that all of the following conditions are fulfilled:
 - (a) the competent authorities of the United Kingdom have authorised the placing on the market of the medicinal product in accordance with the law of the United Kingdom and under the terms of the authorisation granted by them;
 - (b) the medicinal product concerned is labelled in accordance with Article 5 of this Regulation;
 - (c) written guarantees are provided by the United Kingdom to the Commission in accordance with Article 8 of this Regulation.

*Article 5***Specific rules for the labelling of medicinal products as referred to in Article 1(1)**

Medicinal products as referred to in Article 1(1) shall bear an individual label that complies with the following requirements:

- (a) it shall be attached to the packaging of the medicinal product in a conspicuous place in such a way that it is easily visible, clearly legible, and indelible; it shall not in any way be hidden, obscured, detracted from, or interrupted by any other written or pictorial matter or any other intervening material;
- (b) it shall state the words 'UK only'.

*Article 6***Monitoring of medicinal products as referred to in Article 1(1)**

The competent authority of the United Kingdom shall continuously monitor the placing on the market in Northern Ireland of medicinal products as referred to in Article 1(1) and the effective enforcement of the specific rules laid down in Articles 3, 4 and 5.

*Article 7***Prohibition against the movement to or placing on the market in a Member State of medicinal products as referred to in Article 1(1)**

1. Medicinal products as referred to in Article 1(1) shall not be moved from Northern Ireland to a Member State or be placed on the market in a Member State.
2. The Member States shall apply effective, proportionate and dissuasive penalties in the case of non-compliance with the specific rules laid down in this Regulation.

*Article 8***Written guarantees provided by the United Kingdom to the Commission**

The United Kingdom shall provide the Commission with written guarantees that the placing on the market of medicinal products as referred to in Article 1(1) does not increase the risk to public health in the internal market and that such medicinal products will not be moved to a Member State, including guarantees to the effect that:

- (a) economic operators comply with the labelling requirements laid down in Article 5;
- (b) effective monitoring, enforcement and controls of the specific rules laid down in Articles 3, 4 and 5 are in place and are carried out, by means of, *inter alia*, inspections and audits.

*Article 9***Suspension of the specific rules laid down in Articles 3, 4 and 5**

1. The Commission shall continuously monitor the application by the United Kingdom of the specific rules laid down in Articles 3, 4 and 5.
2. Where there is evidence that the United Kingdom is not taking appropriate measures to address serious or repeated infringements of the specific rules laid down in Articles 3, 4 and 5, the Commission shall inform the United Kingdom by means of written notification.

For a period of three months from the date of the written notification referred to in the first subparagraph, the Commission shall enter into consultations with the United Kingdom with a view to remedying the situation giving rise to that written notification. In justified cases, the Commission may extend that period by a further three months.

3. If the situation giving rise to the written notification referred to in paragraph 2, first subparagraph, of this Article is not remedied within the period referred to in paragraph 2, second subparagraph, of this Article, the Commission is empowered to adopt a delegated act in accordance with Articles 10 and 11 to supplement this Regulation by specifying the specific rules among those referred to in paragraph 1 of this Article whose application is to be temporarily or permanently suspended.
4. Where a delegated act has been adopted in accordance with paragraph 3 of this Article, the specific rules of Articles 3, 4 and 5 as specified in that delegated act shall cease to apply on the first day of the month following the entry into force of that delegated act.
5. Where the situation giving rise to the adoption of the delegated act in accordance with paragraph 3 of this Article has been remedied, the Commission shall adopt a delegated act in accordance with Articles 10 and 11 to supplement this Regulation by specifying those suspended specific rules of Articles 3, 4 and 5 that are to apply again.
6. Where a delegated act has been adopted in accordance with paragraph 5 of this Article, the specific rules of Articles 3, 4 and 5 as specified in that delegated act shall apply again on the first day of the month following the entry into force of that delegated act.

Article 10

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for a period of five years from the date of application referred to in Article 14. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 9 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 9 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 11

Urgency procedure

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.
2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 10(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.

*Article 12***Transitional provisions for safeguard requirements**

Medicinal products that have been lawfully placed on the market in Northern Ireland before the date of application referred to in Article 14, and that are not repackaged or relabelled after that date, may be further made available on the market in Northern Ireland until their expiry date without being required to comply with the specific rules laid down in Articles 3, 4 and 5.

*Article 13***Amendment to Directive 2001/83/EC**

Article 5a of Directive 2001/83/EC is deleted with effect from the date of application referred to in Article 14 of this Regulation.

*Article 14***Entry into force and application**

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 2025, provided that the United Kingdom has provided the written guarantees referred to in Article 8 and that the Commission has published prior to that date the notice referred to in the fifth paragraph of this Article.

In the event that those written guarantees are provided earlier than 1 January 2025 or later than that date, this Regulation shall apply from the first day of the month following the month during which the United Kingdom provides those written guarantees.

Within one month of reception of those written guarantees, the Commission shall provide a report to the European Parliament and to the Council with its assessment of those written guarantees.

The Commission shall publish a notice in the *Official Journal of the European Union* indicating the date from which this Regulation applies.

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

Done at Strasbourg, 14 June 2023.

For the European Parliament
The President
R. METSOLA

For the Council
The President
J. ROSWALL

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2023/1183

of 19 June 2023

implementing Regulation (EC) No 1183/2005 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1183/2005 of 18 July 2005 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo ⁽¹⁾, and in particular Article 9(2) thereof,

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

Whereas:

- (1) On 18 July 2005, the Council adopted Regulation (EC) No 1183/2005.
- (2) Following the judgments of the General Court in cases T-93/22 ⁽²⁾ and T-94/22 ⁽³⁾, two entries should be deleted from the list of natural or legal persons, entities and bodies set out in Annex Ia to Regulation (EC) No 1183/2005.
- (3) Regulation (EC) No 1183/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex Ia to Regulation (EC) No 1183/2005 is amended as set out in 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*.⁽¹⁾ OJ L 193, 23.7.2005, p. 1⁽²⁾ Judgment of the General Court of 8 March 2023, Ramazani Shadary v Council, T-93/22, ECLI:EU:T:2023:122.⁽³⁾ Judgment of the General Court of 8 March 2023, Mutondo v Council, T-94/22, ECLI:EU:T:2023:120.

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

Done at Luxembourg, 19 June 2023.

For the Council
The President
E. BUSCH

ANNEX

The following entries are deleted from the list set out in Section A ('Persons') of Annex Ia to Regulation (EC) No 1183/2005:

- '8. Emmanuel Ramazani SHADARY;
 - 9. Kalev MUTONDO.'
-

COMMISSION DELEGATED REGULATION (EU) 2023/1184**of 10 February 2023****supplementing Directive (EU) 2018/2001 of the European Parliament and of the Council by establishing a Union methodology setting out detailed rules for the production of renewable liquid and gaseous transport fuels of non-biological origin**

THE EUROPEAN COMMISSION,

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

Having regard to Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources ⁽¹⁾, and in particular Article 27(3), seventh subparagraph thereof,

Whereas:

- (1) Renewable liquid and gaseous transport fuels of non-biological origin are important for increasing the share of renewable energy in sectors that are expected to rely on gaseous and liquid fuels in the long term, such as maritime and aviation. It is necessary to establish a Union methodology setting out detailed rules on electricity used for liquid and gaseous transport fuels of non-biological origin to be considered fully renewable. To this end and considering the overall environmental objectives in Directive (EU) 2018/2001 it is necessary to lay down clear rules, based on objective and non-discriminatory criteria. As a principle, liquid and gaseous fuels of non-biological origin which are produced from electricity are considered renewable only when the electricity is renewable. This renewable electricity may be supplied by an installation that is directly connected to the installation (typically an electrolyser) that produces renewable liquid and gaseous transport fuels of non-biological origin, or may come directly from the grid.
- (2) The energy content of nearly all renewable liquid and gaseous transport fuels of non-biological origin is based on renewable hydrogen produced via electrolysis. The emission intensity of hydrogen produced from fossil-based electricity is substantially higher than the emission intensity of hydrogen produced from natural gas in conventional processes. It is therefore important to ensure that the electricity demand for the production of renewable liquid and gaseous transport fuels of non-biological origin is met by renewable electricity. Following Russia's invasion of Ukraine, the need of the Union for a rapid clean energy transition and the reduction of its dependency on fossil fuel imports has become even clearer and stronger. The Commission outlined in the RepowerEU Communication ⁽²⁾ its strategy to become independent from Russian fossil fuels well before the end of the decade. Renewable liquid and gaseous transport fuels of non-biological origin play an important role in this endeavour as well as reducing reliance on fossil fuel imports in general. Therefore, the criteria to be laid down are also important to prevent that electricity demand to produce hydrogen necessary for renewable transport fuels of non-biological origin would lead to increased fossil fuel imports from Russia for the production of the required electricity.
- (3) The rules set out in this Regulation should apply regardless of whether the liquid and gaseous transport fuel of non-biological origin is produced inside or outside the territory of the Union. Where reference is made to bidding zone and imbalance settlement period, concepts that exist in the Union but not in all other countries, it is appropriate to allow fuel producers in third countries to rely on equivalent concepts provided the objective of this Regulation is maintained and the provision is implemented based on the most similar concept existing in the third country concerned. In case of bidding zones such concept could be similar market regulations, the physical characteristics of the electricity grid, notably the level of interconnection or as a last resort the country.

⁽¹⁾ OJ L 328, 21.12.2018, p. 82.

⁽²⁾ COM(2022) 108 final.

- (4) The nascent nature of the hydrogen industry, its value chain and the market means that planning and construction of installations generating renewable electricity as well as installations producing renewable liquid and gaseous transport fuel of non-biological origin are often subject to significant delays in the permitting processes and other unexpected hurdles, despite being scheduled to enter into operation at the same time. It is therefore appropriate for the reason of practical feasibility to consider a time period of up to 36 months when determining if an installation generating renewable electricity has come into operation after, or at the same time as, the installation producing renewable liquid and gaseous transport fuel of non-biological origin. Sourcing renewable electricity for the production of renewable liquid and gaseous transport fuels of non-biological origin via a direct connection from an installation producing renewable electricity that is not connected to the grid demonstrates that the electricity is produced in this installation. However, if the installation producing renewable electricity and the installation producing hydrogen are not only directly connected but are also connected to the grid, evidence should be provided that the electricity used to produce hydrogen is supplied through the direct connection. The installation supplying electricity for hydrogen production through a direct connection should always supply renewable electricity. If it supplies non-renewable electricity, the resulting hydrogen should not be considered renewable.
- (5) In bidding zones where renewable electricity already represents the dominant share, electricity taken from the grid should be considered as fully renewable provided that the number of full load hours of renewable liquid and gaseous transport fuel of non-biological origin production is limited to the share of renewable electricity in the bidding zone and any production exceeding this share is considered non-renewable. Adding additional installations producing renewable electricity is not necessary given that it can be reasonably assumed that producing renewable hydrogen in a bidding zone where the share of renewable energy exceeds 90 % allows meeting the 70 % greenhouse gas saving criterion set out in Article 25(2) of Directive (EU) 2018/2001 and it may create challenges for the operation of electricity system.
- (6) Similarly, in bidding zones, where the emission intensity of electricity is below 18 gCO₂eq/MJ, adding further installations producing renewable electricity is not required to achieve the 70 % emissions savings for renewable hydrogen. In such cases, it is appropriate to consider electricity taken from the grid as fully renewable provided that the renewable properties of electricity are demonstrated with renewables power purchase agreements and by applying criteria for temporal and geographic correlation. Lack of compliance with these conditions and criteria would prevent electricity used for the production of renewable liquid and gaseous transport fuels from being considered as fully renewable.
- (7) It is further appropriate to consider electricity taken from the grid as fully renewable at times where the production of renewable liquid and gaseous transport fuel of non-biological origin supports the integration of renewable power generation into the electricity system and reduces the need for redispatching of renewable electricity generation.
- (8) In all other cases, the production of renewable hydrogen should incentivise the deployment of new renewable electricity generation capacity and take place at times and in places where renewable electricity is available (temporal and geographic correlation) to avoid incentives for more fossil-based electricity generation. Given that planning and construction of installations generating renewable electricity are often subject to significant delays in the permitting processes, it is appropriate to consider an installation generating renewable electricity as new if it has come into operation not earlier than 36 months before the installation producing renewable liquid and gaseous transport fuel of non-biological origin.
- (9) Power purchase agreements are a suitable tool to incentivise the deployment of new renewable electricity generation capacity provided the new renewable electricity generation capacity does not receive financial support since the renewable hydrogen is already being supported by being eligible to count towards the obligation on fuel suppliers set out in Article 25 of Directive (EU) 2018/2001. Alternatively, fuel producers could also produce the amount of renewable electricity required for the production of renewable liquid and gaseous transport fuel of non-biological origin in renewable electricity generation capacity they own themselves. The cancellation of the power purchase

agreement should not be detrimental to the possibility for the installation producing renewable electricity to be still considered as a new installation when covered by a new power purchase agreement. Furthermore, any extension of the installation producing renewable hydrogen that increases its production capacity may be considered to come into operation at the same time as the original installation. This would avoid the potential need to conclude power purchase agreements with different installations every time there is an extension, thus reduce administrative burden. Financial support that is repaid or financial support for land or grid connections for the renewable power generation facility should not be considered as operating aid or investment aid.

