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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2023/850 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 19 April 2023

amending Regulation (EU) 2018/1806 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Kosovo *)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

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

Whereas:

- (1) Regulation (EU) 2018/1806 of the European Parliament and of the Council ⁽²⁾ lists the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States and those whose nationals are exempt from that requirement. The composition of the lists of third countries set out in Annexes I and II to that Regulation should be, and should remain, consistent with the criteria set out in that Regulation. References to third countries in respect of which the situation has changed as regards those criteria should be transferred from one Annex to the other, as appropriate.
- (2) The criteria which should be taken into account when determining, on the basis of a case-by-case assessment, the third countries whose nationals are subject to, or exempt from, the visa requirement are laid down in Article 1 of Regulation (EU) 2018/1806. Those criteria include illegal immigration, public policy and security, economic benefit, in particular in terms of tourism and foreign trade, and the Union's external relations with the relevant third countries, including, in particular, considerations of human rights and fundamental freedoms, as well as the implications of regional coherence and reciprocity.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

⁽¹⁾ Position of the European Parliament of 28 March 2019 (OJ C 108, 26.3.2021, p. 877) and position of the Council at first reading of 9 March 2023 (not yet published in the Official Journal). Position of the European Parliament of 18 April 2023 (not yet published in the Official Journal).

⁽²⁾ Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 303, 28.11.2018, p. 39).

- (3) Kosovo has met the requirements of its roadmap towards a visa-free regime. On the basis of an assessment of a variety of criteria as listed in Article 1 of Regulation (EU) 2018/1806, it is appropriate to exempt holders of passports issued by Kosovo from the visa requirement when travelling to the territory of the Member States. The exemption from the visa requirement will ensure that the whole Western Balkan region is subject to the same visa regime.
- (4) Kosovo should thus be transferred from Part 2 of Annex I to Part 4 of Annex II to Regulation (EU) 2018/1806. The exemption from the visa requirement should apply only to holders of biometric passports issued by Kosovo in line with the standards of the International Civil Aviation Organisation (ICAO). That exemption should not apply until the date from which the European Travel Information and Authorisation System (ETIAS), established by Regulation (EU) 2018/1240 of the European Parliament and of the Council ⁽³⁾, starts operations or until 1 January 2024, whichever date comes first.
- (5) Without prejudice to the position of Member States on the status of Kosovo, in the period prior to the date on which the exemption from the visa requirement effectively applies, it is important that readmission agreements or arrangements, as applicable, be concluded with the Member States that do not yet have such an agreement or arrangement. Once concluded, Kosovo is to fully implement those agreements or arrangements while respecting the principle of *non-refoulement* enshrined in the Convention Relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967.
- (6) Kosovo has made significant progress in all blocks of Chapter II of its roadmap towards a visa-free regime. To ensure that migration is managed well and to ensure a secure environment, Kosovo should seek to further align its visa policy with that of the Union.
- (7) The exemption from the visa requirement is dependent upon the continued implementation of the requirements of the roadmap towards a visa-free regime with Kosovo. The Commission is to actively monitor the implementation of those requirements and the alignment of visa policy through the suspension mechanism under Regulation (EU) 2018/1806. The Union can suspend the exemption from the visa requirement in accordance with that mechanism, provided that the conditions set out therein are met.
- (8) This Regulation constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽⁴⁾; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (9) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽⁵⁾, which fall within the area referred to in Article 1, point B, of Council Decision 1999/437/EC ⁽⁶⁾.

⁽³⁾ Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).

⁽⁴⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽⁵⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁶⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

- (10) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁷⁾, which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁸⁾.
- (11) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁹⁾, which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽¹⁰⁾.
- (12) As regards Cyprus, and Bulgaria and Romania, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(1) of the 2003 Act of Accession and of Article 4(1) of the 2005 Act of Accession,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2018/1806 is amended as follows:

- (1) in Part 2 of Annex I, the following text is deleted:

‘— Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999’;

- (2) in Part 4 of Annex II, the following text is added:

‘Kosovo * (**) (***)

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

(**) The exemption from the visa requirement shall only apply to holders of biometric passports issued by Kosovo in line with the standards of the International Civil Aviation Organisation (ICAO).

(***) The exemption from the visa requirement shall apply from the date on which the European Travel Information and Authorisation System (ETIAS), established by Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1), starts operations or from 1 January 2024, whichever date comes first.’

⁽⁷⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁸⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁽⁹⁾ OJ L 160, 18.6.2011, p. 21.

⁽¹⁰⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

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 the Member States in accordance with the Treaties.

Done at Strasbourg, 19 April 2023.

For the European Parliament
The President
R. METSOLA

For the Council
The President
J. ROSWALL

REGULATION (EU) 2023/851 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 19 April 2023****amending Regulation (EU) 2019/631 as regards strengthening the CO₂ emission performance standards for new passenger cars and new light commercial vehicles in line with the Union's increased climate ambition****(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 192(1) 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⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) The Paris Agreement ⁽⁴⁾, adopted on 12 December 2015 under the United Nations Framework Convention on Climate Change (UNFCCC) (the 'Paris Agreement'), entered into force on 4 November 2016. The Parties to the Paris Agreement have agreed to hold the increase in the global average temperature well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre-industrial levels. That commitment has been reinforced with the adoption under the UNFCCC of the Glasgow Climate Pact on 13 November 2021, in which the Conference of the Parties to the UNFCCC, serving as the meeting of the Parties to the Paris Agreement, recognises that the impacts of climate change will be much lower at a temperature increase of 1,5 °C, compared with 2 °C, and resolves to pursue efforts to limit the temperature increase to 1,5 °C.
- (2) Tackling climate- and environmental-related challenges and reaching the objectives of the Paris Agreement are at the core of the communication of the Commission of 11 December 2019 on 'The European Green Deal' (the 'European Green Deal'). The European Parliament called, in its resolution of 15 January 2020 on the European Green Deal ⁽⁵⁾, for the necessary transition to a climate-neutral society by 2050 at the latest and, in its resolution of 28 November 2019 on the climate and environment emergency, declared a climate and environment emergency ⁽⁶⁾. The necessity and the value of the European Green Deal have only grown in light of the very severe effects of the COVID-19 pandemic on the health and economic well-being of the Union's citizens.
- (3) The European Green Deal combines a comprehensive set of mutually reinforcing measures and initiatives aimed at achieving climate neutrality in the Union by 2050, and sets out a new growth strategy focused on transforming the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy, with vibrant

⁽¹⁾ OJ C 194, 12.5.2022, p. 81.

⁽²⁾ OJ C 270, 13.7.2022, p. 38.

⁽³⁾ Position of the European Parliament of 14 February 2023 (not yet published in the Official Journal) and decision of the Council of 28 March 2023.

⁽⁴⁾ OJ L 282, 19.10.2016, p. 4.

⁽⁵⁾ OJ C 270, 7.7.2021, p. 2.

⁽⁶⁾ OJ C 232, 16.6.2021, p. 28.

industries that remain world-leaders in their respective segments and global innovation drivers, while securing high-paid quality jobs in the Union. It also aims to protect, conserve and enhance the Union's natural capital, and protect the health and well-being of citizens from environment-related risks and impacts. In that context, the 8th Environment Action Programme running until 2030 set out in Decision (EU) 2022/591 of the European Parliament and of the Council ⁽⁷⁾ reinforces the objective of accelerating the green transition to a climate-neutral, sustainable, non-toxic, resource-efficient, renewable-energy based, resilient and competitive circular economy in a just, equitable and inclusive way and of protecting, restoring and improving the state of the environment, while supporting and building upon the set of measures and initiatives announced under the European Green Deal. At the same time, the transition affects women and men differently and has a particular impact on some disadvantaged groups, such as older people, persons with disabilities and persons with a minority racial or ethnic background. In addition, the transition will affect regions of the Union differently, especially structurally disadvantaged, peripheral and outermost regions. It must therefore be ensured that the transition is just and inclusive, leaving no one behind.

- (4) The Union committed to reducing the Union's economy-wide net greenhouse gas emissions by at least 55 % compared to 1990 levels by 2030 in the updated nationally determined contribution submitted to the UNFCCC Secretariat on 17 December 2020.
- (5) Through the adoption of Regulation (EU) 2021/1119 of the European Parliament and of the Council ⁽⁸⁾, the Union has enshrined the objective of reducing emissions to net zero at the latest by 2050 and the aim of achieving negative emissions thereafter in legislation. That Regulation also establishes a binding Union domestic reduction target for net greenhouse gas emissions (emissions after deduction of removals) of at least 55 % compared to 1990 levels by 2030.
- (6) All sectors of the economy are expected to contribute to achieving those emissions reductions, including the road transport sector. The transport sector is the only sector where emissions have been on the rise since 1990. This includes road transport by light-duty and heavy-duty vehicles, which together account for over 70 % of total transport emissions. To achieve climate neutrality, a 90 % reduction in transport emissions is needed by 2050.
- (7) The digital and green transitions should also address the importance of the social dimension to ensure that mobility is affordable for and accessible to all, especially commuters without access to quality public transport or other mobility solutions. More ambitious CO₂ standards for passenger cars and light commercial vehicles are expected to accelerate the uptake of zero-emission vehicles, increase their affordability and also accelerate the decarbonisation of the second-hand market in all segments, with greater benefits for low- and middle-income consumers. When adopting those standards it is also important to take into account the significant economic and social consequences of the digital and green transitions and the need to safeguard employment and preserve the competitiveness of Union industry.
- (8) The measures set out in this Regulation are necessary as part of a coherent and consistent framework that is indispensable for achieving the overall objective of the Union to reduce net greenhouse gas emissions, as well as to reduce the Union's dependence on imported fossil fuels. It is essential that the Commission work together with Member States and industrial stakeholders to secure the supply chain in the critical raw materials needed for zero- and low-emission vehicles. This will also support the competitiveness of Union industry and strengthen the Union's strategic autonomy.

