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## Legislation

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

## II

(Non-legislative acts)

## REGULATIONS

## COUNCIL REGULATION (EU) 2021/2061

of 11 November 2021

**on the allocation of fishing opportunities under the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania (2021-2026)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania ('Mauritania'), approved by Council Regulation (EC) No 1801/2006 <sup>(1)</sup>, has been applied on a provisional basis since 8 August 2008. The Protocol thereto setting out the fishing opportunities and financial contribution provided for in the Agreement, which has been applied on a provisional basis since the same day, has been replaced several times.
- (2) The Protocol currently in force will expire on 15 November 2021.
- (3) On 8 July 2019, the Council adopted a Decision authorising the Commission to open negotiations with Mauritania with a view to concluding a new sustainable fisheries partnership agreement and a new protocol implementing that agreement.
- (4) Between September 2019 and July 2021, eight rounds of negotiations were held with Mauritania. Following those negotiations, the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania ('the Partnership Agreement') and the Implementing Protocol thereto ('the Protocol') were initialled on 28 July 2021.
- (5) In accordance with Council Decision ST 12392/21 <sup>(2)</sup>, the Partnership Agreement and the Protocol were signed on 15 November 2021.
- (6) The fishing opportunities provided for in the Protocol should be allocated among the Member States for the entire period of its application.
- (7) This Regulation should enter into force as soon as possible in view of the economic importance of Union fishing activities in the Mauritanian fishing zone and the need to avoid or to reduce as much as possible the duration of any interruption of those activities.

<sup>(1)</sup> Council Regulation (EC) No 1801/2006 of 30 November 2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania (OJ L 343, 8.12.2006, p. 1).

<sup>(2)</sup> Council Decision ST 12392/21 of 11 November 2021 on the signing, on behalf of the European Union, and provisional application of the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania and the Implementing Protocol thereto (not yet published in the Official Journal).

- (8) The Protocol will apply on a provisional basis as from the date it is signed to allow Union vessels to continue their fishing activity. This Regulation should therefore apply from the same date,

HAS ADOPTED THIS REGULATION:

*Article 1*

The fishing opportunities established under the Protocol shall be allocated among the Member States as follows:

- (1) Category 1 – Vessels fishing for crustaceans other than spiny lobster and crab:

Spain	4 150 tonnes
Italy	600 tonnes
Portugal	250 tonnes

In this category, no more than 15 vessels may operate in Mauritanian waters at any one time.

- (2) Category 2 – Black hake (non-freezer) trawlers and bottom longliners:

Spain	6 000 tonnes
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In this category, no more than four vessels may operate in Mauritanian waters at any one time.

- (3) Category 2a – Black hake (freezer) trawlers:

Spain:

Black hake	3 500 tonnes
Squid	1 450 tonnes
Cuttlefish	600 tonnes

In this category, no more than six vessels may operate in Mauritanian waters at any one time.

- (4) Category 3 – Vessels fishing for demersal species other than black hake with gear other than trawls:

Spain	3 000 tonnes
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In this category, no more than six vessels may operate in Mauritanian waters at any one time.

- (5) Category 4 – Tuna seiners (14 000 tonnes – reference tonnage):

Spain	17 annual licences
France	12 annual licences

- (6) Category 5 – Pole-and-line tuna vessels and surface longliners (7 000 tonnes – reference tonnage):

Spain	14 annual licences
France	1 annual licence

## (7) Category 6 – Pelagic freezer trawlers:

Germany	13 038,4 tonnes
France	2 714,6 tonnes
Latvia	55 966,6 tonnes
Lithuania	59 837,6 tonnes
Netherlands	64 976,1 tonnes
Poland	27 106,6 tonnes
Ireland	8 860,1 tonnes

During the period of application of the Protocol, the Member States shall have the following number of quarterly licences:

Germany	4
France	2
Latvia	20
Lithuania	22
Netherlands	16
Poland	8
Ireland	2

The Member States shall inform the Commission if certain licences may be made available to other Member States.

In this category, no more than 19 vessels may operate in Mauritanian waters at any one time.

## (8) Category 7 – Non-freezer pelagic vessels:

Ireland	15 000 tonnes
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If not used, these fishing opportunities shall be transferred to category 6 according to the method of allocation of that category.

In this category, no more than two vessels may operate in Mauritanian waters at any one time.

*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 15 November 2021 (date of signature of the Protocol).

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

Done at Brussels, 11 November 2021.