- (10) Due to the fluctuating nature of some sources of renewable energy including wind power and solar power, as well as congestion of the electricity grid, renewable electricity may not be constantly available for the production of renewable hydrogen. It is therefore appropriate to set out rules that ensure that renewable hydrogen is produced at times and in places where renewable electricity is available.
- (11) In order to demonstrate that renewable hydrogen is produced when renewable electricity is available, hydrogen producers should show that production of renewable hydrogen takes place in the same calendar month as the production of the renewable electricity, that the electrolyser uses stored renewable electricity, or that the electrolyser uses electricity at times when electricity prices are so low that fossil-based electricity generation is not economically viable and, therefore, additional demand for electricity triggers more renewable electricity production and does not trigger an increase in fossil electricity generation. The criterion for synchronisation should become stricter when markets, infrastructures and technologies allowing for a quick adjustment of hydrogen production and the synchronisation of electricity generation and hydrogen production become available.
- (12) Bidding zones are designed to avoid grid congestion within the zone. To ensure that there is no electricity grid congestion between the electrolyser producing renewable hydrogen and the installation generating renewable electricity it is appropriate to require that, both installations should be located in the same bidding zone. Where they are located in interconnected bidding zones, the electricity price in the bidding zone where the installation generating renewable electricity is located should be equal or higher than in the bidding zone where the renewable liquid and gaseous transport fuel of non-biological origin is produced so that it contributes to reducing congestion; or the installation generating renewable electricity under the power purchase agreement should be located in an offshore bidding zone interconnected to the bidding zone where the electrolyser is located.
- (13) In order to address national specificities of their bidding zones and to support the integrated planning of electricity and hydrogen networks, Member States should be allowed to set out additional criteria concerning the location of electrolysers within bidding zones.
- (14) Fuel producers could combine different options for counting electricity that is used for the production of renewable liquid and gaseous transport fuels of non-biological origin in a flexible way provided only one option is applied for each unit of electricity input. In order to verify whether the rules have been followed correctly it is appropriate to request fuels suppliers to thoroughly document which options were applied to source renewable electricity that is used for the production of renewable liquid and gaseous transport fuels of non-biological origin. Voluntary schemes and national schemes are expected to play an important role in the implementation and certification of the rules in third countries as Member States are required to accept the evidence obtained from recognised voluntary schemes.
- (15) Articles 7 and 19 of Directive (EU) 2018/2001 provide sufficient assurances that the renewable properties of electricity used for the production of renewable hydrogen are claimed only once and only in one end-use sector. Article 7 of that Directive ensures that, when calculating the overall share of renewables in gross final energy consumption, renewable liquid and gaseous transport fuels of non-biological origin are not accounted because the renewable electricity used to produce them has already been accounted for. Article 19 of that Directive should avoid that both the producer of the renewable electricity and the producer of the renewable liquid and gaseous transport fuels of non-biological origin produced from that electricity can receive guarantees of origin by ensuring that the guarantees of origin issued to the producer of renewable electricity are cancelled.

- (16) Implementation of temporal correlation is hampered in the short term by technological barriers to measure hourly matching, the challenging implications for electrolyser designs, as well as the lack of hydrogen infrastructure enabling storage and transportation of renewable hydrogen to end users in need of constant hydrogen supply. In order to enable the ramp-up of the production of renewable liquid and gaseous transport fuels of non-biological origin, the criteria on temporal correlation should therefore be more flexible in the initial phase, allowing market players to put in place the necessary technological solutions.
- (17) Due to the time needed for the planning and construction of installations generating renewable electricity and the lack of new installations generating renewable electricity that do not receive support, the requirements set out in Article 5, points (a) and (b) of this Regulation should apply only at a later stage.
- (18) The reliance on fossil fuels for electricity generation should decline over time with the implementation of the European Green Deal and the share of energy from renewable sources should increase. The Commission should monitor this development closely and assess the impact of the requirements set out in this Regulation, notably the gradual strengthening of the requirements on temporal correlation, regarding production costs, greenhouse gas emission savings and the energy system, and submit at the latest by 1 July 2028 a report to the European Parliament and the Council,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down detailed rules for determining when electricity used for the production of renewable liquid and gaseous transport fuels of non-biological origin can be considered fully renewable. These rules shall apply to the production of renewable liquid and gaseous transport fuels of non-biological origin via electrolysis and analogously for less common production pathways.

They shall apply regardless of whether the liquid and gaseous transport fuel of non-biological origin is produced inside or outside the territory of the Union.

Article 2

Definitions

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

- (1) 'bidding zone' means bidding zone as defined in Article 2, point (65), of Regulation (EU) 2019/943 of the European Parliament and of the Council ⁽³⁾ for Member States, or an equivalent concept for third countries;
- (2) 'direct line' means direct line as defined in Article 2, point (41), of Directive (EU) 2019/944 of the European Parliament and of the Council ⁽⁴⁾;
- (3) 'installation generating renewable electricity' means individual units, or groups of units, producing electricity in one or several locations from the same or from different renewable sources, as defined in Article 2, point (1) of Directive (EU) 2018/2001, excluding units producing electricity from biomass and storage units;

⁽³⁾ Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (OJ L 158, 14.6.2019, p. 54).

⁽⁴⁾ Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).

- (4) 'fuel producer' means an economic operator that produces renewable liquid and gaseous transport fuel of non-biological origin;
- (5) 'come into operation' means starting production of renewable liquid and gaseous transport fuels of non-biological origin or renewable electricity for the first time or following a repowering as defined under Article 2, point (10) of Directive (EU) 2018/2001 requiring investments exceeding 30 % of the investment that would be needed to build a similar new installation;
- (6) 'smart metering system' means smart metering system as defined in Article 2, point (23) of Directive (EU) 2019/944;
- (7) 'imbalance settlement period' means imbalance settlement period as defined in Article 2, point (15) of Regulation (EU) 2019/943 within the Union, or an equivalent concept for third countries.

Article 3

Rules for counting electricity obtained from direct connection to an installation generating renewable electricity as fully renewable

For the purpose of demonstrating compliance with the criteria set out in Article 27(3), fifth subparagraph of Directive (EU) 2018/2001 for counting electricity obtained from direct connection to an installation generating renewable electricity as fully renewable, the fuel producer shall provide evidence on the following:

- (a) the installations generating renewable electricity are connected to the installation producing renewable liquid and gaseous transport fuel of non-biological origin via a direct line, or the renewable electricity production and production of renewable liquid and gaseous transport fuel of non-biological origin take place within the same installation;
- (b) the installations generating renewable electricity came into operation not earlier than 36 months before the installation producing renewable liquid and gaseous transport fuel of non-biological origin; where additional production capacity is added to an existing installation producing renewable liquid and gaseous transport fuel of non-biological origin, the added capacity shall be considered to be part of the existing installation, provided that the capacity is added at the same site and the addition takes place no later than 36 months after the initial installation came into operation;
- (c) the installation producing electricity is not connected to the grid, or the installation producing electricity is connected to the grid but a smart metering system that measures all electricity flows from the grid shows that no electricity has been taken from the grid to produce renewable liquid and gaseous transport fuel of non-biological origin.

If the fuel producer also uses electricity from the grid, it may count it as fully renewable if it complies with the rules set out in Article 4.

Article 4

General rules for counting electricity taken from the grid as fully renewable

1. Fuel producers may count electricity taken from the grid as fully renewable if the installation producing the renewable liquid and gaseous transport fuel of non-biological origin is located in a bidding zone where the average proportion of renewable electricity exceeded 90 % in the previous calendar year and the production of renewable liquid and gaseous transport fuel of non-biological origin does not exceed a maximum number of hours set in relation to the proportion of renewable electricity in the bidding zone.

This maximum number of hours shall be calculated by multiplying the total number of hours in each calendar year by the share of renewable electricity reported for the bidding zone where the renewable liquid and gaseous transport fuel of non-biological origin is produced. The average share of renewable electricity shall be determined by dividing the gross final consumption of electricity from renewable sources in the bidding zone calculated by analogy to the rules set out in Article 7(2) of Directive (EU) 2018/2001 by the gross electricity production from all energy sources as defined in Annex B

to Regulation (EC) No 1099/2008 of the European Parliament and of the Council ⁽⁵⁾, except from water previously pumped uphill, plus imports minus exports of electricity to the bidding zone. Once the average share of renewable electricity exceeds 90 % in a calendar year, it shall be continued to be considered to be higher than 90 % for the subsequent five calendar years.

2. Where the conditions set out under paragraph 1 are not met, fuel producers may count electricity taken from the grid as fully renewable if the installation producing the renewable liquid and gaseous transport fuel of non-biological origin is located in a bidding zone where the emission intensity of electricity is lower than 18 gCO₂eq/MJ, provided that the following criteria are met:

- (a) the fuel producers have concluded directly, or via intermediaries, one or more renewables power purchase agreements with economic operators producing renewable electricity in one or more installations generating renewable electricity for an amount that is at least equivalent to the amount of electricity that is claimed as fully renewable and the electricity claimed is effectively produced in this or these installations;
- (b) the conditions on temporal and geographical correlation in accordance with Articles 6 and 7 are met.

The emission intensity of electricity shall be determined following the approach for calculating the average carbon intensity of grid electricity in the methodology for determining the greenhouse gas emissions savings from renewable liquid and gaseous transport fuels of non-biological origin and from recycled carbon fuels set out in the delegated act adopted pursuant to Article 28(5) of Directive (EU) 2018/2001 based on latest available data.

Once the emission intensity of electricity is lower than 18 gCO₂eq/MJ in a calendar year, the average emission intensity of electricity shall be continued to be considered to be lower than 18 gCO₂eq/MJ for the subsequent five calendar years.

3. Electricity taken from the grid that is used to produce renewable liquid and gaseous transport fuel of non-biological origin may also be counted as fully renewable if the electricity used to produce renewable liquid and gaseous transport fuel of non-biological origin is consumed during an imbalance settlement period during which the fuel producer can demonstrate, based on evidence from the national transmission system operator, that:

- (a) power-generating installations using renewable energy sources were redispatched downwards in accordance with Article 13 of Regulation (EU) 2019/943;
- (b) the electricity consumed for the production of renewable liquid and gaseous transport fuel of non-biological origin reduced the need for redispatching by a corresponding amount.

4. Where the conditions in paragraphs 1, 2 and 3 are not met, fuel producers may count electricity taken from the grid as fully renewable if it complies with the conditions on additionality, temporal correlation and geographic correlation in accordance with Articles 5, 6 and 7.

Article 5

Additionality

The additionality condition referred to in Article 4(4), first subparagraph shall be considered complied with if fuel producers produce an amount of renewable electricity in their own installations that is at least equivalent to the amount of electricity claimed as fully renewable, or have concluded directly, or via intermediaries, one or more renewables power purchase agreements with economic operators producing renewable electricity in one or more installations for an amount of renewable electricity that is at least equivalent to the amount of electricity that is claimed as fully renewable and the electricity claimed is effectively produced in this or these installations, provided that the following criteria are met:

⁽⁵⁾ Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics (OJ L 304, 14.11.2008, p. 1).

- (a) The installation generating renewable electricity came into operation not earlier than 36 months before the installation producing the renewable liquid and gaseous transport fuel of non-biological origin.