⁽⁷⁾ Decision (EU) 2022/591 of the European Parliament and of the Council of 6 April 2022 on a General Union Environment Action Programme to 2030 (OJ L 114, 12.4.2022, p. 22).

⁽⁸⁾ 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 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).

- (9) In order to achieve a reduction in net greenhouse gas emissions by at least 55 % compared to 1990 levels by 2030, it is necessary to strengthen the reduction requirements set out in Regulation (EU) 2019/631 of the European Parliament and of the Council ⁽⁹⁾ for both passenger cars and light commercial vehicles. A clear pathway also needs to be set for further reductions beyond 2030 to contribute to achieving the climate-neutrality objective by 2050. Without ambitious action on greenhouse gas emissions reductions in road transport, higher emissions reductions would be needed in other sectors, including sectors where decarbonisation is more challenging.
- (10) The strengthened CO₂ emissions reduction requirements should encourage an increasing share of zero-emission vehicles to be deployed on the Union market while providing benefits to consumers and citizens in terms of air quality, strengthening energy security and efficiency, and the associated energy savings, as well as ensuring that innovation in the automotive value chain can be maintained. Within the global context, the Union automotive value chain must be a leading actor in the ongoing transition towards zero-emission mobility. The strengthened CO₂ emissions reduction standards are technology neutral in reaching the fleet-wide targets that they set. Different technologies are and remain available to reach the zero-emission fleet-wide target. Zero-emission vehicles currently include battery electric vehicles, fuel-cell and other hydrogen powered vehicles, and technological innovations are continuing. Zero- and low-emission vehicles, which also include well performing plug-in hybrid electric vehicles, can continue to play a role in the transition pathway. In that context, it is important to ensure accurate and complete data on the emission performance of those plug-in hybrid electric vehicles.
- (11) Following consultation with stakeholders, the Commission will make a proposal for registering after 2035 vehicles running exclusively on CO₂ neutral fuels in conformity with Union law, outside the scope of the fleet standards, and in conformity with the Union's climate-neutrality objective.
- (12) Against that background, new strengthened CO₂ emissions reduction targets should be set for both new passenger cars and new light commercial vehicles from 2030 onwards. Those targets should be set at a level that will deliver a strong signal to accelerate the uptake of zero-emission vehicles on the Union market and to stimulate innovation in zero-emission technologies in a cost-efficient way.
- (13) Technological innovation is a prerequisite for decarbonising mobility in the Union, and should therefore be supported. Significant funding is already available for innovation in the mobility ecosystem through different Union funding instruments, in particular Horizon Europe – the Framework Programme for Research and Innovation, established by Regulation (EU) 2021/695 of the European Parliament and of the Council ⁽¹⁰⁾, InvestEU, established by Regulation (EU) 2021/523 of the European Parliament and of the Council ⁽¹¹⁾, the European Regional Development Fund, the Cohesion Fund, the innovation fund, established by Directive 2003/87/EC of the European Parliament and of the Council ⁽¹²⁾, and the Recovery and Resilience Facility, established by Regulation (EU) 2021/241 of the European Parliament and of the Council ⁽¹³⁾. The Union and Member States should continue their efforts to support public and private investment in European automotive research and innovation, including through initiatives that promote synergies in the automotive sector, such as the European Battery Alliance. Together with clear regulatory signals, those efforts will support and encourage investment decisions from manufacturers, maintain European technological leadership in that sector, help to develop industrial excellence in the technologies of the future in the Union and ensure the long-term sustainability and competitiveness of its industrial base.

⁽⁹⁾ Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 (OJ L 111, 25.4.2019, p. 13).

⁽¹⁰⁾ Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

⁽¹¹⁾ Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017 (OJ L 107, 26.3.2021, p. 30).

⁽¹²⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

⁽¹³⁾ Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17).

- (14) The targets in the revised CO₂ performance standards should be accompanied by a Union strategy to address the challenges posed by the scale-up of the manufacturing of zero-emission vehicles and associated technologies, while considering the specificities of each Member State, as well as the need for up- and re-skilling of workers in the sector and the economic diversification and reconversion of activities, while maintaining automotive employment levels in the Union. Particular attention should be given to the impact that this transition will have on micro, small and medium-sized enterprises (SMEs) along the automotive supply chain and to affected regions and communities which might be more vulnerable due to the presence of an intensive automotive industry. Where appropriate, financial support should be considered at Union and Member State level to crowd in private investment, including via the European Social Fund Plus, established by Regulation (EU) 2021/1057 of the European Parliament and of the Council ⁽¹⁴⁾, the Just Transition Fund, established by Regulation (EU) 2021/1056 of the European Parliament and of the Council ⁽¹⁵⁾, the innovation fund, the European Regional Development Fund, the Cohesion Fund, the Recovery and Resilience Facility and other instruments of the multiannual financial framework set out in Council Regulation (EU, Euratom) 2020/2093 ⁽¹⁶⁾ and the European Union Recovery Instrument, established by Council Regulation (EU) 2020/2094 ⁽¹⁷⁾, in line with State aid rules and other available financial instruments, such as from the European Investment Bank.

The communication of the Commission of 18 February 2022 on Guidelines on State aid for climate, environmental protection and energy 2022 enables Member States to support business to decarbonise their production processes and adopt greener technologies in the context of the communication of the Commission of 5 May 2021 on Updating the 2020 New Industrial Strategy: Building a stronger Single Market for Europe's recovery (the 'updated New Industrial Strategy'). The Council Recommendation of 16 June 2022 ⁽¹⁸⁾ is an important tool for Member States to address the employment and social aspects of a just transition towards a climate-neutral economy. The Commission should explore further options to support that transition and, specifically, to mitigate any negative employment impacts of that transition in the automotive sector.

- (15) In order to identify any funding gaps in ensuring a just transition in the automotive supply chain, and with particular attention for SMEs and the regions that are most affected by the transition towards a climate-neutral economy, the Commission should, by 31 December 2025, at the date of submission of the first progress report, and building on ongoing initiatives, such as the transition pathway for the mobility ecosystem and the Automotive Regions Alliance of the Committee of the Regions, in cooperation with Member States, regions and local authorities and all relevant stakeholders, present a report with an analysis identifying such funding gaps. That report should be accompanied, where appropriate, by proposals for adequate financial measures to address the needs identified.
- (16) The updated New Industrial Strategy envisages the co-creation of green and digital transition pathways in partnership with industry, public authorities, social partners and other stakeholders. In that context, a transition pathway should be developed for the mobility ecosystem to accompany the transition of the automotive value chain, including by ensuring the continuity of social dialogue involving the sector and its stakeholders, in full transparency. The pathway should pay particular attention to SMEs in the automotive supply chain and to the consultation of social partners, including by Member States. It should also build on the communication of the Commission of 1 July 2020 entitled 'European Skills Agenda for sustainable competitiveness, social fairness and resilience', which includes initiatives such as the 'Pact for Skills' in order to mobilise the private sector and other stakeholders to up-skill and re-skill Europe's workforce in view of the green and digital transitions. The appropriate actions and incentives at Union and Member State level to boost the affordability of zero-emission vehicles should also be addressed in the pathway. The progress made on this comprehensive transition pathway for the mobility ecosystem should be monitored every two years as part of a progress report to be submitted by the Commission.

⁽¹⁴⁾ Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013 (OJ L 231, 30.6.2021, p. 21).

⁽¹⁵⁾ Regulation (EU) 2021/1056 of the European Parliament and of the Council of 24 June 2021 establishing the Just Transition Fund (OJ L 231, 30.6.2021, p. 1).

⁽¹⁶⁾ Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 (OJ L 433 I, 22.12.2020, p. 11).

⁽¹⁷⁾ Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis (OJ L 433 I, 22.12.2020, p. 23).

⁽¹⁸⁾ Council Recommendation 2022/C 243/04 of 16 June 2022 on ensuring a fair transition towards climate neutrality (OJ C 243, 27.6.2022, p. 35).

That progress report should take into consideration, *inter alia*, progress in the deployment of zero- and low-emission vehicles, in particular in the light commercial vehicles segment, as well as the measures at Union, Member State and local level to facilitate Member States' transition to zero-emission light-duty vehicles, developments in their price and energy efficiency, deployment of alternative fuels and progress in the roll-out of public and private recharging and refuelling infrastructure, to be set out in a Regulation of the European Parliament and of the Council on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU of the European Parliament and of the Council (the 'Regulation on alternative fuels infrastructure') and in a recast of Directive 2010/31/EU of the European Parliament and of the Council⁽¹⁹⁾, the potential of innovative technologies to reach climate-neutral mobility, international competitiveness, investments in the automotive value chain, and up-skilling and re-skilling of workers and reconversion of activities, especially in SMEs. The progress report should also build on the two-year progress reports that Member States are to submit under the Regulation on alternative fuels infrastructure. The Commission should consult social partners in the preparation of the progress report, including on the results of the social dialogue. Innovations in the automotive supply chain are continuing. Innovative technologies such as the production of electro-fuels with air capture, if further developed, could offer prospects for affordable climate-neutral mobility. The Commission should therefore keep track of progress in the state of innovation in the sector as part of its progress report.

