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## Legislation

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

## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION DELEGATED REGULATION (EU) 2021/70

of 23 October 2020

**amending Delegated Regulation (EU) 2018/1229 concerning the regulatory technical standards on settlement discipline, as regards its entry into force**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 <sup>(1)</sup>, and in particular Article 6(5) and Article 7(15) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2018/1229 <sup>(2)</sup> specifies measures to prevent and address settlement fails, and to encourage settlement discipline. Those measures include monitoring settlement fails as well as collecting and distributing cash penalties for settlement fails. Delegated Regulation (EU) 2018/1229 also specifies the operational details of the buy-in process.
- (2) Delegated Regulation (EU) 2018/1229 is to enter into force on 1 February 2021.
- (3) Market participants have indicated that the COVID-19 pandemic has had a serious impact on the overall implementation of regulatory projects and delivery of information technology (IT) systems that are necessary for the application of Delegated Regulation (EU) 2018/1229. During this unprecedented time, financial institutions are focusing their efforts on the implementation of effective contingency plans to ensure day-to-day operational and cyber resilience, which limited the IT capacity of institutions to carry out certain complex projects, including for those required to comply with the settlement discipline requirements set out in Delegated Regulation (EU) 2018/1229. The application of such requirements by CSDs, their participants and clients in such a context could lead to increased risk in the financial market rather than mitigating it. It is, therefore, appropriate to provide those stakeholders with more time to complete the necessary preparations required for the application of the settlement discipline requirements. Considering the unprecedented nature of the situation created by the COVID-19 pandemic and the necessary system changes that CSDs, their participants and their clients should undergo to comply with the different settlement discipline requirements, a further one-year deferral of the current entry into force of Delegated Regulation (EU) 2018/1229 is necessary..
- (4) Delegated Regulation (EU) 2018/1229 should therefore be amended accordingly.

<sup>(1)</sup> OJ L 257, 28.8.2014, p. 1.

<sup>(2)</sup> Commission Delegated Regulation (EU) 2018/1229 of 25 May 2018 supplementing Regulation (EU) No 909/2014 of the European Parliament and of the Council with regard to regulatory technical standards on settlement discipline (OJ L 230, 13.9.2018, p. 1).

- (5) This Regulation is based on the draft regulatory technical standards submitted to the Commission by the European Securities and Markets Authority (ESMA).
- (6) ESMA has not conducted any open public consultations, as it would be deemed highly disproportionate given the scope and the expected impact of the deferral of the entry into force of Delegated Regulation (EU) 2018/1229. ESMA has taken account of the previously provided input from the market participants regarding readiness for the application of that Regulation. Moreover, in these unforeseen circumstances it is urgent to provide legal certainty as to a new date of entry into force of Delegated Regulation (EU) 2018/1229 in order for market participants to prepare for the application of that Regulation. ESMA has nevertheless conducted an – analysis of the potential related costs and benefits of deferring the entry into force of Delegated Regulation (EU) 2018/1229 and has requested the advice of the Securities and Markets Stakeholder Group established by Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council <sup>(3)</sup>. In developing the draft regulatory technical standards, ESMA has also cooperated with the members of the European System of Central Banks,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 42 of Delegated Regulation (EU) 2018/1229 is replaced by the following:

*'Article 42*

**Entry into force**

This Regulation shall enter into force on 1 February 2022.'

*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*.

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

Done at Brussels, 23 October 2020.

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

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<sup>(3)</sup> Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

**COMMISSION REGULATION (EU) 2021/71****of 21 January 2021****establishing a fisheries closure for alfonosinos in Union and international waters of 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14 for vessels flying the flag of France**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2018/2025 <sup>(2)</sup> lays down quotas for 2020.
- (2) According to the information received by the Commission, catches of the stock of alfonosinos in Union and international waters of 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14 by vessels flying the flag of or registered in France have exhausted the quota allocated for 2020.
- (3) It is therefore necessary to prohibit certain fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to France for the stock of alfonosinos in Union and international waters of 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14 for 2020 referred to in the Annex shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

1. Fishing for the stock referred to in Article 1 by vessels flying the flag of or registered in France shall be prohibited from the date set out in the Annex. In particular it shall be prohibited to search for fish, shoot, set or haul a fishing gear for the purpose of fishing that stock.
2. Transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fishery products from that stock caught by those vessels shall remain authorised for catches taken prior to that date.
3. Unintended catches of species from that stock by those vessels shall be brought and retained on board the fishing vessels, recorded, landed and counted against quotas in accordance with Article 15 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council <sup>(3)</sup>.