Where an installation generating renewable electricity complied with the requirements set out in the first subparagraph of this paragraph under a renewables power purchase agreement with a fuel producer that has ended, it shall be considered to have come into operation at the same time as the installation producing the renewable liquid and gaseous transport fuel of non-biological origin under a new renewables power purchase agreement.

Where additional production capacity is added to an existing installation producing renewable liquid and gaseous transport fuel of non-biological origin, the added capacity shall be considered to have come into operation at the same time as the initial installation, provided that the capacity is added at the same site and the addition takes place no later than 36 months after the initial installation came into operation.

- (b) The installation generating renewable electricity has not received support in the form of operating aid or investment aid, excluding support received by installations before their repowering, financial support for land or for grid connections, support that does not constitute net support, such as support that is fully repaid and support for installations generating renewable electricity that are supplying installations producing renewable liquid and gaseous transport fuel of non-biological origin used for research, testing and demonstration.

Article 6

Temporal correlation

Until 31 December 2029 the temporal correlation condition referred to in Article 4(2) and (4), shall be considered complied with if the renewable liquid and gaseous transport fuel of non-biological origin is produced during the same calendar month as the renewable electricity produced under the renewables power purchase agreement or from renewable electricity from a new storage asset that is located behind the same network connection point as the electrolyser or the installation generating renewable electricity, that has been charged during the same calendar month in which the electricity under the renewables power purchase agreement has been produced.

From 1 January 2030, the temporal correlation condition shall be considered complied with if the renewable liquid and gaseous transport fuel of non-biological origin is produced during the same one-hour period as the renewable electricity produced under the renewables power purchase agreement or from renewable electricity from a new storage asset that is located behind the same network connection point as the electrolyser or the installation generating renewable electricity, that has been charged during the same one-hour period in which the electricity under the renewables power purchase agreement has been produced. Following a notification to the Commission, Member States may apply the rules set out in this paragraph from 1 July 2027 for renewable liquid and gaseous transport fuel of non-biological origin produced in their territory.

The temporal correlation condition shall always be considered complied with if the renewable liquid and gaseous transport fuel of non-biological origin is produced during a one-hour period where the clearing price of electricity resulting from single day-ahead market coupling in the bidding zone, as referred to in Article 39(2), point (a) of Commission Regulation (EU) 2015/1222 ⁽⁶⁾, is lower or equal to EUR 20 per MWh or lower than 0,36 times the price of an allowance to emit 1 tonne of carbon dioxide equivalent during the relevant period for the purpose of meeting the requirements of Directive 2003/87/EC of the European Parliament and of the Council ⁽⁷⁾.

⁽⁶⁾ Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (OJ L 197, 25.7.2015, p. 24).

⁽⁷⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

*Article 7***Geographical correlation**

1. The geographical correlation condition referred to in Article 4(2) and (4) shall be considered complied with if at least one of the following criteria relating to the location of the electrolyser is fulfilled:

- (a) the installation generating renewable electricity under the renewables power purchase agreement is located, or was located at the time when it came into operation, in the same bidding zone as the electrolyser;
- (b) the installation generating renewable electricity is located in an interconnected bidding zone, including in another Member State, and electricity prices in the relevant time period on the day-ahead market referred to in Article 6 in the interconnected bidding zone is equal or higher than in the bidding zone where the renewable liquid and gaseous transport fuel of non-biological origin is produced;
- (c) the installation generating renewable electricity under the renewables power purchase agreement is located in an offshore bidding zone that is interconnected with the bidding zone where the electrolyser is located.

2. Without prejudice to Articles 14 and 15 of Regulation (EU) 2019/943, Member States may introduce additional criteria concerning the location of electrolyzers and the installation producing renewable electricity to the criteria set out in paragraph 1, in order to ensure compatibility of capacity additions with the national planning of the hydrogen and electricity grid. Any additional criteria shall have no negative impact on the functioning of the internal electricity market.

*Article 8***Common rules**

Fuel producers shall provide reliable information demonstrating that all requirements set out in Articles 3 to 7 are complied with, including for each hour as relevant:

- (a) the amount of electricity used to produce renewable liquid and gaseous transport fuel of non-biological origin, further detailed as follows:
 - (i) the amount of electricity sourced from the grid that does not count as fully renewable as well as the proportion of renewable electricity;
 - (ii) the amount of electricity that counts as fully renewable because it has been obtained from a direct connection to an installation generating renewable electricity as set out in Article 3;
 - (iii) the amount of electricity sourced from the grid that counts as fully renewable in accordance with the criteria set out in Article 4(1);
 - (iv) the amount of electricity that counts as fully renewable in accordance with the criteria set out in Article 4(2);
 - (v) the amount of electricity that counts as fully renewable in accordance with the criteria set out in Article 4(3);
 - (vi) the amount of electricity that counts as fully renewable in accordance with the criteria set out in Article 4(4);
- (b) the amount of renewable electricity generated by the installations generating renewable electricity, regardless of whether they are directly connected to an electrolyser and regardless of whether the renewable electricity is used for the production of the renewable liquid and gaseous transport fuel of non-biological origin or for other purposes;

- (c) the amounts of renewable and non-renewable liquid and gaseous transport fuel of non-biological origin produced by the fuel producer.

Article 9

Certification of compliance

Regardless of whether the renewable liquid and gaseous transport fuel of non-biological origin is produced inside or outside the territory of the Union, fuel producers may make use of national schemes or international voluntary schemes recognised by the Commission pursuant to Article 30(4) of Directive (EU) 2018/2001 to demonstrate compliance with the criteria set out in Articles 3 to 7 of this Regulation, in line with Article 8, as relevant.

Where a fuel producer provides evidence or data obtained in accordance with a scheme that has been the subject of a decision in accordance with Article 30(4) of Directive (EU) 2018/2001, to the extent that such decision covers the demonstrating of compliance of the scheme with Article 27(3), fifth and sixth subparagraphs of that Directive, a Member State shall not require the suppliers of renewable liquid and gaseous transport fuels of non-biological origin to provide further evidence of compliance with the criteria set out in this Regulation.

Article 10

Reporting

By 1 July 2028, the Commission shall submit a report to the European Parliament and the Council assessing the impact of the requirements set out in this Regulation, including the impact of temporal correlation, on production costs, greenhouse gas emission savings and the energy system.

Article 11

Transitional phase

Article 5, points (a) and (b) shall not apply until 1 January 2038 to installations producing renewable liquid and gaseous transport fuel of non-biological origin that come into operation before 1 January 2028. This exemption shall not apply to capacity added after 1 January 2028 for the production of renewable liquid and gaseous transport fuel of non-biological origin.

Article 12

Entry into force

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

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

Done at Brussels, 10 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION DELEGATED REGULATION (EU) 2023/1185**of 10 February 2023****supplementing Directive (EU) 2018/2001 of the European Parliament and of the Council by establishing a minimum threshold for greenhouse gas emissions savings of recycled carbon fuels and by specifying a methodology for assessing greenhouse gas emissions savings from renewable liquid and gaseous transport fuels of non-biological origin and from recycled carbon fuels**

THE EUROPEAN COMMISSION,

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

Having regard to Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources ⁽¹⁾, and in particular Articles 25(2) and 28(5) thereof,

Whereas:

- (1) Taking into account the need to substantially reduce greenhouse gas emissions in the transport sector and the possibility for each fuel to make significant greenhouse gas emissions savings by applying carbon capture and storage techniques, among other measures, and considering the greenhouse gas saving requirements set for other fuels in Directive (EU) 2018/2001, a minimum greenhouse gas emission saving threshold of 70 % should be set for all types of recycled carbon fuels.
- (2) Clear rules need to be set, based on objective and non-discriminatory criteria, for calculating greenhouse gas emissions savings for renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels and their fossil fuel comparators.
- (3) The greenhouse gas emissions accounting methodology should take into account the full life-cycle emissions from producing renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels and be based on objective and non-discriminatory criteria.
- (4) Credits should not be granted for capturing CO₂ which has already been taken into account under other provisions of Union law. Therefore that kind of captured CO₂ should not be considered as being avoided when determining the emissions from the inputs' existing use or fate.
- (5) The origin of carbon used for the production of renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels is not relevant for determining emission savings of such fuels in the short term, as currently many carbon sources are available and can be captured while making progress on decarbonisation. In an economy on a trajectory towards climate neutrality by 2050, sources of carbon that can be captured should become scarce in the medium- to long-term, increasingly restricted to CO₂ emissions that are hardest to abate. In addition, the continued use of renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels that contain carbon from non-sustainable fuel is not compatible with a trajectory towards climate neutrality by 2050 as it would entail the continued use of non-sustainable fuels and their related emissions. Therefore, capturing of emissions from non-sustainable fuels should not be considered as avoiding emissions indefinitely when determining the greenhouse gas emissions savings from the use of renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels. Captured emissions from the combustion of non-sustainable fuels for the production of electricity should be considered avoided emissions up to 2035, as most should be abated by that date, while emissions from other uses of non-sustainable fuels should be considered avoided emissions up to 2040, as these emissions will remain longer. These dates will be subject to review in light of the implementation in the sectors covered by Directive 2003/87/EC of the European Parliament and of the Council ⁽²⁾ of the Union-wide

⁽¹⁾ OJ L 328, 21.12.2018, p. 82.⁽²⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

climate target for 2040. The Union-wide climate target for 2040 is to be proposed by the Commission at the latest within six months of the first global stocktake carried out under the Paris Agreement, in accordance with Regulation (EU) 2021/1119 of the European Parliament and of the Council ⁽³⁾. The implementation of the target in Directive 2003/87/EC will further determine the expected scarcity of emissions in each sector.

- (6) Emissions from activities listed in Annex I to Directive 2003/87/EC, namely from industrial processes or from the combustion of non-sustainable fuels, should be prevented, even if they could be captured and used to produce renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels. These emissions are subject to carbon pricing to incentivise abating the emissions from non-sustainable fuels in the first place. Therefore, where such emissions are not taken into account upstream through an effective carbon pricing, those emissions must be accounted for and should not be considered as being avoided.
- (7) Renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels can be produced in various processes, which may yield a mixture of different types of fuels. The methodology to assess the greenhouse gas emissions savings should therefore be able to derive the actual emission savings from those processes, including processes that yield both renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels.
- (8) To determine the greenhouse gas emissions intensity of renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels it is necessary to calculate the share of the energy content of such fuels in the output of a process. For this purpose, the fraction of each type of fuel should be determined by dividing the relevant energy input for the type of fuel in question by the total relevant energy inputs into the process. In case of the production of renewable liquid and gaseous transport fuels of non-biological origin, it is necessary to determine whether the relevant electricity input should be considered as fully renewable. The relevant electricity input should be counted as fully renewable if the provisions under Article 27(3) fifth and sixth subparagraph of Directive (EU) 2018/2001 are fulfilled. Otherwise, the average share of electricity from renewable sources in the country of production, as measured two years before the year in question, should be used to determine the share of renewable energy. In case of the production of recycled carbon fuels, only liquid or solid waste streams of non-renewable origin which are not suitable for material recovery in accordance with Article 4 of Directive 2008/98/EC of the European Parliament and of the Council ⁽⁴⁾ and waste processing gas and exhaust gas of non-renewable origin which are produced as an unavoidable and unintentional consequence of the production process in industrial installations can be considered as relevant energy input for the production of recycled carbon fuels.
- (9) The fossil fuel comparator for renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels should be set at 94 gCO₂eq/MJ in line with the value set out for biofuels and bioliquids in Directive (EU) 2018/2001.
- (10) The main objective of promoting recycled carbon fuels is to reduce greenhouse gas emissions by improving the efficiency of use of eligible feedstock compared to present uses. Given that feedstock that can be used to produce recycled carbon fuels may already have been in use to produce energy, it is appropriate to take the greenhouse gas emissions resulting from the diversion of the use of those rigid inputs from its current use into account when calculating greenhouse gas emissions. The same should apply for rigid inputs obtained from incorporated processes and used to produce renewable liquid and gaseous transport fuels of non-biological origin.
- (11) If the electricity used to produce renewable liquid and gaseous transport fuels of non-biological origin is taken from the electricity grid and is not considered as fully renewable, the average carbon intensity of electricity consumed in the Member State where the fuel is produced should be applied, given that that best describes the greenhouse gas intensity of the whole process. Alternatively, electricity taken from the electricity grid that is used in the production process of renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels that does

⁽³⁾ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1).