*For the Council*  
*The President*  
Z. POČIVALŠEK

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**COMMISSION DELEGATED REGULATION (EU) 2021/2062**  
**of 23 August 2021**  
**amending Delegated Regulation (EU) 2020/2014 specifying details of implementation of the landing obligation for certain fisheries in the North Sea for the period 2021-2023**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 <sup>(1)</sup>, and in particular Article 11 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2020/2014 <sup>(2)</sup> provides details on how to implement the landing obligation for certain fisheries in the North Sea for the period 2021-2023, following a joint recommendation submitted by Belgium, Denmark, Germany, France, the Netherlands and Sweden ('Scheveningen Group').
- (2) Under Delegated Regulation (EU) 2020/2014, certain exemptions to the landing obligation are provisionally applicable until 31 December 2021. In these cases, Member States having a direct management interest should submit, as soon as possible and not later than 1 May 2021, additional scientific evidence supporting the exemption. The Scientific, Technical and Economic Committee for Fisheries ('STECF') should assess the submitted evidence by 31 July 2021.
- (3) The Scheveningen Group, after consulting the North Sea Advisory Council and the Pelagic Advisory Council, submitted a joint recommendation to the Commission on 30 April 2021, requesting the continuation of certain exemptions to the landing obligation beyond 2021 and providing additional scientific information. The Scheveningen Group submitted a revised version of the joint recommendation on 26 July 2021.
- (4) The STECF <sup>(3)</sup> reviewed the joint recommendation in May 2021. The Commission presented the draft delegated act to an expert group consisting of representatives of the Member States on 16 July 2021 in a meeting attended by the European Parliament as an observer.
- (5) Article 6(1), point (c)(ii), of Delegated Regulation (EU) 2020/2014 includes a survivability exemption for plaice caught with bottom trawls (OTB, PTB) with a mesh size of 90 to 119 mm and equipped with certain panels in the Union waters of International Council for the Exploration of the Sea ('ICES') division 3a. The Scheveningen Group requested to broaden the exemption to allow a square mesh panel of at least 120 mm on trawls in ICES sub-division Kattegat from 1 October to 31 December of each year. The STECF noted <sup>(4)</sup> that the additional scientific information provided by Denmark confirms that the discard survival of plaice will be similar or better for larger mesh sizes, including the SELTRA and 120mm square mesh panels, compared to the 80-99 mesh size allowed for otter trawl fishery. The exemption should therefore be broadened to include a square mesh panel of at least 120 mm on trawls in sub-division Kattegat.

<sup>(1)</sup> OJ L 179, 16.7.2018, p. 1.

<sup>(2)</sup> Commission Delegated Regulation (EU) 2020/2014 of 21 August 2020 specifying details of implementation of the landing obligation for certain fisheries in the North Sea for the period 2021-2023 (OJ L 415, 10.12.2020, p. 10).

<sup>(3)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Ev+JR+LO+and+TM+Reg.pdf/caa87b65-ea4a-491a-8e59-4111e01e1c1d>

<sup>(4)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Ev+JR+LO+and+TM+Reg.pdf/caa87b65-ea4a-491a-8e59-4111e01e1c1d>, p. 23-24.

- (6) Article 11, paragraph 11, of Delegated Regulation (EU) 2020/2014 includes a *de minimis* exemption for whiting below the minimum conservation reference size caught by vessels using beam trawls with mesh size 80 to 119 mm in ICES subarea 4. The Scheveningen Group requested that the exemption be extended until 31 December 2023 and submitted new scientific information. The STECF assessed that evidence and concluded <sup>(5)</sup> that the joint recommendation addresses to a large degree the issues identified by STECF in its previous assessments. In particular, the estimated costs of landing unwanted catches are significant and would require substantial additional labour on board. The STECF also recognised the issues and challenges involved in improving selectivity in this fishery. The exemption should therefore be maintained until 31 December 2023.
- (7) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season for Union vessels and on related economic activities, this Regulation should enter into force immediately upon publication. It should apply from 1 January 2022,

HAS ADOPTED THIS REGULATION:

#### Article 1

Delegated Regulation 2020/2014 is amended as follows:

- (1) Article 6, paragraph 1, point (c)(ii) is replaced by the following:

(ii) with a mesh size of 90 to 119 mm equipped with a Seltra panel with a top panel of 140 mm mesh size (square mesh), 270 mm mesh size (diamond mesh), 300 mm mesh size (square-mesh), or in sub-division Kattegat, a square mesh panel of at least 120 mm in the period from 1 October to 31 December every year which target flatfish or roundfish in the Union waters of ICES division 3a;

- (2) Article 11, point (11) is replaced by the following:

(11) in the demersal mixed fishery by vessels using beam trawls with a mesh size of 80-119 mm in Union waters of ICES subarea 4:

a quantity of whiting below the minimum conservation reference size, which shall not exceed 2 % of the total annual catches of plaice and sole;

#### 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 2022 until 31 December 2023.

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

Done at Brussels, 23 August 2021.