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> Council Regulation (EU) 2018/2025 of 17 December 2018 fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (OJ L 325, 20.12.2018, p. 7).

<sup>(3)</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

*Article 3*

**Entry into force**

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 January 2021.

*For the Commission,  
On behalf of the President,  
Virginijus SINKEVIČIUS  
Member of the Commission*

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## ANNEX

No	31/TQ2025
Member State	France
Stock	ALF/3X14-
Species	Alfonsinos ( <i>Beryx</i> spp.)
Zone	Union and international waters of 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14
Closing date	27.10.2020

**COMMISSION REGULATION (EU) 2021/72****of 22 January 2021****establishing a fisheries closure for undulate ray in Union waters of 7d and 7e for vessels flying the flag of France**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2020/123 <sup>(2)</sup> lays down quotas for 2020.
- (2) According to the information received by the Commission, catches of the stock of undulate ray in Union waters of 7d and 7e by vessels flying the flag of or registered in France have exhausted the quota allocated for 2020.
- (3) It is therefore necessary to prohibit certain fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to France for the stock of undulate ray in Union waters of 7d and 7e for 2020 referred to in the Annex shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

1. Fishing for the stock referred to in Article 1 by vessels flying the flag of or registered in France shall be prohibited from the date set out in the Annex. In particular it shall be prohibited to search for fish, shoot, set or haul a fishing gear for the purpose of fishing that stock.
2. Transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fishery products from that stock caught by those vessels shall remain authorised for catches taken prior to that date.
3. Unintended catches of species from that stock by those vessels shall be brought and retained on board the fishing vessels, recorded, landed and counted against quotas in accordance with Article 15 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council <sup>(3)</sup>.

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> Council Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 25, 30.1.2020, p. 1).

<sup>(3)</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).



*Article 3***Entry into force**

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 January 2021.

*For the Commission,  
On behalf of the President,  
Virginijus SINKEVIČIUS  
Member of the Commission*

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## ANNEX

No	32/TQ123
Member State	France
Stock	RJU/7DE.
Species	Undulate ray ( <i>Raja undulata</i> )
Zone	Union waters of 7d and 7e
Closing date	16.12.2020

**COMMISSION IMPLEMENTING REGULATION (EU) 2021/73****of 26 January 2021****amending Implementing Regulation (EU) No 808/2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 <sup>(1)</sup>, and in particular Article 8(3), Article 12 and Article 75(5) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 808/2014 <sup>(2)</sup> lays down rules for the application of Regulation (EU) No 1305/2013. Regulation (EU) 2020/2220 of the European Parliament and of the Council <sup>(3)</sup> amended Regulation (EU) No 1305/2013 and extended the period of duration of rural development programmes supported by the European Agricultural Fund for Rural Development ('EAFRD') until 31 December 2022 and provided Member States with the possibility to finance their extended programmes from the corresponding budget allocation for the years 2021 and 2022. Moreover, Regulation (EU) 2020/2220 made the additional resources from the European Union Recovery Instrument established by Council Regulation (EU) 2020/2094 <sup>(4)</sup> ('EURI') available in the extended programmes in the years 2021 and 2022 to fund measures under Regulation (EU) No 1305/2013 with the objective to address the impact of the COVID-19 crisis and its consequences for the Union agricultural sector and rural areas. Therefore, the respective rules for the implementation of Regulation (EU) No 1305/2013 should be amended.
- (2) Article 4(2) of Implementing Regulation (EU) No 808/2014 sets the maximum number of amendments to rural development programmes that Member States may submit to the Commission. In order to increase the flexibility for Member States to use their budget allocation for the years 2021 and 2022 in the extended programmes and integrate the additional resources from the EURI, the maximum number of amendments referred to in that Article should be increased and the deadlines for submitting requests for last programme amendments postponed. Moreover, it needs to be clarified that the maximum number of amendments should not apply to requests to amend rural development programmes in case amendments are necessary following the entry into force of Regulation (EU) 2020/2220 in order to extend the duration of the rural development programmes and integrate the additional resources from the EURI.

<sup>(1)</sup> Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

<sup>(2)</sup> Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 227, 31.7.2014, p. 18).

<sup>(3)</sup> Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022 (OJ L 437, 28.12.2020, p. 1).

