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## Legislation

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<sup>(1)</sup> Text with EEA relevance.

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<sup>(1)</sup> Text with EEA relevance.

## I

(Legislative acts)

## DECISIONS

## COUNCIL IMPLEMENTING DECISION (EU) 2020/2189

of 18 December 2020

**authorising the Netherlands to introduce a special measure derogating from Articles 168 and 168a of Directive 2006/112/EC on the common system of value added tax**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax <sup>(1)</sup>, and in particular the first subparagraph of Article 395(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Articles 168 and 168a of Directive 2006/112/EC govern the right of taxable persons to deduct value added tax ('VAT') due on goods and services used for the purposes of their taxed transactions.
- (2) By letter registered with the Commission on 30 July 2020, the Netherlands requested authorisation to introduce a special measure derogating from Articles 168 and 168a of Directive 2006/112/EC ('the special measure') in order to exclude VAT due on goods and services from the right to deduct VAT where the goods and services in question are used for more than 90 % for the private purposes of a taxable person or of that person's employees or, in general, for non-business purposes or non-economic activities.
- (3) Pursuant to the second subparagraph of Article 395(2) of Directive 2006/112/EC, the Commission transmitted the request made by the Netherlands to the other Member States, by letter dated 10 September 2020. By letter dated 11 September 2020, the Commission notified the Netherlands that it had all the information it considered necessary for appraisal of the request.
- (4) The objective of the special measure is to simplify the procedure for collecting VAT and to prevent certain forms of tax evasion or avoidance. The amount of tax due at the stage of final consumption is only affected to a negligible extent.
- (5) According to the information provided by the Netherlands, the legal and factual situation justifies the application of the special measure. The Netherlands should, therefore, be authorised to introduce the special measure, but limited in time until 31 December 2023. The time limit should be sufficient to allow for a review of the necessity and effectiveness of the special measure and the apportionment rate between business and non-business use upon which it is based.
- (6) In the event that the Netherlands considers that an extension of the special measure beyond 2023 is necessary, it should submit a request to the Commission by 31 March 2023, accompanied by a report on the application of the special measure that includes a review of the apportionment rate applied.

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<sup>(1)</sup> OJ L 347, 11.12.2006, p. 1.

- (7) The special measure will have only a negligible effect on the overall amount of tax collected at the stage of final consumption and will not adversely affect the Union's own resources accruing from VAT.
- (8) It is therefore appropriate to authorise the Netherlands to apply the special measure until 31 December 2023,

HAS ADOPTED THIS DECISION:

*Article 1*

By way of derogation from Articles 168 and 168a of Directive 2006/112/EC, the Netherlands is authorised to exclude VAT due on goods and services from the right to deduct VAT where the goods and services in question are used for more than 90 % for the private purposes of a taxable person or of that person's employees or, in general, for non-business purposes or non-economic activities.

*Article 2*

This Decision shall take effect on the date of its notification.

It shall apply from 1 January 2021 until 31 December 2023.

Any request for authorisation to extend the special measure authorised by this Decision shall be submitted to the Commission by 31 March 2023.

Such request shall be accompanied by a report on the application of the special measure that includes a review of the apportionment rate applied on the right to deduct VAT on the basis of this Decision.

*Article 3*

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 18 December 2020.

*For the Council*  
*The President*  
M. ROTH

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## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION DELEGATED REGULATION (EU) 2020/2190

of 29 October 2020

**amending Delegated Regulation (EU) 2019/2124 as regards official controls at the border control post where goods leave the Union and certain provisions on transit and transhipment**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) <sup>(1)</sup>, and in particular points (b) and (d) of Article 51(1) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2019/2124 <sup>(2)</sup> establishes rules for the performance of official controls by the competent authorities of the Member States <sup>(3)</sup> on consignments of animals and goods in transit, transhipment and onward transportation through the Union.
- (2) Since several operators are involved during transit and transhipment, including importers, transporters, customs agents and traders, it is necessary to indicate that operators responsible for consignments should comply with the rules in Delegated Regulation (EU) 2019/2124.
- (3) In order to ensure traceability of consignments until they leave the Union territory, the official certificate issued in accordance with Commission Implementing Regulation (EU) 2019/2128 <sup>(4)</sup> is to accompany the consignments from the approved warehouses to the border control posts where the goods leave the Union territory.

<sup>(1)</sup> OJ L 95, 7.4.2017, p. 1.

<sup>(2)</sup> Commission Delegated Regulation (EU) 2019/2124 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transhipment and onward transportation through the Union, and amending Commission Regulations (EC) No 798/2008, (EC) No 1251/2008, (EC) No 119/2009, (EU) No 206/2010, (EU) No 605/2010, (EU) No 142/2011, (EU) No 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC (OJ L 321, 12.12.2019, p. 73).

<sup>(3)</sup> In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, this Regulation applies to and in the United Kingdom in respect of Northern Ireland.

<sup>(4)</sup> Commission Implementing Regulation (EU) 2019/2128 of 12 November 2019 establishing the model official certificate and rules for issuing official certificates for goods which are delivered to vessels leaving the Union and intended for ship supply or consumption by the crew and passengers, or to NATO or a United States' military base (OJ L 321, 12.12.2019, p. 114).

- (4) In accordance with Implementing Regulation (EU) 2019/2128, official certificates may be issued in paper format. As a consequence, competent authorities responsible for official controls at NATO or US military bases, competent authorities at the border control posts where goods leave the Union and the representative of the master of a vessel or the operator responsible for delivery of consignments to a vessel leaving the Union territory should also be allowed the possibility of countersigning official certificates that are issued in paper format and returning such official certificates within 15 days from the date when transit was authorised.
- (5) With a view to protecting human and animal health, consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products in transit from one third country to another third country may be authorised to pass through the Union territory provided they meet certain conditions. Such conditions should include the proper monitoring of consignments during transit and their due presentation for official controls at the border control post where they leave the Union territory.
- (6) To ensure human and animal health protection, products of animal origin should be added to the commodities to be checked at the border control post where goods leave the Union.
- (7) Delegated Regulation (EU) 2019/2124 lays down the specific requirements for transit of animals, products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products from one part of the Union territory to another part of the Union territory, passing through the territory of a third country.
- (8) After the transition period, which was agreed as part of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement), products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products that are moved from one part of the Union territory to another part of the Union territory, passing through the United Kingdom, excluding Northern Ireland, are to be presented for official controls at the border control post of re-introduction into the Union. The notion 'Union territory' includes Northern Ireland for the purposes of the application of this Regulation.
- (9) On the basis of prior notification of arrival of the consignment and documentary checks, the competent authorities of the border control post of re-introduction into the Union should be able to assess whether the consignment in transit may be readmitted into the Union or is to be presented for further controls. This prior notification should be effected by the operator responsible for the consignment. Prior notification and documentary checks should be performed through the information management system for official controls (IMSOC).
- (10) However, several Member States have highlighted practical problems and the considerable administrative burden of using the IMSOC for prior notification and documentary checks in the specific case of transit through the United Kingdom, excluding Northern Ireland.
- (11) In order to avoid any delay resulting from the administrative burden of complying with documentary formalities for the re-introduction of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products into the Union, the possibility should be provided for Member States of using an alternative information system that achieves the same objectives as the IMSOC for prior notification and recording of the results of documentary checks at the border control post of re-introduction into the Union after transit through the United Kingdom, excluding Northern Ireland.
- (12) Delegated Regulation (EU) 2019/2124 should therefore be amended accordingly.
- (13) In order to ensure that the measures provided for in this Regulation are effective after the transition period in the Withdrawal Agreement ends, this Regulation should apply from 1 January 2021,

HAS ADOPTED THIS REGULATION:

*Article 1*

Delegated Regulation (EU) 2019/2124 is amended as follows:

(1) in Article 2, point (7) is replaced by the following:

‘(7) “border control post of introduction into the Union” means the border control post where animals and goods are presented for official controls and through which they enter the Union for subsequent placing on the market or for transit through the Union territory \* and which may be the border control post of first arrival into the Union;

\* The notion “Union territory” includes Northern Ireland for the purposes of the application of this Regulation.’;

(2) Article 14 is replaced by the following:

*Article 14*

**Storage of transhipped consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products**

The operator responsible for consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products shall ensure that those consignments are only stored during the transshipment period either in:

- (i) the customs or free zone area of the same port or airport in sealed containers; or
- (ii) commercial storage facilities under the control of the same border control post, in compliance with the conditions laid down in Article 3(11) and (12) of Commission Implementing Regulation (EU) 2019/1014 \*\*.

\*\* Commission Implementing Regulation (EU) 2019/1014 of 12 June 2019 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points (OJ L 165, 21.6.2019, p. 10).’;

(3) in Article 29, point (c) is replaced by the following:

‘(c) the operator responsible for the consignment ensures that an official certificate in accordance with the model set out in the Annex to Implementing Regulation (EU) 2019/2128 accompanies the consignment to its place of destination or to the border control post where the goods leave the Union territory.’;

(4) Article 31 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. The operator responsible for the consignments of goods referred to in paragraph 1 may unload those consignments at the port of destination before the delivery of the consignments to the vessel leaving the Union territory provided that the operation is authorised and supervised by the customs authority, and the conditions of delivery indicated in the notification referred to in paragraph 1 are met.’;

(b) paragraph 4 is replaced by the following:

‘4. The representative referred to in paragraph 3 or the operator responsible for the delivery of the consignments to the vessel leaving the Union territory shall return to the competent authorities of the border control post of introduction into the Union or of the warehouse, within a period of 15 days from the date on which transit was authorised at the border control post of introduction into the Union or at the warehouse, the countersigned official certificate referred to in point (a) of paragraph 3.’;

(5) Article 32 is replaced by the following:

*'Article 32*

**Operator's obligations to present goods leaving the Union territory for official controls**

1. The operator responsible for consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products that leave the Union territory to be transported to a third country shall present those consignments for official controls to the competent authorities of the border control post indicated in the CHED, at a location indicated by those competent authorities.
2. The operator responsible for the consignments of goods referred to in paragraph 1 that leave the Union territory to be dispatched to a NATO or US military base located in a third country shall present those consignments for official controls to the competent authorities of the border control post indicated in the official certificate issued in accordance with the model set out in the Annex to Implementing Regulation (EU) 2019/2128.;

(6) Article 33 is replaced by the following:

*'Article 33*

**Official controls at the border control post where goods leave the Union territory**

1. The competent authorities of the border control post where products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products leave the Union territory shall perform an identity check to ensure that the consignment presented corresponds to the consignment referred to in the CHED or in the official certificate issued in accordance with the model set out in the Annex to Implementing Regulation (EU) 2019/2128 accompanying the consignment. In particular, they shall verify that the seals fixed on the vehicles or transport containers in accordance with point (d) of Article 19, point (d) of Article 28 or point (e) of Article 29 are still intact.
2. The competent authorities of the border control post where goods referred to in paragraph 1 leave the Union territory shall record the outcome of official controls in part III of the CHED or part III of the official certificate issued in accordance with the model set out in the Annex to Implementing Regulation (EU) 2019/2128.
3. The competent authorities of the border control post responsible for the checks referred to in paragraph 1 shall confirm to the competent authorities of the border control post of introduction into Union or of the warehouse, within a period of 15 days from the date on which transit was authorised at the border control post of introduction into the Union or at the warehouse, the arrival and compliance of the consignment with this Regulation, either by:
  - (a) entering the relevant information in the IMSOC; or
  - (b) countersigning the official certificate issued in accordance with the model set out in the Annex to Implementing Regulation (EU) 2019/2128 and returning to the competent authorities of the warehouse the original certificate or transmitting a copy thereof.;

(7) Article 35 is amended as follows:

(a) paragraph 2 is replaced by the following:

- '2. The competent authorities responsible for controls at the NATO or US military base at the place of destination shall perform an identity check to confirm that the consignment corresponds to the one covered by the CHED or by the accompanying official certificate issued in accordance with the model set out in the Annex to Implementing Regulation (EU) 2019/2128. In particular, they shall verify that the seals fixed on the vehicles or transport containers in accordance with point (d) of Article 19 and point (e) of Article 29 are still intact.;

(b) the following paragraph 3 is added:

- '3. The competent authorities responsible for controls at the NATO or US military base at the place of destination shall confirm to the competent authorities of the border control post of introduction into the Union or of the warehouse, within a period of 15 days from the date on which transit was authorised at the border control post of introduction into the Union or at the warehouse, the arrival and compliance of the consignment with this Regulation, either by:
  - (a) entering the relevant information in the IMSOC; or
  - (b) countersigning the official certificate issued in accordance with the model set out in the Annex to Implementing Regulation (EU) 2019/2128 and returning to the competent authorities of the warehouse the original certificate or transmitting a copy thereof.;



(8) in Article 36, paragraph 3 is replaced by the following:

- ‘3. The operator responsible for the consignment of goods referred to in paragraph 1 shall directly transport the consignment to one of the following destinations:
- (a) the border control post which authorised transit through the Union; or
  - (b) the warehouse where it was stored before refusal by a third country.’;

(9) Article 37 is amended as follows:

(a) the following paragraph 4a is inserted:

‘4a. For the consignments of goods referred to in paragraph 1 of this Article that are not subject to animal health requirements for entry into the Union in accordance with the rules referred to in points (d) and (e) of Article 1(2) of Regulation (EU) 2017/625 and that are moved from one part of the Union territory to another part of the Union territory, passing through the United Kingdom, excluding Northern Ireland, the operators referred to in paragraph 2 of this Article may give prior notification of arrival of those consignments to the competent authorities of the border control post of re-introduction into the Union through an information system or a combination of information systems other than the IMSOC, provided such system or combination of systems:

- (a) has been designated by the competent authorities;
- (b) allows the operators to provide the following information:
  - (i) the description of the goods in transit;
  - (ii) the identification of the means of transport;
  - (iii) the estimated time of arrival;
  - (iv) the origin and destination of the consignments; and
- (c) allows the competent authorities of the border control post of re-introduction into the Union to:
  - (i) assess the information provided by the operators;
  - (ii) inform the operators if the consignments must be presented for the additional checks provided for in paragraph 4.’;

(b) paragraph 5 is replaced by the following:

‘5. The operators responsible for consignments of animals that are moved from one part of the Union territory to another part of the Union territory, passing through the territory of a third country, shall present those consignments for official controls at the exit point from the Union territory.’.

#### 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*.

It shall apply from 1 January 2021.

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

Done at Brussels, 29 October 2020.

For the Commission  
The President  
Ursula VON DER LEYEN

**COMMISSION DELEGATED REGULATION (EU) 2020/2191****of 20 November 2020****amending Delegated Regulation (EU) 2015/2446 as regards the time-limits for lodging entry summary declarations and pre-departure declarations in case of transport by sea from and to the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man**

THE EUROPEAN COMMISSION,

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

Having regard to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community <sup>(1)</sup>, and in particular Articles 126 and 127(1) thereof,

Having regard to the Protocol on Ireland/Northern Ireland annexed to that Agreement, and in particular Articles 5(3) and (4) and 13(1) thereof,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code <sup>(2)</sup>, and in particular Articles 131(b) and 265(a) thereof,

Whereas:

- (1) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union.
- (2) On 1 February 2020, the United Kingdom withdrew from the European Union and from the European Atomic Energy Community. Pursuant to Articles 126 and 127 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement), Union law is applicable to and in the United Kingdom during a transition period that is to end on 31 December 2020 ('transition period').
- (3) In accordance with Article 185 of the Withdrawal Agreement and with Article 5(3) of the Protocol on Ireland/Northern Ireland, customs legislation as defined in point (2) of Article 5 of Regulation (EU) No 952/2013 is applicable to and in the United Kingdom in respect of Northern Ireland (not including the territorial waters of the United Kingdom) after the end of the transition period. In addition, in accordance with Article 5(4) and Annex 2, point 1 of that Protocol, Regulation (EU) No 952/2013 is applicable to and in the United Kingdom in respect of Northern Ireland. References in this Regulation to the United Kingdom of Great Britain and Northern Ireland should therefore exclude the ports located in Northern Ireland.
- (4) From the end of the transition period, goods arriving in the customs territory of the Union from the United Kingdom must be covered by an entry summary declaration and goods leaving the customs territory of the Union for a destination in the United Kingdom, with the exception of Northern Ireland, must be covered by a pre-departure declaration. Those declarations are to be lodged within a time-limit that provides for sufficient time for the customs administrations of the Member States and of the United Kingdom in respect of Northern Ireland to carry out proper risk analysis for security and safety purposes, prior to the arrival of the goods and prior to the departure of the goods, respectively, without causing major disruption in the logistical flows and processes of economic operators.
- (5) Currently, in accordance with Commission Delegated Regulation (EU) 2015/2446 <sup>(3)</sup>, specific time-limits are laid down for the lodging of entry summary declarations or pre-departure declarations for cargo movements between the customs territory of the Union and any port on the North Sea. After the transition period, the same time-limits should apply for those purposes for goods transported by sea arriving from or leaving for ports of the United Kingdom which are not located on the North Sea. Therefore, the time-limits laid down for the North Sea ports should apply to all ports of the United Kingdom of Great Britain and Northern Ireland and of the Channel Islands and the Isle of Man, where an entry summary declaration or a pre-departure declaration is required.
- (6) This Regulation should enter into force as a matter of urgency and apply as from 1 January 2021 to ensure the smooth daily operation of customs administrations and economic operators after the end of the transition period,

<sup>(1)</sup> OJ L 29, 31.1.2020, p. 7.