⁽⁴⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

not qualify as fully renewable according to Article 27(3) of Directive (EU) 2018/2001, could be attributed greenhouse gas emissions values depending on the number of full load hours the installation producing renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels is operating. If the electricity used to produce renewable liquid and gaseous transport fuels of non-biological origin is considered fully renewable according to the rules set out in Article 27 of Directive (EU) 2018/2001, a carbon intensity of zero should be applied to this electricity supply,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation establishes a minimum threshold for greenhouse gas emissions savings of recycled carbon fuels and specifies the methodology to calculate the greenhouse gas emissions savings from renewable liquid and gaseous transport fuels of non-biological origin and from recycled carbon fuels.

Article 2

The greenhouse gas emissions savings from the use of recycled carbon fuels shall be at least 70 %.

Article 3

The greenhouse gas emissions savings from renewable liquid and gaseous transport fuels of non-biological origin and from recycled carbon fuels shall be determined in accordance with the methodology set out in the Annex.

Article 4

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

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

Done at Brussels, 10 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Methodology for determining greenhouse gas emissions savings from renewable liquid and gaseous transport fuels of non-biological origin and from recycled carbon fuels

A. METHODOLOGY

- Greenhouse gas emissions from the production and use of renewable liquid and gaseous transport fuels of non-biological origin or recycled carbon fuels shall be calculated as follows:

$$E = e_i + e_p + e_{td} + e_u - e_{ccs}$$

where:

E =	total emissions from the use of the fuel (gCO ₂ eq/MJ fuel)
e_i =	$e_{i \text{ elastic}} + e_{i \text{ rigid}} - e_{\text{ex-use}}$: emissions from supply of inputs (gCO ₂ eq/MJ fuel)
$e_{i \text{ elastic}}$ =	emissions from elastic inputs (gCO ₂ eq/MJ fuel)
$e_{i \text{ rigid}}$ =	emissions from rigid inputs (gCO ₂ eq/MJ fuel)
$e_{\text{ex-use}}$ =	emissions from inputs' existing use or fate (gCO ₂ eq/MJ fuel)
e_p =	emissions from processing (gCO ₂ eq/MJ fuel)
e_{td} =	emissions from transport and distribution (gCO ₂ eq/MJ fuel)
e_u =	emissions from combusting the fuel in its end-use (gCO ₂ eq/MJ fuel)
e_{ccs} =	emission savings from carbon capture and geological storage (gCO ₂ eq/MJ fu

Emissions from the manufacture of machinery and equipment shall not be taken into account.

The greenhouse gas emissions intensity of renewable liquid and gaseous transport fuels of non-biological origin or recycled carbon fuels shall be determined by dividing the total emissions of the process covering each element of the formula by the total amount of fuel stemming from the process and shall be expressed in terms of grams of CO₂ equivalent per MJ of fuel (gCO₂eq/MJ fuel). If a fuel is a mix of renewable liquid and gaseous transport fuels of non-biological origin, recycled carbon fuels and other fuels, all (fuel) types shall be considered to have the same emission intensity.

The exception to this rule is the case of co-processing where renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels are only partially replacing a conventional input in a process.

In such a situation it shall be distinguished in the calculation of the greenhouse gas emissions intensity on a proportional basis of the energetic value of inputs between:

- the part of the process that is based on the conventional input, and
- the part of the process that is based on renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels assuming that the process parts are otherwise identical.

An analogous distinction between processes shall be applied where renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels are processed together with biomass.

The greenhouse gas emissions intensity may be calculated as an average for the entire production of fuels occurring during a period of at most one calendar month but may also be calculated for shorter time intervals. Where electricity qualifying as fully renewable according to the methodology set out in Directive (EU) 2018/2001 is used as input that enhances the heating value of the fuel or intermediate products, the time interval shall be in line with the requirements applying for temporal correlation. Where relevant, greenhouse gas emissions intensity values calculated for individual time intervals may then be used to calculate an average greenhouse gas emissions intensity for a period of up to one month, provided that the individual values calculated for each time period meet the minimum savings threshold of 70 %.

2. Greenhouse gas emission savings from renewable liquid and gaseous transport fuels of non-biological origin or from recycled carbon fuels shall be calculated as follows:

$$\text{Savings} = (E_F - E)/E_F$$

where:

E = total emissions from the use of renewable liquid and gaseous transport fuel of non-biological origin or recycled carbon fuel.

E_F = total emissions from the fossil fuel comparator.

For all renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels, the total emissions from the fossil fuel comparator shall be 94 gCO₂eq/MJ.

3. If the output of a process does not fully qualify as renewable liquid and gaseous transport fuels of non-biological origin or recycled carbon fuel, their respective shares in the total output shall be determined as follows:

- (a) the fraction of renewable liquid and gaseous transport fuels of non-biological origin shall be determined by dividing the relevant renewable energy input into the process by the total relevant energy inputs into the process;
- (b) the fraction of recycled carbon fuel shall be determined by dividing the relevant energy input qualifying as a source for the production of recycled carbon fuels into the process by the total relevant energy inputs into the process.

The relevant energy for material inputs is the lower heating value of the material input that enters into the molecular structure of the fuel ⁽¹⁾.

For electricity inputs that are used to enhance the heating value of the fuel or intermediate products the relevant energy is the energy of the electricity.

For industrial off-gases, it is the energy in the off-gas based on their lower heating value. In case of heat that is used to enhance the heating value of the fuel or intermediate product, the relevant energy is the useful energy in the heat that is used to synthesise the fuel. Useful heat is the total heat energy multiplied by the Carnot efficiency, as defined in Annex V, part C, point (1)(b) of Directive (EU) 2018/2001. Other inputs are only taken into account when determining the emission intensity of the fuel.

4. When determining emissions from supply of inputs, it shall be distinguished between elastic inputs and rigid inputs. Rigid inputs are those whose supply cannot be expanded to meet extra demand. Thus, all inputs qualifying as a carbon source for the production of recycled carbon fuels are rigid, as well as outputs produced in fixed ratio by an incorporated process ⁽²⁾ and which represent less than 10 % of the economic value of the output. If it represents 10 % or more of the economic value, it shall be treated as elastic. In principle, elastic inputs are those whose supply can be increased to meet extra demand. Petroleum products from refineries fall into this category because refineries can change the ratio of their products.
5. Electricity qualifying as fully renewable according to Article 27(3) of Directive (EU) 2018/2001, shall be attributed zero greenhouse gas emissions.
6. One of the three following alternative methods shall be applied during each calendar year to attribute greenhouse gas emissions values to the electricity taken from the grid that does not qualify as fully renewable according to Article 27(3) of Directive (EU) 2018/2001 and is used to produce renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels:
- (a) greenhouse gas emissions values shall be attributed according to part C of this Annex. This is without prejudice to the assessment under State aid rules;

⁽¹⁾ For material inputs containing water, the lower heating value is taken to be the lower heating value of the dry part of the material input (i.e. not taking into account the energy needed to evaporate the water). Renewable liquid and gaseous transport fuels of non-biological origin used as intermediate products for the production of conventional fuels are not considered.

⁽²⁾ Incorporated processes include processes that take place in the same industrial complex, or that supply the input via a dedicated supply infrastructure, or that supply more than half of the energy of all inputs to the production of the renewable liquid and gaseous transport fuel of non-biological origin or recycled carbon fuel.

- (b) greenhouse gas emissions values shall be attributed depending on the number of full load hours the installation producing renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels is operating. Where the number of full load hours is equal or lower than the number of hours in which the marginal price of electricity was set by installations producing renewable electricity or nuclear power plants in the preceding calendar year for which reliable data are available, grid electricity used in the production process of renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels shall be attributed a greenhouse gas emissions value of zero gCO₂eq/MJ. Where this number of full load hours is exceeded, grid electricity used in the production process of renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels shall be attributed a greenhouse gas emissions value of 183 gCO₂eq/MJ; or
- (c) the greenhouse gas emissions value of the marginal unit generating electricity at the time of the production of the renewable liquid and gaseous transport fuels of non-biological origin in the bidding zone may be used if this information is publicly available from the national transmission system operator.

If the method set in point (b) is used, it shall also be applied to electricity that is used to produce renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels and qualifies as fully renewable according to Article 27(3) of Directive (EU) 2018/2001.

- 7. GHG emissions of elastic inputs that are obtained from an incorporated process shall be determined based on data from their actual production process. This shall include all emissions arising due to their production over the whole supply chain (including emissions arising from the extraction of the primary energy required to make the input, processing of the input and transportation of the input). Combustion emissions related to the carbon content of fuel inputs shall not be included ⁽³⁾.

However, GHG emissions from the elastic inputs that are not obtained from an incorporated process shall be determined based on the values included in Part B of this Annex. If the input is not included in the list, information of the emission intensity may be drawn from the latest version of the JEC-WTW report, the Ecoinvent database, official sources such as the IPCC, IEA or government, other reviewed sources such as the E3 and GEMIS database and peer reviewed publications.

- 8. The supplier of each input, excluding those where the values are taken from part B of this Annex, shall calculate the emissions intensity ⁽⁴⁾ of the input following the procedures in this document, and report the value to the next production step or final fuel producer. The same rule applies to the suppliers of inputs further back in the supply chain.
- 9. Emissions from rigid inputs shall include the emissions resulting from the diversion of those inputs from a previous or alternative use. These emissions shall take into account the loss of production of electricity, heat or products that were previously generated using the input as well as any emissions due to additional treatment of the input and transport. The following rules shall apply:
 - (a) Emissions attributed to the supply of rigid inputs shall be determined by multiplying the lost production of electricity, heat or other products with the relevant emission factor. In case of lost electricity production, the emission factors to consider are for grid electricity generation in the country where the displacement occurred determined according to the appropriate methodology set out under points 5 or 6. In case of diverted material, the emissions to be attributed to the replacement material are calculated as for material inputs in this methodology. For the first 20 years after the start of production of renewable liquid and gaseous transport fuels of non-biological origin or recycled carbon fuels, the loss of production of electricity, heat and material shall be determined based on the average amount of electricity and heat that was produced from the rigid input over the last three years before the start of production of renewable liquid and gaseous transport fuels of non-biological origin or recycled carbon fuels. After 20 years of production, the loss of production of electricity, heat or other products shall be determined based on the minimum energy performance standards assumed in pertinent best available technology (BAT) conclusions. Where the process is not covered by a BAT, the estimation of lost production shall be based on a comparable process applying state of the art technology.

⁽³⁾ If carbon intensities are taken from the table in part B, combustion emissions shall not be considered. This is because combustion emissions are counted in processing or in the combustion emissions of the final fuel.

⁽⁴⁾ Consistent with section 6 the emissions intensity shall not include the emissions embedded in the carbon content of the supplied input.