<sup>(4)</sup> Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis (OJ L 433 I, 22.12.2020, p. 23).

- (3) Regulation (EU) 2020/2220 provides that for the extended rural development programmes, targets established in the context of the performance framework are to be set for the year 2025. Thus, it is necessary to specify that the performance framework indicator targets refer to the planned achievements by 31 December 2025. Furthermore, Regulation (EU) 2020/2220 excludes the application of the performance framework to the additional resources from the EURI. Therefore, outputs financed by the additional resources from the EURI should be excluded from the performance framework targets.
- (4) Regulation (EU) 2020/2220 provides that the additional resources from the EURI are to be programmed and monitored separately from the Union support for rural development, while applying in principle, the rules set out in Regulation (EU) No 1305/2013. Thus, separate specifications in the relevant measure descriptions in the rural development programmes and the national framework programmes will be required where operations are supported by the additional resources from the EURI. Financing plans of the rural development programmes, national frameworks and national rural networks should also indicate separately the additional resources from the EURI.
- (5) Moreover, in the indicator plan for the selected measures, the sub-total of the planned outputs and planned total public expenditure which is financed by the additional resources from the EURI should be indicated separately. In the annual implementation reports, the reporting on committed expenditure by measure and focus area should indicate the part of the commitments which are financed by the additional resources from the EURI.
- (6) Article 8(h)(ii) of Regulation (EU) No 1305/2013 requires that for each measure, for each type of operation with a specific EAFRD contribution rate, for the type of operation referred to in Articles 37(1), 38(3), 39(1) and Article 39a of Regulation (EU) No 1305/2013, when a Member State applies a minimum loss threshold set below 30 %; and for technical assistance, the financing plan is to contain a table indicating the total Union contribution planned and the applicable EAFRD contribution rate. Since the same rules apply to the contribution from the additional resources from the EURI, the financing plan should indicate, if applicable, for each such measure for each type of operation, the planned EURI contribution and the EURI contribution rate.
- (7) Regulation (EU) 2020/2220 has amended Articles 38 and 39 of Regulation (EU) No 1305/2013 as to the minimum loss threshold Member States can define in their rural development programmes based on which farmers may be compensated for losses under the mutual funds for adverse climatic events, animal and plant diseases, pest infestations and environmental incidents and the income stabilisation tool for farmers of all sectors. As a consequence and for the WTO reporting purposes, expenditure for all risk management tools governed by Article 36 of Regulation (EU) No 1305/2013 and where the minimum loss threshold is below 30 % need to be planned and reported separately. The indicator plan needs to specify these new programming and planning requirements accordingly.
- (8) Implementing Regulation (EU) No 808/2014 should therefore be amended accordingly.
- (9) Given the urgency related to the COVID-19 crisis, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Rural Development Committee,

HAS ADOPTED THIS REGULATION:

#### Article 1

Implementing Regulation (EU) No 808/2014 is amended as follows:

(1) Article 4 is amended as follows:

(a) in paragraph 1, point (e) is deleted;

(b) paragraph 2 is amended as follows:

(i) the first subparagraph is replaced by the following:

‘Programme amendments of the type referred to in Article 11(a)(i) of Regulation (EU) No 1305/2013 may be proposed no more than four times during the duration of the programming period.’;

(ii) the second subparagraph is replaced by the following:

‘For all other types of amendments combined:

- (a) a single amendment proposal may be submitted per calendar year and per programme, with the exception of the year 2025 in which year more than a single amendment proposal may be submitted for amendments concerning exclusively the adaptation of the financing plan, including any resulting changes to the indicator plan;
- (b) four additional amendment proposals per programme may be submitted during the duration of the programming period.’;

(iii) in the third subparagraph, point (b) is replaced by the following:

‘(b) in case an amendment is necessary following a change to the Union legal framework, including a change related to the extension of duration of rural development programmes or a change related to the availability of the additional resources for the recovery of the Union agricultural sector and rural areas pursuant to Regulation (EU) 2020/2220 of the European Parliament and of the Council (\*);

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(\*) Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022 (OJ L 437, 28.12.2020, p. 1).’;

(c) paragraph 3 is replaced by the following:

‘3. Member States shall submit their last programme amendment of the type referred to in Article 11(a)(iii) of Regulation (EU) No 1305/2013 to the Commission by 30 September 2022.