<sup>(2)</sup> OJ L 269, 10.10.2013, p. 1.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Delegated Regulation (EU) 2015/2446 is amended as follows:

(1) in Article 105(c), the following point is added:

‘(vi) ports of the United Kingdom of Great Britain and Northern Ireland, with the exception of ports located in Northern Ireland, and ports of the Channel Islands and the Isle of Man;’;

(2) in Article 244(1)(a), point (ii) is replaced by the following:

‘(ii) for containerised cargo movements between the customs territory of the Union and Greenland, the Faeroe Islands, Iceland or ports on the Baltic Sea, the North Sea, the Black Sea or the Mediterranean, all ports of Morocco and the ports of the United Kingdom of Great Britain and Northern Ireland, with the exception of ports located in Northern Ireland, and ports of the Channel Islands and the Isle of Man, at the latest two hours before departure from a port in the customs territory of the Union.’

*Article 2*

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

It shall apply from 1 January 2021.

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

Done at Brussels, 20 November 2020.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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**COMMISSION DELEGATED REGULATION (EU) 2020/2192****of 7 December 2020****amending Annex II to Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards the identification mark to be used for certain products of animal origin in the United Kingdom in respect of Northern Ireland****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin <sup>(1)</sup>, and in particular Article 10(1) thereof,

Whereas:

- (1) Regulation (EC) No 853/2004 lays down specific hygiene rules for food of animal origin for food business operators. In particular, Annex II to Regulation (EC) No 853/2004 sets out requirements concerning the identification mark to be applied by food business operators on certain products of animal origin, including requirements concerning the country codes to be used by Member States and third countries.
- (2) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement) and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, Regulation (EC) No 853/2004, as well as the Commission acts based on it, applies to and in the United Kingdom in respect of Northern Ireland after the end of the transitional period. For that reason, it is necessary to amend the requirements laid down in Annex II to that Regulation concerning the identification mark that should be used in the United Kingdom in respect of Northern Ireland.
- (3) Annex II to Regulation (EC) No 853/2004 should therefore be amended accordingly,
- (4) As the transition period provided for in the Withdrawal Agreement ends on 31 December 2020, this Regulation should apply from 1 January 2021,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EC) No 853/2004 is amended in accordance with the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 January 2021.

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<sup>(1)</sup> OJ L 139, 30.4.2004, p. 55.

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

Done at Brussels, 7 December 2020.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## ANNEX

In Annex II to Regulation (EC) No 853/2004, in Section I, in part B, the second subparagraph of point 6 is replaced by the following:

'In the case of Member States (\*), however, these codes are BE, BG, CZ, DK, DE, EE, GR, ES, FR, HR, IE, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, SI, SK, FI, RO, SE and UK(NI)

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(\* In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to Member States include the United Kingdom in respect of Northern Ireland.'

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**COMMISSION IMPLEMENTING REGULATION (EU) 2020/2193**  
**of 16 December 2020**

**amending Regulation (EU) No 1178/2011 as regards the requirements for flight crew competence and training methods, and as regards the reporting, analysis and follow-up of occurrences in civil aviation**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 <sup>(1)</sup>, and in particular Articles 23(1), 27(1) and 72(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1178/2011 <sup>(2)</sup> lays down the training, testing and checking requirements for pilot licensing.
- (2) The European Plan for Aviation Safety adopted by the European Union Aviation Safety Agency ('the Agency') pursuant to Article 6 of Regulation (EU) 2018/1139, identified that it is of key importance for aviation personnel to have the right competencies and that training methods need to be adapted to ensure that the personnel is able to cope with the new emerging technologies and the increasing complexity of the aviation system.
- (3) In 2013 the International Civil Aviation Organization (ICAO) published 'Manual of evidence-based training' (Doc 9995 AN/497), which contains the complete competency framework ('core competencies') with corresponding descriptions and related behavioural indicators to assess those competencies, encompassing what was previously known as technical and non-technical knowledge in pilot training, skills and attitudes. In that new approach, the training content is aligned with the actual competencies necessary to operate safely, effectively and efficiently in a commercial air transport environment.
- (4) The objective of evidence-based training (EBT) is to improve safety and to enhance the competencies of flight crews to safely operate the aircraft in all flight regimes and to be able to identify and manage unexpected situations. The EBT concept is designed to maximise learning and limit formal checking.
- (5) The alignment of Regulation (EU) No 1178/2011 with Regulation (EU) No 376/2014 of the European Parliament and of the Council <sup>(3)</sup> as regards the reporting, analysis and follow-up of occurrences in civil aviation is expected to increase legal certainty, support the Agency standardisation inspections in the area of the occurrence reporting, and support the implementation of effective occurrence-reporting systems as part of safety management.

<sup>(1)</sup> OJ L 212, 22.8.2018, p. 1.

<sup>(2)</sup> Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1).

<sup>(3)</sup> Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (OJ L 122, 24.4.2014, p. 18).

- (6) Regulation (EU) No 1178/2011 should therefore be amended accordingly.
- (7) The Agency has prepared draft implementing rules and submitted them with Opinion No 08/2019 <sup>(4)</sup> in accordance with points (b) and (c) of Article 75(2) and Article 76(1) of Regulation (EU) 2018/1139.
- (8) Negotiations between the Union and certain third countries are still ongoing, including on the conversion of pilot licences and associated medical certificates. In order to ensure that Member States may continue to recognise third country licences and medical certificates for an interim period in light of those negotiations, it is necessary to prolong the period during which Member States may decide not to apply the provisions of Regulation (EU) No 1178/2011 in their territory to pilots holding a licence and associated medical certificate issued by a third country involved in the non-commercial operation of certain aircraft.
- (9) Furthermore, the amendments to Appendix 1 of Regulation (EU) No 1178/2011, which were introduced by Commission Implementing Regulation (EU) 2018/1974 <sup>(5)</sup> and which will apply as of 31 January 2022, should be aligned with the amendments to that Appendix introduced by Commission Implementing Regulation (EU) 2020/359 <sup>(6)</sup>.
- (10) The Regulation should also be amended to correct certain technical errors, which were contained in previous amendments, as well as provide clarification for certain provisions.
- (11) Amendments related to the basic instrument rating should become applicable on the same date as the related provisions of Regulation (EU) 2020/359, namely on 8 September 2021.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Committee established in accordance with Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

#### Article 1

### Amendments to Regulation (EU) No 1178/2011

Regulation (EU) No 1178/2011 is amended as follows:

- (1) in Article 12(4), '20 June 2021' is replaced by '20 June 2022';
- (2) Annexes I, VI and VII are amended in accordance with Annex I to this Regulation;
- (3) Annexes I and VI are corrected in accordance with Annex II to this Regulation.

#### Article 2

### Date of entry into force and application

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

Point (1)(r) of Annex I and point (1)(a) of Annex II shall apply from 8 September 2021 and point (1)(p) of Annex I shall apply from 31 January 2022.

<sup>(4)</sup> <https://www.easa.europa.eu/document-library/opinions>

<sup>(5)</sup> Commission Implementing Regulation (EU) 2018/1974 of 14 December 2018 amending Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council (OJ L 326, 20.12.2018, p. 1).

<sup>(6)</sup> Commission Implementing Regulation (EU) 2020/359 of 4 March 2020 amending Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 67, 5.3.2020, p. 82).



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

Done at Brussels, 16 December 2020.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## ANNEX I

Annexes I, VI and VII of Regulation (EU) No 1178/2011 are amended as follows:

(1) Annex I (Part-FCL) is amended as follows:

(a) in point FCL.010, the following definitions are inserted:

- (i) “Evidence based training (EBT) operator” means an organisation that is holding an air operator certificate (AOC) in accordance with Annex III (Part-ORO) to Regulation (EU) No 965/2012 and that has implemented an EBT programme approved by the competent authority, in accordance with the provisions of that Regulation.;
- (ii) “EBT practical assessment” means a method for assessing performance that serves to verify the integrated performance of competencies. It takes place in either a simulated or an operational environment.;
- (iii) “EBT programme” means a pilot assessment and training programme in accordance with point ORO.FC.231 of Annex III (Part-ORO) to Regulation (EU) No 965/2012.;
- (iv) “Mixed EBT programme” means an operator’s recurrent training and checking programme provided for in point ORO.FC.230 of Annex III (Part-ORO) to Regulation (EU) No 965/2012, a portion of which is dedicated to the application of EBT but which does not replace proficiency checks provided for in Appendix 9 to this Annex.;

(b) in point FCL.015, the following point (g) is added:

‘(g) Training completed in aircraft or in FSTDs in accordance with Annex III (Part-ORO) to Regulation (EU) No 965/2012 shall be taken into account for the experience and revalidation requirements established in this Annex (Part-FCL).’;

(c) in point FCL.035(a), the following point (4) is added:

‘(4) All hours flown in aeroplanes or TMGs that are subject to a decision of a Member State taken in accordance with points (a) or (c) of Article 2(8) of Regulation (EU) 2018/1139 or that fall within the scope of Annex I to that Regulation shall be credited in full towards fulfilling the flight time requirements of point FCL.140.A(a) (1) and point FCL.740.A(b)(1)(ii) of this Annex, provided that the following conditions are met:

- (i) the aeroplane or TMG concerned is of the same category and class as the Part-FCL aircraft in respect of which the hours flown are to be credited;
- (ii) in case of training flights with an instructor, the aeroplane or TMG used is subject to an authorisation specified in point ORA.ATO.135 of Annex VII (Part-ORA) or point DTO.GEN.240 of Annex VIII (Part-DTO).’;

(d) in point FCL.235, point (a) is replaced by the following:

‘(a) Through the completion of a skill test, applicants for a PPL shall demonstrate the ability to perform as PIC on the appropriate aircraft category the relevant procedures and manoeuvres with the competency appropriate to the privileges granted.’;

(e) point FCL.625 is amended as follows:

(i) in point (b), the following point (4) is added:

‘(4) Applicants for the revalidation of an IR shall receive full credits for the proficiency check as required in this Subpart when they complete EBT practical assessment in accordance with Appendix 10 related to the IR at an EBT operator.’;

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

‘(c) Renewal

If an IR has expired, in order to renew their privileges, applicants shall comply with all of the following:

(1) in order to determine whether refresher training is necessary for the applicant to reach the level of proficiency needed to pass the instrument element of the skill test in accordance with Appendix 9, they shall undergo an assessment at either of the following organisations:

- (i) at an ATO;
- (ii) at an EBT operator that is specifically approved for such refresher training;

- (2) if deemed necessary by the organisation providing the assessment in accordance with point (1), they shall complete refresher training at that organisation;
  - (3) after complying with point (1) and, as applicable, point (2), they shall pass a proficiency check in accordance with Appendix 9 or complete EBT practical assessment in accordance with Appendix 10 in the relevant aircraft category. That EBT practical assessment may be combined with the refresher training specified in point (2);
  - (4) they shall hold the relevant class or type rating unless specified otherwise in this Annex.;
- (iii) points (e) and (f) are replaced by the following:
- (e) Holders of a valid IR on a pilot licence issued by a third country in accordance with Annex 1 to the Chicago Convention shall be exempted from complying with the requirements in points (c)(1), (c)(2) and (d) when renewing the IR privileges contained in licences issued in accordance with this Annex.
  - (f) The proficiency check specified in point (c)(3) may be combined with a proficiency check performed for the renewal of the relevant class or type rating.;
- (f) point FCL.625.A(a) is amended as follows:
- (i) point (2) is replaced by the following:

(2) pass a proficiency check in accordance with Appendix 9, or complete EBT practical assessment in accordance with Appendix 10, if the IR revalidation is combined with the revalidation of a class or type rating.;
  - (ii) point (4) is replaced by the following:

(4) An FNPT II or an FFS representing the relevant class or type of aeroplane may be used for the revalidation pursuant to point (3), provided that at least each alternate proficiency check for the revalidation of an IR (A) is performed in an aeroplane.;
- (g) point FCL.740 is replaced by the following:

#### **'FCL.740 Validity and renewal of class and type ratings**

##### (a) Validity

- (1) The validity period of class and type ratings shall be 1 year, except for single-pilot single-engine class ratings for which the validity period shall be 2 years, unless otherwise determined in the OSD. If pilots choose to fulfil the revalidation requirements earlier than prescribed in points FCL.740.A, FCL.740.H, FCL.740.PL and FCL.740.As, the new validity period shall commence from the date of the proficiency check.
- (2) Applicants for the revalidation of a class or type rating shall receive full credits for the proficiency check as required in this Subpart when they complete EBT practical assessment in accordance with Appendix 10 at an operator that has implemented EBT for the relevant class or type rating.

##### (b) Renewal

For the renewal of a class or type rating, applicants shall comply with all of the following:

- (1) in order to determine whether refresher training is necessary for the applicant to reach the level of proficiency to safely operate the aircraft, they shall undergo an assessment at one of the following:
  - (i) at an ATO;
  - (ii) at a DTO or at an ATO, if the expired rating concerned a non-high-performance single-engine piston class rating, a TMG class rating or a single-engine type rating for helicopters referred to in point DTO.GEN.110(a)(2)(c) of Annex VIII;

- (iii) at a DTO, at an ATO or with an instructor, if the rating expired no more than 3 years ago and the rating concerned a non-high-performance single-engine piston class rating or a TMG class rating;
  - (iv) at an EBT operator that is specifically approved for such refresher training;
- (2) if deemed necessary by the organisation or the instructor providing the assessment as per point (1), they shall complete refresher training at that organisation or with that instructor;
- (3) after complying with point (1) and, as applicable, point (2), they shall pass a proficiency check in accordance with Appendix 9 or complete EBT practical assessment in accordance with Appendix 10. That EBT practical assessment may be combined with the refresher training specified in point (2).

By way of derogation from points (b)(1), (b)(2) and (b)(3), pilots holding a flight test rating issued in accordance with point FCL.820 who were involved in the development, certification or production flight tests for an aircraft type and have completed either 50 hours of total flight time or 10 hours of flight time as PIC in test flights in that type during the year prior to the date of their application, shall be entitled to apply for the revalidation or renewal of the relevant type rating.

Applicants shall be exempted from the requirement in points (b)(1) and (b)(2) if they hold a valid rating for the same class or type of aircraft on a pilot licence issued by a third country in accordance with Annex 1 to the Chicago Convention and if they are entitled to exercise the privileges of that rating.