- (b) In case of rigid inputs that are intermediate streams in industrial processes, such as coke oven gas, blast furnace gas in a steelworks, or refinery gas in an oil refinery, if the effect of diverting it for fuel production cannot be measured directly, the emissions due to the diversion of inputs shall be determined based on simulations of the plant operation before and after it is modified to produce recycled carbon fuels. If the modification of the plant caused a reduction of output of some products, the emissions attributed to the rigid input shall include the emissions associated with replacing the lost products.
- (c) Where the process makes use of rigid inputs from new installations such as a new steelworks that uses its blast furnace gas for making recycled carbon fuels, the impact of diverting the input from the most economic alternative use shall be taken into account. Then the emission implications are calculated according to the minimum energy performance standards assumed in the pertinent BAT conclusions. For industrial processes which are not covered by a BAT, the saved emissions shall be calculated on the basis of the comparable process applying state of the art technology.
10. Emissions from existing use or fate include all emissions in the existing use or fate of the input that are avoided when the input is used for fuel production. These emissions shall include the CO₂ equivalent of the carbon incorporated in the chemical composition of the fuel that would have otherwise been emitted as CO₂ into the atmosphere. This includes CO₂ that was captured and incorporated into the fuel provided that at least one of the following conditions is fulfilled:
- (a) the CO₂ has been captured from an activity listed under Annex I of Directive 2003/87/EC and has been taken into account upstream in an effective carbon pricing system and is incorporated in the chemical composition of the fuel before 2036. This date shall be extended to 2041 in other cases than CO₂ stemming from the combustion of fuels for electricity generation; or
 - (b) the CO₂ has been captured from the air; or
 - (c) the captured CO₂ stems from the production or the combustion of biofuels, bioliquids or biomass fuels complying with the sustainability and greenhouse gas saving criteria and the CO₂ capture did not receive credits for emission savings from CO₂ capture and replacement, set out in Annex V and VI of Directive (EU) 2018/2001; or
 - (d) the captured CO₂ stems from the combustion of renewable liquid and gaseous transport fuels of non-biological origin or recycled carbon fuels complying with the greenhouse gas saving criteria, set out in Article 25(2) and Article 28(5) of Directive (EU) 2018/2001 and this Regulation; or
 - (e) the captured CO₂ stems from a geological source of CO₂ and the CO₂ was previously released naturally.
- Captured CO₂ stemming from a fuel that is deliberately combusted for the specific purpose of producing the CO₂ and CO₂, the capture of which has received an emissions credit under other provisions of the law shall not be included.
- Emissions associated with the inputs like electricity and heat and consumable materials used in the capture process of CO₂ shall be included in the calculation of emissions attributed to inputs.
11. The dates established in point 10(a) will be subject to review considering the implementation in the sectors covered by Directive 2003/87/EC of the Union-wide climate target for 2040 established in accordance with Article 4(3) of Regulation (EU) 2021/1119.
12. Emissions from processing shall include direct atmospheric emissions from the processing itself, from waste treatment and from leakages.
13. Emissions from combustion of the fuel refer to the total combustion emissions of the fuel in use.
14. The greenhouse gases taken into account in emissions calculations, and their carbon dioxide equivalents, shall be the same as specified in Annex V, part C, point 4 of Directive (EU) 2018/2001.

15. Where a process yields multiple co-products such as fuels or chemicals, as well as energy co-products such as heat, electricity or mechanical energy exported from the plant, greenhouse gas emissions shall be allocated to these co-products applying the following approaches in the following manner:
- (a) The allocation shall be conducted at the end of the process that produces the co-products. The emissions allocated shall include the emissions from the process itself, as well as the emissions attributed to inputs to the process.
 - (b) The emissions to be allocated shall be e_i plus any fractions of e_p , e_{td} and e_{ccs} that take place up to and including the process step at which the co-products are produced. If an input into the process is itself a co-product of another process, the allocation at the other process shall be done first to establish the emissions to be attributed to the input.
 - (c) If any installation inside the project boundary treats only one of the project's co-products, then the emissions from that installation shall be ascribed entirely to that co-product.
 - (d) Where the process allows to change the ratio of the co-products produced, the allocation shall be done based on physical causality by determining the effect on the process' emissions of incrementing the output of just one co-product whilst keeping the other outputs constant.
 - (e) Where the ratio of the products is fixed and the co-products are all fuels, electricity or heat, the allocation shall be done by energy content. If allocation concerns exported heat on the basis of the energy content, only the useful part of the heat may be considered, as defined in Annex V, part C, point 16 of Directive (EU) 2018/2001.
 - (f) Where the ratio of the products is fixed and some co-products are materials with no energy content, the allocation shall be done by the economic value of the co-products. The economic value considered shall be the average factory-gate value of the products over the last three years. If such data is not available, the value shall be estimated from commodity prices minus the cost of transport and storage ⁽ⁱ⁾.
16. Emissions from transport and distribution shall include emissions from the storage and distribution of the finished fuels. Emissions attributed to inputs e_i shall include emissions from their associated transport and storage.
17. Where a process for making renewable liquid and gaseous transport fuels of non-biological origin or recycled carbon fuels produces carbon emissions that are permanently stored in accordance with Directive 2009/31/EC on the geological storage of carbon dioxide, this may be credited to the products of the process as a reduction in emissions under e_{ccs} . Emissions arising due to the storage operation (including transport of the carbon dioxide) will also need to be taken into account under e_p .

B. 'STANDARD VALUES' FOR GREENHOUSE GAS EMISSION INTENSITIES OF ELASTIC INPUTS

The GHG intensities of inputs other than electricity are shown in the table below:

	Total emissions gCO ₂ eq/MJ	Upstream emissions gCO ₂ eq/MJ	Combustion emissions gCO ₂ eq/MJ
Natural gas	66,0	9,7	56,2
Diesel	95,1	21,9	73,2
Gasoline	93,3	19,9	73,4
Heavy fuel oil	94,2	13,6	80,6
Methanol	97,1	28,2	68,9
Hard coal	112,3	16,2	96,1
Lignite	116,7	1,7	115,0

⁽ⁱ⁾ Note that it is the relative values of the co-products that matters, so general inflation is not an issue.

	gCO ₂ eq/kg
Ammonia	2 351,3
Calcium chloride (CaCl ₂)	38,8
Cyclohexane	723,0
Hydrochloric acid (HCl)	1 061,1
Lubricants	947,0
Magnesium sulphate (MgSO ₄)	191,8
Nitrogen	56,4
Phosphoric acid (H ₃ PO ₄)	3 124,7
Potassium hydroxide (KOH)	419,1
Pure CaO for processes	1 193,2
Sodium carbonate (Na ₂ CO ₃)	1 245,1
Sodium chloride (NaCl)	13,3
Sodium hydroxide (NaOH)	529,7
Sodium methoxide (Na(CH ₃ O))	2 425,5
SO ₂	53,3
Sulphuric acid (H ₂ SO ₄)	217,5
Urea	1 846,6

C. GHG EMISSION INTENSITY OF ELECTRICITY

The greenhouse gas emission intensity of electricity shall be determined at the level of countries or at the level of bidding zones. The greenhouse gas emission intensity of electricity may be determined at the level of bidding zones only, if the required data are publicly available. The calculation the carbon intensity of electricity, expressed as gCO₂eq/kWh electricity, shall consider all potential primary energy sources for electricity generation, type of plant, conversion efficiencies and own electricity consumption in the power plant.

The calculation shall consider all carbon equivalent emissions, associated with the combustion and supply of the fuels used for electricity production. This relies on the amount of different fuels used in the electricity production facilities and the emission factors from fuel combustion and the upstream fuel emission factors.

Greenhouse Gases other than CO₂ shall be converted to CO₂eq by multiplying their Global Warming Potential (GWP) relative to CO₂ over the 100-year time horizon as set out in Annex V, part C, point 4 to Directive (EU) 2018/2001. Because of their biogenic origin, CO₂ emissions from the combustion of biomass fuels are not accounted for, but emissions of CH₄ and N₂O shall be accounted for.

For the calculation of the GHG emissions from fuels combustion, the IPCC default emission factors for stationary combustion in the energy industries shall be used (IPCC 2006). The upstream emissions shall include emissions from all the processes and phases required to make the fuel ready to supply the power production; they result from the extraction, refining and transport of the fuel used for electricity production.

In addition, all the upstream emissions from the cultivation, harvesting, collection, processing and transport of biomass shall be considered. Peat and the components of waste materials that are from fossil origins shall be treated as a fossil fuel.

The fuels used for gross electricity production in electricity only plants are determined based on the electricity production and the efficiency of conversion to electricity. In the case of Combined Heat and Power (CHP), the fuels used for heat produced in CHP shall be counted by considering alternative heat production with average overall efficiencies of 85 %, while the rest shall be attributed to electricity generation.

For nuclear power plants, the conversion efficiency from nuclear heat shall be assumed to be 33 % or data provided by Eurostat or a similar, accredited source.

No fuels are associated with electricity production from renewables that include hydro, solar, wind and geothermal. The emissions from the construction and decommissioning and waste management of electricity producing facilities are not considered. Thus, the carbon equivalent emissions associated with the renewable electricity (wind, solar, hydro and geothermal) production are considered to be equal to zero.

The CO₂ equivalent emissions from gross electricity production shall include upstream emissions from JEC WTW v5 (Prussi et al, 2020) listed in Table 3 and the default emission factors for stationary combustion from IPCC Guidelines for National Greenhouse Gas Inventories (IPCC 2006) listed in Tables 1 and 2. The upstream emissions for supplying the fuel used shall be calculated applying the JEC WTW v5 upstream emission factors (Prussi et al, 2020).

The calculation of the carbon intensity of electricity shall be done following the formula:

$$e_{\text{gross.prod}} = \sum_{i=1}^k (c_{i-\text{ups}} + c_{i-\text{comb}}) \times B_i$$

where:

$e_{\text{gross.prod}}$ = CO₂ equivalent emissions [gCO_{2eq}]

$c_{i-\text{ups}}$ = upstream CO₂ equivalent emission factors $\left[\frac{\text{gCO}_{2\text{eq}}}{\text{MJ}} \right]$

$c_{i-\text{comb}}$ = CO₂ equivalent emission factors from fuels combustion $\left[\frac{\text{gCO}_{2\text{eq}}}{\text{MJ}} \right]$

B_i = fuel consumption for electricity generation [MJ]

$i = 1 \dots k$ = fuels used for electricity production

The amount of net electricity production is determined by the gross electricity production, own electricity consumption in the power plant and the electricity losses in pump storage.

$$E_{\text{net}} = E_{\text{gross}} - E_{\text{own}} - E_{\text{pump}}$$

where: net electricity production [MJ]

E_{net} =

E_{gross} = gross electricity production [MJ]

E_{own} = own internal electricity consumption in power plant [MJ]

E_{pump} = electricity for pumping [MJ]

The carbon intensity of net produced electricity shall be the total gross GHG emissions for producing or using the net electricity:

$$CI = \frac{e_{\text{gross.prod}}}{E_{\text{net}}}$$

where: CI = CO₂ equivalent emissions from electricity production $\left[\frac{\text{gCO}_{2\text{eq}}}{\text{MJ}} \right]$

Electricity production and fuel consumption data

Data on electricity production and fuel consumption shall be sourced from IEA Data and statistics that provides data on energy balances and electricity produced using various fuels, e.g. from IEA website, Data and Statistic section ('Energy Statistics Data Browser') ⁽⁶⁾.

⁽⁶⁾ Example: <https://www.iea.org/data-and-statistics/data-tools/energy-statistics-data-browser?country=GERMANY&energy=Coal&year=2022>.

For EU Member States, Eurostat data are more detailed and can be used instead. Where the greenhouse gas emission intensity is established at the level of bidding zones, data from official national statistics of the same level of detail as the IEA data shall be used. Fuel consumption data shall include available data at the highest level of detail available from national statistics: solid fossil fuels, manufactured gases, peat and peat products, oil shale and oil sands, oil and petroleum products, natural gas, renewables and biofuels, non-renewable waste and nuclear. Renewables and biofuels include biofuels, renewable municipal waste, hydro, ocean, geothermal, wind, solar and heat pumps.

Input data from literature sources

Table 1

Default emissions factors for stationary combustion [g/MJ fuel on a net calorific value]

Fuel	CO ₂	CH ₄	N ₂ O
Solid fossil fuels			
Anthracite	98,3	0,001	0,0015
Coking coal	94,6	0,001	0,0015
Other bituminous coal	94,6	0,001	0,0015
Sub-bituminous coal	96,1	0,001	0,0015
Lignite	101	0,001	0,0015
Patent fuel	97,5	0,001	0,0015
Coke oven coke	107	0,001	0,0015
Gas coke	107	0,001	0,0001
Coal tar	80,7	0,001	0,0015
Brown coal briquettes	97,5	0,001	0,0015
Manufactured gases			
Gas works gas	44,4	0,001	0,0001
Coke oven gas	44,4	0,001	0,0001
Blast furnace gas	260	0,001	0,0001
Other recovered gases	182	0,001	0,0001
Peat and peat products	106	0,001	0,0015
Oil shale and oil sands	73,3	0,003	0,0006
Oil and petroleum products			
Crude oil	73,3	0,003	0,0006
Natural gas liquids	64,2	0,003	0,0006
Refinery feedstocks	73,3	0,003	0,0006
Additives and oxygenates	73,3	0,003	0,0006
Other hydrocarbons	73,3	0,003	0,0006
Refinery gas	57,6	0,001	0,0001
Ethane	61,6	0,001	0,0001
Liquefied petroleum gases	63,1	0,001	0,0001
Motor gasoline	69,3	0,003	0,0006

Aviation gasoline	70	0,003	0,0006
Gasoline-type jet fuel	70	0,003	0,0006
Kerosene-type jet fuel	71,5	0,003	0,0006
Other kerosene	71,5	0,003	0,0006
Naphtha	73,3	0,003	0,0006
Gas oil and diesel oil	74,1	0,003	0,0006
Fuel oil	77,4	0,003	0,0006
White spirit and SBP	73,3	0,003	0,0006
Lubricants	73,3	0,003	0,0006
Bitumen	80,7	0,003	0,0006
Petroleum coke	97,5	0,003	0,0006
Paraffin waxes	73,3	0,003	0,0006
Other oil products	73,3	0,003	0,0006
Natural gas	56,1	0,001	0,0001

Waste

Industrial waste (non-renewable)	143	0,03	0,004
Non-renewable municipal waste	91,7	0,03	0,004

Note: values have to be multiplied with GWP factors set out in Annex V, part C, point 4 to Directive (EU) 2018/2001.