Other types of programme amendments shall be submitted to the Commission by 30 September 2025.’;

- (2) Annex I is amended as set out in Annex I to this Regulation;
- (3) Annex VII is amended as set out in Annex II 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, 26 January 2021.

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

## ANNEX I

Annex I to Implementing Regulation (EU) No 808/2014 is amended as follows:

(1) Part 1 is amended as follows:

(a) in point 7(b), point (i) is replaced by the following:

‘(i) targets for 2025. Targets shall not take into account additional national financing as referred to in point 12, and state aid in the form of additional funding as referred to in point 13, and the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013.’;

(b) in point 8(2), point (c) is replaced by the following:

‘(c) scope, level of support, eligible beneficiaries, and where relevant, methodology for calculation of the amount or support rate broken down by sub-measure and/or type of operation where necessary. For each type of operation specification of eligible costs, eligibility conditions, applicable amounts and support rates and principles with regard to the setting of selection criteria. Where support is provided to a financial instrument implemented under points (a) and (b) of the first subparagraph of Article 38(4) of Regulation (EU) No 1303/2013, description of the type of financial instrument, general categories of final recipients, general categories of eligible costs and the maximum level of support. A separate description shall be provided for measures or parts of measures financed by the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013.’;

(c) point 10 is amended as follows:

(i) the title is replaced by the following:

‘Financing plan, comprising separate structured tables for points (a) to (d), indicating separately for the European Union Recovery Instrument the information referred to in point (e)’;

(ii) in point (c), point (v) is replaced by the following:

‘(v) for the operations implemented in accordance with Articles 38 and 39 of Regulation (EU) No 1305/2013, where the Member State decides to set the minimum loss threshold between 20 and 30 %, and for operations implemented in accordance with Article 37(1) and Article 39a of Regulation (EU) No 1305/2013, the applicable EAFRD contribution and the indicative contribution rate.’;

(iii) the following point (e) is added:

‘(e) For the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013:

(i) the annual contribution;

(ii) the contribution rate applicable to the supported measures;

(iii) the breakdown by measure and focus area;

(iv) contribution for technical assistance;

(v) when a measure or a type of operation is implemented with the contribution of financial instruments, referred to in Article 38(1)(b) and (c) of Regulation (EU) No 1303/2013, the table shall indicate separately the contribution rates for financial instruments and an indicative support from the European Union Recovery Instrument corresponding to the planned contribution to the financial instrument;

(vi) for the operations implemented in accordance with Articles 38 and 39 of Regulation (EU) No 1305/2013, where the Member State decides to set minimum loss threshold between 20 and 30 % and for operations implemented in accordance with Article 37(1) and Article 39a of Regulation (EU) No 1305/2013, the applicable European Union Recovery Instrument contribution and the indicative contribution rate.’;

- (d) point 11 is amended as follows:
- (i) point (a) is replaced by the following:
    - '(a) by focus area, the quantified targets accompanied by planned outputs and planned total public expenditure of the measures selected to address the focus area, including sub-totals of these planned outputs and planned total expenditure financed by the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013;';
  - (ii) the following point (d) is added:
    - '(d) the planned total public expenditure related to support pursuant to Article 36 of Regulation (EU) No 1305/2013, where the minimum loss threshold is below 30 %.';
- (2) Part 2 is amended as follows:
- (a) point 4 is replaced by the following:
    - '4. Table summarising, by region and by year, the total EAFRD contribution to the Member State for the whole programming period, without the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013, and separately the contribution of those additional resources to the Member State for the years 2021 and 2022';
  - (b) in point 5(2), point (c) is replaced by the following:
    - '(c) Scope, level of support, eligible beneficiaries, and where relevant, methodology for calculation of the amount or support rate broken down by sub-measure and/or type of operation where necessary. For each type of operation specification of eligible costs, eligibility conditions, applicable amounts and support rates and principles with regard to the setting of selection criteria. Where support is provided to a financial instrument implemented under points (a) and (b) of the first subparagraph of Article 38(4) of Regulation (EU) No 1303/2013, description of the type of financial instrument, general categories of final recipients, general categories of eligible costs and the maximum level of support. A separate description shall be provided for measures or parts of measures financed by the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013.';
- (3) in Part 3, point 5 is replaced by the following:
- '5. Financing plan, setting out:
    - (a) the annual EAFRD contribution, without the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013;
    - (b) the total Union contribution and the EAFRD contribution rate;
    - (c) for the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013:
      - (i) the annual contribution;
      - (ii) the total contribution and the contribution rate.'.
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## ANNEX II