- (c) Pilots who leave an operator's EBT programme after having failed to demonstrate an acceptable level of competence in accordance with that EBT programme shall not exercise the privileges of that type rating until they have complied with one of the following:
- (1) they have completed EBT practical assessment in accordance with Appendix 10;
  - (2) they have passed a proficiency check in accordance with point FCL.625(c)(3) or point FCL.740(b)(3), as applicable. In such a case, point FCL.625(b)(4) and point FCL.740(a)(2) shall not apply.;
- (h) point FCL.720.A is amended as follows:
- (i) point (a) is amended as follows:
    - (1) the first paragraph is replaced by the following:

'Applicants for the initial issue of privileges to operate a single-pilot aeroplane in multi-pilot operations, either when applying for the issue of a class or type rating or when extending the privileges of a class or type rating already held to multi-pilot operation, shall meet the requirements in point (b)(4) and, before starting the relevant training course, point (b)(5).';
    - (2) point (3) is replaced by the following:

'(3) Single-pilot high-performance complex aeroplanes
- Applicants for the issue of a type rating for a complex single-pilot aeroplane classified as a high-performance aeroplane shall, in addition to meeting the requirements in point (2), comply with all of the following:
- (i) they shall hold or have held a single- or multi-engine IR(A), as appropriate and as established in Subpart G;
  - (ii) for the issue of the first type rating, they shall, before starting the type rating training course, meet the requirements in point (b)(5).';

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

(1) the introductory phrase is replaced by the following:

‘Applicants for the issue of the first type rating for a multi-pilot aeroplane shall be student pilots currently undergoing training on an MPL training course or shall, before starting the type rating training course, comply with the following requirements:’;

(2) point (5) is replaced by the following:

‘(5) have completed the training course specified in point FCL.745.A, unless they comply with any of the following:

- (i) they completed, within the preceding 3 years, the training and checking in accordance with points ORO.FC.220 and ORO.FC.230 of Annex III (Part-ORO) to Regulation (EU) No 965/2012;
- (ii) they have completed the training specified in point FCL.915(e)(1)(ii).’;

(i) in point FCL.740.A(a), point (1) is replaced by the following:

‘(1) pass a proficiency check in accordance with Appendix 9 or complete EBT practical assessment in accordance with Appendix 10 in the relevant class or type of aeroplane or an FSTD representing that class or type, within the 3 months immediately preceding the expiry date of the rating; and’;

(j) point FCL.905.TRI is replaced by the following:

FCL.905.TRI TRI – Privileges and conditions

(a) The privileges of a TRI are to instruct for:

(1) the revalidation and renewal of an IR, provided the TRI holds a valid IR;

(2) the issue of a TRI or SFI certificate, provided that the holder meets all of the following conditions:

- (i) has at least 50 hours of instructional experience as a TRI or SFI in accordance with this Regulation or Regulation (EU) No 965/2012;
- (ii) has conducted the flight instruction syllabus of the relevant part of the TRI training course in accordance with point FCL.930.TRI(a)(3) to the satisfaction of the head of training of an ATO;

(3) in the case of the TRI for single-pilot aeroplanes:

- (i) the issue, revalidation and renewal of type ratings for single-pilot high-performance complex aeroplanes provided that the applicant seeks privileges to operate in single-pilot operations.

The privileges of the TRI(SPA) may be extended to flight instruction for single-pilot high-performance complex aeroplane type ratings in multi-pilot operations, provided that the TRI meets any of the following conditions:

(A) holds or has held a TRI certificate for multi-pilot aeroplanes;

(B) has at least 500 hours on aeroplanes in multi-pilot operations and completed an MCCI training course in accordance with point FCL.930.MCCI;

- (ii) the MPL course on the basic phase, provided that he or she has the privileges extended to multi-pilot operations and holds or has held an FI(A) or an IRI(A) certificate;

(4) in the case of the TRI for multi-pilot aeroplanes:

- (i) the issue, revalidation and renewal of type ratings for:

(A) multi-pilot aeroplanes;

(B) single-pilot high-performance complex aeroplanes when the applicant seeks privileges to operate in multi-pilot operations;

- (ii) MCC training;
  - (iii) the MPL course on the basic, intermediate and advanced phases, provided that, for the basic phase, he or she holds or has held an FI(A) or IRI(A) certificate;
- (5) in the case of the TRI for helicopters:
  - (i) the issue, revalidation and renewal of helicopter type ratings;
  - (ii) MCC training, provided he or she holds a multi-pilot helicopter type rating;
  - (iii) the extension of the single-engine IR(H) to multi-engine IR(H);
- (6) in the case of the TRI for powered-lift aircraft:
  - (i) the issue, revalidation and renewal of powered-lift type ratings;
  - (ii) MCC training.
- (b) The privileges of a TRI include privileges to conduct EBT practical assessment at an EBT operator, provided that the instructor complies with the requirements of Annex III (Part-ORO) to Regulation (EU) No 965/2012 for EBT instructor standardisation at that EBT operator.;
- (k) in point FCL.905.SFI, the following point (e) is added:
  - '(e) The privileges of an SFI include privileges to conduct EBT practical assessment at an EBT operator, provided that the instructor complies with the requirements of Annex III (Part-ORO) to Regulation (EU) No 965/2012 for EBT instructor standardisation at that EBT operator.;
- (l) in point FCL.930.SFI, point (a) is replaced by the following:
  - '(a) The training course for the SFI shall include:
    - (1) the FSTD content of the applicable type rating course;
    - (2) the relevant parts of the technical training and the FSTD content of the flight instruction syllabus of the applicable TRI training course;
    - (3) 25 hours of teaching and learning instruction.;
- (m) in point FCL.1015, point (a) is replaced by the following:
  - '(a) An applicant for an examiner certificate shall undertake a standardisation course which is provided by the competent authority or which is provided by an ATO and approved by the competent authority.;
- (n) in point FCL.1025(b), points (1) and (2) and the introductory phrase of point (3) are replaced by the following:
  - '(1) before the expiry date of the certificate, have conducted at least six skill tests, proficiency checks, assessments of competence, or EBT evaluation phases during an EBT module referred to in point ORO.FC.231 of Annex III (Part-ORO) to Regulation (EU) No 965/2012;
  - (2) in the period of 12 months immediately preceding the expiry date of the certificate, have completed an examiner refresher course which is provided by the competent authority or which is provided by an ATO and approved by the competent authority;
  - (3) one of the skill tests, proficiency checks, assessments of competence or EBT evaluation phases conducted in accordance with point (1) shall take place in the period of 12 months immediately preceding the expiry date of the examiner certificate and shall.;
- (o) point FCL.1010.SFE(a) is amended as follows:
  - (i) in point (1), point (ii) is replaced by the following:
    - '(ii) hold an SFI(A) certificate for the applicable type of aeroplane; and';
  - (ii) in point (2), point (ii) is replaced by the following:
    - '(ii) hold an SFI(A) certificate for the applicable class or type of aeroplane; and';

(p) Appendix 1 is amended as follows:

(i) point 1 is replaced by the following:

**'1. LAPL and PPL';**

(ii) points 1.1., 1.2., 1.3. and 1.4. are replaced by the following:

'1.1. For the issue of an LAPL, the holder of an LAPL in another category of aircraft shall be fully credited towards requirements of theoretical knowledge on the common subjects established in point FCL.120 (a).

1.2. For the issue of an LAPL or a PPL, holders of a PPL, CPL or ATPL in another category of aircraft shall be credited towards requirements of theoretical knowledge on the common subjects established in point FCL.215(a). This credit shall also apply to applicants for an LAPL or a PPL who hold a BPL issued in accordance with Annex III (Part-BFCL) to Regulation (EU) 2018/395 or an SPL issued in accordance with Annex III (Part-SFCL) to Implementing Regulation (EU) 2018/1976, except that the subject 'navigation' shall not be credited.'

1.3. For the issue of a PPL, the holder of an LAPL in the same category of aircraft shall be fully credited towards the requirements of theoretical knowledge instruction and examination.

1.4. By way of derogation from point 1.2, for the issue of an LAPL(A), the holder of an SPL issued in accordance with Annex III (Part-SFCL) to Implementing Regulation (EU) 2018/1976 with privileges to fly TMGs shall demonstrate an adequate level of theoretical knowledge for the single-engine piston aeroplane- land class in accordance with point FCL.135.A(a)(2).';

(iii) point 4.1. is replaced by the following:

'4.1. Applicants for an IR, or for a BIR, who have passed the relevant theoretical examinations for a CPL in the same aircraft category, shall be credited towards the theoretical knowledge requirements in the following subjects:

— Human Performance,

— Meteorology,

— Communication.');

(q) in Section A of Appendix 3, point (b) in point 9 is replaced by the following:

'(b) 70 hours as PIC, of which up to 55 hours may be SPIC. The instrument flight time as SPIC shall only be counted as PIC flight time up to a maximum of 20 hours;';

(r) in Section A of Appendix 6, point 2 is replaced by the following:

'(2) Applicants for a modular IR(A) course shall be the holder of a PPL(A) or a CPL(A). Applicants for the Procedural Instrument Flight Module, who do not hold a CPL(A), shall be a holder of a BIR or of a Course Completion Certificate for the Basic Instrument Flight Module.

The ATO shall ensure that the applicant for a multi-engine IR(A) course who has not held a multi-engine aeroplane class or type rating has received the multi-engine training specified in Subpart H prior to commencing the flight training for the IR(A) course.;

(s) Section B of Appendix 9 is amended as follows:

(i) point (5) is amended as follows:

(1) in point (k), the table is replaced by the following:

	(1)		(2)		(3)		(4)		(5)	
	Type of operation									
Type of aircraft	SP		MP		SP → MP (initial)		MP → SP (initial)		SP + MP	
	Training	Testing/ checking	Training	Testing/ checking	Training	Testing/ checking	Training, testing and checking (SE aeroplanes)	Training, testing and checking (ME aeroplanes)	SE aeroplanes	ME aeroplanes
<b>Initial issue</b>										
All (except SP complex)	Sections 1-6	Sections 1-6	MCC CRM Human factors TEM Sections 1-7	Sections 1-6	MCC CRM Human factors TEM Section 7	Sections 1-6	1.6, 4.5, 4.6, 5.2 and, if applic- able, one approach from Section 3.B	1.6, Section 6 and, if applic- able, one approach from Section 3.B		
SP complex	1-7	1-6								
<b>Revalida- tion</b>										
All	n/a	Sections 1-6	n/a	Sections 1-6	n/a	n/a	n/a	n/a	MPO: Sections 1-7 (training) Section 1-6 (checking) SPO: 1.6, 4.5, 4.6, 5.2 and, if applicable, one approach from Section 3.B	MPO: Sections 1-7 (training) Sections 1-6 (checking) SPO: 1.6, Section 6 and, if applic- able, one approach from Section 3.B



Renewal										
All	FC-L.740	Sections 1-6	FCL.740	Sections 1-6	n/a	n/a	n/a	n/a	Training: FCL.740 Check: as for the revalidation	Training: FCL.740 Check: as for the revalidation;

(2) in the table in point (l), the row for exercise 7.2.2 is replaced by the following:

7.2.2	The following upset exercises: — recovery from nose-high at various bank angles; and — recovery from nose-low at various bank angles.	P	X An aeroplane shall not be used for this exercise;			
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- (t) the following Appendix 10 is added:

*Appendix 10*

**Revalidation and renewal of type ratings, and revalidation and renewal of IRs when combined with the revalidation or renewal of type ratings – EBT practical assessment**

**A – General**

1. The revalidation and renewal of type ratings as well as the revalidation and renewal of IRs when combined with the revalidation or renewal of type ratings in accordance with this Appendix shall be completed only at EBT operators which comply with all of the following:
  - (a) they have established an EBT programme relevant for the applicable type rating or the IR in accordance with point ORO.FC.231 of Annex III (Part-ORO) to Regulation (EU) No 965/2012;
  - (b) they have an experience of at least 3 years in conducting a mixed EBT programme;
  - (c) for each type rating within the EBT programme, the organisation has appointed an EBT manager. EBT managers shall comply with all of the following:
    - (i) they shall hold examiner privileges for the relevant type rating;
    - (ii) they shall have extensive experience in training as an instructor for the relevant type rating;
    - (iii) they shall either be the person nominated in accordance with point ORO.AOC.135(a)(2) of Annex III (Part-ORO) to Regulation (EU) No 965/2012 or a deputy of that person.
2. The EBT manager responsible for the relevant type rating shall ensure that the applicant complies with all qualification, training and experience requirements of this Annex for the revalidation or the renewal of the relevant rating.
3. Applicants who wish to revalidate or renew a rating in accordance with this Appendix shall comply with all of the following:
  - (a) they shall be enrolled in the operator's EBT programme;
  - (b) in the case of revalidation of a rating, they shall complete the operator's EBT programme within the period of validity of the relevant rating;
  - (c) in the case of renewal of a rating, they shall comply with procedures developed by the EBT operator in accordance with point ORO.FC.231(a)(5) of Annex III (Part-ORO) to Regulation (EU) No 965/2012.
4. The revalidation or renewal of a rating in accordance with this Appendix shall comprise all of the following:
  - (a) continuous EBT practical assessment within an EBT programme;
  - (b) demonstration of an acceptable level of performance in all competencies;
  - (c) the administrative action of licence revalidation or renewal for which the EBT manager responsible for the relevant type rating shall do all of the following:
    - (1) ensure that the requirements of point FCL.1030 are complied with;

- (2) when acting in accordance with point FCL.1030(b)(2), endorse the applicant's licence with the new expiry date of the rating. That endorsement may be completed by another person on behalf of the EBT manager, if that person received a delegation from the EBT manager to do so in accordance with the procedures established in the EBT programme.

#### B – Conduct of the EBT practical assessment

The EBT practical assessment shall be conducted in accordance with the operator's EBT programme.;

- (2) Annex VI (Part-ARA) is amended as follows:

- (a) point ARA.GEN.125 is replaced by the following:

##### **'ARA.GEN.125 Information to the Agency**

- (a) The competent authority shall notify the Agency in case of any significant problems with the implementation of Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof within 30 days from the time the authority became aware of the problems.
- (b) Without prejudice to Regulation (EU) No 376/2014 of the European Parliament and of the Council (\*) and the delegated and implementing acts adopted on the basis thereof, the competent authority shall provide the Agency with safety-significant information stemming from the occurrence reports stored in the national database, as soon as possible.

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(\*) Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (OJ L 122, 24.4.2014, p. 18).;

- (b) point ARA.GEN.135 is amended as follows:

- (i) points (a) and (b) are replaced by the following:

- '(a) Without prejudice to Regulation (EU) No 376/2014 and the delegated and implementing acts adopted on the basis thereof, the competent authority shall implement a system to appropriately collect, analyse and disseminate safety information.
- (b) The Agency shall implement a system to appropriately analyse any relevant safety information received and without undue delay provide to Member States and the Commission any information, including recommendations or corrective actions to be taken, necessary for them to react in a timely manner to a safety problem involving products, parts, non-installed equipment, persons or organisations subject to Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.;

- (ii) point (d) is replaced by the following:

- '(d) Measures taken under point (c) shall immediately be notified to all persons or organisations that need to comply with them under Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof. The competent authority shall also notify those measures to the Agency and, when combined action is required, the other Member States concerned.;

- (c) point ARA.GEN.200 is amended as follows:

- (i) in point (a), point (1) is replaced by the following:

- '(1) documented policies and procedures to describe its organisation, means and methods to achieve compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof. The procedures shall be kept up to date and serve as the basic working documents within that competent authority for all related tasks.;

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

‘(c) The competent authority shall establish procedures for participation in a mutual exchange of all necessary information and assistance with other competent authorities concerned, whether from within the Member State or in other Member States, including the following information:

- (1) on all findings raised, corrective follow-up actions taken pursuant to such findings and enforcement measures taken as a result of oversight of persons and organisations exercising activities in the territory of a Member State but certified by or having made declarations to the competent authority of another Member State or the Agency;
- (2) stemming from mandatory and voluntary occurrence reporting as required by point ORA.GEN.160 of Annex VII.’;

(d) point ARA.GEN.210 is replaced by the following:

**‘ARA.GEN.210 Changes in the management system**

- (a) The competent authority shall have a system in place to identify changes that affect its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof. That system shall enable it to take action as appropriate to ensure that its management system remains adequate and effective.
- (b) The competent authority shall update its management system to reflect any change to Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof in a timely manner, so as to ensure effective implementation.
- (c) The competent authority shall notify the Agency of changes affecting its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.’;

(e) point ARA.FCL.200 is amended as follows:

(i) point (c) is replaced by the following:

‘(c) Endorsement of licences by examiners. Before specifically authorising an examiner to revalidate or renew ratings or certificates, the competent authority shall develop appropriate procedures.’;

(ii) in point (e), point (1) is replaced by the following:

‘(1) points BFCL.315(a)(4)(ii) and BFCL.360(a)(2) of Annex III (Part-BFCL) to Regulation (EU) 2018/395; and’;

(f) in Appendix VIII, the words ‘EASA Form XXX Issue 2’ are replaced by the words ‘EASA Form 157 – Issue 2’;

(3) Annex VII (Part-ORA) is amended as follows:

(a) point ORA.GEN.160 is replaced by the following:

**‘ORA.GEN.160 Occurrence reporting**

- (a) As part of its management system, the organisation shall establish and maintain an occurrence-reporting system, including mandatory and voluntary reporting. For organisations having their principal place of business in a Member State, that system shall meet the requirements of Regulation (EU) No 376/2014 and Regulation (EU) 2018/1139 as well as the delegated and implementing acts adopted on the basis of those Regulations.
- (b) The organisation shall report to the competent authority and, in case of aircraft not registered in a Member State, the State of Registry any safety-related event or condition that endangers or, if not corrected or addressed, could endanger an aircraft, its occupants or any other person, and in particular any accident or serious incident.