Source: IPCC, 2006.

Table 2

Default emissions factors for stationary combustion of fuels of biomass origin [g/MJ fuel on a net calorific value]

Fuel	CO ₂	CH ₄	N ₂ O
Primary solid biofuels	0	0,03	0,004
Charcoal	0	0,2	0,004
Biogases	0	0,001	0,0001
Renewable municipal waste	0	0,03	0,004
Pure biogasoline	0	0,003	0,0006
Blended biogasoline	0	0,003	0,0006
Pure biodiesels	0	0,003	0,0006
Blended biodiesels	0	0,003	0,0006
Pure bio jet kerosene	0	0,003	0,0006
Blended bio jet kerosene	0	0,003	0,0006
Other liquid biofuels	0	0,003	0,0006

Source: IPCC, 2006.

Table 3

Fuel upstream emission factors [gCO₂eq/M] fuel on a net calorific value]

Fuel	Emission factor
Hard coal	15,9
Brown coal	1,7
Peat	0
Coal gases	0
Petroleum Products	11,6
Natural gas	12,7
Solid biofuels	0,7
Liquid biofuels	46,8
Industrial Waste	0
Municipal waste	0
Biogases	13,7
Nuclear	1,2
Source: JEC WTW v5.	

Table A includes the values for the GHG emission intensity of electricity at country level in the European Union. If the greenhouse gas emission intensity of electricity is determined at country level, these values shall be used for electricity sourced in the European Union until more recent data becomes available to determine the emission intensity of electricity ⁽⁷⁾.

Table A

Emission intensity of electricity in the European Union 2020

Country	Emission intensity of generated electricity (gCO ₂ eq/MJ)
Austria	39,7
Belgium	56,7
Bulgaria	119,2
Cyprus	206,6
Czechia	132,5
Germany	99,3
Denmark	27,1
Estonia	139,8
Greece	125,2
Spain	54,1
Finland	22,9
France	19,6
Croatia	55,4

⁽⁷⁾ Updated data will be made available by the European Commission on a regular basis.

Hungary	72,9
Ireland	89,4
Italy	92,3
Latvia	39,4
Lithuania	57,7
Luxembourg	52,0
Malta	133,9
Netherlands	99,9
Poland	196,5
Portugal	61,6
Romania	86,1
Slovakia	45,6
Slovenia	70,1
Sweden	4,1

Source: JRC, 2022.

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1186**of 13 June 2023****entering a name in the register of protected designations of origin and protected geographical indications ('Kullings kalvdans' (PGI))**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Sweden's application to register the name 'Kullings kalvdans' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no reasoned statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Kullings kalvdans' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Kullings kalvdans' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.4. Other products of animal origin (eggs, honey, various dairy products except butter, etc.), as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 13 June 2023.

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 55, 14.2.2023, p. 14.

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

DECISIONS

COUNCIL DECISION (CFSP) 2023/1187

of 19 June 2023

on Union support for the universalisation and effective implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 12 December 2003, the European Council adopted the EU Strategy against Proliferation of Weapons of Mass Destruction ('the Strategy'), which states that non-proliferation, disarmament and arms control can make an essential contribution in the global fight against terrorism by reducing the risk of non-State actors gaining access to weapons of mass destruction, radioactive materials and means of delivery. Chapter III of the Strategy contains a list of measures that need to be taken, both within the Union and in third countries, to combat such proliferation.
- (2) The Union is actively implementing the Strategy and is giving effect to the measures listed in Chapter III thereof, in particular by working towards the universalisation and, where necessary, strengthening of the main treaties, agreements and verification arrangements on disarmament and non-proliferation, and by releasing financial resources to support specific projects conducted by multilateral institutions such as the UN Office on Drugs and Crime (UNODC) and the UN Office of Counter-Terrorism (UNOCT).
- (3) On 13 April 2005, the UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism, which was opened for signature on 14 September 2005.
- (4) In his Agenda for Disarmament entitled 'Securing our Common Future', which was launched on 24 May 2018, the UN Secretary-General noted that nuclear risks were unacceptable and that they were growing.
- (5) On 10 December 2018, the Council adopted Decision (CFSP) 2018/1939 ⁽¹⁾.
- (6) On 7 June 2021, the Council adopted Decision (CFSP) 2021/919 ⁽²⁾, amending Decision (CFSP) 2018/1939 and extending its implementation until 30 November 2022 in view of the continuing challenges arising from the COVID-19 pandemic.
- (7) On 8 November 2022, the Council adopted Decision (CFSP) 2022/2185 ⁽³⁾, amending Decision (CFSP) 2018/1939 and further extending its implementation until 30 June 2023 in view of the continued delay in the implementation of project activities under Decision (CFSP) 2018/1939 due to the impact of the COVID-19 pandemic.

⁽¹⁾ Council Decision (CFSP) 2018/1939 of 10 December 2018 on Union support for the universalisation and effective implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism (OJ L 314, 11.12.2018, p. 41).

⁽²⁾ Council Decision (CFSP) 2021/919 of 7 June 2021 amending Decision (CFSP) 2018/1939 on Union support for the universalisation and effective implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism (OJ L 201, 8.6.2021, p. 27).

⁽³⁾ Council Decision (CFSP) 2022/2185 of 8 November 2022 amending Decision (CFSP) 2018/1939 on Union support for the universalisation and effective implementation of the International Convention for the Suppression of Acts of Nuclear terrorism (OJ L 288, 9.11.2022, p. 80).

- (8) The 2022 Strategic Compass for Security and Defence refers to the persistent threat of the proliferation of weapons of mass destruction and their means of delivery, and expresses the Union's objective of reinforcing concrete actions in support of the goals of disarmament, non-proliferation and arms control. It also mentions the transnational threat of terrorism as a continuous challenge and the Union's will to strengthen its response to better prevent and counter terrorism.
- (9) The technical implementation of this Decision should be entrusted to the UNODC and the UN Counter-Terrorism Centre (UNCCT) of the UNOCT.
- (10) This Decision should be implemented in accordance with the Financial and Administrative Framework Agreement concluded by the European Commission with the UN concerning the management of financial contributions by the Union to programmes or projects administered by the UN,

HAS ADOPTED THIS DECISION:

Article 1

1. With a view to the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction, the EU Global Strategy for the European Union's Foreign and Security Policy and the Strategic Compass for Security and Defence, the Union shall further support the universalisation and effective implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism ('ICSANT') through an operational action.
2. The objectives of the action referred to in paragraph 1 shall be to:
 - (a) increase the number of States initiating processes to become party to ICSANT and heighten awareness and knowledge of ICSANT among beneficiaries, such as national policy- and decision-makers, and in international fora;
 - (b) improve national legislation and the capacity of criminal justice officials and other relevant national stakeholders in beneficiary countries to investigate, prosecute and adjudicate cases in which ICSANT is of relevance;
 - (c) enhance policies, practices and procedures to prevent, detect and respond to the threat of non-State actors, including terrorists, acquiring, possessing and/or using nuclear or other radioactive material;
 - (d) improve knowledge and understanding of the threat of radiological and nuclear terrorism and other criminal conduct involving such materials;
 - (e) enhance national and international cooperation, including information exchange, within and among State Parties, in devising and adopting effective and practical measures to effectively implement the Convention.
3. A detailed description of the action referred to in paragraph 1 is set out in the Annex.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative') shall be responsible for the implementation of this Decision.
2. The technical implementation of the action referred to in Article 1 shall be carried out by the UNODC and the UNOCT.
3. The UNODC and the UNOCT shall perform that task under the responsibility of the High Representative. For that purpose, the High Representative shall enter into the necessary arrangements with the UNODC and the UNOCT.

Article 3

1. The financial reference amount for the implementation of the action to be financed by the Union referred to in Article 1 shall be EUR 4 000 000,82.

2. The expenditure financed by the reference amount set out in paragraph 1 shall be managed in accordance with the rules and procedures applicable to the general budget of the Union.
3. The Commission shall supervise the proper management of the expenditure financed by the reference amount referred to in paragraph 1. For that purpose, it shall conclude contribution agreements with the UNODC and the UNOCT. The contribution agreements shall stipulate that the UNODC and the UNOCT are to ensure the visibility of the Union's contribution, appropriate to its size.
4. The Commission shall endeavour to conclude the agreements referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of the conclusion of the agreements.

Article 4

1. The High Representative shall report to the Council on the implementation of this Decision on the basis of regular reports by the UNODC and the UNOCT. These regular reports shall form the basis of the evaluation carried out by the Council.
2. The Commission shall provide information on the financial aspects of the implementation of the action referred to in Article 1.

Article 5

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

This Decision shall expire 36 months after the date of the conclusion of the agreements referred to in Article 3(3). However, it shall expire six months after the date of the entry into force if no agreement has been concluded within that period.

Done at Luxembourg, 19 June 2023.

For the Council
The President
E. BUSCH

ANNEX

Supporting the universalization and effective implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism**Executive summary****Background**

The 2005 International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT) is one of the 19 international legal instruments against terrorism, essential for international peace and security. As of March 2023, ICSANT has 120 Parties, meaning that more than one third of the world is not yet protected by the Convention. In order to reach ICSANT's full potential, and to avoid safe havens and legal loopholes, universalization remains a key goal. However, becoming a party is only the first necessary step and effective implementation (legislative and technical) is also key.

Joining ICSANT entails adopting the necessary national implementing legislation to ensure that all requirements set forth in the Convention are adequately transposed into national legal systems. This provides comprehensive legal coverage for crimes involving nuclear or other radioactive material, including terrorist acts, as well as mechanisms to prevent and respond to such conduct.

The first project between the European Union and the United Nations on *Promoting universalization and effective implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism*, began in 2019 and will be finalized in June 2023. It represents an important multilateral security partnership that serves to address the persisting threat of nuclear or other radioactive material being acquired or used by non-State actors for terrorist or other criminal purposes. This is especially relevant at a time when political attention to the issue of nuclear security has increased worldwide.

Project rationale

ICSANT remains highly relevant, not only for countries with nuclear material and nuclear power programmes, but also for all other countries, given that ICSANT covers also other radioactive material commonly used – *inter alia* – in medicine, industry and agriculture. Therefore, it is necessary to continue promoting and supporting the universalization and effective implementation of the Convention, by demonstrating the benefit for all States to join the treaty and prevent and prohibit terrorist and other criminal conduct by non-State actors involving nuclear or other radioactive material. In this regard, the European Union and the United Nations will partner again in a new project on *Supporting the universalization and effective implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism*.

Project Goal

The project aims to ensure that there is no safe haven for those who commit or seek to commit terrorist or other criminal acts involving nuclear or other radioactive material, by supporting the universalization and effective implementation of ICSANT.

Project Duration

1 July 2023 – 30 June 2026 (36 months)

Project Geographical Scope

Global, regional, national

Project Approach

This project will be implemented by the United Nations Office on Drugs and Crime (UNODC) Terrorism Prevention Branch (TPB), through its CBRN Terrorism Prevention Programme, and by the United Nations Office of Counter-Terrorism (UNOCT), through its United Nations Counter-Terrorism Centre (UNCCT) Programme on Preventing and Responding to Weapons of Mass Destruction/Chemical, Biological, Radiological and Nuclear Terrorism (WMD/CBRN), in close collaboration with relevant field offices as well as international and non-governmental organizations, as appropriate,

including the Delegations of the European Union, the European Union CBRN Risk Mitigation Centres of Excellence (EU CBRN CoE) Initiative, the International Atomic Energy Agency (IAEA), the United Nations Interregional Crime and Justice Research Institute (UNICRI), the United Nations Office for Disarmament Affairs (UNODA) and the Group of Experts of the United Nations Security Council Committee established pursuant to resolution 1540 (2004).