For the Commission  
The President  
Ursula VON DER LEYEN

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<sup>(5)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Ev+JRs+LO+and+TM+Reg.pdf/caa87b65-ea4a-491a-8e59-4111e01e1c1d>, p. 20-21.

**COMMISSION DELEGATED REGULATION (EU) 2021/2063****of 25 August 2021****amending and correcting Delegated Regulation (EU) 2020/2015 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 <sup>(1)</sup>, and in particular Article 13 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2020/2015 <sup>(2)</sup> provides details on how to implement the landing obligation for certain demersal fisheries in the Western Waters for the period 2021-2023, following two joint recommendations submitted respectively by Belgium, Spain, France, the Netherlands and Portugal ('South-Western Waters Member States') and Belgium, Ireland, Spain, France and the Netherlands ('North-Western Waters Member States').
- (2) Under Delegated Regulation (EU) 2020/2015, certain exemptions to the landing obligation are provisionally applicable until 31 December 2021. In these cases, Member States having a direct management interest should submit, as soon as possible and not later than 1 May 2021, additional scientific evidence supporting the exemption. The Scientific, Technical and Economic Committee for Fisheries ('STECF') should assess the provided information by 31 July 2021.
- (3) The North-Western Waters Member States, after consulting the North-Western Waters Advisory Council and the Pelagic Advisory Council, submitted a joint recommendation to the Commission on 30 April 2021, requesting an amendment to the discard plan for certain fisheries in the North-Western Waters.
- (4) The South-Western Waters Member States, after consulting the South-Western Waters Advisory Council and the Pelagic Advisory Council, submitted a joint recommendation to the Commission on 30 April 2021, requesting an amendment to the discard plan for certain fisheries in the South-Western Waters.
- (5) The STECF <sup>(3)</sup> reviewed these joint recommendations in May 2021. The Commission presented the draft delegated acts to an expert group consisting of representatives of the Member States on 16 July 2021 in a meeting attended by the European Parliament as an observer.
- (6) Delegated Regulation (EU) 2020/2015 laid down the scope of the exemptions applicable in the North-Western Waters (International Council for the Exploration of the Sea ('ICES') subareas 5 (excluding division 5a and only Union waters of division 5b), 6 and 7). That same regulation laid down the scope of the exemptions applicable in the South-Western Waters (ICES subareas 8, 9 and 10 (waters around Azores), and in the Fishery Committee for the Eastern Central Atlantic ('CECAF') zones 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands). For legal clarity, the application of these measures should explicitly refer to Union waters of these areas. Delegated Regulation (EU) 2020/2015 should therefore be amended.

<sup>(1)</sup> OJ L 83, 25.3.2019, p. 1.

<sup>(2)</sup> Commission Delegated Regulation (EU) 2020/2015 of 21 August 2020 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023 (OJ L 415, 10.12.2020, p. 22).

<sup>(3)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Ev+JRs+LO+and+TM+Reg.pdf/caa87b65-ea4a-491a-8e59-4111e01e1c1d>