- (c) Without prejudice to point (b), the organisation shall report to the competent authority and the design approval holder of the aircraft any incident, malfunction, technical defect, exceeding of technical limitations, occurrence that would highlight inaccurate, incomplete or ambiguous information, contained in data established in accordance with Regulation (EU) No 748/2012, or other irregular circumstance that has or may have endangered an aircraft, its occupants or any other person and has not resulted in an accident or serious incident.
- (d) Without prejudice to Regulation (EU) No 376/2014 and the delegated and implementing acts adopted on the basis thereof, reports in accordance with point (c) shall:
- (1) be made as soon as practicable, but in any case no later than 72 hours after the organisation has identified the event or condition to which the report relates unless exceptional circumstances prevent this;
  - (2) be made in a form and manner established by the competent authority, as defined in point ORA.GEN.105;
  - (3) contain all pertinent information about the condition known to the organisation.
- (e) For organisations not having their principal place of business in a Member State:
- (1) initial mandatory reports shall:
    - (i) appropriately safeguard the confidentiality of the identity of the reporter and of the persons mentioned in the report;
    - (ii) be made as soon as practicable, but in any case, no later than 72 hours after the organisation has become aware of the occurrence unless exceptional circumstances prevent this;
    - (iii) be made in a form and manner established by the Agency;
    - (iv) contain all pertinent information about the condition known to the organisation;
  - (2) where relevant, a follow-up report providing details of actions the organisation intends to take to prevent similar occurrences in the future shall be made as soon as those actions have been identified; those follow-up reports shall:
    - (i) be sent to relevant entities initially reported to in accordance with points (b) and (c);
    - (ii) be made in a form and manner established by the Agency;
- (b) in point ORA.GEN.200(a), point (7) is replaced by the following:
- ‘(7) any additional relevant requirements prescribed in Regulation (EU) 2018/1139 and in Regulation (EU) No 376/2014 as well as in the delegated and implementing acts adopted on the basis thereof.’
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## ANNEX II

Annexes I and VI of Regulation (EU) No 1178/2011 are corrected as follows:

(1) Annex I (Part-FCL) is corrected as follows:

(a) in point FCL.025(b), point (3) is replaced by the following:

‘(3) If an applicant for the ATPL theoretical knowledge examination, or for the issue of a commercial pilot licence (CPL), or an instrument rating (IR) has failed to pass one of the theoretical knowledge examination papers within four attempts, or has failed to pass all papers within either six sittings or within the period mentioned in point (b)(2), he or she shall retake the complete set of theoretical knowledge examination papers.’;

(b) in point FCL.025(b), point (4) is replaced by the following:

‘(4) If applicants for the issue of a light aircraft pilot licence (LAPL) or a private pilot licence (PPL) have failed to pass one of the theoretical knowledge examination papers within four attempts or have failed to pass all papers within the period mentioned in point (b)(2), they shall retake the complete set of theoretical knowledge examination papers.’;

(c) in point FCL.035(b)(5), the reference to ‘FCL.720.A(b)(2)(i)’ is replaced by the reference to ‘FCL.720.A.(a)(2)(ii)(A)’;

(d) Section B of Appendix 9 is amended as follows:

In point (6)(i), the reference to ‘FCL.720.A(e)’ is replaced by the reference to ‘FCL.720.A(c)’;

(2) Annex VI (Part-ARA) is corrected as follows:

In Appendix I, in field XIII in the template following the heading ‘Page 3’ the reference to ‘Point 2(b) of Article 3b’ is replaced by the reference to ‘Point (a) of Article 3b(2)’

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**COMMISSION IMPLEMENTING REGULATION (EU) 2020/2194****of 16 December 2020****entering a name in the register of protected designations of origin and protected geographical indications ('Milas Zeytinyağı' (PDO))**

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The name 'Milas Zeytinyağı' (PDO) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.5. Oils and fats (butter, margarine, oil, etc.), as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 <sup>(3)</sup>.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 16 December 2020.

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

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> OJ C 270, 17.8.2020, p. 7.

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

**COMMISSION IMPLEMENTING REGULATION (EU) 2020/2195****of 16 December 2020****approving non-minor amendments to the product specification for a name entered in the register of protected designations of origin and protected geographical indications ('Monti Iblei' (PDO))**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) In accordance with the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Italy's application for the approval of amendments to the specification for the protected designation of origin 'Monti Iblei', registered under Commission Regulation (EC) No 2325/97 <sup>(2)</sup>.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* <sup>(3)</sup> as required by Article 50(2)(a) of that Regulation.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the product specification published in the *Official Journal of the European Union* regarding the name 'Monti Iblei' (PDO) are hereby approved.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 16 December 2020.

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

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> Commission Regulation (EC) No 2325/97 of 24 November 1997 supplementing the Annex to Regulation (EC) No 1107/96 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92 (OJ L 322, 25.11.1997, p. 33).

<sup>(3)</sup> OJ C 274, 19.8.2020, p. 8.



**COMMISSION IMPLEMENTING REGULATION (EU) 2020/2196****of 17 December 2020****amending Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 <sup>(1)</sup>, and in particular Article 33(2) and (3) and Article 38(d) thereof,

Whereas:

- (1) Annex III to Commission Regulation (EC) No 1235/2008 <sup>(2)</sup> sets out the list of third countries whose systems of production and control measures for organic production of agricultural products are recognised as equivalent to those laid down in Regulation (EC) No 834/2007.
- (2) According to the information provided by **Australia**, it has recognised a new control body 'Southern Cross Certified Australia Pty Ltd', which should be included in Annex III to Regulation (EC) No 1235/2008.
- (3) According to the information provided by **Canada**, it is necessary to change the internet address of 'Quality Assurance International Incorporated (QAI)' and 'Organisme de Certification Québec Vrai (OCQV)'. In addition, Canada has informed the Commission that the accreditation of 'Oregon Tilth Incorporated (OTCO)' has expired and the accreditation of 'Global Organic Alliance' has been cancelled.
- (4) The recognition by the Union of the laws and regulations of **Chile** as equivalent to the Union's laws and regulations ends on 31 December 2020. Pursuant to Article 15 of the Agreement between the European Union and the Republic of Chile on trade in organic products <sup>(3)</sup>, that recognition should be extended indefinitely.
- (5) According to the information provided by **India**, the list of recognised Indian control bodies listed in Annex III to Regulation (EC) No 1235/2008 should be updated. The changes concern updates of the names or internet addresses for IN-ORG-003, IN-ORG-004, IN-ORG-005, IN-ORG-006, IN-ORG-007, IN-ORG-012, IN-ORG-014, IN-ORG-016, IN-ORG-017, IN-ORG-021, IN-ORG-024 and IN-ORG-025. In addition, India has recognised eight additional control bodies that should also be included in that Annex, i.e. 'Bhumaatha Organic Certification Bureau (BOCB)', 'Karnataka State Organic Certification Agency', 'Reliable Organic Certification Organization', 'Sikkim State Organic Certification Agency (SSOCA)', 'Global Certification Society', 'GreenCert Biosolutions Pvt. Ltd', 'Telangana State Organic Certification Authority' and 'Bihar State Seed and Organic Certification Agency'. Finally, India has suspended the recognition of 'Intertek India Pvt Ltd', and has withdrawn the recognition of 'Vedic Organic Certification Agency'.
- (6) According to the information provided by **Japan**, it is necessary to change the internet address of 'Ehime Organic Agricultural Association', 'Hiroshima Environment and Health Association', 'Rice Research Organic Food Institute', 'NPO Kumamoto Organic Agriculture Association', 'Wakayama Organic Certified Association' and 'International Nature Farming Research Center'. Furthermore, the name and internet address of 'Assistant Center of Certification and Inspection for Sustainability' has changed. In addition, 'Association of Certified Organic Hokkaido' and 'LIFE Co., Ltd' need to be deleted as a result of the withdrawal of their recognition. Finally, the Japanese competent authority has recognised the following three control bodies: 'Japan Agricultural Standard Certification Alliance',

<sup>(1)</sup> OJ L 189, 20.7.2007, p. 1.

<sup>(2)</sup> Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 334, 12.12.2008, p. 25).

<sup>(3)</sup> OJ L 331, 14.12.2017, p. 4.

'Japan Grain Inspection Association' and 'Okayama Agriculture Development Institute', which should be added to the list in Annex III to Regulation (EC) No 1235/2008.

- (7) According to the information provided by the **Republic of Korea**, the Korean competent authority has recognised the following two control bodies, which should be added to the list in Annex III to Regulation (EC) No 1235/2008: 'Hankyoung Certification Center Co., Ltd.' and 'Ctforum. LTD'.
- (8) According to the information provided by the **United States**, it is necessary to change the internet address of 'Iowa Department of Agriculture and Land Stewardship', 'Marin Organic Certified Agriculture', 'Monterey County Certified Organic', 'New Hampshire Department of Agriculture, Division of Regulatory Services', 'New Jersey Department of Agriculture', 'New Mexico Department of Agriculture, Organic Program', 'Washington State Department of Agriculture' and 'Yolo County Department of Agriculture'. In addition, the name of 'Oklahoma Department of Agriculture' has changed. Furthermore, the name and internet address of 'A bee organic', 'Clemson University', 'Americert International (AI)', 'Scientific Certification Systems' have changed.
- (9) Annex IV to Regulation (EC) No 1235/2008 sets out the list of control authorities and control bodies competent to carry out controls and issue certificates in third countries for the purpose of equivalence.
- (10) The duration of the recognition in accordance with Article 33(3) of Regulation (EC) No 834/2007 of the control bodies listed in Annex IV to Regulation (EC) No 1235/2008 ends on 30 June 2021. Based on the results of the continuous supervision carried out by the Commission, the recognition of those control bodies should be extended until 31 December 2021.
- (11) As a result of the adoption of Decision No 1/2020 of the EU-San Marino Cooperation Committee (\*), San Marino will need to be removed from Annex IV to Regulation (EC) No 1235/2008 in the entries for '**Bioagricert S.r.l.**', '**CCPB Srl**', '**Istituto Certificazione Etica e Ambientale**' and '**Suolo e Salute srl**'.
- (12) The Commission has received and examined a request from '**AfriCert Limited**' to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise that control body for product categories A and B for Burundi, Democratic Republic of Congo, Ghana, Kenya, Rwanda, Tanzania and Uganda.
- (13) The Commission has received and examined a request from '**Agricert – Certificação de Produtos Alimentares LDA**' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Azerbaijan, Brazil, Cameroon, China, Cape Verde, Georgia, Ghana, Cambodia, Kazakhstan, Morocco, Mexico, Panama, Paraguay, Senegal, Timor-Leste, Turkey and Vietnam.
- (14) The Commission has received and examined a request from '**BioAgricert Srl**' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Afghanistan, Azerbaijan, Ethiopia, Georgia, Kyrgyzstan, Moldova and Russia; for product category B to Albania, Bangladesh, Brazil, Cambodia, Ecuador, Fiji, India, Indonesia, Kazakhstan, Malaysia, Morocco, Myanmar/Burma, Nepal, Philippines, Singapore, Republic of Korea, Togo, Ukraine and Vietnam, and to extend its recognition for Serbia to product category D, for Senegal to product categories B and D, and for Laos and Turkey to product categories B and E.

(\*) Decision No 1/2020 of the EU-San Marino Cooperation Committee of 28 May 2020 concerning the applicable provisions on organic production and labelling of organic products, and arrangements for imports of organic products, adopted under the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part [2020/889] (OJ L 205, 29.6.2020, p. 20).

- (15) The Commission has received and examined a request from '**Biodynamic Association Certification**' to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise that control body for product categories A, B, D and F in respect of the United Kingdom.
- (16) '**BioGro New Zealand Limited**' and '**Bureau Veritas Certification France SAS**' have notified the Commission of the change of their address.
- (17) The Commission has received and examined a request from '**Caucascert Ltd**' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product category A to Turkey.
- (18) The Commission has received and examined a request from '**Certificadora Biotropico S.A**' to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise that control body for product categories A and D in respect of Colombia.
- (19) The Commission has received and examined a request from '**Control Union Certifications**' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition to Bosnia and Herzegovina and Qatar for product categories A and D, and to extend its recognition for Chile to product categories C and F.
- (20) The Commission has received and examined a request from '**DQS Polska sp. z o.o.**' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A, B and D to Brazil, Belarus, Indonesia, Kazakhstan, Lebanon, Mexico, Malaysia, Nigeria, Philippines, Pakistan, Serbia, Russia, Turkey, Taiwan, Ukraine, Uzbekistan, Vietnam and South Africa.
- (21) The Commission has received and examined a request from '**Ecocert SA**' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the scope of its recognition for Chile to product category E. In addition, it appears that its recognition for product category A in respect of Russia needs to be withdrawn.
- (22) The Commission has received and examined a request from '**Ecoglobe**' to amend its specifications. At the request of 'Ecoglobe', Afghanistan and Pakistan need to be deleted from the list of third countries for which it has been recognised.
- (23) The Commission has received and examined a request from '**Ecogruppero Italia**' to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise that control body for product category A for Armenia, Azerbaijan, Bosnia and Herzegovina, Kazakhstan, Montenegro, North Macedonia, Serbia and Turkey, for product category B for Armenia, Bosnia and Herzegovina, Montenegro, Serbia and Turkey, for product category D for Montenegro, North Macedonia, Serbia and Turkey and for product category E for Turkey.
- (24) The Commission has received and examined a request from '**ETKO Ekolojik Tarim Kontrol Org Ltd Sti**' to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise that control body for product categories A and D in respect of Turkey.
- (25) The Commission has received and examined a request from '**Florida Certified Organic Growers and Consumers, Inc. (FOG), DBA as Quality Certification Services (QCS)**' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A, D, and E to the United Arab Emirates, and to extend the recognition for Costa Rica to product categories A and D and the recognition for Turkey to product category E.

- (26) The Commission has received and examined a request from **'Kiwa Sativa'** to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise that control body for product categories A and D in respect of Guinea Bissau.
- (27) The Commission has received and examined a request from **'NASAA Certified Organic Pty Ltd'** to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend its recognition for Australia, China, Indonesia, Sri Lanka, Malaysia, Nepal, Papua New Guinea, Solomon Islands, Singapore, Timor-Leste, Tonga and Samoa to product category B.
- (28) The Commission has received and examined a request from **'Organic Agriculture Certification Thailand (ACT)'** to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend its recognition for Malaysia and Nepal to product category A. In addition, at the request of 'Organic Agriculture Certification Thailand (ACT)', Myanmar/Burma needs to be deleted from the list of third countries for which it has been recognised.
- (29) The Commission has received and examined a request from **'Organic Farmers & Growers C. I. C'** to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise that control body for product categories A, B (except beekeeping), D, E and F in respect of the United Kingdom.
- (30) The Commission has received and examined a request from **'Organic Farmers & Growers (Scotland) Ltd'** to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise that control body for product categories A, B (except beekeeping), D, E and F in respect of the United Kingdom.
- (31) The Commission has received and examined a request from **'Organic Food Development and Certification Center of China (OFDC)'** to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise that control body for product categories A and D in respect of China.
- (32) The Commission has received and examined a request from **'Organic Food Federation'** to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise that control body for product categories A, B, D, E and F in respect of the United Kingdom.
- (33) The Commission has received and examined a request from **'Organización Internacional Agropecuaria'** to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend its recognition for product categories A and D to Ukraine and Turkey, and to extend its recognition for Russia to product category E.
- (34) The Commission has received and examined a request from **'Overseas Merchandising Inspection CO., Ltd'** to withdraw its recognition and to be deleted from the list in Annex IV to Regulation (EC) No 1235/2008. The Commission has accepted the request.
- (35) The Commission has been informed that a wrong code number has been attributed to Kosovo for the control body **'Q-check'**. That code number should therefore be amended to the correct ISO code number.
- (36) The Commission has received and examined a request from **'Quality Welsh Food Certification Ltd'** to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise that control body for product category D in respect of the United Kingdom.
- (37) The Commission has received and examined a request from **'Soil Association Certification limited'** to amend its specifications. Based on the information received, the Commission has concluded that it is justified to recognise that control body for product categories A, B, C, D, E and F in respect of the United Kingdom. At the request of the control body, product category B is removed for Cameroon and South Africa due to the absence of operators.