The project will be divided into two components, each to be implemented by UNODC and by UNOCT/UNCCT, respectively, in accordance with their mandates and expertise. This will result in some outputs and activities being implemented by UNODC, while others will be implemented by UNOCT/UNCCT. In some cases, both entities will be involved.

The project will build on the activities delivered and tools developed during the project set out in Council Decision (CFSP) 2018/1939 of 10 December 2018.

It will be conducted in line with relevant United Nations Security Council resolutions and with the United Nations Global Counter-Terrorism Strategy (GCTS) which strongly emphasize that all measures to counter terrorism must be in compliance with international human rights obligations. Existing international human rights norms and standards (as contained in treaties, customary law and other instruments) will be integrated into the project.

The project will be implemented in a gender sensitive manner, with gender perspectives mainstreamed throughout the project. The project will promote gender perspectives and integrate gender dimension in its methodology and, to the extent possible, ensure equal opportunities for female and male officials to participate in all project events, underlining the benefits of inclusion of female public servants in the national institutions. All feedback collected from pre- and post-workshop surveys and tests will be disaggregated by gender, to ensure the project is able to capture and report on the perspective of female officials. Project indicators will collect and report data disaggregated by gender.

UNODC and UNOCT will coordinate as appropriate on the implementation of their respective activities.

Whenever external expertise is sought to implement activities, UNODC and UNOCT will endeavour to engage experts from European Union Member States.

The project will include cooperation with the international community and national authorities, including Parliaments, Ministries of Justice and other relevant stakeholders, to promote universalization of ICSANT, enhance visibility on the importance of adherence and build capacities for its effective implementation.

Project Outcomes

Outcome 1: Increased number of States considering/initiating processes/becoming Parties to ICSANT and heightened awareness and knowledge of ICSANT among beneficiaries (national policy and decision makers, including parliamentarians) and in international fora. Synergies with other relevant international legal instruments (CPPNM, ACPPNM, UNSC resolution 1540) are exploited as appropriate.

Outcome 2: Improved national legislation and capacity of criminal justice officials and other relevant national stakeholders in beneficiary countries to investigate, prosecute and adjudicate cases in which ICSANT would be of relevance.

Outcome 3: Enhanced policies, practices, and procedures to prevent, detect and respond to the threat of non-State actors, including terrorists, acquiring, possessing and/or using nuclear or other radioactive material and improved knowledge and understanding of the threat of radiological and nuclear terrorism and other criminal conduct involving such materials.

Outcome 4: Enhanced national and international cooperation, including information exchange, within and among States Parties in devising and adopting effective and practical measures to effectively implement the Convention.

Project Outputs and Activities

Outcome 1: Increased number of States considering/initiating processes/becoming Parties to ICSANT and heightened awareness and knowledge of ICSANT among beneficiaries (national policy and decision makers, including parliamentarians) and in international fora. Synergies with other relevant international legal instruments (CPPNM, ACPPNM, UNSC resolution 1540) are exploited as appropriate.

Output 1.1: The importance of universalization and effective implementation of ICSANT, through visibility, advocacy and contribution to relevant events, is promoted

Activity 1.1.1: Project launch and presentation of results from previous activities (UNODC/UNOCT)

UNODC and UNOCT/UNCCT will organize a project launch in Vienna and New York respectively, inviting local Permanent Missions of Member States. The implementers will endeavour to include representation from key Member States, both from the European Union, as well as from the Member States of focus regions to build interest and momentum for this second project and facilitate implementation at national and regional levels. These events will also provide an opportunity to share results and lessons learned from the previous project.

Activity 1.1.2: Promotion of the *Study on Reasons and Challenges of United Nations Member States for Not Becoming Party to ICSANT and Tools for its Effective Implementation* (UNOCT)

UNOCT/UNCCT will organise three (3) sessions to promote and disseminate the *Study on Reasons and Challenges of United Nations Member States for Not Becoming Party to ICSANT and Tools for its Effective Implementation* developed during the ICSANT project, which will conclude in June 2023. The study presents the deeper understanding of the reasons and challenges for Member States not becoming Party to ICSANT and issues a number of recommendations on how to ensure increased adherence and effective implementation. In particular, UNOCT/UNOCT will follow up with key Member States that could benefit from the results and guidance of the Study.

Activity 1.1.3: Visibility, advocacy and contribution to ICSANT-related events hosted by other organizations (UNODC/UNOCT)

Within their respective mandates and as appropriate, UNODC and UNOCT/UNCCT will contribute expertise and promote ICSANT and their work under the project in relevant international fora, such as events related to/organized by:

- international legal frameworks, including, but not limited to, the Convention on the Physical Protection of Nuclear Material and its Amendment, United Nations Security Council resolution 1540 (2004), the Treaty on the Non-Proliferation of Nuclear Weapons;
- international organizations, including, but not limited to, IAEA, the International Criminal Police Organization (INTERPOL), UNICRI, the United Nations Institute for Disarmament Research (UNIDIR), UNODA, the United Nations Office of Legal Affairs (OLA);
- civil society, including non-governmental organizations;
- international initiatives including, but not limited to, the EU CBRN CoE, the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, the Nuclear Threat Initiative and the United Nations Global Counter-Terrorism Coordination Compact.

Output 1.2: Adherence to ICSANT and synergies with other relevant international legal instruments are promoted and increased

Activity 1.2.1: Promotion of adherence via country visits (UNODC)

Building upon the extensive outreach conducted by UNODC towards universalization and its vast field office network, UNODC will organize eight (8) country visits to States not yet party to ICSANT which on the basis of UNODC's analysis and previous engagement would most benefit from in-person consultations in capital. UNODC to engage relevant national stakeholders including Members of Parliament as appropriate in the country visits.

Activity 1.2.2: Promotion of adherence through engagement with the national Parliaments of Member States not Parties to ICSANT (UNOCT)

UNOCT/UNCCT will organize three (3) national events to jointly appeal to the Parliaments of Member States that are not yet Parties to the Convention. Other relevant stakeholders, including Ministry of Foreign Affairs, Ministry of Justice, nuclear regulatory authorities, law enforcement agencies will also be invited to join the briefing. The national events will focus on the relevance of ICSANT to enhance nuclear security, the complementarity and synergies with other international legal instruments, the benefits of adherence and risk of not adhering, good practices in implementation and the threat of terrorism involving nuclear and radioactive material. UNOCT/UNCCT, in collaboration with the UNOCT Programme on Parliamentary Engagement in Preventing and Countering Terrorism, Programme Office in Doha, will work closely with international and regional parliamentary organizations to promote adherence to the Convention.

Activity 1.2.3: Promotion of adherence via regional workshops (UNODC)

UNODC, in order to enhance sustainability of the universalization efforts undertaken under the first EU ICSANT project, will organize four (4) follow-up virtual regional, interregional and subregional workshops for policy- and decision-makers of States not yet party to ICSANT (three (3) in English, one (1) in French).

The virtual workshops will build on activities delivered under the previous Council Decision in order to ensure sustainability. Relevant materials developed under the project such as e-learning and training manuals as well as electronic awareness-raising materials (which are already available in all six UN official languages) will be deployed prior to and during the workshops as appropriate. In addition to focusing on ICSANT, the workshops will address synergies with the Convention on the Physical Protection of Nuclear Material and the Amendment thereto, as well as UNSC resolution 1540 (2004), and involve relevant stakeholders as appropriate (e.g. IAEA). UNODC will encourage States to include Members of Parliament among the nominees for the virtual workshops.

Activity 1.2.4: Second joint IAEA-UNODC seminar to promote universalization of ICSANT and the Amendment to CPPNM (UNODC)

Building on the successful first joint event held on 11-12 November 2021, UNODC will organize together with the IAEA the second event of this kind. The event will be held in Vienna, Austria.

Activity 1.2.5: Promoting adherence through a high-level event on the margins of the 2024 IAEA International Conference on Nuclear Security (UNODC)

Building upon the successful side event that UNODC held in 2020 on the margins of the IAEA International Conference on Nuclear Security (ICONS), UNODC will hold a high-level event at the next ICONS in Vienna, Austria, in 2024. The Conference is a key nuclear security gathering that comprises a ministerial segment and a scientific and technical programme thus featuring high-level policy discussions and parallel technical sessions. The last Conference in 2020 was attended by over 57 ministers and more than 2000 experts from over 130 countries and 35 international organizations.

Activity 1.2.6: Promoting adherence through a high-level event on the margins of the Counter-Terrorism Week in New York (UNOCT)

UNOCT/UNCCT will organise a high-level event during the Counter-Terrorism Week at the United Nations in New York, a high visibility biennial gathering of Member States and international counter-terrorism partners.

Activity 1.2.7: Side event on human rights dimensions while implementing ICSANT (UNODC/UNOCT)

UNODC and UNOCT will conduct a side event on human rights provisions of ICSANT. Invited speakers will include the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and representatives of other intergovernmental and non-governmental organizations. The event will, inter alia, build upon UNODC's Counter-Terrorism Legal Training Curriculum No 4 on *Human Rights and Criminal Justice Responses to Terrorism*, as well as UNODC's Counter-Terrorism Legal Training Curriculum No 1 on *Counter-Terrorism in the International Law Context*.

Outcome 2: Improved national legislation and capacity of criminal justice officials and other relevant national stakeholders in beneficiary countries to investigate, prosecute and adjudicate cases in which ICSANT would be of relevance.

Output 2.1: Legislative assistance to requesting States is provided

Activity 2.1.1: Relevant legislative assistance to give effect to ICSANT provisions and enable application of the law by frontline officers, law enforcement, prosecutors and the judiciary (UNODC)

UNODC will provide relevant legislative assistance to requesting States via desk reviews, upon request and as appropriate, building upon the joint UNODC-IAEA model criminalization provisions against nuclear terrorism, the self-assessment questionnaire developed by UNODC and hosted on UNODC's ICSANT website, UNODC's Manual on Mutual Legal Assistance and Extradition and UNODC's Mutual Legal Assistance Request Writer Tool, good practices identified through UNODC's compilation of national implementing legislation of Article 2 of ICSANT, as well as tools to be developed by UNODC under Output 2.3. UNODC will offer beneficiaries the possibility to present the legislative amendments suggested to Parliamentarians.

Output 2.2: The capacity of national criminal justice systems to prevent, detect, suppress, investigate, prosecute and adjudicate ICSANT-related offences is enhanced

UNODC will organize five (5) national seminars for alumni of judicial education and training centres and ten (10) webinars on various aspects of the application of ICSANT. UNODC will rely on the long-standing, proven record of subject matter expertise developed by its CBRN Terrorism Prevention Programme in accordance with the mandate granted to UNODC by the UN General Assembly.

Activity 2.2.1: National seminars for judicial education and training centres (UNODC)

UNODC will conduct five (5) seminars for centres of judicial education and training in States Parties in order to enhance their capacity to effectively implement ICSANT and raise awareness vis-à-vis the Convention. The seminars will, inter alia, present the manual on fictional cases related to offences under ICSANT and other materials developed by UNODC, including those developed under Output 2.3, and will apply a train-the-trainer methodology in order to ensure sustainability.

Activity 2.2.2: Series of webinars (UNODC)

UNODC will conduct ten (10) webinars on various key aspects of ICSANT, such as jurisdiction, extradition, human rights, and evidence preservation, among others. The webinars will be conducted in several languages. Other international entities will be invited, such as IAEA, INTERPOL, EU CBRN CoE, and 1540 Committee, among others. The webinar recordings will be available online to ensure sustainability. Invitations to Permanent Missions will encourage the participation of relevant national stakeholders, including Parliamentarians.

Output 2.3: Technical assistance tools are developed, updated, expanded and/or specialized

Activity 2.3.1: ICSANT website (UNODC)

The UNODC ICSANT website (unodc.org/icsant) has become the point of reference for practitioners around the world as it contains all available resources on the Convention, including its procedural history, status of adherence, analytical articles, a collection of national implementing legislation, capacity building tools and related UNODC technical and legislative assistance. Since its launch in September 2021, the website was consulted by over 10 000 users. UNODC will maintain, regularly update and further populate the website in all UN official languages (Arabic, Chinese, English, French, Russian and Spanish). For example, the website will host all new tools developed, event reports and additional national legislation implementing Article 2 of ICSANT.