- (17) In order to protect the environment and the health of citizens in all Member States it is important to also decarbonise the existing fleet. The market for second-hand vehicles creates the risk of shifting CO₂ emissions, as well as air pollution, to less economically developed regions in the Union. To speed up the reduction of emissions from the existing fleet and to accelerate the transition to zero-emission transport, it is of the utmost importance to encourage the conversion of internal combustion engine vehicles to battery or fuel-cell electric drive, including by assessing how to facilitate the deployment of such solutions in Member States.
- (18) As stated in the communication of the Commission of 18 May 2022 entitled 'REPowerEU Plan', in order to enhance energy savings and efficiencies in the transport sector and to accelerate the transition towards zero-emission vehicles, it is important to increase the share of zero-emission vehicles in public and corporate car fleets above a certain size. To that end, the communication of the Commission of 18 October 2022 entitled 'Commission work programme 2023' includes an initiative for greening corporate fleets. When proposing that initiative, the Commission should ensure a level playing field and avoid fragmentation of the internal market.
- (19) In order to promote the uptake of vehicles that consume less energy, the Commission should investigate the impacts of setting minimum energy efficiency thresholds for new zero-emission passenger cars and light commercial vehicles placed on the Union market.
- (20) The EU fleet-wide targets are to be complemented by the necessary roll-out of recharging and refuelling infrastructure to be set out in the Regulation on alternative fuels infrastructure and in a recast of Directive 2010/31/EU. In that context, it is vital that investment in the necessary infrastructure deployment is continued and increased. In parallel, it is of utmost importance to ensure a swift deployment of renewable energy, as provided for in Directive (EU) 2018/2001 of the European Parliament and of the Council⁽²⁰⁾.
- (21) Manufacturers should be provided with sufficient flexibility in adapting their fleets over time in order to manage the transition towards zero-emission vehicles in a cost-efficient manner in a way which supports their competitiveness and prepares the ground for further innovations. It is therefore appropriate to maintain the approach of decreasing target levels in five-year steps.

⁽¹⁹⁾ Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13).

⁽²⁰⁾ 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 (OJ L 328, 21.12.2018, p. 82).

- (22) With the stricter EU fleet-wide targets from 2030 onwards, manufacturers will have to deploy significantly more zero-emission vehicles on the Union market. In that context, the incentive mechanism for zero- and low-emission vehicles would no longer serve its original purpose and would risk undermining the effectiveness of Regulation (EU) 2019/631. The incentive mechanism for zero- and low-emission vehicles should therefore be removed from 1 January 2030. Before that date and therefore throughout this decade, the incentive mechanism for zero- and low-emission vehicles will continue to support the deployment of vehicles with emissions from zero up to 50 g CO₂/km, including battery electric vehicles, fuel-cell electric vehicles using hydrogen and well performing plug-in hybrid electric vehicles. However, the zero- and low-emission vehicles' benchmarks should be revised in order to take into account the faster uptake of zero-emission vehicles on the Union market. After 1 January 2030, plug-in hybrid electric vehicles continue to count against the EU fleet-wide targets that manufacturers are required to meet.
- (23) The eco-innovation credits that can be claimed by a manufacturer are currently capped at 7 g CO₂/km. That cap should be adjusted downwards in line with the target levels, in order to ensure a balanced proportion of the level of that cap in relation to the average specific emissions of CO₂ of manufacturers.
- (24) The implementation of the CO₂ emission performance standards is strongly linked to that of the type-approval legislation. Following the repeal and replacement of Directive 2007/46/EC of the European Parliament and of the Council ⁽²¹⁾ on 1 September 2020 by Regulation (EU) 2018/858 of the European Parliament and of the Council ⁽²²⁾, it is appropriate, in order to ensure continued consistency between the two sets of instruments, to further align the definitions and to update references in Regulation (EU) 2019/631 to the type-approval framework legislation.
- (25) The emissions reduction effort required to achieve the EU fleet-wide targets is distributed amongst manufacturers by using a limit value curve based on the average mass of the EU fleet of new vehicles and of the manufacturer's new vehicle fleet. While it is appropriate to maintain that mechanism, it is necessary to prevent a situation where, with the stricter EU fleet-wide targets, the specific emissions target for a manufacturer would become negative. For that reason, it is necessary to clarify that where such a situation occurs, the specific emissions target should be set to 0 g CO₂/km.
- (26) The values used for the calculation of the specific emissions targets and the average specific emissions of CO₂ of a manufacturer are based on data recorded in the type-approval documentation and in the certificates of conformity of the vehicles concerned. It is essential for ensuring the effectiveness of the CO₂ emission performance standards that the data used for those purposes be correct. If, nevertheless, errors are identified in the data, it may not be possible, based on the type-approval legislation, to correct the type-approval documentation or the certificates of conformity that have already been issued, where the data refers to type-approvals that have ceased to be valid. In such situations, the Commission should have the power to request that the relevant type-approval authorities or, where applicable, manufacturers, issue a statement of correction on the basis of which the values used for determining manufacturers' performance in meeting their targets can be corrected.
- (27) The reporting of data for vehicles of categories M₂ (buses) and N₂ (medium-sized lorries) falls within the scope of Regulation (EU) 2018/956 of the European Parliament and of the Council ⁽²³⁾ and it is therefore appropriate to remove that reporting requirement from Regulation (EU) 2019/631.

⁽²¹⁾ Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p.1).

⁽²²⁾ Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

⁽²³⁾ Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO₂ emissions from and fuel consumption of new heavy-duty vehicles (OJ L 173, 9.7.2018, p. 1).

- (28) In view of the increased overall greenhouse gas emissions reduction objective and to avoid potential market distorting effects, the reduction requirements for all manufacturers present in the Union market should be aligned, except for those responsible for less than 1 000 new vehicles registered in a calendar year. Consequently, the possibility for manufacturers responsible for between 1 000 and 10 000 passenger cars or between 1 000 and 22 000 light commercial vehicles newly registered in a calendar year to apply for a derogation from their specific emissions targets should cease from 1 January 2036.
- (29) In order to ensure legal clarity and consistency with current practice, it is appropriate to clarify that the adjustments of the M_0 and TM_0 values should be done by way of delegated acts amending Annex I to Regulation (EU) 2019/631 instead of by delegated acts supplementing that Regulation.
- (30) The progress made under Regulation (EU) 2019/631 towards achieving the reduction targets set for 2030 and beyond should be reviewed in 2026. For that review, all aspects in the two-yearly reporting should be considered.
- (31) Several Member States have declared plans to accelerate the introduction of zero-emission vehicles by setting a date for phasing-out CO₂-emitting new passenger cars and new light commercial vehicles prior to 2035. The Commission should identify options to facilitate that transition and consider the need for additional measures in line with such plans.
- (32) The possibility to assign the revenue from the excess emission premiums to a specific fund or relevant programme has been evaluated as required pursuant to Article 15(5) of Regulation (EU) 2019/631, with the conclusion that this would significantly increase the administrative burden, while not directly benefiting the automotive sector in its transition. Revenue from the excess emission premiums should therefore continue to be considered as revenue for the general budget of the Union in accordance with Article 8(4) of Regulation (EU) 2019/631.
- (33) It is important to assess the full life-cycle CO₂ emissions of light-duty vehicles at Union level. To that end, the Commission should develop a methodology for the assessment and the consistent data reporting of the full life-cycle CO₂ emissions of light-duty vehicles that are placed on the Union market.
- (34) In order to set out a common Union methodology for the assessment and the consistent data reporting of the full life-cycle CO₂ emissions of passenger cars and light commercial vehicles and to ensure that the calculation of the specific emissions targets for manufacturers responsible for the CO₂ emissions of multi-stage light commercial vehicles can be adjusted to take into account changes in procedure for determining the CO₂ emissions and mass of such vehicles, 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 supplementing Regulation (EU) 2019/631 by setting out such a common Union methodology and amending, where necessary, the calculation formulae set out in Part B of Annex I to that Regulation, respectively. 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⁽²⁴⁾. 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.
- (35) Since the objective of this Regulation, namely to strengthen the CO₂ emissions reduction requirements for both new passenger cars and new light commercial vehicles, cannot be sufficiently achieved by the Member States, but can rather, by reason of their scale and effects, 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 that objective.
- (36) Regulation (EU) 2019/631 should therefore be amended accordingly,

⁽²⁴⁾ OJ L 123, 12.5.2016, p. 1.

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2019/631 is amended as follows:

(1) Article 1 is amended as follows:

(a) paragraph 5 is amended as follows:

- (i) in point (a), the figure '37,5 %' is replaced by '55 %';
- (ii) in point (b), the figure '31 %' is replaced by '50 %';

(b) the following paragraph is inserted:

'5a. From 1 January 2035, the following EU fleet-wide targets shall apply:

- (a) for the average emissions of the new passenger car fleet, an EU fleet-wide target equal to a 100 % reduction of the target in 2021 determined in accordance with Part A, point 6.1.3, of Annex I;
- (b) for the average emissions of the new light commercial vehicles fleet, an EU fleet-wide target equal to a 100 % reduction of the target in 2021 determined in accordance with Part B, point 6.1.3, of Annex I.;

(c) paragraph 6 is replaced by the following:

'6. From 1 January 2025 to 31 December 2029, a zero- and low-emission vehicles' benchmark equal to a 25 % share of the fleet of new passenger cars and equal to a 17 % share of the fleet of new light commercial vehicles shall apply in accordance with points 6.3 of Parts A and B of Annex I, respectively.;

(d) paragraph 7 is deleted;

(2) Article 2 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) in point (a), the reference to 'Annex II to Directive 2007/46/EC' is replaced by 'Article 4(1), point (a)(i), of Regulation (EU) 2018/858';

(ii) point (b) is replaced by the following:

'(b) category N₁ as defined in Article 4(1), point (b)(i), of Regulation (EU) 2018/858 and falling within the scope of Regulation (EC) No 715/2007 ("light commercial vehicles"), which are registered in the Union for the first time and which have not previously been registered outside the Union ("new light commercial vehicles"); in the case of zero-emission vehicles of category N with a reference mass exceeding 2 610 kg or 2 840 kg, as the case may be, they shall, from 1 January 2025, for the purposes of this Regulation and without prejudice to Regulation (EU) 2018/858 and Regulation (EC) No 715/2007, be counted as light commercial vehicles falling within the scope of this Regulation if the excess reference mass is due only to the mass of the energy storage system.;

(b) in paragraph 3, the reference to 'point 5 of Part A of Annex II to Directive 2007/46/EC' is replaced by 'Part A, point 5, of Annex I to Regulation (EU) 2018/858';

(3) in Article 3, paragraph 1 is amended as follows:

(a) the introductory sentence is replaced by the following:

'1. For the purposes of this Regulation, the definitions in Regulation (EU) 2018/858 shall apply. The following definitions shall also apply.;

(b) points (b) to (g) and (i) and (n) are deleted;

(4) in Article 4(1), the following subparagraph is added:

'For the purposes of the first subparagraph, point (c), where the specific emissions target determined in accordance with point 6.3 of Part A or B of Annex I is negative, the specific emissions target shall be 0 g/km.;

(5) Article 7 is amended as follows:

(a) the following paragraph is inserted:

‘6a. Where the Commission finds that the provisional data submitted by Member States in accordance with paragraph 2, or the data notified by the manufacturers in accordance with paragraph 5, is based on incorrect data in the type-approval documentation or in the certificates of conformity, the Commission shall inform the type-approval authority or, where applicable, the manufacturer, and shall request the type-approval authority or, where applicable, the manufacturer to issue a statement of correction specifying the corrected data. The statement of correction shall be transmitted to the Commission and the corrected data shall be used to amend the provisional calculations under paragraph 4.’;

(b) paragraphs 10 and 11 are deleted;

(6) the following Article is inserted:

‘Article 7a

Life-cycle CO₂ emissions

1. The Commission shall by 31 December 2025 publish a report setting out a methodology for the assessment and the consistent data reporting of the full life-cycle CO₂ emissions of passenger cars and light commercial vehicles that are placed on the Union market. The Commission shall submit that report to the European Parliament and to the Council.