- (38) The Commission has received and examined a request from '**Southern Cross Certified Australia Pty Ltd**' to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise that control body for product categories A, B, D and E in respect of Fiji, Malaysia, Samoa, Singapore, Tonga and Vanuatu, as well as for product categories B and E and for wine and yeast under product category D for Australia.
- (39) The Commission has received and examined a request from '**SRS Certification GmbH**' to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise that control body for product categories A, D and E in respect of China and Taiwan.
- (40) Regulation (EC) No 1235/2008 should therefore be amended accordingly.
- (41) Following the withdrawal of the United Kingdom from the Union on 1 February 2020, 'Biodynamic Association Certification', 'Organic Farmers & Growers C.I.C', 'Organic Farmers & Growers (Scotland) Ltd', 'Organic Food Federation', 'Quality Welsh Food Certification Ltd' and 'Soil Association Certification Limited' have requested to be recognised in accordance with Article 33(3) of Regulation (EC) No 834/2007 as control bodies competent to carry out controls and issue certificates in the United Kingdom as a third country. That recognition should therefore take effect from the end of the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ('the Withdrawal Agreement'), without prejudice to the application of Union law to and in the United Kingdom in respect of Northern Ireland in accordance with Article 5(4) of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement in conjunction with Annex 2 to that Protocol.
- (42) In accordance with Article 27 of Regulation (EC) No 834/2007, the competent authority in Northern Ireland may confer control competences to control authorities and may delegate control tasks to control bodies.
- (43) The measures provided for in this Regulation are in accordance with the opinion of the Committee on organic production,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EC) No 1235/2008 is amended as follows:

- (1) Annex III is amended in accordance with Annex I to this Regulation;
- (2) Annex IV is amended in accordance with Annex II to this Regulation.

#### *Article 2*

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

Points (5), (22), (26) and (27)(a)(i) of Annex II concerning 'Biodynamic Association Certification', 'Organic Farmers & Growers C.I.C', 'Organic Farmers & Growers (Scotland) Ltd', 'Organic Food Federation', 'Quality Welsh Food Certification Ltd' and 'Soil Association Certification Limited' shall apply from 1 January 2021.

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

Done at Brussels, 17 December 2020.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## ANNEX I

Annex III to Regulation (EC) No 1235/2008 is amended as follows:

(1) in the entry relating to Australia, in point 5, the following row is added:

'AU-BIO-007	Southern Cross Certified Australia Pty Ltd	<a href="https://www.sxcertified.com.au">https://www.sxcertified.com.au</a>
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(2) in the entry relating to Canada, point 5 is amended as follows:

- (a) the rows relating to CA-ORG-008 'Global Organic Alliance' and CA-ORG-011 'Oregon Tilth Incorporated (OTCO)' are deleted;
- (b) the rows relating to code numbers CA-ORG-017 and CA-ORG-019 are replaced by the following:

'CA-ORG-017	Quality Assurance International Incorporated (QAI)	<a href="http://www.qai-inc.com">http://www.qai-inc.com</a>
CA-ORG-019	Organisme de Certification Québec Vrai (OCQV)	<a href="http://www.quebecvrai.org/">http://www.quebecvrai.org/</a>

(3) in the entry relating to Chile, in point 7, 'until 31 December 2020' is replaced by 'unspecified';

(4) in the entry relating to India, point 5 is amended as follows:

- (a) the rows relating to code numbers IN-ORG-003, IN-ORG-004, IN-ORG-005, IN-ORG-006, IN-ORG-007, IN-ORG-012, IN-ORG-014, IN-ORG-016, IN-ORG-017, IN-ORG-021, IN-ORG-024 and IN-ORG-025 are replaced by the following:

'IN-ORG-003	Bureau Veritas (India) Pvt. Limited	<a href="http://www.bureauveritas.co.in">www.bureauveritas.co.in</a>
IN-ORG-004	CU Inspections India Pvt Ltd	<a href="http://www.controlunion.com">www.controlunion.com</a>
IN-ORG-005	ECOCERT India Pvt. Ltd.	<a href="http://www.ecocert.in">www.ecocert.in</a>
IN-ORG-006	TQ Cert Services Private Limited	<a href="http://www.tqcert.in">www.tqcert.in</a>
IN-ORG-007	IMO Control Pvt. Ltd	<a href="http://www.imocontrol.in">www.imocontrol.in</a>
IN-ORG-012	OneCert International Private Limited	<a href="http://www.onecertinternational.com">www.onecertinternational.com</a>
IN-ORG-014	Uttarakhand State Organic Certification Agency (USOCA)	<a href="http://www.usoca.org">www.usoca.org</a>
IN-ORG-016	Rajasthan State Organic Certification Agency (RSOCA)	<a href="http://www.agriculture.rajasthan.gov.in/rssopca">www.agriculture.rajasthan.gov.in/rssopca</a>
IN-ORG-017	Chhattisgarh Certification Society, India (CGCERT)	<a href="http://www.cgcert.com">www.cgcert.com</a>
IN-ORG-021	Madhya Pradesh State Organic Certification Agency (MPSOCA)	<a href="http://www.mpsoca.org">www.mpsoca.org</a>
IN-ORG-024	Odisha State Organic Certification Agency (OSOCA)	<a href="http://www.ossopca.org">www.ossopca.org</a>
IN-ORG-025	Gujarat Organic Products Certification Agency (GOPCA)	<a href="http://www.gopca.in">www.gopca.in</a>

(b) the following rows are added:

IN-ORG-027	Karnataka State Organic Certification Agency	<a href="http://www.kssoca.org">www.kssoca.org</a>
IN-ORG-028	Sikkim State Organic Certification Agency (SSOCA)	<a href="http://www.ssoca.in">www.ssoca.in</a>
IN-ORG-029	Global Certification Society	<a href="http://www.glocert.org">www.glocert.org</a>
IN-ORG-030	GreenCert Biosolutions Pvt. Ltd	<a href="http://www.greencertindia.in">www.greencertindia.in</a>
IN-ORG-031	Telangana State Organic Certification Authority	<a href="http://www.tsoca.telangana.gov.in">www.tsoca.telangana.gov.in</a>
IN-ORG-032	Bihar State Seed and Organic Certification Agency (BSSOCA)	<a href="http://www.bssca.co.in">www.bssca.co.in</a>
IN-ORG-033	Reliable Organic Certification Organization	<a href="https://rocert.com">https://rocert.com</a>
IN-ORG-034	Bhumaatha Organic Certification Bureau (BOCB)	<a href="http://www.agricertbocb.in">http://www.agricertbocb.in</a>

(c) the rows relating to IN-ORG-015 and IN-ORG-020 are deleted;

(5) in the entry relating to Japan, point 5 is amended as follows:

(a) the rows relating to code numbers JP-BIO-016, JP-BIO-020, JP-BIO-021, JP-BIO-023, JP-BIO-027, JP-BIO-031 and JP-BIO-034 are replaced by the following:

JP-BIO-016	Ehime Organic Agricultural Association	<a href="http://eoaa.sakura.ne.jp/">http://eoaa.sakura.ne.jp/</a>
JP-BIO-020	Hiroshima Environment and Health Association	<a href="https://www.kanhokyo.or.jp/">https://www.kanhokyo.or.jp/</a>
JP-BIO-021	ACCIS Inc.	<a href="https://www.accis.jp/">https://www.accis.jp/</a>
JP-BIO-023	Rice Research Organic Food Institute	<a href="https://rrofi.jp/">https://rrofi.jp/</a>
JP-BIO-027	NPO Kumamoto Organic Agriculture Association	<a href="http://www.kumayuken.org/">http://www.kumayuken.org/</a>
JP-BIO-031	Wakayama Organic Certified Association	<a href="https://woca.jpn.org/w/">https://woca.jpn.org/w/</a>
JP-BIO-034	International Nature Farming Research Center	<a href="http://www.infrc.or.jp/">http://www.infrc.or.jp/</a>

(b) the rows relating to code numbers JP-BIO-026 and JP-BIO-030 are deleted;

(c) the following rows are added:

JP-BIO-038	Japan Agricultural Standard Certification Alliance	<a href="http://jascert.or.jp/">http://jascert.or.jp/</a>
JP-BIO-039	Japan Grain Inspection Association	<a href="http://www.kokken.or.jp/">http://www.kokken.or.jp/</a>
JP-BIO-040	Okayama Agriculture Development Institute	<a href="http://www.nokaiken.or.jp/">http://www.nokaiken.or.jp/</a>



(6) in the entry relating to the Republic of Korea, in point 5, the following rows are added:

KR-ORG-036	Hankyong Certification Center Co., Ltd.	<a href="https://blog.naver.com/hk61369">https://blog.naver.com/hk61369</a>
KR-ORG-037	Ctforum. LTD	<a href="http://blog.daum.net/ctforum">http://blog.daum.net/ctforum</a>

(7) in the entry relating to the United States, in point 5, the rows relating to code numbers US-ORG-001, US-ORG-009, US-ORG-018, US-ORG-022, US-ORG-029, US-ORG-033, US-ORG-034, US-ORG-035, US-ORG-038, US-ORG-039, US-ORG-053, US-ORG-058, and US-ORG-059 are replaced by the following:

US-ORG-001	Where Food Comes From Organic	<a href="http://www.wfcfororganic.com">www.wfcfororganic.com</a>
US-ORG-009	Department of Plant Industry – Clemson University	<a href="http://www.clemson.edu/organic">www.clemson.edu/organic</a>
US-ORG-018	Iowa Department of Agriculture and Land Stewardship	<a href="https://www.iowaagriculture.gov/AgDiversification/organicCertification.asp">https://www.iowaagriculture.gov/AgDiversification/organicCertification.asp</a>
US-ORG-022	Marin Organic Certified Agriculture	<a href="https://www.marincounty.org/depts/ag/moca">https://www.marincounty.org/depts/ag/moca</a>
US-ORG-029	Monterey County Certified Organic	<a href="https://www.co.monterey.ca.us/government/departments-a-h/agricultural-commissioner/agricultural-resource-programs/agricultural-product-quality-and-marketing/monterey-county-certifi#ag">https://www.co.monterey.ca.us/government/departments-a-h/agricultural-commissioner/agricultural-resource-programs/agricultural-product-quality-and-marketing/monterey-county-certifi#ag</a>
US-ORG-033	New Hampshire Department of Agriculture, Division of Regulatory Services	<a href="http://www.agriculture.nh.gov">www.agriculture.nh.gov</a>
US-ORG-034	New Jersey Department of Agriculture	<a href="http://www.nj.gov/agriculture/divisions/md/prog/jerseyorganic.html">www.nj.gov/agriculture/divisions/md/prog/jerseyorganic.html</a>
US-ORG-035	New Mexico Department of Agriculture, Organic Program	<a href="http://www.nmda.nmsu.edu/marketing/organic-program">www.nmda.nmsu.edu/marketing/organic-program</a>
US-ORG-038	Americert International (OIA North America, LLC)	<a href="http://www.americertorganic.com/home">http://www.americertorganic.com/home</a>
US-ORG-039	Oklahoma Department of Agriculture, Food and Forestry	<a href="http://www.oda.state.ok.us">www.oda.state.ok.us</a>
US-ORG-053	SCS Global Services, Inc.	<a href="http://www.SCSglobalservices.com">www.SCSglobalservices.com</a>
US-ORG-058	Washington State Department of Agriculture	<a href="http://www.agr.wa.gov/FoodAnimal/Organic">www.agr.wa.gov/FoodAnimal/Organic</a>
US-ORG-059	Yolo County Department of Agriculture	<a href="https://www.yolocounty.org/general-government/general-government-departments/agriculture-cooperative-extension/agriculture-and-weights-measures/yolo-certified-organic-agriculture">https://www.yolocounty.org/general-government/general-government-departments/agriculture-cooperative-extension/agriculture-and-weights-measures/yolo-certified-organic-agriculture</a>

## ANNEX II

Annex IV to Regulation (EC) No 1235/2008 is amended as follows:

- (1) in point 5 of all entries, the date '30 June 2021' is replaced by '31 December 2021';
- (2) after the entry relating to 'A CERT European Organization for Certification S.A.', the following entry is inserted:

**"AfriCert Limited"**

1. Address: Plaza 2000 1st Floor, East Wing – Mombasa Road, Nairobi, Kenya
2. Internet address: [www.africertlimited.co.ke](http://www.africertlimited.co.ke)
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
BI-BIO-184	Burundi	x	x	—	—	—	—
CD-BIO-184	Democratic Republic of Congo	x	x	—	—	—	—
GH-BIO-184	Ghana	x	x	—	—	—	—
KE-BIO-184	Kenya	x	x	—	—	—	—
RW-BIO-184	Rwanda	x	x	—	—	—	—
TZ-BIO-184	Tanzania	x	x	—	—	—	—
UG-BIO-184	Uganda	x	x	—	—	—	—

4. Exceptions: in-conversion products.

5. Duration of inclusion: until 31 December 2021.;

- (3) in the entry relating to '**Agricert – Certificação de Produtos Alimentares LDA**', in point 3, the following rows are inserted in the order of the code numbers:

'AZ-BIO-172	Azerbaijan	x	—	—	x	—	—
BR-BIO-172	Brazil	x	—	—	x	—	—
CM-BIO-172	Cameroon	x	—	—	x	—	—
CN-BIO-172	China	x	—	—	x	—	—
CV-BIO-172	Cape Verde	x	—	—	x	—	—
GE-BIO-172	Georgia	x	—	—	x	—	—
GH-BIO-172	Ghana	x	—	—	x	—	—
KH-BIO-172	Cambodia	x	—	—	x	—	—
KZ-BIO-172	Kazakhstan	x	—	—	x	—	—
MA-BIO-172	Morocco	x	—	—	x	—	—
MX-BIO-172	Mexico	x	—	—	x	—	—
PA-BIO-172	Panama	x	—	—	x	—	—
PY-BIO-172	Paraguay	x	—	—	x	—	—
SN-BIO-172	Senegal	x	—	—	x	—	—
TL-BIO-172	Timor-Leste	x	—	—	x	—	—
TR-BIO-172	Turkey	x	—	—	x	—	—
VN-BIO-172	Vietnam	x	—	—	x	—	—'

(4) in the entry relating to '**Bioagricert S.r.l.**', point 3 is replaced by the following:

'3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AF-BIO-132	Afghanistan	x	—	—	x	—	—
AL-BIO-132	Albania	x	x	—	x	x	—
AZ-BIO-132	Azerbaijan	x	—	—	x	—	—
BD-BIO-132	Bangladesh	x	x	—	x	—	—
BO-BIO-132	Bolivia	x	x	—	x	—	—
BR-BIO-132	Brazil	x	x	—	x	—	—
CA-BIO-132	Cameroon	x	—	—	x	x	—
CN-BIO-132	China	x	x	—	x	x	—
EC-BIO-132	Ecuador	x	x	—	x	—	—
ET-BIO-132	Ethiopia	x	—	—	x	—	—
FJ-BIO-132	Fiji	x	x	—	x	—	—
GE-BIO-132	Georgia	x	—	—	x	—	—
ID-BIO-132	Indonesia	—	x	—	x	—	—
IN-BIO-132	India	—	x	—	x	—	—
IR-BIO-132	Iran	x	—	—	x	—	—
KG-BIO-132	Kyrgyzstan	x	—	—	x	—	—
KH-BIO-132	Cambodia	x	x	—	x	—	—
KR-BIO-132	Republic of Korea	x	x	—	—	—	—
KZ-BIO-132	Kazakhstan	x	x	—	x	x	—
LA-BIO-132	Laos	x	x	—	x	x	—
LK-BIO-132	Sri Lanka	x	x	—	x	—	—
MA-BIO-132	Morocco	x	x	—	x	—	—
MD-BIO-132	Moldova	x	—	—	x	—	—
MM-BIO-132	Myanmar/Burma	x	x	—	x	—	—
MX-BIO-132	Mexico	x	x	—	x	—	—
MY-BIO-132	Malaysia	x	x	—	x	x	—
NP-BIO-132	Nepal	x	x	—	x	—	—
PF-BIO-132	French Polynesia	x	x	—	x	—	—
PH-BIO-132	Philippines	x	x	—	x	—	—
PY-BIO-132	Paraguay	x	x	—	x	x	—
RS-BIO-132	Serbia	x	x	—	x	—	—
RU-BIO-132	Russia	x	—	—	x	—	—
SG-BIO-132	Singapore	x	x	—	x	x	—

SN-BIO-132	Senegal	x	x	—	x	—	—
TG-BIO-132	Togo	x	x	—	x	—	—
TH-BIO-132	Thailand	x	x	—	x	x	—
TR-BIO-132	Turkey	x	x	—	x	x	—
UA-BIO-132	Ukraine	x	x	—	x	—	—
UY-BIO-132	Uruguay	x	x	—	x	x	—
VN-BIO-132	Vietnam	x	x	—	x	—	—

- (5) after the entry relating to 'Biocert International Pvt Ltd', the following entry is inserted:

**“Biodynamic Association Certification”**

1. Address: Painswick Inn, Gloucester Street, Stroud, GL5 1QG, United Kingdom
2. Internet address: <http://bdcertification.org.uk/>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
GB-BIO-185	United Kingdom (*)	x	x	—	x	—	x

(\*) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.