Point (b) of point 1 of Annex VII to Implementing Regulation (EU) No 808/2014 is amended as follows:

(1) the first subparagraph is replaced by the following:

‘Information on RDP implementation as measured by common and specific indicators, including the progress achieved in relation to the targets set for each focus area and on realised output compared to planned output as set out in the indicator plan. Beginning from the annual implementation report to be submitted in 2017, the achievements towards the milestones and targets set in the performance framework (Table F). Additional information on the stage of RDP implementation is provided through data on financial commitments by measure and focus area, and the related expected progress towards targets’;

(2) in the second subparagraph, the first indent is replaced by the following:

‘— Table A: Committed expenditure by measure and focus area, indicating this information separately for the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013’.

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**COMMISSION IMPLEMENTING REGULATION (EU) 2021/74****of 26 January 2021****amending Implementing Regulation (EU) 2020/1191 on measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (ToBRFV)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC <sup>(1)</sup>, and in particular Article 30,

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 <sup>(2)</sup>, and in particular Article 22(3) and Article 52 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2020/1191 <sup>(3)</sup> entered into force on 15 August 2020. Since that date, certain Member States and professional operators have interpreted and applied the term 'storage', contained in paragraph 2 of Article 7 of that Regulation, in a diverging manner.
- (2) For practical reasons and as the seeds of *Solanum lycopersicum* L. and *Capsicum* spp. ('the specified seeds') that have been harvested before 15 August 2020 cannot fulfil the requirement for their mother plants to be produced in a production site where the specified pest is known not to occur, on the basis of official inspections carried out at the appropriate time to detect the specified pest, such seeds should be exempted from the condition under Article 7(1)(a) of Implementing Regulation (EU) 2020/1191.
- (3) Paragraph 2 of Article 7 of Implementing Regulation (EU) 2020/1191 should be amended to clarify that the specified seeds that have been harvested prior to 15 August 2020 should be sampled and tested for the presence of the specified pest by the competent authority or by professional operators under official supervision of the competent authority before their first movement within the Union. Such derogation from paragraph 2 of Article 7 of that Regulation should allow seeds already accompanied by a plant passport to circulate in the Union territory without being further tested.
- (4) The specified seeds moved for the first time within the Union from 1 April 2021 onwards, and which have been tested before 30 September 2020 with the ELISA method, should be tested again with a testing method, other than ELISA, as referred to in point 3 of the Annex.

<sup>(1)</sup> OJ L 317, 23.11.2016, p. 4.

<sup>(2)</sup> OJ L 95, 7.4.2017, p. 1.

<sup>(3)</sup> Commission Implementing Regulation (EU) 2020/1191 of 11 August 2020 establishing measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (ToBRFV) and repealing Implementing Decision (EU) 2019/1615 (OJ L 262, 12.8.2020, p. 6).

- (5) As the specified seeds, originating from third countries and harvested before 15 August 2020 cannot fulfil the condition for their mother plants to be produced in a production site where the specified pest is known not to occur, on the basis of official inspections carried out at the appropriate time to detect the specified pest, such seeds to be introduced into the Union, should be exempted from the requirement under point (a)(i) of Article 9(1).
- (6) The Commission was informed by the seed industry sector and by the Member States that the requirement to include the name of the registered production site in the phytosanitary certificate in accordance with Article 9 of Implementing Regulation (EU) 2020/1191 is causing delays and practical difficulties to the exporters, as for them it is difficult to identify the concrete production site. For the purpose of facilitating the identification of the registered production site by the competent authorities and professional operators of third countries, that requirement should be replaced by a requirement for submitting information on the traceability of the production site of the mother plants.
- (7) The specified seeds originating from third countries should be tested using the sampling and testing methods as referred in the Annex of Implementing Regulation (EU) 2020/1191. To take into account that some specified seeds may have been tested months before they are actually certified for export, it is proportionate from 1 April 2021 onwards to require carrying out of mandatory molecular testing, and give third countries time to adapt to this requirement.
- (8) In order to avoid unnecessary trade restrictions for the specified seeds harvested before 15 August 2020, this Regulation should become applicable within the shortest possible time. Therefore, this Regulation should enter into force on the third day following that of its publication.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

### **Amendment of Implementing Regulation (EU) 2020/1191**

Implementing Regulation (EU) 2020/1191 is amended as follows:

(1) Article 7 is amended as follows:

(a) in paragraph 1, the following subparagraph is added:

‘Specified seeds that have been harvested before 15 August 2020 shall be exempted from the condition under point (a).’;

(b) paragraph 2 of Article 7 is replaced by the following:

‘2. By way of derogation from point (a) and from the first subparagraph of point (b) of paragraph 1, specified seeds that have been harvested prior to 15 August 2020 shall have been sampled and tested for the specified pest by the competent authority or by professional operators under official supervision of the competent authority and found free from that pest, before their first movement within the Union.