2. By 31 December 2025, the Commission shall adopt delegated acts in accordance with Article 17 in order to supplement this Regulation by laying down a common Union methodology for the assessment and the consistent data reporting of the full life-cycle CO₂ emissions of passenger cars and light commercial vehicles.

3. From 1 June 2026, manufacturers may, on a voluntary basis, submit to the Commission the life-cycle CO₂ emissions data for new passenger cars and new light commercial vehicles using the methodology referred to in paragraph 2.’;

(7) Article 10 is amended as follows:

(a) in paragraph 2, the first sentence is replaced by the following:

‘A derogation applied for under paragraph 1 may be granted from the specific emissions targets applicable until and including the calendar year 2035.’;

(b) in paragraph 4, the first subparagraph is replaced by the following:

‘4. An application for a derogation from the specific emissions target calculated in accordance with points 1 to 4 and 6.3 of Part A of Annex I may be made for the years until and including the calendar year 2028 by a manufacturer which is responsible, together with all of its connected undertakings, for between 10 000 and 300 000 new passenger cars registered in the Union per calendar year.’;

(8) in Article 11, paragraph 1 is replaced by the following:

‘1. Upon application by a supplier or a manufacturer, CO₂ savings achieved through the use of innovative technologies or a combination of innovative technologies (“innovative technology packages”) shall be considered.

Such technologies shall be taken into consideration only if the methodology used to assess them is capable of producing verifiable, repeatable and comparable results.

The total contribution of those technologies to reducing the average specific emissions of CO₂ of a manufacturer may be up to:

- 7 g CO₂/km until 2024;
- 6 g CO₂/km from 2025 until 2029;
- 4 g CO₂/km from 2030 until and including 2034.

The Commission is empowered to adopt delegated acts in accordance with Article 17 in order to amend this Regulation by adjusting downwards the values of the cap referred to in the third subparagraph of this paragraph with effect from 2025 onwards to take into account technological developments while ensuring a balanced proportion of the level of that cap in relation to the average specific emissions of CO₂ of manufacturers.’;

(9) in Article 12, paragraph 3 is replaced by the following:

'3. In order to prevent the real-world emissions gap from growing, the Commission shall, no later than 1 June 2023, assess how real-world fuel and energy consumption data collected pursuant to Commission Implementing Regulation (EU) 2021/392 (*) may be used to ensure that the vehicle CO₂ emissions and fuel or energy consumption values determined pursuant to Regulation (EC) No 715/2007 remain representative of real-world emissions over time for each manufacturer.

The Commission shall monitor and report annually on how the gap referred to in the first subparagraph evolves from 2021 onwards and shall, as soon as sufficient data is available, and no later than 31 December 2026, publish a report setting out a methodology for a mechanism to adjust the average specific emissions of CO₂ of the manufacturer as of 2030 using real-world data collected pursuant to Implementing Regulation (EU) 2021/392, and assessing the feasibility of such a mechanism.

The Commission shall submit that report to the European Parliament and to the Council, including, where appropriate, proposals for follow-up measures, such as legislative proposals to put such a mechanism in place.

(*) Commission Implementing Regulation (EU) 2021/392 of 4 March 2021 on the monitoring and reporting of data relating to CO₂ emissions from passenger cars and light commercial vehicles pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council and repealing Commission Implementing Regulations (EU) No 1014/2010, (EU) No 293/2012, (EU) 2017/1152 and (EU) 2017/1153 (OJ L 77, 5.3.2021, p. 8).';

(10) in Article 13(3), the following sentence is added:

'Where the data in the type-approval documentation may not be corrected under Regulation (EU) 2018/858, the responsible type-approval authority shall issue a statement of correction with the corrected data and transmit that statement to the Commission and the parties concerned.';

(11) in Article 14, paragraph 2 is replaced by the following:

'2. The Commission is empowered to adopt delegated acts in accordance with Article 17 in order to amend Annex I as provided for in paragraph 1 of this Article.';

(12) the following Article is inserted:

'Article 14a

Progress report

1. By 31 December 2025, and every two years thereafter, the Commission shall submit a report to the European Parliament and to the Council on the progress towards zero-emission road mobility. The report shall in particular monitor and assess the need for possible additional measures to facilitate a just transition, including through financial means.

2. In the report, the Commission shall consider all factors that contribute to a cost-efficient progress towards climate neutrality by 2050, including:

- (a) progress in the deployment of zero- and low-emission vehicles, in particular in the light commercial vehicles segment, as well as the measures at Union, Member State and local level to facilitate Member States' transition to zero- emission light-duty vehicles;
- (b) progress in the energy efficiency and affordability of zero- and low-emission vehicles;
- (c) the impacts on consumers, particularly on low- and medium-income households, including on electricity prices;
- (d) analysis of the market for second-hand vehicles;
- (e) the potential contribution in terms of CO₂ savings of additional measures aimed to lower the average age and thus the emissions of the light-duty vehicles fleet, such as measures to support the phase out of older vehicles in a socially just and environmentally sound manner;

- (f) impacts on employment in the automotive sector, especially on micro, small and medium-sized enterprises (SMEs), and the effectiveness of measures to support retraining and upskilling of the workforce;
- (g) the effectiveness of existing financial measures and the need for further action, including adequate financial measures, at Union, Member State or local level to ensure a just transition and to mitigate any negative socioeconomic impacts, in particular in the regions and the communities most affected;
- (h) progress in social dialogue, as well as aspects to further facilitate an economically viable and socially fair transition towards zero-emission road mobility;
- (i) progress in the roll-out of public and private recharging and refuelling infrastructure, including progress under a Regulation of the European Parliament and of the Council on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU of the European Parliament and of the Council and a recast of Directive 2010/31/EU of the European Parliament and of the Council (*);
- (j) the potential contribution of innovation technologies and sustainable alternative fuels, including synthetic fuels, to reach climate neutral mobility;
- (k) life-cycle emissions of new passenger cars and new light commercial vehicles placed on the market, as reported in accordance with Article 7a;
- (l) the impact of this Regulation on the achievement of the Member States' targets under Regulation (EU) 2018/842 and a recast of Directive 2008/50/EC of the European Parliament and of the Council (**).

3. At the date of submission of the first progress report referred to in paragraph 1, the Commission shall also, in cooperation with Member States and all relevant stakeholders, submit a report to the European Parliament and to the Council which includes an analysis to identify any funding gaps in ensuring a just transition in the automotive supply chain, with particular attention for SMEs and the regions that are most affected by the transition. The report shall, where appropriate, be accompanied by proposals for adequate financial measures to address the needs identified.

(*) Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13).

(**) Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p. 1).;

(13) Article 15 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The Commission shall, in 2026, review the effectiveness and impact of this Regulation, building on the two-yearly reporting, and submit a report to the European Parliament and to the Council with the result of the review. The Commission shall in particular assess progress made under this Regulation towards achieving the reduction targets set out in Article 1(5a), taking into account the technological developments, including as regards plug-in hybrid technologies, and the importance of an economically viable and socially fair transition towards zero-emission mobility. Based on that assessment, the Commission shall assess the need to review the targets set out in Article 1(5a). The Commission shall also assess the impacts of establishing minimum energy efficiency thresholds for new zero-emission passenger cars and light commercial vehicles placed on the Union market.

The report shall, where appropriate, be accompanied by a proposal to amend this Regulation.’;

(b) paragraphs 2 to 5 are deleted;

(c) paragraph 6 is replaced by the following:

‘6. By 31 December 2024, the Commission shall review Directive 1999/94/EC considering the need to provide consumers with accurate, robust and comparable information on the fuel and energy consumption, CO₂ emissions and air pollutant emissions of new passenger cars placed on the market, including under real-world conditions, as well as evaluate the options for introducing a fuel economy and CO₂ emissions label for new light commercial vehicles.

The review shall, where appropriate, be accompanied by a legislative proposal.;

(d) the following paragraph is added:

‘9. The Commission is empowered to adopt delegated acts in accordance with Article 17 in order to amend the formulae set out in Part B of Annex I, where such amendments are necessary in order to take into account the procedure for multi-stage N₁ vehicles set out in Part A of Annex III.’;

(14) Article 17 is amended as follows:

(a) in paragraph 2, the reference to ‘Article 7(8), Article 10(8), the fourth subparagraph of Article 11(1), Article 13(4), Article 14(2) and Article 15(8)’ is replaced by ‘Article 7(8), Article 7a(2), Article 10(8), Article 11(1), fourth subparagraph, Article 13(4), Article 14(2) and Article 15(8) and (9)’;

(b) in paragraph 3, the reference to ‘Article 7(8), Article 10(8), the fourth subparagraph of Article 11(1), Article 13(4), Article 14(2) and Article 15(8)’ is replaced by ‘Article 7(8), Article 7a(2), Article 10(8), Article 11(1), fourth subparagraph, Article 13(4), Article 14(2) and Article 15(8) and (9)’;

(c) in paragraph 6, the reference to ‘Article 7(8), Article 10(8), the fourth subparagraph of Article 11(1), Article 13(4), Article 14(2) and Article 15(8)’ is replaced by ‘Article 7(8), Article 7a(2), Article 10(8), Article 11(1), fourth subparagraph, Article 13(4), Article 14(2) and Article 15(8) and (9)’;

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

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 Strasbourg, 19 April 2023.