4. Exceptions: in-conversion products.
  5. Duration of inclusion: until 31 December 2021.;
- (6) in the entry relating to '**BioGro New Zealand Limited**' point 1 is replaced by the following:
- '1. Address: Level 1, 233-237 Lambton Quay, The Old Bank Arcade, Te Aro, Wellington 6011, New Zealand';
- (7) in the entry relating to '**Bureau Veritas Certification France SAS**', point 1 is replaced by the following:
- '1. Address: Le Triangle de l'Arche – 9, cours du Triangle, 92937 Paris la Défense cedex, France';
- (8) in the entry relating to '**Caucascert Ltd**', in point 3, the following row is inserted in the order of the code numbers:

'TR-BIO-117	Turkey	x	—	—	—	—	—
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- (9) in the entry relating to '**CCPB Srl**', in point 3, the row relating to San Marino is deleted;
- (10) after the entry relating to 'CERES Certification of Environmental Standards GmbH', the following entry is inserted:

**“Certificadora Biotropico S.A”**

1. Address: Casa 5C, Callejon El Mirador, Via Principal, Paraje, Cali, 760032, Colombia
2. Internet address: [www.biotropico.com](http://www.biotropico.com)

## 3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
CO-BIO-186	Colombia	x	—	—	x	—	—

## 4. Exceptions: in-conversion products.

## 5. Duration of inclusion: until 31 December 2021.;

(11) in the entry relating to '**Control Union Certifications**', point 3 is amended as follows:

## (a) the following rows are inserted in the order of the code numbers:

'BA-BIO-149	Bosnia and Herzegovina	x	—	—	x	—	—
QA-BIO-149	Qatar	x	—	—	x	—	—'

## (b) the row relating to Chile is replaced by the following:

'CL-BIO-149	Chile	x	x	x	x	—	x'
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(12) in the entry relating to '**DQS Polska sp. z o.o.**', in point 3, the following rows are inserted in the order of the code numbers:

'BR-BIO-181	Brazil	x	x	—	x	—	—
BY-BIO-181	Belarus	x	x	—	x	—	—
ID-BIO-181	Indonesia	x	x	—	x	—	—
KZ-BIO-181	Kazakhstan	x	x	—	x	—	—
LB-BIO-181	Lebanon	x	x	—	x	—	—
MX-BIO-181	Mexico	x	x	—	x	—	—
MY-BIO-181	Malaysia	x	x	—	x	—	—
NG-BIO-181	Nigeria	x	x	—	x	—	—
PH-BIO-181	Philippines	x	x	—	x	—	—
PK-BIO-181	Pakistan	x	x	—	x	—	—
RS-BIO-181	Serbia	x	x	—	x	—	—
RU-BIO-181	Russia	x	x	—	x	—	—
TR-BIO-181	Turkey	x	x	—	x	—	—
TW-BIO-181	Taiwan	x	x	—	x	—	—
UA-BIO-181	Ukraine	x	x	—	x	—	—
UZ-BIO-181	Uzbekistan	x	x	—	x	—	—
VN-BIO-181	Vietnam	x	x	—	x	—	—
ZA-BIO-181	South Africa	x	x	—	x	—	—'

(13) in the entry relating to ‘**Ecocert SA**’, in point 3, the rows relating to Chile and Russia are replaced by the following:

‘CL-BIO-154	Chile	x	x	—	x	x	x
RU-BIO-154	Russia	—	—	—	x	x	—

(14) in the entry relating to ‘**Ecoglobe**’, in point 3, the rows relating to Afghanistan and Pakistan are deleted;

(15) after the entry relating to ‘Ecoglobe’, the following entry is inserted:

“**Ecogruppo Italia**”

1. Address: Via Pietro Mascagni 79, 95129 Catania, Italy
2. Internet address: <http://www.ecogruppoitalia.it>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AM-BIO-187	Armenia	x	x	—	—	—	—
AZ-BIO-187	Azerbaijan	x	—	—	—	—	—
BA-BIO-187	Bosnia and Herzegovina	x	x	—	—	—	—
KZ-BIO-187	Kazakhstan	x	—	—	—	—	—
ME-BIO-187	Montenegro	x	x	—	x	—	—
MK-BIO-187	North-Macedonia	x	—	—	x	—	—
RS-BIO-187	Serbia	x	x	—	x	—	—
TR-BIO-187	Turkey	x	x	—	x	x	—

4. Exceptions: in-conversion products.
5. Duration of inclusion: until 31 December 2021.;

(16) after the entry relating to ‘Ekoagros’, the following entry is inserted:

“**ETKO Ekolojik Tarim Kontrol Org Ltd Sti**”

1. Address: 160 Nr 13 Daire 3. Izmir 35100, Turkey
2. Internet address: [www.etko.com.tr](http://www.etko.com.tr)
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
TR-BIO-109	Turkey	x	—	—	x	—	—

4. Exceptions: in-conversion products.
5. Duration of inclusion: until 31 December 2021.;

(17) in the entry relation to ‘**Florida Certified Organic Growers and Consumers, Inc. (FOG), DBA as Quality Certification Services (QCS)**’, point 3 is amended as follows:

(a) the following row is inserted in the order of the code numbers:

‘AE-BIO- 144	United Arab Emirates	x	—	—	x	x	—
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(b) the rows relating to Costa Rica and Turkey are replaced by the following:

'CR-BIO-144	Costa Rica	x	—	—	x	x	—
TR-BIO-144	Turkey	x	—	—	x	x	x'

(18) in the entry relating to '**Istituto Certificazione Etica e Ambientale**', in point 3, the row relating to San Marino is deleted;

(19) after the entry relating to 'Kiwa BCS Öko-Garantie GmbH', the following entry is inserted:

**"Kiwa Sativa"**

1. Address: Rua Robalo Gouveia, 1, 1A, 1900-392, Lisbon, Portugal

2. Internet address: <http://www.sativa.pt>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
GW-BIO-188	Guinea-Bissau	x	—	—	x	—	—

4. Exceptions: in-conversion products.

5. Duration of inclusion: until 31 December 2021.;

(20) in the entry relating to '**NASAA Certified Organic Pty Ltd**', point 3 is replaced by the following:

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AU-BIO-119	Australia	—	x	—	x	—	—
CN-BIO-119	China	x	x	—	x	—	—
ID-BIO-119	Indonesia	x	x	—	x	—	—
LK-BIO-119	Sri Lanka	x	x	—	x	—	—
MY-BIO-119	Malaysia	x	x	—	x	—	—
NP-BIO-119	Nepal	x	x	—	x	—	—
PG-BIO-119	Papua New Guinea	x	x	—	x	—	—
SB-BIO-119	Solomon Islands	x	x	—	x	—	—
SG-BIO-119	Singapore	x	x	—	x	—	—
TL-BIO-119	Timor-Leste	x	x	—	x	—	—
TO-BIO-119	Tonga	x	x	—	x	—	—
WS-BIO-119	Samoa	x	x	—	x	—	—'

(21) in the entry relating to '**Organic Agriculture Certification Thailand (ACT)**', point 3 is amended as follows:

(a) the rows relating to Malaysia and Nepal are replaced by the following:

'MY-BIO-121	Malaysia	x	—	—	x	—	—
NP-BIO-121	Nepal	x	—	—	x	—	—'

(b) the row relating to Myanmar/Burma is deleted;

(22) after the entry relating to ‘Organic crop improvement association’, the following entries are inserted:

**“Organic Farmers & Growers C. I. C”**

1. Address: Old Estate Yard, Shrewsbury Road, Albrighton, Shrewsbury, Shropshire, SY4 3AG, United Kingdom
2. Internet address: <http://ofgorganic.org/>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
GB-BIO-189	United Kingdom (*)	x	x	—	x	x	x

(\*) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.

4. Exceptions: in-conversion products, beekeeping.
5. Duration of inclusion: until 31 December 2021.

**“Organic Farmers & Growers (Scotland) Ltd”**

1. Address: Old Estate Yard, Shrewsbury Road, Albrighton, Shrewsbury, Shropshire, SY4 3AG, United Kingdom
2. Internet address: <https://ofgorganic.org/about/scotland>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
GB-BIO-190	United Kingdom (*)	x	x	—	x	x	x

(\*) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.

4. Exceptions: in-conversion products, beekeeping.
5. Duration of inclusion: until 31 December 2021.

**“Organic Food Development and Certification Center of China (OFDC)”**

1. Address: 8# Jiangwangmiao Street, Nanjing, 210042, China
2. Internet address: <http://www.ofdc.org.cn>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
CN-BIO-191	China	x	—	—	x	—	—

4. Exceptions: in-conversion products.
5. Duration of inclusion: until 31 December 2021.



**“Organic Food Federation”**

1. Address: 31 Turbine Way, Swaffham, PE37 7XD, United Kingdom
2. Internet address: <http://www.orgfoodfed.com>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
GB-BIO-192	United Kingdom (*)	x	x	—	x	x	x

(\*) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.

4. Exceptions: in-conversion products.
5. Duration of inclusion: until 31 December 2021.’

(23) in the entry relating to ‘**Organización Internacional Agropecuaria**’, point 3 is amended as follows:

- (a) the row relating to Russia is replaced by the following:

RU-BIO-110	Russia	x	—	—	x	x	—
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- (b) the following rows are inserted in the order of the code numbers:

UA-BIO-110	Ukraine	x	—	—	x	—	—
TR-BIO-110	Turkey	x	—	—	x	—	—

(24) the entry relating to ‘**Overseas Merchandising Inspection CO., Ltd**’ is deleted;

(25) in the entry relating to ‘**Q-check**’, in point 3, the row relating to Kosovo is replaced by the following in the order of the code numbers:

XK-BIO-179	Kosovo (*)	x	—	—	x	—	—
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(\*) 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.’

(26) after the entry relating to ‘Quality Assurance International’, the following entry is inserted:

**“Quality Welsh Food Certification Ltd”**

1. Address: North Road, Aberystwyth, SY23 2HE, United Kingdom
2. Internet address: [www.qwfc.co.uk](http://www.qwfc.co.uk)
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
GB-BIO-193	United Kingdom (*)	—	—	—	x	—	—

(\*) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.

4. Exceptions: in-conversion products.  
5. Duration of inclusion: until 31 December 2021.;

(27) the entry relating to **‘Soil Association Certification Limited’**, is amended as follows:

(a) point 3 is amended as follows:

(i) the following row is inserted in the order of the code numbers:

‘GB-BIO-142	United Kingdom (*)	x	x	x	x	x	x
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(\*) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.’

(ii) the rows relating to Cameroon and South Africa are replaced by the following:

‘CM-BIO-142	Cameroon	—	—	—	x	—	—
ZA-BIO-142	South Africa	x	—	—	x	—	—

(b) point 4 is replaced by the following:

‘Exceptions: in-conversion products.’;

(28) after the entry relating to ‘Soil Association Certification Limited’, the following entries are inserted:

**“Southern Cross Certified Australia Pty Ltd”**

- Address: 8/27 Mayneview Street, Milton, Queensland, 4064, Australia
- Internet address: <https://www.sxcertified.com.au>
- Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AU-BIO-194	Australia <sup>(1)</sup>	—	x	—	x	x	—
FJ-BIO-194	Fiji	x	x	—	x	x	—
MY-BIO-194	Malaysia	x	x	—	x	x	—
SG-BIO-194	Singapore	x	x	—	x	x	—
TO-BIO-194	Tonga	x	x	—	x	x	—
VU-BIO-194	Vanuatu	x	x	—	x	x	—
WS-BIO-194	Samoa	x	x	—	x	x	—

<sup>(1)</sup> For this control body, the recognition for product category D in respect of Australia only covers wine and yeast.

4. Exceptions: in-conversion products and products covered by Annex III.  
5. Duration of inclusion: until 31 December 2021.

**“SRS Certification GmbH”**

- Address: Friedländer Weg 20, Göttingen, 37085, Germany
- Internet address: <http://www.srs-certification.com>

## 3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
CN-BIO-195	China	x	—	—	x	x	—
TW-BIO-195	Taiwan	x	—	—	x	x	—

## 4. Exceptions: in-conversion products.

## 5. Duration of inclusion: until 31 December 2021.;

(29) in the entry relating to '**Suolo e Salute srl**', in point 3, the row relating to San Marino is deleted.

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**COMMISSION IMPLEMENTING REGULATION (EU) 2020/2197****of 21 December 2020****amending Council Regulation (EC) No 1210/2003 concerning certain specific restrictions on economic and financial relations with Iraq**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96 <sup>(1)</sup>, and in particular Article 11(b) thereof,

Whereas:

- (1) Annex III to Regulation (EC) No 1210/2003 lists public bodies, corporations and agencies and natural and legal persons, bodies and entities of the previous government of Iraq covered by the freezing of funds and economic resources that were located outside Iraq on 22 May 2003 under that Regulation.
- (2) On 16 December 2020, the Sanctions Committee of the United Nations Security Council decided to remove one entity from the list of persons and entities to whom the freezing of funds and economic resources should apply.
- (3) Annex III to Regulation (EC) No 1210/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex III to Regulation (EC) No 1210/2003 is amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 21 December 2020.

*For the Commission,  
On behalf of The President,  
Director-General  
Directorate-General for Financial Stability, Financial  
Services and Capital Markets Union*

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<sup>(1)</sup> OJ L 169, 8.7.2003, p. 6.

## ANNEX

In Annex III to Regulation (EC) No 1210/2003 the following entity is deleted:

- '4. Rafidain Bank (*alias* Al-Rafidain Bank), Rashid Street, Baghdad, Iraq. Other information: offices in Iraq, United Kingdom, Jordan, United Arab Emirates, Yemen, Sudan and Egypt.'
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**COMMISSION IMPLEMENTING REGULATION (EU) 2020/2198**

**of 22 December 2020**

**correcting Implementing Regulation (EU) 2020/1628 introducing retrospective Union surveillance of imports of renewable ethanol for fuel**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports <sup>(1)</sup>, and in particular Article 10 thereof,

Having regard to Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries <sup>(2)</sup>, and in particular Article 7 thereof,

After consulting the Committee on Safeguards and Common Rules for exports,

Whereas:

- (1) By Commission Implementing Regulation (EU) 2020/1628 <sup>(3)</sup>, the Commission has introduced retrospective Union surveillance of imports of renewable ethanol for fuel.
- (2) In the Annex to Implementing Regulation (EU) 2020/1628 the product concerned covers ethyl alcohol produced from agricultural products contained in Ethyl tert-butyl ether (ETBE), but the corresponding CN code for 'ETBE' was erroneously missing in the list of the CN codes in the table of the Annex to Implementing Regulation (EU) 2020/1628. The CN code ex 2909 19 10 therefore has to be added by amending the table in the Annex to Implementing Regulation (EU) 2020/1628.
- (3) The Commission considers that the error does not raise any concerns since Implementing Regulation (EU) 2020/1628 referred to 'renewable ethanol for fuel' as the product subject to retrospective Union surveillance and the CN and TARIC codes were provided for information only,

HAS ADOPTED THIS REGULATION:

*Article 1*

The table in the Annex to Commission Implementing Regulation (EU) 2020/1628 is replaced by the following:

'CN CODES	TARIC CODE EXTENSIONS
ex 2207 10 00	11
ex 2207 20 00	11
ex 2208 90 99	11
ex 2710 12 21	10
ex 2710 12 25	10
ex 2710 12 31	10
ex 2710 12 41	10
ex 2710 12 45	10

<sup>(1)</sup> OJ L83, 27.3.2015, p.16.

<sup>(2)</sup> OJ L123, 19.5.2015, p.33.