The specified seeds moved for the first time within the Union from 1 April 2021 on, and which have been tested before 30 September 2020 with Elisa method, shall be tested again with a testing method, other than ELISA, as referred to in point 3 of the Annex.’;

(2) Article 9 is amended as follows:

(a) in paragraph 1, point (a), the text of point (ii) is replaced by the following:

‘the specified seeds concerned or their mother plants have undergone official sampling and testing for the specified pest as set out in the Annex and have been found, according to those tests, to be free from the specified pest.’;

(b) in paragraph 1, point (b) is replaced by the following:

‘information ensuring the traceability of the production site of the mother plants.’;

(c) the following paragraph 3 is added:

‘3. By way of derogation from point (a)(i) of paragraph 1, for the specified seeds, which have been harvested prior to 15 August 2020, the Additional Declaration shall only state the fulfilment of the condition under point (a)(ii) of paragraph 1 and shall include the statement: “The seeds have been harvested before 15 August 2020.”’;

(d) the following paragraph 4 is added:

‘4. In phytosanitary certificates issued after 31 March 2021, the Additional Declaration shall confirm that specified seeds originating from third countries have been tested under one of the testing methods, other than ELISA, as referred to in point 3 of the Annex to Implementing Regulation (EU) 2020/1191.’

#### *Article 2*

#### **Entry into force**

This Regulation shall enter into force on the third 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, 26 January 2021.

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

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# DECISIONS

## DECISION (EU) 2021/75 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 November 2020

**on the mobilisation of the European Union Solidarity Fund to provide assistance to Croatia and Poland in relation to a natural disaster and to provide for the payment of advances to Croatia, Germany, Greece, Hungary, Ireland, Portugal and Spain in relation to a public health emergency**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund <sup>(1)</sup>, and in particular Article 4(3) thereof,

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management <sup>(2)</sup>, and in particular point 11 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Union Solidarity Fund ('the Fund') aims to enable the Union to respond in a rapid, efficient and flexible manner to emergency situations in order to show solidarity with the population of regions struck by major or regional natural disasters or a major public health emergency.
- (2) The Fund is not to exceed a maximum annual amount of EUR 500 000 000 (2011 prices), as laid down in Article 10 of Council Regulation (EU, Euratom) No 1311/2013 <sup>(3)</sup>.
- (3) On 10 June 2020, Croatia submitted an application to mobilise the Fund, following the earthquake in March 2020 that affected the city of Zagreb and the counties of Zagreb and Krapina-Zagorje.
- (4) On 24 August 2020, Poland submitted an application to mobilise the Fund, following the floods in June 2020 in Podkarpackie Voivodeship.
- (5) By 24 June 2020, Croatia, Germany, Greece, Hungary, Ireland, Portugal and Spain submitted applications to mobilise the Fund in relation to the major public health emergency caused by the COVID-19 pandemic in early 2020. In their applications, all seven Member States requested the payment of an advance on the anticipated contribution from the Fund.
- (6) The applications by Croatia and Poland in relation to the natural disasters meet the conditions for providing a financial contribution from the Fund, as laid down in Article 4 of Regulation (EC) No 2012/2002.

<sup>(1)</sup> OJ L 311, 14.11.2002, p. 3.

<sup>(2)</sup> OJ C 373, 20.12.2013, p. 1.

<sup>(3)</sup> Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

- (7) The Fund should therefore be mobilised in order to provide a financial contribution to Croatia and Poland.
- (8) To ensure the availability of sufficient budgetary resources in the general budget of the Union for 2020, the Fund should be mobilised for the payment of advances to Croatia, Germany, Greece, Hungary, Ireland, Portugal and Spain in relation to the major public health emergency.
- (9) In order to minimise the time taken to mobilise the Fund, this Decision should apply from the date of its adoption,

HAVE ADOPTED THIS DECISION:

*Article 1*

For the general budget of the Union for the financial year 2020, the European Union Solidarity Fund shall be mobilised as follows in commitment and payment appropriations in relation to natural disasters:

- (a) the amount of EUR 683 740 523 shall be provided to Croatia;
- (b) the amount of EUR 7 071 280 shall be provided to Poland.