For the European Parliament

The President

R. METSOLA

For the Council

The President

J. ROSWALL

ANNEX

Annex I to Regulation (EU) 2019/631 is amended as follows:

(1) Part A is amended as follows:

(a) in point 6.1, the heading is replaced by the following:

‘EU fleet-wide targets for 2025 onwards’;

(b) in point 6.1.2, the heading is replaced by the following:

‘EU fleet-wide target for 2030 to 2034’;

(c) the following point is added:

‘6.1.3 EU fleet-wide target for 2035 onwards

EU fleet-wide target₂₀₃₅ = EU fleet-wide target₂₀₂₁ · (1 – reduction factor₂₀₃₅)

where:

EU fleet-wide target₂₀₂₁ is as defined in point 6.0;

reduction factor₂₀₃₅ is as defined in Article 1(5a), point (a).’;

(d) in point 6.2, the heading is replaced by the following:

‘Specific emissions reference targets’;

(e) point 6.2.2 is deleted;

(f) point 6.3 is replaced by the following:

‘6.3 Specific emissions targets for 2025 onwards

6.3.1 Specific emissions targets for 2025 to 2029:

Specific emissions target = specific emissions reference target · ZLEV factor

where:

specific emissions reference target is the specific emissions reference target of CO₂ determined in accordance with point 6.2.1;

ZLEV factor is (1 + y – x), unless this sum is larger than 1,05 or lower than 1,0 in which case the ZLEV factor shall be set to 1,05 or 1,0, as the case may be;

where:

y is the share of zero- and low-emission vehicles in the manufacturer’s fleet of new passenger cars calculated as the total number of new zero- and low-emission vehicles, where each of them is counted as ZLEV_{specific} in accordance with the following formula, divided by the total number of new passenger cars registered in the relevant calendar year:

$$\text{ZLEV}_{\text{specific}} = 1 - \left(\frac{\text{specific emissions of CO}_2 \cdot 0,7}{50} \right)$$

For new passenger cars registered in Member States with a share of zero- and low-emission vehicles in their fleet below 60 % of the Union average in the year 2017 and with less than 1 000 new zero- and low-emission vehicles registered in the year 2017 (*), ZLEVs_{specific} shall, until and including 2029, be calculated in accordance with the following formula:

$$\text{ZLEV}_{\text{specific}} = \left(1 - \left(\frac{\text{specific emissions of CO}_2 \cdot 0,7}{50} \right) \right) \cdot 1,85$$

Where the share of zero- and low-emission vehicles in a Member State’s fleet of new passenger cars registered in a year between 2025 and 2028 exceeds 5 %, that Member State shall not be eligible for the application of the multiplier of 1,85 in the subsequent years;

x is 25 % in the years 2025 to 2029.

6.3.2 Specific emissions targets for 2030 to 2034

Specific emissions target = EU fleet-wide target₂₀₃₀ + a₂₀₃₀ · (TM-TM₀)

where:

EU fleet-wide target₂₀₃₀ is as determined in accordance with point 6.1.2;

a₂₀₃₀ is $\frac{a_{2021} \cdot \text{EU fleet - wide target}_{2030}}{\text{average emissions}_{2021}}$

where:

a₂₀₂₁ is as defined in point 6.2.1

average emissions₂₀₂₁ is as defined in point 6.2.1

TM is as defined in point 6.2.1

TM₀ is as defined in point 6.2.1

6.3.3 Specific emissions targets for 2035 onwards

Specific emissions target = EU fleet-wide target₂₀₃₅ + a₂₀₃₅ · (TM-TM₀)

where:

EU fleet-wide target₂₀₃₅ is as determined in accordance with point 6.1.3;

a₂₀₃₅ is $\frac{a_{2021} \cdot \text{EU fleet - wide target}_{2035}}{\text{average emissions}_{2021}}$

where:

a₂₀₂₁ is as defined in point 6.2.1

average emissions₂₀₂₁ is as defined in point 6.2.1

TM is as defined in point 6.2.1

TM₀ is as defined in point 6.2.1.

(*) The share of zero- and low-emission vehicles in the new passenger car fleet of a Member State in 2017 is calculated as the total number of new zero- and low-emission vehicles registered in 2017 divided by the total number of new passenger cars registered in the same year.;

(2) Part B is amended as follows:

(a) in point 6.1, the heading is replaced by the following:

‘EU fleet-wide targets for 2025 onwards’;

(b) in point 6.1.2 the heading is replaced by the following:

‘EU fleet-wide targets for 2030 to 2034’;

(c) the following point is added:

‘6.1.3 EU fleet-wide targets for 2035 onwards

EU fleet-wide target₂₀₃₅ = EU fleet-wide target₂₀₂₁ · (1 – reduction factor₂₀₃₅)

where:

EU fleet-wide target₂₀₂₁ is as defined in point 6.0;

reduction factor₂₀₃₅ is as defined in Article 1(5a), point (b).;

(d) point 6.2.2 is replaced by the following:

‘6.2.2 Specific emissions reference targets for 2030 to 2034

Specific emissions reference target = EU fleet-wide target₂₀₃₀ + $\alpha \cdot (TM - TM_0)$

where:

EU fleet-wide target₂₀₃₀ is as determined in accordance with point 6.1.2;

α is a_{2030} where the average test mass of a manufacturer's new light commercial vehicles is equal to or lower than TM_0 , and a_{2021} where the average test mass of a manufacturer's new light commercial vehicles is higher than TM_0 ;

where:

a_{2030} is $\frac{a_{2021} \cdot \text{EU fleet - wide target}_{2030}}{\text{Average emissions}_{2021}}$

a_{2021} is as defined in point 6.2.1

average emissions₂₀₂₁ is as defined in point 6.2.1

TM is as defined in point 6.2.1

TM_0 is as defined in point 6.2.1’;

(e) the following point is added:

‘6.2.3 Specific emissions reference targets for 2035 onwards

Specific emissions reference target = EU fleet-wide target₂₀₃₅ + $\alpha \cdot (TM - TM_0)$

where:

EU fleet-wide target₂₀₃₅ is as determined in accordance with point 6.1.3;

α is $a_{2035,L}$ where the average test mass of a manufacturer's new light commercial vehicles is equal to or lower than TM_0 , and $a_{2035,H}$ where the average test mass of a manufacturer's new light commercial vehicles is higher than TM_0 ;

where:

$a_{2035,L}$ is $\frac{a_{2021} \cdot \text{EU fleet - wide target}_{2035}}{\text{Average emissions}_{2021}}$

$a_{2035,H}$ is $\frac{a_{2021} \cdot \text{EU fleet - wide target}_{2035}}{\text{EU fleet - wide target}_{2025}}$

average emissions₂₀₂₁ is as defined in point 6.2.1

TM is as defined in point 6.2.1

TM_0 is as defined in point 6.2.1’;

(f) point 6.3 is replaced by the following:

‘6.3. Specific emissions targets from 2025 onwards

6.3.1 Specific emissions targets for 2025 to 2029

Specific emissions target = (specific emissions reference target – ($\emptyset_{\text{targets}}$ – EU fleet-wide target₂₀₂₅)) · ZLEV factor

where:

specific emissions reference target	is the specific emissions reference target of CO ₂ determined in accordance with point 6.2.1;
$\varnothing_{\text{targets}}$	is the average, weighted on the number of new light commercial vehicles of each individual manufacturer, of all the specific emissions reference targets determined in accordance with point 6.2.1;
ZLEV factor	is $(1 + y - x)$, unless this sum is larger than 1,05 or lower than 1,0 in which case the ZLEV factor shall be set to 1,05 or 1,0, as the case may be;

where:

y is the share of zero- and low-emission vehicles in the manufacturer's fleet of new light commercial vehicles calculated as the total number of new zero- and low-emission vehicles, where each of them is counted as ZLEV_{specific} in accordance with the following formula, divided by the total number of new light commercial vehicles registered in the relevant calendar year:

$$\text{ZLEV}_{\text{specific}} = 1 - \left(\frac{\text{specific emissions of CO}_2}{50} \right)$$

x is 17 % in the years 2025 to 2029.

6.3.2 Specific emissions targets for 2030 to 2034

Specific emissions target = specific emissions reference target – ($\varnothing_{\text{targets}}$ - EU fleet-wide target₂₀₃₀)

where:

specific emissions reference target	is the specific emissions reference target for the manufacturer determined in accordance with point 6.2.2;
$\varnothing_{\text{targets}}$	is the average, weighted on the number of new light commercial vehicles of each individual manufacturer, of all the specific emissions reference targets determined in accordance with point 6.2.2;
EU fleet-wide target ₂₀₃₀	is as determined in point 6.1.2.

6.3.3 Specific emissions targets for 2035 onwards

Specific emissions target = specific emissions reference target – ($\varnothing_{\text{targets}}$ - EU fleet-wide target₂₀₃₅)

where:

specific emissions reference target	is the specific emissions reference target for the manufacturer determined in accordance with point 6.2.3;
$\varnothing_{\text{targets}}$	is the average, weighted on the number of new light commercial vehicles of each individual manufacturer, of all the specific emissions reference targets determined in accordance with point 6.2.3;
EU fleet-wide target ₂₀₃₅	is as determined in point 6.1.3.'.