<sup>(3)</sup> Commission Implementing Regulation (EU) 2020/1628 of 3 November 2020 introducing retrospective Union surveillance of imports of renewable ethanol for fuel (OJ L 366, 4.11.2020, p. 12).

ex 2710 12 49	10
ex 2710 12 50	10
ex 2710 12 70	10
ex 2710 12 90	10
ex 2909 19 10	10
ex 3814 00 10	10
ex 3814 00 90	70
ex 3820 00 00	10
ex 3824 99 92	66'

*Article 2*

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

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

Done at Brussels, 22 December 2020.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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# DECISIONS

## POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2020/2199

of 8 December 2020

### on the appointment of the Head of Mission of the European Union CSDP mission in Mali (EUCAP Sahel Mali) (EUCAP Sahel Mali/2/2020)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision 2014/219/CFSP of 15 April 2014 on the European Union CSDP mission in Mali (EUCAP Sahel Mali) <sup>(1)</sup>, and in particular Article 7(1) thereof,

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

Whereas:

- (1) Pursuant to Decision 2014/219/CFSP, the Political and Security Committee is authorised, in accordance with the third paragraph of Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising the political control and strategic direction of EUCAP Sahel Mali, including the decision to appoint a Head of Mission.
- (2) On 18 September 2017, the Political and Security Committee adopted Decision (CFSP) 2017/1780 <sup>(2)</sup>, appointing Mr Philippe RIO as Head of Mission of EUCAP Sahel Mali from 1 October 2017 to 14 January 2018.
- (3) On 21 February 2019, the Council adopted Decision (CFSP) 2019/312 <sup>(3)</sup>, extending the mandate of EUCAP Sahel Mali until 14 January 2021.
- (4) The mandate of Mr Philippe RIO as Head of Mission of EUCAP Sahel Mali has been regularly extended, most recently until 31 December 2020 by means of Political and Security Committee Decision (CFSP) 2020/888 <sup>(4)</sup>.
- (5) On 25 November 2020, the High Representative of the Union for Foreign Affairs and Security Policy proposed the appointment of Mr Hervé FLAHAUT as Head of Mission of EUCAP Sahel Mali from 1 January 2021 to 14 January 2021,

HAS ADOPTED THIS DECISION:

#### Article 1

Mr Hervé FLAHAUT is hereby appointed as Head of Mission of the European Union CSDP mission in Mali (EUCAP Sahel Mali) from 1 January 2021 to 14 January 2021.

<sup>(1)</sup> OJ L 113, 16.4.2014, p. 21.

<sup>(2)</sup> Political and Security Committee Decision (CFSP) 2017/1780 of 18 September 2017 on the appointment of the Head of Mission of the European Union CSDP mission in Mali (EUCAP Sahel Mali) (EUCAP Sahel Mali/1/2017) (OJ L 253, 30.9.2017, p. 37).

<sup>(3)</sup> Council Decision (CFSP) 2019/312 of 21 February 2019 amending and extending Decision 2014/219/CFSP on the European Union CSDP mission in Mali (EUCAP Sahel Mali) (OJ L 51, 22.2.2019, p. 29).

<sup>(4)</sup> Political and Security Committee Decision (CFSP) 2020/888 of 23 June 2020 extending the mandate of the Head of Mission of the European Union CSDP mission in Mali (EUCAP Sahel Mali) (EUCAP Sahel Mali/1/2020) (OJ L 205, 29.6.2020, p. 18).



*Article 2*

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

It shall apply from 1 January 2021.

Done at Brussels, 8 December 2020.

*For the Political and Security Committee*

*The Chairperson*

S. FROM-EMMESBERGER

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**COMMISSION IMPLEMENTING DECISION (EU) 2020/2200****of 17 December 2020****on the extension of the periods for the collection of statements of support for certain European citizens' initiatives pursuant to Regulation (EU) 2020/1042 of the European Parliament and of the Council***(notified under document C(2020) 9226)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2020/1042 of the European Parliament and of the Council of 15 July 2020 laying down temporary measures concerning the time limits for the collection, the verification and the examination stages provided for in Regulation (EU) 2019/788 on the European citizens' initiative in view of the COVID-19 outbreak <sup>(1)</sup>, and in particular Article 2(2) thereof,

After consulting the Committee on the European citizens' initiative established by Article 22 of Regulation (EU) 2019/788 of the European Parliament and of the Council <sup>(2)</sup>,

Whereas:

- (1) Regulation (EU) 2020/1042 lays down temporary measures in relation to the European citizens' initiative to address the challenges that organisers of citizens' initiatives, national administrations and the Union institutions were faced with after the World Health Organization announced in March 2020 that the COVID-19 outbreak had become a worldwide pandemic. In the months following that announcement, Member States adopted restrictive measures to combat the public health crisis. As a result, public life came to a standstill in almost all Member States. The regulation therefore extended certain time limits laid down in Regulation (EU) 2019/788 of the European Parliament and of the Council.
- (2) Regulation (EU) 2020/1042 also empowers the Commission to further extend the collection periods by three months in respect of initiatives for which the collection period is ongoing at the moment of a new outbreak of COVID-19 in certain circumstances. The conditions for any further extension are similar to those that led to the initial extension after the COVID-19 outbreak in March 2020, namely that at least a quarter of Member States or a number of Member States representing more than 35 % of the Union population apply measures in response to the COVID-19 pandemic, which substantially hamper the ability of organisers to collect statements of support in paper form and to inform the public of their ongoing initiatives.
- (3) Since the adoption of Regulation (EU) 2020/1042 in July 2020, the Commission has been closely monitoring the situation in the Member States. The significant increase in the incidence of COVID-19 across the Union in October 2020 has led to a reinforcement of restrictive measures in a growing number of Member States. By the end of October 2020, measures restricting the free circulation of citizens within different Member States in order to stop or slow down the transmission of COVID-19 had increased significantly.
- (4) Based on the information available, the Commission has concluded that the conditions for a further extension of the collection periods were fulfilled on 1 November 2020. As of that date, four Member States had reported that they were applying national confinement measures, which prohibit or substantially restrict the freedom of citizens to move around freely within their territory. Furthermore, nine Member States had reported that, while not applying national confinement measures, they were applying measures with similar restrictive effects on public life in their country or at least substantial parts of it. Those measures also substantially affect organisers' ability to gather

<sup>(1)</sup> OJ L 231, 17.7.2020, p. 7.

<sup>(2)</sup> Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative (OJ L 130, 17.5.2019, p. 55).

statements of support in paper form and to inform the public about their ongoing initiatives. Those negative effects are the result of a combination of restrictive measures, including local confinement measures, restrictions on the accessibility of public spaces, the closure or limited opening of shops, restaurants and pubs, strong capacity restrictions on public and private gatherings and meetings and the imposition of curfews. Based on the information currently available, those measures, or measures with a similar effect, are likely to be in place for a period of at least three months.

- (5) The Member States concerned represent at least one quarter of Member States, and more than 35 % of the Union population.
- (6) For those reasons, it can be concluded that the conditions for granting an extension of the collection periods are fulfilled in respect of initiatives for which the collection period was ongoing on 1 November 2020. Those collection periods should therefore be extended by 3 months.
- (7) For initiatives for which the collection period started between 1 November 2020 and the date of adoption of this Decision, the collection period should be extended until 1 February 2022.
- (8) As regards initiatives for which the collection period ended between 1 November 2020 and the date of adoption of this Decision, this Decision should apply retroactively,

HAS ADOPTED THIS DECISION:

#### *Article 1*

1. Where the collection of statements of support for a European citizens' initiative ('initiative') was ongoing on 1 November 2020, the maximum collection period shall be extended for a period of three months in respect of that initiative.
2. Where the collection of statements of support for an initiative started between 1 November 2020 and 17 December 2020, the collection period shall be extended until 1 February 2022 in respect of that initiative.

#### *Article 2*

The new end dates of the collection periods for the following initiatives shall be as follows:

- the initiative entitled 'The fast, fair and effective solution to climate change': 6 February 2021,
- the initiative entitled 'Cohesion policy for the equality of the regions and sustainability of the regional cultures': 7 February 2021,
- the initiative entitled 'Ending the aviation fuel tax exemption in Europe': 10 February 2021,
- the initiative entitled 'A price for carbon to fight climate change': 22 April 2021,
- the initiative entitled 'Grow scientific progress: crops matter!': 25 April 2021,
- the initiative entitled 'Stop corruption in Europe at its root, by cutting off funds to countries with inefficient judiciary after deadline': 12 June 2021,
- the initiative entitled 'Actions on Climate Emergency': 23 June 2021,
- the initiative entitled 'Save Bees and farmers! Towards a bee-friendly agriculture for a healthy environment': 30 June 2021,
- the initiative entitled 'Stop Finning – Stop the trade': 31 October 2021;
- the initiative entitled 'VOTERS WITHOUT BORDERS, Full Political Rights for EU Citizens': 11 December 2021,
- the initiative entitled 'Start Unconditional Basic Incomes (UBI) throughout the EU': 25 December 2021,
- the initiative entitled 'Libertà di condividere': 1 February 2022,
- the initiative entitled 'Right to Cure': 1 February 2022.

*Article 3*

This Decision shall have retroactive effect with regard to the initiatives of which the collection period ended between 1 November 2020 and the date of adoption of this Decision.

*Article 4*

This Decision is addressed to:

- the group of organisers of the initiative entitled 'The fast, fair and effective solution to climate change',
- the group of organisers of the initiative entitled 'Cohesion policy for the equality of the regions and sustainability of the regional cultures',
- the group of organisers of the initiative entitled 'Ending the aviation fuel tax exemption in Europe',
- the group of organisers of the initiative entitled 'A price for carbon to fight climate change',
- the group of organisers of the initiative entitled 'Grow scientific progress: crops matter!',
- the group of organisers of the initiative entitled 'Stop corruption in Europe at its root, by cutting off funds to countries with inefficient judiciary after deadline',
- the group of organisers of the initiative entitled 'Actions on Climate Emergency',
- the group of organisers of the initiative entitled 'Save Bees and farmers! Towards a bee-friendly agriculture for a healthy environment',
- the group of organisers of the initiative entitled 'Stop Finning – Stop the trade',
- the group of organisers of the initiative entitled 'VOTERS WITHOUT BORDERS, Full Political Rights for EU Citizens',
- the group of organisers of the initiative entitled 'Start Unconditional Basic Incomes (UBI) throughout the EU',
- the group of organisers of the initiative entitled 'Libertà di condividere',
- the group of organisers of the initiative entitled 'Right to Cure'.

Done at Brussels, 17 December 2020.

*For the Commission*  
Věra JOUROVÁ  
*Vice-President*

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**COMMISSION IMPLEMENTING DECISION (EU) 2020/2201**  
**of 22 December 2020**

**on the appointment of certain members and their alternates of the Network Management Board and of the European Aviation Crisis Coordination Cell for the air traffic management network functions**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation) <sup>(1)</sup>, and in particular Article 6(4) thereof,

Having regard to Commission Implementing Regulation (EU) 2019/123 of 24 January 2019 laying down detailed rules for the implementation of air traffic management (ATM) network functions <sup>(2)</sup>, and in particular Articles 18 and 19 thereof,

Whereas:

- (1) Implementing Regulation (EU) 2019/123 establishes a Network Management Board to monitor and steer the execution of the network functions of air traffic management. It also establishes a European Aviation Crisis Coordination Cell to ensure effective crisis management at network level.
- (2) The chairperson, vice-chairpersons, members of the Network Management Board and their alternates and the members of the European Aviation Crisis Coordination Cell and their alternates have been appointed for the period from 2020 to 2024 by Commission Implementing Decision (EU) 2019/2168 <sup>(3)</sup>.
- (3) In 2020, the Commission received a number of proposals for appointments for both the Network Management Board and the European Aviation Crisis Coordination Cell pursuant to Article 18 (7) and Article 19 (2) of Commission Implementing Regulation (EU) 2019/123.
- (4) The persons proposed should be appointed so as to succeed, as from 1 January 2021, to the persons that had been appointed by Implementing Decision (EU) 2019/2168.
- (5) This decision should enter into force as a matter of urgency before the beginning of the period covered by the appointments in question.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

The persons listed in Annex I shall be appointed for the period from 1 January 2021 until 31 December 2024 as members and alternates of the Network Management Board, in the respective capacities referred to in that Annex. Where the Annex specifies a shorter time period, that time period shall apply. In respect of the positions concerned by these appointments, the mandates of the persons appointed in accordance with Implementing Decision (EU) 2019/2186 expire on 31 December 2020.

<sup>(1)</sup> OJ L 96, 31.3.2004, p. 20.

<sup>(2)</sup> Commission Implementing Regulation (EU) 2019/123 of 24 January 2019 laying down detailed rules for the implementation of air traffic management (ATM) network functions and repealing Commission Regulation (EU) No 677/2011 (OJ L 28, 31.1.2019, p. 1).

<sup>(3)</sup> Commission Implementing Decision (EU) 2019/2168 of 17 December 2019 on the appointment of the chairperson and the members and their alternates of the Network Management Board and of the members and their alternates of the European Aviation Crisis Coordination Cell for the air traffic management network functions for the third reference period 2020-2024 (OJ L 328, 18.12.2019, p. 90).

*Article 2*

The persons listed in Annex II shall be appointed for the period from 1 January 2021 until 31 December 2024 as the members and alternates of the European Aviation Crisis Coordination Cell, in the respective capacities referred to in that Annex. In respect of the positions concerned by these appointments, the mandates of the persons appointed in accordance with Implementing Decision (EU) 2019/2186 expire on 31 December 2020.

*Article 3*

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

Done at Brussels, 22 December 2020.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## ANNEX I

**Appointments of voting and non-voting members and their alternates of the Network Management Board**

**Chairperson:** No new appointment

**1st Vice Chairperson:** No new appointment

**2nd Vice Chairperson:** No new appointment

**Airspace users:**

	Voting members	Alternates
AIRE/ERA	No new appointment	Mrs Montserrat Barriga, Director General European Regions Airline Association (ERA)
A4E	Mr Achim Baumann, Policy Director at A4E	Mr Matthew Krasa, Head Of Public Affairs Ryanair
IATA	No new appointment	No new appointment
EBAA/IAOPA/EAS	No new appointment	No new appointment

**Air navigation service providers per functional airspace block:**

	Voting members	Alternates
BALTIC	No new appointment	No new appointment
BLUEMED	No new appointment	No new appointment
DANUBE	No new appointment	Mr Valentin CIMPIERU, Director General Romanian Air Traffic Services Administration (ROMATSA)
DK-SE	No new appointment	No new appointment
FABCE	No new appointment	No new appointment
FABEC	Mr Dirk MAHNS, COO Deutsche Flugsicherung GmbH (DFS)	No new appointment
NEFAB	No new appointment	No new appointment
SOUTH-WEST	No new appointment	No new appointment
IRELAND	No new appointment	Mr Joe RYAN, Irish Aviation Authority

**Airport operators:**

	Voting members	Alternates
	No new appointment	Mr Ivan BASSATO, Airport Management Director Aeroporti di Roma Via dell'Aeroporto di Fiumicino, 320 Aeroporto 'Leonardo da Vinci' 00054 Fiumicino (Roma)
	No new appointment	Ms Isabelle BAUMELLE, Chief Operating Officer & Airline Marketing Director Société Aéroports de la Côte d'Azur BP 3331 06206 Nice Cedex 3 France

**Military:**

	Voting members	Alternates
Military Air Navigation Service Providers	No new appointment	No new appointment
Military airspace users	No new appointment	Col. YANN Pichavant, ATM Representative EU, NATO, EUROCONTROL French MOD

**Chairperson of the Network Management Board:**

	Non-voting member	Alternate
	No new appointment	No new appointment

**European Commission:**

	Non-voting member	Alternate
	Ms Christine BERG, Head of Unit Single European Sky DG MOVE European Commission	Mr Staffan EKWALL, Policy officer, DG MOVE European Commission

**EFTA Surveillance Authority:**

	Non-voting member	Alternate
	No new appointment	Ms Valgerður Guðmundsdóttir, Deputy Director, Internal Market affairs , EFTA Surveillance Authority

**Network Manager:**

	Non-voting member	Alternate
	No new appointment	No new appointment



**Chairperson of the working group on operations (NDOP):**

	Non-voting member	Alternate
	No new appointment	Mr József BAKOS, Head of ATS HungaroControl

**Representatives of Air Navigation Service providers of associated countries:**

	Non-voting members	Alternates
1 January 2021 - 31 December 2021	Mr Sitki Kagan ERTAS, Air Navigation Service provider of Turkey (DHMI)	Ms Sevda TURHAN, Air Navigation Service provider of Turkey (DHMI)
	Mr Maksim ETHEMAJ, Director of Technical Division ALBCONTROL	Mr Dritan ISAKU, Director of Operational Division ALBCONTROL