*Article 2*

For the general budget of the Union for the financial year 2020, the European Union Solidarity Fund shall be mobilised as follows in commitment and payment appropriations for the payment of advances in relation to a major public health emergency:

- (a) the amount of EUR 8 462 280 shall be provided to Croatia;
- (b) the amount of EUR 15 499 409 shall be provided to Germany;
- (c) the amount of EUR 4 535 700 shall be provided to Greece;
- (d) the amount of EUR 26 587 069 shall be provided to Hungary;
- (e) the amount of EUR 23 279 441 shall be provided to Ireland;
- (f) the amount of EUR 37 528 511 shall be provided to Portugal;
- (g) the amount of EUR 16 844 420 shall be provided to Spain.

*Article 3*

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

It shall apply from 25 November 2020.

Done at Brussels, 25 November 2020.

*For the European Parliament*  
*The President*  
D. M. SASSOLI

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

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**COMMISSION IMPLEMENTING DECISION (EU) 2021/76****of 26 January 2021****on harmonised standards for lifts and safety components for lifts drafted in support of Directive 2014/33/EU of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European Standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council <sup>(1)</sup>, and in particular Article 10(6) thereof,

Whereas:

- (1) In accordance with Article 14 of Directive 2014/33/EU of the European Parliament and of the Council <sup>(2)</sup>, lifts and safety components for lifts which are in conformity with harmonised standards, or parts thereof, the references of which have been published in the *Official Journal of the European Union* are to be presumed to be in conformity with the essential health and safety requirements set out in Annex I to that Directive covered by those standards or parts thereof.
- (2) By Commission Implementing Decision C(2016) 5884 <sup>(3)</sup>, the Commission made a request to CEN for the drafting and revision of harmonised standards in support of Directive 2014/33/EU to ensure that they continue to reflect the generally acknowledged state of the art in order to meet the essential health and safety requirements of Annex I to Directive 2014/33/EU and, where relevant, with the essential health and safety requirements of Annex I to Directive 2006/42/EC of the European Parliament and of the Council <sup>(4)</sup> as set out in point 1.1 of Annex I to Directive 2014/33/EU.
- (3) On the basis of the request set out in Implementing Decision C(2016) 5884, CEN revised harmonised standards EN 81-20:2014 and EN 81-50:2014, the references of which have been published by Commission communication 2016/C 293/05 <sup>(5)</sup>, to adapt them to the legal framework of Directive 2014/33/EU and to increase legal certainty and clarity of those standards, including drafting of a more precise Annex ZA and the introduction of dated normative references. This resulted in the adoption of harmonised standard EN 81-20:2020 on general safety requirements for the construction and installation for lifts for transport of persons and goods, and harmonised standard EN 81-50:2020 on design rules, calculations, examinations and tests of lifts and lifts components. No substantive technical changes were made during the revision of harmonised standards EN 81-20:2014 and EN 81-50:2014.
- (4) The Commission, together with CEN, has assessed whether harmonised standards EN 81-20:2020 and EN 81-50:2020 comply with the request set out in Implementing Decision C(2016) 5884.

<sup>(1)</sup> OJ L 316, 14.11.2012, p. 12.

<sup>(2)</sup> Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (OJ L 96, 29.3.2014, p. 251).

<sup>(3)</sup> Commission Implementing Decision C(2016) 5884 of 21 September 2016 on a standardisation request to the European Committee for Standardisation as regards lifts and safety components for lifts in support of Directive 2014/33/EU of the European Parliament and of the Council.

<sup>(4)</sup> Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p. 24).

<sup>(5)</sup> Commission communication in the framework of the implementation of Directive 2014/33/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (OJ C 293, 12.8.2016, p. 64).