DECISIONS

DECISION (EU) 2023/852 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 19 April 2023

amending Decision (EU) 2015/1814 as regards the number of allowances to be placed in the market stability reserve for the Union greenhouse gas emission trading system until 2030

(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 192(1) 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⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) The Paris Agreement ⁽⁴⁾, adopted on 12 December 2015 under the United Nations Framework Convention on Climate Change (UNFCCC) (the 'Paris Agreement'), entered into force on 4 November 2016. The Parties to the Paris Agreement have agreed to hold the increase in the global average temperature well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre-industrial levels. That commitment has been reinforced with the adoption under the UNFCCC of the Glasgow Climate Pact on 13 November 2021, in which the Conference of the Parties to the UNFCCC, serving as the meeting of the Parties to the Paris Agreement, recognises that the impacts of climate change will be much lower at a temperature increase of 1,5 °C, compared with 2 °C, and resolves to pursue efforts to limit the temperature increase to 1,5 °C.
- (2) The urgency of the need to keep the Paris Agreement goal of 1,5 °C alive has become more significant following the findings of the Intergovernmental Panel on Climate Change in its Sixth Assessment Report that global warming can only be limited to 1,5 °C if strong and sustained reductions in global greenhouse gas emissions within this decade are immediately undertaken.
- (3) Tackling climate- and environmental-related challenges and reaching the objectives of the Paris Agreement are at the core of the communication of the Commission of 11 December 2019 on 'The European Green Deal' (the 'European Green Deal').
- (4) The European Green Deal combines a comprehensive set of mutually reinforcing measures and initiatives aimed at achieving climate neutrality in the Union by 2050, and sets out a new growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy where economic growth is decoupled from resource use. It also aims to protect, conserve and enhance the Union's natural capital, and protect the health and well-being of citizens from environment-related risks and impacts. At the same time, that transition has gender equality aspects as well as a particular impact on some disadvantaged and

⁽¹⁾ OJ C 152, 6.4.2022, p. 175.

⁽²⁾ OJ C 301, 5.8.2022, p. 116.

⁽³⁾ Position of the European Parliament of 14 March 2023 (not yet published in the Official Journal) and decision of the Council of 28 March 2023.

⁽⁴⁾ OJ L 282, 19.10.2016, p. 4.

vulnerable groups, such as older people, persons with disabilities, persons with a minority racial or ethnic background and low and lower-middle income individuals and households. It also imposes greater challenges on certain regions, in particular structurally disadvantaged and peripheral regions, as well as on islands. It must therefore be ensured that the transition is just and inclusive, leaving no one behind.

- (5) The necessity and the value of delivering on the European Green Deal have only grown in light of the very severe effects of the COVID-19 pandemic on the health, the living and working conditions and the well-being of the Union's citizens. Those effects have shown that our society and our economy need to improve their resilience in relation to external shocks and act early to prevent or mitigate the effects of external shocks in a manner that is just and results in no one being left behind, including those at risk of energy poverty. European citizens continue to express strong views that this applies in particular to climate change.
- (6) The Union committed to reducing the Union's economy-wide net greenhouse gas emissions by at least 55 % compared to 1990 levels by 2030 in the updated nationally determined contribution submitted to the UNFCCC Secretariat on 17 December 2020.
- (7) Through the adoption of Regulation (EU) 2021/1119 of the European Parliament and of the Council ⁽⁵⁾, the Union has enshrined in legislation the objective of economy-wide climate neutrality by 2050 at the latest and the aim of achieving negative emissions thereafter. That Regulation also establishes a binding Union domestic reduction target for net greenhouse gas emissions (emissions after deduction of removals) of at least 55 % compared to 1990 levels by 2030, and provides that the Commission is to endeavour to align all future draft measures or legislative proposals, including budgetary proposals, with the objectives of that Regulation and, in any case of non-alignment, provide the reasons for such non-alignment as part of the impact assessment accompanying those proposals.
- (8) All sectors of the economy need to contribute to achieving the emission reductions established by Regulation (EU) 2021/1119. Therefore, the ambition of the EU Emissions Trading System ('EU ETS'), established by Directive 2003/87/EC of the European Parliament and of the Council ⁽⁶⁾, should be adjusted so as to be in line with the economy-wide net greenhouse gas emission reduction target for 2030, the objective of achieving climate neutrality by 2050 at the latest and the aim of achieving negative emissions thereafter, as laid down in Regulation (EU) 2021/1119.
- (9) In order to address the structural imbalance between supply of and demand for allowances in the market, Decision (EU) 2015/1814 of the European Parliament and of the Council ⁽⁷⁾ established a market stability reserve (the 'reserve') in 2018, which has been operational since 2019. Without prejudice to further revisions of the reserve as part of the general revision of Directive 2003/87/EC and of Decision (EU) 2015/1814 in 2023, the Commission should continuously monitor the functioning of the reserve and ensure that the reserve is kept fit for purpose in case of future unforeseeable external shocks. A robust and forward-looking reserve is essential to ensure the integrity of the EU ETS and to effectively steer the EU ETS so that it can contribute, as a policy tool, to achieving the Union's climate-neutrality objective by 2050 at the latest and to the aim of achieving negative emissions thereafter, as laid down in Regulation (EU) 2021/1119.
- (10) The reserve functions by triggering adjustments to the annual volumes of allowances to be auctioned. In order to preserve a maximum degree of predictability, Decision (EU) 2015/1814 established clear rules for placing allowances in the reserve and releasing them from it.

⁽⁵⁾ 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 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).

⁽⁶⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

⁽⁷⁾ Decision (EU) 2015/1814 of the European Parliament and of the Council of 6 October 2015 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC (OJ L 264, 9.10.2015, p. 1).

- (11) Decision (EU) 2015/1814 provides that, where the total number of allowances in circulation is above the established upper threshold, a number of allowances corresponding to a given percentage of that total number of allowances is to be deducted from the volumes of allowances to be auctioned and placed in the reserve. Conversely, if the total number of allowances in circulation falls below the established lower threshold, a number of allowances is to be released from the reserve to Member States, and added to the volumes of the allowances to be auctioned.
- (12) Directive (EU) 2018/410 of the European Parliament and of the Council ⁽⁸⁾ amended Decision (EU) 2015/1814 by doubling the percentage rate to be used for determining the number of allowances to be placed each year in the reserve from 12 % to 24 % until 31 December 2023 for the purpose of delivering a credible investment signal to reduce CO₂ emissions in a cost-efficient manner. That amendment was adopted in the context of the former Union 2030 climate target of reducing economy-wide greenhouse gas emissions by at least 40 % compared to 1990 levels.
- (13) In accordance with Decision (EU) 2015/1814, within three years of the start of the operation of the reserve, the Commission was to carry out its first review of the reserve on the basis of an analysis of the orderly functioning of the European carbon market and, where appropriate, submit a proposal to the European Parliament and to the Council.
- (14) In the review of the reserve, carried out in accordance with Decision (EU) 2015/1814, the Commission paid particular attention to the percentage rate for the determination of the number of allowances to be placed in the reserve, as well as to the numerical value of the threshold for the total number of allowances in circulation and the number of allowances to be released from the reserve.
- (15) The analysis carried out in the context of the Commission's review of the reserve and the expected developments relevant to the carbon market demonstrate that a rate of 12 % of the total number of allowances in circulation for the determination of the number of allowances to be placed in the reserve each year after 2023 is insufficient to prevent a significant increase of the surplus of allowances in the EU ETS. Maintaining the rate of 24 % in this Decision should be without prejudice to further revisions of the reserve, including, if appropriate, a further revision of the percentage rate for the determination of the number of allowances to be placed in the reserve, as part of the general revision of Directive 2003/87/EC and Decision (EU) 2015/1814 in 2023.
- (16) Since the objective of this Decision, namely the continuation of the current parameters of the reserve as established pursuant to Directive (EU) 2018/410, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, 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 Decision does not go beyond what is necessary in order to achieve that objective.
- (17) Decision (EU) 2015/1814 should therefore be amended accordingly,

HAVE ADOPTED THIS DECISION:

Article 1

Amendment to Decision (EU) 2015/1814

In Article 1(5), first subparagraph, of Decision (EU) 2015/1814, the last sentence is replaced by the following:

'By way of derogation from the first and second sentences of this subparagraph, until 31 December 2030, the percentages and the 100 million allowances referred to in those sentences shall be doubled.'

⁽⁸⁾ Directive (EU) 2018/410 of the European Parliament and of the Council of 14 March 2018 amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments, and Decision (EU) 2015/1814 (OJ L 76, 19.3.2018, p. 3).

*Article 2***Entry into force**

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

Done at Strasbourg, 19 April 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) 2023/853

of 24 April 2023

implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 ⁽¹⁾, and in particular Article 46(2) thereof,

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

Whereas:

- (1) On 23 March 2012, the Council adopted Regulation (EU) No 267/2012.
- (2) On the basis of a review of Annex II to Council Decision 2010/413/CFSP ⁽²⁾, the entry concerning one person designated in Annex IX to Regulation (EU) No 267/2012 should be removed from that Annex. One entry included in Annex IX to Regulation (EU) No 267/2012 should be updated.
- (3) Regulation (EU) No 267/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IX to Regulation (EU) No 267/2012 is amended in accordance with the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 88, 24.3.2012, p. 1.

⁽²⁾ Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ L 195, 27.7.2010, p. 39).

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

Done at Luxembourg, 24 April 2023.