Furthermore, the website will host a database of ICSANT designated authorities (as per output 4.1).

Activity 2.3.2: Specialized technical assistance tools (UNODC)

UNODC will develop and publish in hardcopy and in electronic version on the UNODC ICSANT website (unodc.org/icsant) additional and specialized technical assistance tools on ICSANT in all six UN official languages. The materials will include:

- Toolkits on different aspects of ICSANT (e.g., jurisdiction, human rights, seizure and protection of material out of regulatory control and international cooperation)
- Toolkit on synergies with the Convention on the Physical Protection of Nuclear Material (CPPNM) and its Amendment
- Toolkit on synergies with UN Security Council resolution 1540 (2004)
- Toolkit on the model criminal provisions covering the offences set forth in ICSANT, CPPNM and the Amendment thereto, jointly developed by the IAEA and UNODC

Activity 2.3.3: Video on ICSANT's procedural history and main provisions (UNODC)

UNODC will produce a video explaining the procedural history and main provisions of ICSANT. The video will feature testimonies of several States Parties and other stakeholders, ensuring geographical and gender balance, highlighting the importance of ICSANT. The video will be available in all six UN official languages on the UNODC ICSANT website (unodc.org/icsant).

Outcome 3: Enhanced policies, practices, and procedures to prevent, detect and respond to the threat of non-State actors, including terrorists, acquiring, possessing and/or using nuclear or other radioactive material and improved knowledge and understanding of the threat of radiological and nuclear terrorism and other criminal conduct involving such materials.

Output 3.1: The capacity of Member States to prevent, detect, and respond to acquisition, possession and/or use of nuclear or other radioactive material is strengthened

UNOCT/UNCCT will organize four (4) regional workshops and table-top exercises to build the capacity of Member States in combating nuclear terrorism in Africa, Central Asia and the Caucasus and South East and Eastern Europe. The regional workshops and table-top exercises will enhance the capacity of Member States in detection, forensics, response and mitigation of radiological and nuclear terrorism including the use of a tailored methodology to assist national authorities to effectively implement ICSANT and enhance international cooperation, demonstrating the importance of being party to the Convention. The workshops will encourage the identification of regional champions and South-South exchanges of good practices. In addition, the selection of countries will be based, inter alia, on findings and conclusions of the joint UNOCT/UNCCT-INTERPOL *Global Threat Assessment on Non-State Actors and Their Potential Use of CBRNE Materials*.

Activity 3.1.1: Regional workshops and table-top exercises to build the capacity of Member States in combating nuclear terrorism (UNOCT)

UNOCT/UNCCT will organize four (4) regional workshops and table-top exercises building capacity in the following areas:

Combating radiological and nuclear terrorism with a focus on detection to build capacity in the area of detection, focusing on identifying and applying good practices for radiological/nuclear material detection with information and instruments contributing to capacity-building in combating radiological and nuclear terrorism as it relates to border security management.

Combating radiological and nuclear terrorism with a focus on forensics to build capacity in the area of detection forensics, focusing on demonstrating the importance of nuclear forensics, interagency coordination, contributing to capacity-building in combating radiological and nuclear terrorism.

Combatting radiological and nuclear terrorism with a focus on response and mitigation to build capacity in the area of response and mitigation, focusing on the ability to respond in an effective, timely, and coordinated manner to terrorist incidents involving nuclear or other radioactive material as an essential element of a nuclear security framework.

Output 3.2. The knowledge and understanding of Member States of the threat of radiological and nuclear terrorism are improved

UNOCT/UNCCT will organise four (4) in-person targeted national trainings for four (4) Member States to build capacity in combating radiological and nuclear terrorism. The trainings will enhance the capacities of Member States to, inter alia, understand the risk and the threat, develop countermeasures, practice incident response, and identify and protect critical infrastructure and key resources. For these activities, UNOCT/UNCCT will benefit from the extensive experience of the portfolio of trainings developed and implemented by its Global Programme on Preventing and Responding to Weapons of Mass Destruction (WMD)/Chemical, Biological, Radiological, Nuclear (CBRN) Terrorism, which has trained over 1 500 officials.

Activity 3.2.1: National in-person trainings on combatting R/N terrorism (UNOCT)

UNOCT/UNCCT will work with Member States in identifying the suitable counter-terrorism trainings, as per their priorities and needs, as followed:

National training – Basic Radiological and Nuclear Threats Course enabling personnel to effectively respond to a radiological and nuclear scene, providing recommendations for responders to be able to work in an environment that contains potentially hazardous radiological and nuclear agents.

National training – Intermediate Radiological and Nuclear Threats Course integrating relevant topics related to radiological and nuclear threats. This will include hands-on demonstrations and exercises, and culminate in realistic scenarios involving the detection and interdiction of radiological trafficking, identification of radiological or nuclear material in a crime scene setting, and recognition of radiological and nuclear hazards and evidence.

National training – Advanced Radiological and Nuclear Threats Course covering radiological and nuclear threats in greater detail with a particular emphasis on radiological dispersal devices and improvised nuclear devices.

National training – Radiological and Nuclear Countermeasures Course presenting the multi-agency approach that focuses on the development of countermeasures to radiological and nuclear threats, and on the joint response to radiological and nuclear incidents, by key national agencies, including law enforcement, customs, security agencies, first responders, intelligence, public health, regulatory authorities, industry, etc.

National training – Critical Infrastructure Protection Course focusing on sectors which can be attacked directly such as nuclear power plants, nuclear research reactors, locations containing radio sources, transportation nodes, as well sectors which can be targeted by non-State actors to obtain sensitive and controlled technologies.

Outcome 4: Enhanced national and international cooperation, including information exchange, within and among States Parties in devising and adopting effective and practical measures to effectively implement the Convention.

Output 4.1: Information exchange as required by ICSANT is facilitated

Effective 3 October 2022, UNODC was officially tasked, given its mandate, role and expertise on ICSANT, by the UN Office of Legal Affairs (OLA) – in its capacity as discharger of the Secretary-General's depositary functions for this Convention – with receiving and disseminating notifications of designation of authorities made by States Parties under article 7(4). All notifications of this kind shall thus be sent to the following email address: unodc-icsant@un.org. The notifications received are to be posted on UNODC's ICSANT website and – subject to further transmission from UNODC to OLA – on the United Nations Treaty Collection website.

Activity 4.1.1: Campaign to encourage States Parties to ICSANT to designate a competent authority and liaison point pursuant to Article 7(4) of the Convention (UNODC)

UNODC will conduct awareness-raising activities aimed at encouraging States already party to ICSANT to fulfil the obligation set forth in Article 7(4), which requires States Parties to inform the United Nations of their competent authorities and liaison points responsible for sending and receiving ICSANT-related information. The activities will include sending letters to relevant Permanent Missions requesting them to fulfil their obligation under Article 7(4); conducting bilateral meetings; developing leaflets and other outreach material in all six UN official languages.

Activity 4.1.2: Meeting of ICSANT national competent authorities and liaison points (UNODC)

UNODC will organize the first meeting of such competent authorities and liaison points in Vienna, Austria, in the third year of the project. The meeting will include, among others, a mock coordination exercise and training of how to be an effective 7(4) liaison point. The meeting will target the national liaison points and other relevant national stakeholders.

Activity 4.1.3: ICSANT virtual briefings to UNODC's existing judicial and security networks (UNODC)

Building upon the long-standing cooperation networks composed of security and judicial focal points established by UNODC in different regions of the world (e.g., for Sahel, Middle-East and North Africa, and the Indian Ocean), UNODC will deliver online technical briefings and virtually work together with these networks applying a train-the-trainer methodology. The focal points of these long-standing networks regularly cooperate by analysing operational challenges, sharing good practices in response to these challenges and discussing relevant cases.

Output 4.2: Best practices and lessons learned around joining and implementing ICSANT are utilized by target audiences at the regional level to increase effective implementation of ICSANT and nuclear security**Activity 4.2.1: Meetings of Communities of Practitioners (UNOCT)**

UNOCT/UNCCT will organize four (4) meetings to promote national cooperation of radiological and nuclear and counter-terrorism practitioners in order to enhance information and intelligence sharing, as well as interagency coordination. These meetings will bring together communities of practitioners with representatives from counter-terrorism agencies, customs, first responders, intelligence, judiciary, law enforcement, policy/decision making bodies, public health officials, nuclear regulatory authorities, etc. The meetings will enable the communities of practitioners to identify gaps, challenges and lessons learned as well as share best practices related to information exchange, intelligence sharing and international cooperation. These communities will foster cooperation and coordination of stakeholders relevant to the effective implementation of ICSANT and nuclear security, and will benefit from UNOCT's Connect & Learn Platform. Launched in October 2021, this innovative online capacity-building tool brings together Member States, private sector, academia, think tanks, research institutes and civil society to reinforce in-person technical assistance delivery. The platform is a unique virtual tool overcoming barriers such as cost, geographic distances, and pandemic restrictions by making counter-terrorism (CT) and preventing and countering violent extremism (PCVE) resources accessible anytime and anywhere to various stakeholders and practitioners.

COUNCIL DECISION (CFSP) 2023/1188**of 19 June 2023****amending Decision 2014/386/CFSP concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 23 June 2014, the Council adopted Decision 2014/386/CFSP ⁽¹⁾.
- (2) The Union does not recognise and continues to condemn the illegal annexation of Crimea and Sevastopol by the Russian Federation as a violation of international law. The Union remains steadfast in its commitment to Ukraine's sovereignty and territorial integrity within its internationally recognised borders and dedicated to fully implementing its non-recognition policy.
- (3) On the basis of a review of Decision 2014/386/CFSP, the restrictive measures set out therein should be renewed until 23 June 2024.
- (4) Decision 2014/386/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 5 of Decision 2014/386/CFSP, the second paragraph is replaced by the following:

‘This Decision shall apply until 23 June 2024.’.

Article 2

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

Done at Luxembourg, 19 June 2023.

For the Council
The President
E. BUSCH

⁽¹⁾ Council Decision 2014/386/CFSP of 23 June 2014 concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol (OJ L 183, 24.6.2014, p. 70).

COUNCIL IMPLEMENTING DECISION (CFSP) 2023/1189**of 19 June 2023****implementing Decision 2010/788/CFSP concerning restrictive measures in view of the situation in the Democratic Republic of the Congo**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo ⁽¹⁾ and in particular Article 6(2) thereof,

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

Whereas:

- (1) On 20 December 2010, the Council adopted Decision 2010/788/CFSP.
- (2) On 12 December 2016, the Council adopted Decision (CFSP) 2016/2231 ⁽²⁾ in response to the obstruction of the electoral process and the human rights violations in the Democratic Republic of the Congo. Decision (CFSP) 2016/2231 amended Decision 2010/788/CFSP and introduced autonomous restrictive measures in Article 3(2) thereof.
- (3) Following the judgments of the General Court in Cases T-93/22 ⁽³⁾ and T-94/22 ⁽⁴⁾, the Council considers that two entries should be deleted from the list of natural or legal persons, entities and bodies set out in Annex II to Decision 2010/788/CFSP.
- (4) Decision 2010/788/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Decision 2010/788/CFSP is amended as set out in the Annex to this Decision.

Article 2

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

Done at Luxembourg, 19 June 2023.

For the Council
The President
E. BUSCH

⁽¹⁾ OJ L 336, 21.12.2010, p. 30.

⁽²⁾ Council Decision (CFSP) 2016/2231 of 12 December 2016 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ L 336 I, 12.12.2016, p. 7).

⁽³⁾ Judgment of the General Court of 8 March 2023, *Ramazani Shadary v Council*, T-93/22, ECLI:EU:T:2023:122.

⁽⁴⁾ Judgment of the General Court of 8 March 2023, *Mutondo v Council*, T-94/22, ECLI:EU:T:2023:120.

ANNEX

The following entries are deleted from the list set out in Section A ('Persons') of Annex II to Decision 2010/788/CFSP:

‘8. Emmanuel Ramazani SHADARY;

9. Kalev MUTONDO.’.

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