- (5) Harmonised standards EN 81-20:2020 and EN 81-50:2020 satisfy the essential health and safety requirements which they aim to cover and which are set out in Directive 2014/33/EU. It is therefore appropriate to publish the references of those standards in the *Official Journal of the European Union*.
- (6) Harmonised standards EN 81-20:2020 and EN 81-50:2020 replace harmonised standards EN 81-20:2014 and EN 81-50:2014. It is therefore necessary to withdraw the references of harmonised standards EN 81-20:2014 and EN 81-50:2014 from the *Official Journal of the European Union*.
- (7) In order to give manufacturers sufficient time to prepare for application of harmonised standards EN 81-20:2020 and EN 81-50:2020, it is necessary to defer the withdrawal of the references of harmonised standards EN 81-20:2014 and EN 81-50:2014.
- (8) In the interests of clarity and legal certainty, a complete list of references of harmonised standards drafted in support of Directive 2014/33/EU and satisfying the essential requirements they aim to cover should be published in one act. The other references of harmonised standards published in the communication 2016/C 293/05 should therefore also be included in this Decision. That communication should therefore be repealed from the date of entry into force of this Decision. However, it should continue to apply in respect of the references of harmonised standards EN 81-20:2014 and EN 81-50:2014, given that it is necessary to defer withdrawal of those references.
- (9) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should therefore enter into force on the date of its publication,

HAS ADOPTED THIS DECISION:

*Article 1*

The references of harmonised standards for lifts and safety components for lifts drafted in support of Directive 2014/33/EU, listed in Annex I to this Decision, are hereby published in the *Official Journal of the European Union*.

*Article 2*

Communication 2016/C 293/64 is repealed. It shall continue to apply until 27 July 2022 in respect of the references of harmonised standards listed in Annex II to this Decision.

*Article 3*

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

Done at Brussels, 26 January 2021.

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

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## ANNEX I

No	Reference of the standard
1.	EN 81-20:2020 Safety rules for the construction and installation of lifts – Lifts for the transport of persons and goods – Part 20: Passenger and goods passenger lifts
2.	EN 81-21:2009+A1:2012 Safety rules for the construction and installation of lifts – Lifts for the transport of persons and goods – Part 21: New passenger and goods passenger lifts in existing building
3.	EN 81-22:2014 Safety rules for the construction and installation of lifts – Lifts for the transport of persons and goods – Part 22: Electric lifts with inclined path
4.	EN 81-28:2003 Safety rules for the construction and installation of lifts – Lifts for the transport of persons and goods – Part 28: Remote alarm on passenger and goods passenger lifts
5.	EN 81-50:2020 Safety rules for the construction and installation of lifts – Examinations and tests – Part 50: Design rules, calculations, examinations and tests of lift components
6.	EN 81-58:2003 Safety rules for the construction and installation of lifts – Examination and tests – Part 58: Landing doors fire resistance test
7.	EN 81-70:2003 Safety rules for the construction and installations of lifts – Particular applications for passenger and good passengers lifts – Part 70: Accessibility to lifts for persons including persons with disability EN 81-70:2003/A1:2004
8.	EN 81-71:2005+A1:2006 Safety rules for the construction and installation of lifts – Particular applications to passenger lifts and goods passenger lifts – Part 71: Vandal resistant lifts
9.	EN 81-72:2015 Safety rules for the construction and installation of lifts – Particular applications for passenger and goods passenger lifts – Part 72: Firefighters lifts
10.	EN 81-73:2016 Safety rules for the construction and installation of lifts – Particular applications for passenger and goods passenger lifts – Part 73: Behaviour of lifts in the event of fire
11.	EN 81-77:2013 Safety rules for the construction and installations of lifts – Particular applications for passenger and goods passenger lifts – Part 77: Lifts subject to seismic conditions
12.	EN 12016:2013 Electromagnetic compatibility – Product family standard for lifts, escalators and moving walks – Immunity



13.	EN 12385-3:2004+A1:2008 Steel wire ropes – Safety – Part 3: Information for use and maintenance
14.	EN 12385-5:2002 Steel wire ropes – Safety – Part 5: Stranded ropes for lifts EN 12385-5:2002/AC:2005
15.	EN 13015:2001+A1:2008 Maintenance for lifts and escalators – Rules for maintenance instructions
16.	EN 13411-7:2006+A1:2008 Terminations for steel wire ropes – Safety – Part 7: Symmetric wedge socket

## ANNEX II

<b>No</b>	<b>Reference of the standard</b>
1.	EN 81-20:2014 Safety rules for the construction and installation of lifts – Lifts for the transport of persons and goods – Part 20: Passenger and goods passenger lifts
2.	EN 81-50:2014 Safety rules for the construction and installation of lifts – Examinations and tests – Part 50: Design rules, calculations, examinations and tests of lift components



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