For the Council
The President
J. BORRELL FONTELLES

ANNEX

Annex IX to Regulation (EU) No 267/2012 is amended as follows:

- (1) entry 10 (concerning Rostam QASEMI) in the list headed 'II. Iranian Revolutionary Guard Corps (IRGC)', under the subheading 'A. Persons' is deleted;
- (2) under the heading 'I. Persons and entities involved in nuclear or ballistic missile activities and persons and entities providing support to the Government of Iran.', the following entry replaces the corresponding entry in the list set out under the subheading 'B. Entities':

	Name	Identifying information	Reasons	Date of listing
'12.	Fajr Aviation Composite Industries	Mehrabad Airport, PO Box 13445-885, Tehran, Iran	A subsidiary of the IAIO within MODAFL both designated by the EU which primarily produces composite materials for the aircraft industry. Fajr Aviation Composite Industries also produces drones, which are allegedly being used for regional destabilisation.	26.7.2010'

DECISIONS

COUNCIL DECISION (CFSP) 2023/854

of 24 April 2023

amending Decision 2010/413/CFSP concerning restrictive measures against Iran

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 26 July 2010, the Council adopted Decision 2010/413/CFSP ⁽¹⁾, concerning restrictive measures against Iran.
- (2) In accordance with Article 26(3) of Decision 2010/413/CFSP, the Council has reviewed the list of designated persons and entities set out in Annex II to that Decision.
- (3) On the basis of that review, the entry concerning one person designated in Annex II to Decision 2010/413/CFSP should be removed from that Annex. One entry included in Annex II should be updated.
- (4) Decision 2010/413/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Decision 2010/413/CFSP is amended in accordance with 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, 24 April 2023.

For the Council
The President
J. BORRELL FONTELLES

⁽¹⁾ Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ L 195, 27.7.2010, p. 39).

ANNEX

Annex II to Decision 2010/413/CFSP is amended as follows:

- (1) entry 10 (concerning Rostam QASEMI) in the list headed 'II. Islamic Revolutionary Guard Corps (IRGC)', under the subheading 'A. Persons' is deleted;
- (2) under the heading 'I. Persons and entities involved in nuclear or ballistic missile activities and persons and entities providing support to the Government of Iran.', the following entry replaces the corresponding entry in the list set out under the subheading 'B. Entities':

	Name	Identifying information	Reasons	Date of listing
'12.	Fajr Aviation Composite Industries	Mehrabad Airport, PO Box 13445-885, Tehran, Iran	A subsidiary of the IAIO within MODAFL both designated by the EU which primarily produces composite materials for the aircraft industry. Fajr Aviation Composite Industries also produces drones, which are allegedly being used for regional destabilisation.	26.7.2010'

COUNCIL DECISION (CFSP) 2023/855
of 24 April 2023
on a European Union Partnership Mission in Moldova (EUPM Moldova)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) In its conclusions of 24 June 2022, the European Council recognised the European perspective of the Republic of Moldova, among others, affirmed that the future of the Republic of Moldova and its citizens lies within the European Union, and decided to grant it, along with Ukraine, the status of candidate country.
- (2) In its conclusions of 15 December 2022, the European Council affirmed that the Union will continue to provide all relevant support to the Republic of Moldova as it deals with the multifaceted impact of Russia's war of aggression against Ukraine.
- (3) By letter dated 28 January 2023 addressed to the High Representative of the Union for Foreign Affairs and Security Policy, the Prime minister of the Republic of Moldova invited the Union to deploy a civilian Mission in the Republic of Moldova under the common security and defence policy (CSDP).
- (4) On 31 January 2023, the Political and Security Committee endorsed a Political Framework for Crisis Approach in the Republic of Moldova.
- (5) On 5 April 2023, the Council approved a Crisis Management Concept for a possible civilian CSDP mission in the Republic of Moldova. That mission should therefore be established.
- (6) The CSDP mission in the Republic of Moldova will be conducted in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Mission

The Union hereby establishes a civilian European Union Partnership Mission in the Republic of Moldova (EUPM Moldova) under the common security and defence policy.

Article 2

Mandate

1. EUPM Moldova shall contribute to enhancing the resilience of the security sector of the Republic of Moldova in the areas of crisis management and hybrid threats, including cybersecurity and countering foreign information manipulation and interference (FIMI).
2. For that purpose, EUPM Moldova shall:
 - (a) contribute to strengthening the Moldovan crisis management structures focused on the security sector through:
 - (i) the identification of needs for organisation, training and equipment;
 - (ii) the gradual implementation of proposed actions and identified solutions;

- (b) assist in enhancing resilience to hybrid threats by:
- (i) providing advice at strategic level on the development of strategies and policies for countering hybrid threats and FIMI, including disinformation, for enhancing cybersecurity and for the protection of classified information;
 - (ii) identifying the needs for capacity building in the security sector for early warning, detection, identification, attribution of threats and the response to those threats;
 - (iii) contributing to the implementation of the proposed actions and identified solutions;
- (c) support the implementation of the aforementioned tasks by means of a project cell offering targeted operational support, as needed, in line with the Integrated Approach and, as far as possible, in close coordination with other actors.
3. International humanitarian law, human rights and the principle of gender equality, the protection of civilians and the agendas under United Nations Security Council Resolutions 1325 (2000) on Women, Peace and Security, 2250 (2015) on Youth, Peace and Security and 1612 (2005) on Children and Armed Conflict shall be fully integrated and proactively mainstreamed in the EUPM Moldova's strategic and operational planning, activities and reporting.

Article 3

Chain of command and structure

1. EUPM Moldova shall have a unified chain of command as a crisis management operation.
2. EUPM Moldova shall have its Headquarters in the Republic of Moldova.
3. EUPM Moldova shall be structured in accordance with its planning documents.

Article 4

Civilian Operation Commander

1. The Managing Director of the Civilian Planning and Conduct Capability (CPCC) shall be the Civilian Operation Commander for EUPM Moldova. The CPCC shall be at the disposal of the Civilian Operation Commander for the planning and conduct of EUPM Moldova.
2. The Civilian Operation Commander, under the political control and strategic direction of the Political and Security Committee (PSC) and the overall authority of the High Representative for Foreign Affairs and Security Policy ('the High Representative'), shall exercise command and control of EUPM Moldova at the strategic level.
3. The Civilian Operation Commander shall ensure the proper and effective implementation of the decisions of the Council and of the PSC with regard to the conduct of operations, including by issuing instructions at the strategic level, as required, and providing advice and technical support to the Head of Mission.
4. The Civilian Operation Commander shall report to the Council through the High Representative.
5. All seconded staff shall remain under the full command of the national authorities of the seconding State in accordance with national rules, of the Union institution concerned or of the European External Action Service (EEAS), respectively. Those authorities shall transfer the operational control (OPCON) of their staff to the Civilian Operation Commander.
6. The Civilian Operation Commander shall have overall responsibility for ensuring that the Union's duty of care is properly discharged.
7. The Civilian Operation Commander and the Head of the EU Delegation to the Republic of Moldova shall consult each other as required.

*Article 5***Head of Mission**

1. The Head of Mission shall assume responsibility for EUPM Moldova and shall exercise command and control thereof, at theatre level. The Head of Mission shall be directly responsible to the Civilian Operation Commander and shall act in accordance with his or her instructions.
2. The Head of Mission shall be the representative of EUPM Moldova in its area of responsibility.
3. The Head of Mission shall exercise administrative and logistic responsibility for EUPM Moldova, including responsibility for the assets, resources and information which have been placed at the disposal of EUPM Moldova. The Head of Mission may delegate management tasks relating to staff and financial matters to staff members of EUPM Moldova, under his overall responsibility.
4. The Head of Mission shall be responsible for disciplinary control over the staff of EUPM Moldova. For seconded staff, disciplinary action shall be exercised by the national authorities of the seconding State in accordance with national rules, by the Union institution concerned or by the EEAS, respectively.
5. The Head of Mission shall ensure appropriate visibility of EUPM Moldova.
6. The Head of Mission shall, without prejudice to the chain of command, receive local political guidance from the Head of the Union's Delegation to the Republic of Moldova.

*Article 6***Staff**

1. EUPM Moldova shall consist primarily of staff seconded by Member States, by Union institutions or by the EEAS. Member States, Union institutions, and the EEAS shall bear the costs related to any of the staff seconded by them, including travel expenses to and from the place of deployment, salaries, medical coverage and allowances other than applicable daily allowances.
2. The Member State, the Union institution, or the EEAS, respectively, shall be responsible for answering any claims linked to the secondment from or concerning the members of staff whom they have seconded, and for bringing any action against such persons.
3. International and local staff may be recruited on a contractual basis by EUPM Moldova if the functions required cannot be provided by personnel seconded by Member States. Exceptionally, in duly justified cases, where no qualified applicants from Member States are available, nationals from participating third States may be recruited on a contractual basis, as appropriate.
4. The conditions of employment and the rights and obligations of international and local staff shall be laid down in the contracts between EUPM Moldova and the staff member concerned.

*Article 7***Status of EUPM Moldova and of its staff**

The status of EUPM Moldova and its staff, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUPM Moldova, shall be the subject of an agreement concluded pursuant to Article 37 of the Treaty on European Union (TEU) and in accordance with the procedure laid down in Article 218 of the Treaty on the Functioning of the European Union.

*Article 8***Political control and strategic direction**

1. The PSC shall exercise, under the responsibility of the Council and of the High Representative, political control and strategic direction of EUPM Moldova. The Council hereby authorises the PSC to take the relevant decisions for that purpose in accordance with the third paragraph of Article 38 TEU. That authorisation shall include the powers to appoint a Head of Mission, upon a proposal from the High Representative, and to amend the Operation Plan (OPLAN). The powers of decision with respect to the objectives and termination of EUPM Moldova shall remain vested in the Council. The decisions of the PSC regarding the appointment of the Head of Mission shall be published in the *Official Journal of the European Union*.
2. The PSC shall report to the Council at regular intervals.
3. The PSC shall receive, on a regular basis and as required, reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility.

*Article 9***Participation of third States**

1. Without prejudice to the decision-making autonomy of the Union and its single institutional framework, third States may be invited to contribute to EUPM Moldova, provided that they bear the cost of the staff seconded by them, including salaries, all risk insurance cover, daily subsistence allowances and travel expenses to and from the Republic of Moldova, and that they contribute to the running costs of EUPM Moldova, as appropriate.
2. Third States contributing to EUPM Moldova shall have the same rights and obligations as Member States with regard to the day-to-day management of that mission.
3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and to establish a Committee of Contributors.
4. Detailed arrangements regarding the participation of third States shall be covered by agreements concluded in accordance with Article 37 TEU and additional technical arrangements as necessary. Where the Union and a third State conclude or have concluded an agreement establishing a framework for the participation of that third State in Union crisis-management operations, the provisions of that agreement shall apply in the context of EUPM Moldova.