**Eurocontrol:**

	Non-voting member	Alternate
	No new appointment	No new appointment

## ANNEX II

**APPOINTMENTS OF PERMANENT MEMBERS AND THEIR ALTERNATES OF THE EUROPEAN AVIATION  
COORDINATION CRISIS CELL**

**Member States :**

	Member	Alternate
	No new appointment	no new appointment

**EFTA States:**

	Member	Alternate
	No new appointment	No new appointment

**European Commission:**

	Member	Alternate
	Ms Christine BERG, Head of Unit Single European Sky DG MOVE European Commission	Mr Staffan EKWALL, Policy officer, DG MOVE European Commission

**Agency:**

	Member	Alternate
	No new appointment	No new appointment

**Eurocontrol:**

	Member	Alternate
	No new appointment	No new appointment

**Network Manager:**

	Member	Alternate
	No new appointment	Mr Steven Moore, EACCC Operations Manager Directorate Network Manager EUROCONTROL

**Military:**

	Member	Alternate
	Lieutenant-Colonel Frank Josten, German Military Aviation Authority	Colonel YANN Pichavant, French Military Aviation Authority

**Air Navigation Service providers:**

	Member	Alternate
	No new appointment	No new appointment

**Aiport operators:**

	Member	Alternate
	No new appointment	No new appointment

**Airspace users:**

	Member	Alternate
	No new appointment	No new appointment

# RULES OF PROCEDURE

## DECISION No 19-2020 OF THE COURT OF AUDITORS

of 14 December 2020

### regarding the amendment of Article 19 of its Rules of Procedure

THE COURT OF AUDITORS,

Having regard to the Treaty on the Functioning of the European Union, and in particular the fifth subparagraph of Article 287(4) thereof,

Having regard to the approval of the Council given on 23 November 2020,

Whereas:

- (1) The Rules of Procedure of the Court of Auditors (Court) do not provide for the possibility for the Court to adopt its decisions remotely, namely, by means of video or telephone conference, in exceptional circumstances which constitute *force majeure*.
- (2) In order to enable the Court to adopt its decisions remotely in exceptional circumstances which constitute *force majeure*, and to ensure the continuity of decision-making by the Court in such circumstances, it is necessary to amend its Rules of Procedure,

HAS ADOPTED THIS DECISION:

#### Article 1

Article 19 of the Rules of Procedure of the Court of Auditors is hereby replaced by the following:

'Article 19

#### **Decision-making procedure**

1. The Court shall adopt its decisions in formal session, save where it applies the written procedure laid down in Article 25(5).
2. In duly justified and exceptional circumstances which constitute *force majeure*, in particular, major public health crises, natural disasters or acts of terrorism, determined by the President, the Court may adopt its decisions in formal session, by means of a remote meeting, namely by video or telephone conference, in which Members may participate either at the Court or at another location. The President shall call and chair such meetings and be responsible for their proper conduct. The written procedure laid down in Article 25(5) shall apply *mutatis mutandis*.
3. Paragraph 2 shall apply to meetings of the Chambers and of the Committees. The Dean or Chairperson of the respective Chamber or Committee shall call and chair such meetings and be responsible for their proper conduct.
4. Decisions provided for in Articles 4(4), 7(2) and 13(1), which are taken by secret ballot, may be adopted by the Court in a remote meeting under paragraph 2 of this Article, provided that the secrecy of the vote is ensured.'

#### Article 2

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

Done at Luxembourg, 14 December 2020.

For the Court of Auditors  
Klaus-Heiner LEHNE  
President

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## ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

### RECOMMENDATION No 1/2020 OF THE CUSTOMS COMMITTEE ESTABLISHED UNDER THE FREE TRADE AGREEMENT BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF KOREA, OF THE OTHER PART

of 8 December 2020

#### on the application of Article 27 of the Protocol concerning the definition of 'originating products' and methods of administrative cooperation

THE CUSTOMS COMMITTEE,

Having regard to the Free Trade Agreement (hereinafter, 'the Agreement') between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, in particular Articles 15.2(1)(c) and 6.16(5) thereof,

Whereas:

- (1) Article 27 of the Protocol of the Agreement, concerning the definition of 'originating products' and methods of administrative cooperation (hereinafter, 'the Protocol'), lays down the procedure for the verification of proofs of origin and the tasks and responsibilities of the customs authorities of the importing and exporting Parties.
- (2) The European Union and the Republic of Korea (hereinafter, 'the Parties') have identified a need for a common understanding of the main characteristics of the verification procedure laid down in Article 27 of the Protocol and of the different steps in that procedure. Such a common understanding should be in the interests of the customs authorities that are in charge of ensuring compliance with the rules of origin and of ensuring the equal treatment of the economic operators subject to such verification, on the territory of each Party.
- (3) The Customs Committee is empowered by Article 6.16(5) of the Agreement to formulate recommendations which it considers necessary for the attainment of the common objectives and sound functioning of the mechanisms established in the Protocol. The Parties consider it appropriate for the Customs Committee to formulate a recommendation for a common understanding and the sound implementation of the verification procedure laid down in Article 27 of the Protocol,

HEREBY RECOMMENDS:

#### 1. **Main characteristics of the verification procedure**

- (1) The main characteristics of the verification procedure of Article 27 are twofold: it is a system of so-called 'indirect verification' and it is based on mutual trust between the customs authorities of the Parties.
- (2) 'Indirect verification' means that the customs authorities of the importing Party do not conduct the verifications themselves but they send a request for verification to the customs authorities of the exporting Party and it is for the latter to carry out the verification by contacting the exporter. The result of the verification is transmitted by the customs authorities of the exporting Party to the customs authorities of the importing Party. The rationale is that the customs authorities of the exporting Party, in which the proof of origin (origin declaration) is made out, are best placed for the verification of that proof because of the proximity to the exporter (knowledge of the exporter's activities and history, ease of access to the information, familiarity with the national accounting system, no language barriers). It is therefore for the customs authorities of the exporting Party primarily to determine whether the products concerned are originating or not, according to the applicable rules of origin.
- (3) 'Verification of proofs of origin' will be carried out based on mutual trust between the customs authorities of the Parties. 'Mutual trust' herein implies that the customs authorities of the exporting Party should thoroughly verify the issues submitted by the customs authorities of the importing Party, and communicate the results of this verification to the customs authorities of the importing Party, who relies on the results of

work carried out by the customs authorities of the exporting Party. However, the customs authorities of the importing Party still have the right to request additional information to the exporting Party if they consider that the reply is not complete enough or that it does not allow understanding the position expressed by the exporting Party. The details of which information can be requested by the importing Party to the exporting Party is further elaborated under Sections 2.4.2 (Findings and Facts) and 2.4.3 (Sufficient Information).

## 2. Different steps in the verification procedure

### 2.1. *Launching a request for verification*

- (4) The Customs authorities of the importing Party may launch a request for subsequent verification of proofs of origin when they have reasonable doubts as to:
  - the authenticity of the documents. Example: doubts whether the invoice containing the origin declaration is a false invoice made up by the importer or the exporter in view of benefitting from preferential origin;
  - the originating status of the products concerned. Example: doubts whether the products meet the origin conferring criteria laid down in Annex II of the Protocol (the Product Specific Rules);or
  - the fulfilment of the other requirements of the Protocol related to proofs of origin. Example: doubts as to whether the exporter had or still has the status of approved exporter.
- (5) In addition to cases of reasonable doubt on the abovementioned elements, the customs authorities of the importing Party have the possibility to launch a request for verification for cases selected at random. This covers the cases which do not fall within the scope of the above 3 elements covered by the reasonable doubt.

### 2.2. *Sending the request for verification*

- (6) The Customs authorities of the importing Party are to send the request for verification to the customs authorities of the exporting Party responsible for verifying proofs of origin. The request will indicate if it is launched at random or on the grounds of reasonable doubts. Article 27 paragraph 3 provides that the request would indicate, where appropriate, the reasons for the enquiry.
- (7) Indicating the reasons for the enquiry allows the customs authorities of the exporting Party to deal with the request in the most efficient way in terms of costs and administrative burden.
- (8) On the other hand, if the customs authorities of the importing Party request an enquiry at random, they need not indicate a reason for the enquiry.
- (9) In accordance with paragraph 3 of Article 27, however, the proofs of origin or a copy of these documents of the products subject to the enquiry should be sent to the customs authorities of the exporting Party.

### 2.3. *Execution of verification*

- (10) Under the system of indirect verification, verification of proofs of origin made out by exporters in the exporting Party is under the responsibility of customs authorities of the exporting Party. However, with the application of paragraph 8 of Article 27 (See 2.9, Joint Inquiry, for further details), the customs authorities of the importing Party may, under some conditions, be involved in the verification process in the territory of the exporting Party.

- (11) In case of verification of proofs of origin provided by the importer, the customs authorities of the importing Party would launch a verification request to the customs authorities of the exporting Party. The customs authorities of the importing Party would not ask the importer to collect himself from the exporter the information specified in paragraphs 2.4.2 and 2.4.3.
- (12) Moreover, the provisions of Article 27 do not provide that the customs authorities of the importing Party can directly require exporters to provide data or information to them.
- (13) However, these provisions do not preclude importers and exporters of both parties, by mutual consent and on a voluntary basis, from exchanging data or information with each other and submitting them to the customs authorities of the importing Party. The exchange or submission of such data are not obligatory and any refusal to provide the information is not a reason for the denial of preference without verification. It is not part of the verification process.
- (14) Evidence of direct transport submitted in respect of Article 13 will not be considered as proofs of origin and is as such not concerned by verification of proofs of origin of Article 27.

#### 2.4. Treatment of results of the verification

- (15) The Customs authorities of the exporting Party would inform the customs authorities of the importing Party about the results of the verification, including findings and facts, as soon as possible. In particular, the Customs authorities of the exporting Party should minimize to the extent possible the response time for verification requests concerning the validity of an approved exporter status.

##### 2.4.1. Auxiliary communication means

- (16) The communication of requests for verification and of the notifications of the results thereof between customs authorities of both Parties would be made through conventional postal mail. In parallel, customs authorities of both Parties may use auxiliary means such as electronic mail in order to swiftly communicate and make sure the requests or the replies reach the addressee in the relevant Party.

##### 2.4.2. Findings and facts

- (17) The terms 'findings and facts' mean that the reply on the verification provided by the customs authorities of the exporting Party would include some details on the verification procedure executed by them. The scope of 'findings and facts' is limited to the following elements:
  - the conclusion on the authenticity of the documents, the originating status of the products concerned or the fulfilment of the other requirements of the Protocol;
  - the description of the product subject to examination and the tariff classification relevant to the application of the rule of origin;
  - and
  - information on the manner in which the examination was conducted (when and how).

##### 2.4.3. Sufficient information

- (18) In case of verification at random, the customs authorities of the importing Party will not request more information than what is listed in point 2.4.2 (findings and facts) to the customs authorities of the exporting Party.

- (19) In case of verifications on the grounds of reasonable doubts, if the information provided by the customs authorities of the exporting Party is considered by the competent authorities of the importing Party insufficient to determine the authenticity of the documents or the real origin of the products, the customs authorities of the importing Party may request additional information to the customs authorities of the exporting Party. The additional information requested may not go beyond the following list:
- where the origin criterion was ‘wholly obtained’, the applicable category (such as harvesting, mining, fishing and place of production);
  - where the origin criterion was based on a value method, the value of the final product as well as the value of all the non-originating used in the production;
  - where the origin criterion was based on changes in tariff classification, a list of all the non-originating materials including their tariff classification (in 2, 4 or 6 digit format depending on the origin criteria);
  - where the origin criterion was based on weight, the weight of the final product as well as the weight of the relevant non-originating materials used in the final product;
  - where the origin criterion was based on a specific processing, a description of that specific processing that conferred origin to that particular product; and
  - where the tolerance rule is applied, the value or weight of the final products and the value or weight of non-originating materials used in the production of the final products.
- (20) If a reply does not contain the sufficient information mentioned above for the customs authorities of the importing Party to determine the authenticity of the documents in question or the real origin of the products, the requesting customs authorities shall refuse entitlement to the preference, except in exceptional circumstances (See Section 2.7 on Exceptional Circumstances).
- (21) The customs authorities of the exporting Party will not transmit to the customs authorities of the importing Party the confidential information whose disclosure is deemed by the exporter to put at risk its commercial interests. The non-disclosure of confidential information will not be a sole reason for the customs authorities of the importing Party to refuse entitlement to the preference, provided that the customs authorities of the exporting Party will provide reasons for not transmitting confidential information and prove the originating status of the good, to the satisfaction of the customs authorities of the importing Party.

#### 2.5. *Deadline for replying to a request for verification*

- (22) Article 27 paragraph 6 stipulates that the results of the verification must be communicated as soon as possible.
- (23) Article 27 paragraph 7 provides that the importing Party should in principle refuse entitlement to the preference but only when 2 conditions are simultaneously met:
- the verification request was made based on reasonable doubts;
- and
- there is no reply within 10 months of the date of the verification request or the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products.
- (24) This provision implies that for cases selected at random for verification the importing Party cannot refuse the entitlement to the preference without the reply from the exporting Party.



### 2.5.1. Deadline in case of verification at random

- (25) Customs authorities of the exporting Party will do their best to reply to verifications at random within a deadline of 12 months. However, as Article 27 does not define a deadline for verifications at random, the customs authorities of the importing Party will not refuse the preference on the sole reason that the customs authorities of the exporting Party have not provided a reply within the deadline of 12 months on a request for verification at random.

### 2.5.2. Deadline in case of verification at reasonable doubts

- (26) For cases selected at reasonable doubts, the importing Party shall refuse entitlement to the preference when there is no reply within 10 months of the date of the verification request except in exceptional circumstances.

### 2.6. *Reversal of the results*

- (27) The results of a verification may exceptionally be reversed by the customs authority of the exporting Party. The reversal of the original reply will be made within 10 months of the date of the verification request.

### 2.7. *Exceptional circumstances*

- (28) However, even if the two abovementioned conditions for refusing entitlement to preference are met, the text of Article 27 paragraph 7 stipulates that granting of preferential treatment is still possible on the basis of the clause of 'exceptional circumstances'.

- (29) Indeed, the importing Party still has the discretion to decide that there are exceptional circumstances justifying that the entitlement to preference is not to be refused as such.

- (30) The exceptional circumstances include notably the following situations:

- The exporting Party is not in a position to provide a reply to the verification request submitted by the importing Party when:
  - (a) accidents which the exporter could not reasonably have been expected to foresee such as fire, flooding or other natural disasters, and war, riot, terror, strike and the like, resulted in partial or complete loss of supporting documents of origin or delay of submitting those documents; or
  - (b) the reply was delayed by uncontrollable causes such as administrative or judicial appeal procedure in accordance with the Party's laws and regulations although the exporter and the customs authority of exporting Party did their due diligence in complying with obligations under this Protocol.
- It was found out that either the request or the reply to the request did not reach their destination because of mistakes made by the authorities involved.
- The request or the reply to the verification request failed to be delivered because of problems in the communication channels (e.g. change of the address of the person in charge of the verification, the return of mails caused by administrative mistakes of the postal authorities, etc.).

### 2.8. *Reminder*

- (31) When no reply has been received yet, it is recommended that the customs authorities of the importing Party send a reminder to the exporting Party before the end of the 10 months period.

- (32) It is recommended that the customs authorities of the exporting Party which would not be in a position to reply within the 10 months deadline would inform the requesting authority thereof before the expiration of the deadline with an estimation of how much longer would their verification procedure still have to last and the reason of the delay of the reply.

2.9. *Joint Enquiry*

- (33) Paragraph 8 of Article 27 provides that the importing Party may be present at an origin verification conducted by the customs authorities of the exporting Party and that in such a case, both Parties will refer to Article 7 of the Protocol on Mutual Administrative Assistance (MAA Protocol) in Customs matters for the execution of the request of participation by the importing Party. In such cases, the conditions of Article 7 apply. In particular, Article 7(4) of the MAA Protocol stipulates that only duly authorised officials of the importing Party may be present at enquiries carried out in the territory of the exporting Party, and that the conditions of the joint inquiry are set by the exporting Party.

*For the EU-Korea Customs Committee*

*On behalf of the European Union*

Jean-Michel GRAVE

Brussels, 8 December 2020

*On behalf of the Republic of Korea*

PARK Jihoon

Sejong, 8 December 2020

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