*Article 10***Security**

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation by EUPM Moldova in accordance with Article 4.
2. The Head of Mission shall be responsible for the security of EUPM Moldova and for ensuring compliance with the minimum security requirements applicable to that mission, in line with the policy of the Union on the security of personnel deployed outside the Union in an operational capacity under Title V TEU, and its supporting instruments.
3. The Head of Mission shall be assisted by a Mission Security Officer, who shall report to the Head of Mission and also maintain a close functional relationship with the EEAS.
4. EUPM Moldova staff shall undergo mandatory security training before taking up their duties, in accordance with the OPLAN. They shall also receive regular in-theatre refresher training organised by the Mission Security Officer.
5. The Head of Mission shall ensure the protection of EU classified information in accordance with Council Decision 2013/488/EU ⁽¹⁾.

⁽¹⁾ Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

*Article 11***Watch-Keeping Capability**

The Watch-Keeping Capability shall be activated for EUPM Moldova.

*Article 12***Legal arrangements**

EUPM Moldova shall have the capacity to procure services and supplies, to enter into contracts and administrative arrangements, to employ staff, to hold bank accounts, to acquire and dispose of assets and to discharge its liabilities, and to be a party to legal proceedings, as required in order to implement this Decision.

*Article 13***Financial arrangements**

1. The financial reference amount intended to cover the expenditure relating to EUPM Moldova for the four months following the entry into force of this Decision shall be EUR 3 529 889,20. The financial reference amount for any subsequent period shall be decided by the Council.
2. All expenditure shall be managed in accordance with the rules and procedures applicable to the general budget of the Union. Participation of natural and legal persons in the award of procurement contracts by EUPM Moldova shall be open without limitations. Moreover, no rule of origin for the goods purchased by EUPM Moldova shall apply. Subject to the Commission's approval, EUPM Moldova may conclude technical arrangements with Member States, the host State, participating third States and other international actors regarding the provision of equipment, services and premises to EUPM Moldova.
3. EUPM Moldova shall be responsible for the implementation of its budget. For this purpose, EUPM Moldova shall sign an agreement with the Commission. The financial arrangements shall respect the chain of command provided for in Articles 3, 4 and 5 and the operational requirements of EUPM Moldova.
4. EUPM Moldova shall report fully to, and be supervised by, the Commission on the financial activities undertaken in the framework of the agreement referred to in paragraph 3.
5. The expenditure related to EUPM Moldova shall be eligible as of the date of adoption of this Decision.

*Article 14***Project cell**

1. EUPM Moldova shall have a Project Cell for identifying and implementing projects. EUPM Moldova shall, as appropriate, facilitate and provide advice on projects implemented by Member States and third States under their responsibility in areas related to EUPM Moldova and in support of its objectives.
2. Subject to paragraph 3, EUPM Moldova shall be authorised to seek recourse to financial contributions from the Member States or from third States to implement projects identified as supplementing in a consistent manner EUPM Moldova's other actions, if the projects are:
 - (a) provided for in the financial statement relating to this Decision; or
 - (b) integrated during the mandate by means of an amendment to the financial statement requested by the Head of Mission.

EUPM Moldova shall conclude an arrangement with the contributing States, covering in particular the specific procedures for dealing with any complaint from third parties concerning damage caused as a result of acts or omissions by EUPM Moldova in the use of the funds provided by those States. Under no circumstances shall the contributing States hold the Union or the High Representative liable for acts or omissions by EUPM Moldova in the use of the funds provided by those States.

3. Financial contributions from the Union, the Member States or third States to the Project Cell shall be subject to acceptance by the PSC.

Article 15

Consistency of the Union's response and coordination

1. The High Representative shall ensure the consistency of the implementation of this Decision with the Union's external action as a whole, including the Union's assistance programmes.
2. Without prejudice to the chain of command, the Head of the Union's Delegation to the Republic of Moldova shall provide local political guidance to the Head of Mission.
3. The Head of Mission shall ensure close coordination with representatives of Member States and like-minded international partners in the Republic of Moldova.

Article 16

Release of information

1. The High Representative shall be authorised to release to the third States associated with this Decision, as appropriate and in accordance with the needs of EUPM Moldova, EU classified information up to 'CONFIDENTIEL UE/EU CONFIDENTIAL' level generated for the purposes of EUPM Moldova, in accordance with Decision 2013/488/EU.
2. In the event of a specific and immediate operational need, the High Representative shall be authorised to release to the host State any EU classified information up to 'RESTREINT UE/EU RESTRICTED' level which is generated for the purposes of EUPM Moldova in accordance with Decision 2013/488/EU. Arrangements between the High Representative and the competent authorities of the host State shall be drawn up for this purpose.
3. The High Representative shall be authorised to release to the third States associated with this Decision any EU non-classified documents connected with the deliberations of the Council relating to EUPM Moldova and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ^(?).
4. The High Representative may delegate the powers referred to in paragraphs 1 to 3 of this Article, as well as the ability to conclude the arrangements referred to in paragraph 2 of this Article to persons placed under his/her authority, to the Civilian Operation Commander and to the Head of Mission, in accordance with Section VII of Annex VI to Decision 2013/488/EU.

Article 17

Launch of EUPM Moldova

1. EUPM Moldova shall be launched by a Council Decision on the date recommended by the Civilian Operation Commander of EUPM Moldova once it has reached its initial operating capability.
2. The core team of EUPM Moldova shall make the necessary preparations to allow that mission to reach its initial operating capability.

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

*Article 18***Entry into force and duration**

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

It shall apply for a period of 2 years from the launch of EUPM Moldova.

Done at Luxembourg, 24 April 2023.

For the Council
The President
J. BORRELL FONTELLES

COMMISSION IMPLEMENTING DECISION (EU) 2023/856**of 18 April 2023****on the request for registration, pursuant to Regulation (EU) 2019/788 of the European Parliament and of the Council, of the European citizens' initiative entitled 'Connecting all European capitals and people through a high-speed train network'***(notified under document C(2023) 2617)***(Only the Dutch text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative ⁽¹⁾, and in particular Article 6(2) and (3) thereof,

Whereas:

- (1) A request for registration of a European citizens' initiative entitled 'Connecting all European capitals and people through a high-speed train network' was submitted to the Commission on 10 March 2023.
- (2) The objectives of the initiative are expressed by the organisers as follows: 'to connect all European capitals through high-speed railway lines. We are calling for the European Commission to make a proposal for a legally binding act to establish a European high-speed train network as quickly as possible. This means linking up the existing high-speed railway networks and building high-speed lines where these do not yet exist.'
- (3) An annex to the initiative provides further details on the subject matter, objectives and background of the initiative. It explains that while all Europeans have the right to move freely within the borders of the EU, they should also be able to do so regardless of their age, financial means and physical state or mental capacity. The organisers claim that while the high-speed railway network in Europe is over 11 500 km long, it mainly connects cities in a limited number of Member States and that many Member States are not part of the European high-speed railway network. The organisers consider that a European high-speed railway network should be established because: (i) train travel is sustainable and safe; (ii) high-speed trains offer a comfortable alternative to medium-haul flights; (iii) high-speed trains are inclusive and accessible to all; (iv) high-speed connections contribute to regional development and evenly distributed economic growth in the EU; (v) high-speed railway lines lead to greater cohesion and benefit the entire population. The organisers purport that to enable safe and sustainable connections between people in Europe, it is important to link up the various networks of the individual Member States and to expand the overall network in view of the increasing number of passengers.
- (4) As regards the objectives of the initiative, the Commission has the power under Articles 170 to 172 of the Treaty to present a proposal for a legal act that contributes to the establishment and development of trans-European networks in the area of transport and to promote the interconnection and interoperability of national networks. On the basis of Article 171(2) of the Treaty, Member States must, in liaison with the Commission, coordinate among themselves the policies pursued at national level which may have a significant impact on the achievement of these objectives. The Commission may, in close cooperation with the Member State, take any useful initiative to promote such coordination. Moreover, the second paragraph of Article 172 of the Treaty provides that guidelines and projects of common interest which relate to the territory of a Member State require the approval of the Member State concerned.
- (5) The Commission considers that none of the parts of the initiative manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.

⁽¹⁾ OJ L 130, 17.5.2019, p. 55.

- (6) That conclusion is without prejudice to the assessment of whether the concrete substantive conditions required for the Commission to act, including compliance with the principles of proportionality and subsidiarity and compatibility with fundamental rights, would be met in this case.
- (7) The group of organisers has provided appropriate evidence that it fulfils the requirements laid down in Article 5(1) and (2) of Regulation (EU) 2019/788 and has designated the contact persons in accordance with Article 5(3), first subparagraph, of that Regulation.
- (8) The initiative is not manifestly abusive, frivolous or vexatious, nor is it manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on European Union or to the rights enshrined in the Charter of Fundamental Rights of the European Union.
- (9) The initiative entitled 'Connecting all European capitals and people through a high-speed train network' should therefore be registered.
- (10) The conclusion that the conditions for registration under Article 6(3) of Regulation (EU) 2019/788 are fulfilled does not imply that the Commission in any way confirms the factual correctness of the content of the initiative, which is the sole responsibility of the group of organisers of the initiative. The content of the initiative only expresses the views of the group of organisers, and can in no way be taken to reflect the views of the Commission,

HAS ADOPTED THIS DECISION:

Article 1

The European citizens' initiative entitled 'Connecting all European capitals and people through a high-speed train network' shall be registered.

Article 2

This Decision is addressed to the group of organisers of the citizens' initiative entitled 'Connecting all European capitals and people through a high-speed train network', represented by Ms Afryea UITERLOO and Mr Rogier VERGOUWEN acting as contact persons.

Done at Strasbourg, 18 April 2023.

For the Commission
Věra JOUROVÁ
Vice-President

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