- (7) The North-Western Waters Member States requested a new survival exemption for plaice caught with seines (SSC) in ICES divisions 7b to 7k. The North-Western Waters Member States provided new scientific evidence to demonstrate high discard survival rates for plaice in that fishery. That evidence was submitted to the STECF, which concluded <sup>(4)</sup> that the data on survival rates are reliable and give robust survival estimates for that fishery. The exemption should therefore be included in Delegated Regulation (EU) 2020/2015.
- (8) Article 10(4), point (b), of Delegated Regulation (EU) 2020/2015 granted a high survivability exemption for cuckoo ray caught with bottom trawls in ICES subarea 8 until 31 December 2021. The South-Western Waters Member States requested that the exemption be extended until 31 December 2023. The STECF reviewed the scientific evidence provided by the South-Western Waters Member States and concluded that survival rates in the latest studies are low, but with a high degree of variability. However, additional research studies that will combine on-board vitality and monitoring in captivity are planned in 2021. The exemption should therefore be extended until 2022 to allow sufficient time for the completion of the studies. Member States are required to submit the results of these studies by STECF by no later than 1 May 2022.
- (9) Article 13(1), point (f), of Delegated Regulation (EU) 2020/2015 granted a *de minimis* exemption for boarfish caught by vessels using bottom trawls in ICES divisions 7b to 7c and 7f to 7k. The North-Western Waters Member States requested that it be specified that the calculation of the exemption should be based on catches of all gears. The STECF concluded <sup>(5)</sup> that, although this request has implications in terms of the permitted potential of the *de minimis* discard volume, the implied discard volume for a 0,5 % *de minimis* is small, regardless of whether catches correspond to all gears or only bottom trawls. Furthermore, the exemption should apply only to the gear codes of the relevant bottom trawls as listed in Annex XI of Implementing Regulation (EU) No 404/2011. The exemption should therefore be granted on these terms until 31 December 2022. Member States are required to submit the catch data requested by STECF by no later than 1 May 2022.
- (10) Article 13(1), point (a), of Delegated Regulation (EU) 2020/2015 granted a *de minimis* exemption for whiting caught by vessels using bottom trawls and seines, pelagic trawls and beam trawls, in ICES divisions 7b to 7k. This exemption was granted only until December 2021, given the overall conservation status of whiting in ICES subareas 7b to k. The North-Western Waters Member States requested that the exemption be extended. The STECF reviewed the scientific evidence provided by the North-Western Waters Member States and concluded <sup>(6)</sup> that discard rates are relatively low and that selectivity has improved with the remedial measures introduced in the Celtic Sea <sup>(7)</sup>. However, whiting in the Celtic Sea is a stock closely associated with Celtic Sea cod catches and is strictly monitored. The exemption should therefore be extended until 31 December 2022 and Member States are required to provide the catch data requested by STECF by no later than 1 May 2022.
- (11) Article 14(1) of Delegated Regulation (EU) 2020/2015 granted a *de minimis* exemption for whiting caught by vessels using pelagic trawls, beam trawls, bottom trawls and seines in ICES subarea 8. However, the list of gears omitted the gears that correspond to pelagic trawls (OTM, PTM and TM). The South-Western Waters Member States requested that the Commission correct the omission. The exemption should therefore be amended.
- (12) Delegated Regulation (EU) 2020/2015 should therefore be corrected and amended accordingly.
- (13) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately upon publication. It should apply from 1 January 2022,

<sup>(4)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Ev+JRs+LO+and+TM+Reg.pdf/caa87b65-ea4a-491a-8e59-4111e01e1c1d>

<sup>(5)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Ev+JRs+LO+and+TM+Reg.pdf/caa87b65-ea4a-491a-8e59-4111e01e1c1d>

<sup>(6)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/2874177/STECF+21-05+-+Ev+JRs+LO+and+TM+Reg.pdf/caa87b65-ea4a-491a-8e59-4111e01e1c1d>

<sup>(7)</sup> Council Regulation (EU) 2021/92 of 28 January 2021 fixing for 2021 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 31, 29.1.2021, p. 31).

HAS ADOPTED THIS REGULATION:

#### Article 1

Delegated Regulation (EU) 2020/2015 is amended as follows:

(1) Article 1 is replaced by the following:

'In the Union Waters of North-Western Waters (ICES subareas 5, 6 and 7), of South-Western Waters (ICES subareas 8, 9 and 10 (waters around Azores), and of CECAF zones 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands), the landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall apply in demersal and pelagic fisheries in accordance with this Regulation for the period 2021-2023.;

(2) in Article 6(1), the following point (f) is added:

'(f) plaice (*Pleuronectes platessa*) caught in ICES divisions 7b to 7k with seines (SSC);;

(3) in Article 10(4), point (b) is replaced by the following:

'(b) caught by bottom trawls in ICES subarea 8 until 31 December 2022. Member States having a direct management interest shall submit as soon as possible, but by no later than 1 May 2022, additional scientific information supporting this exemption for cuckoo ray caught with bottom trawls. The STECF shall assess that scientific information by 31 July 2022.;

(4) In Article 13(1), point (f) is replaced by the following:

'(f) for boarfish (*Caproidae*), up to a maximum of 0,5 % of the total annual catches of that species for all gears in those areas, by vessels using bottom trawls (OTT, OTB, TBS, TBN, TB, PTB) in ICES divisions 7b, 7c and 7f to 7k;;

(5) in Article 13, paragraph 2 is replaced by the following:

'The *de minimis* exemption laid down in point (a) of paragraph 1, shall be applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and by no later than 1 May 2022, additional scientific information on catch composition. The STECF shall assess the provided scientific information by 31 July 2022.;

(6) in Article 14(1), point (m) is replaced by the following:

'(m) for whiting (*Merlangius merlangus*), up to a maximum of 5 % of the total annual catches of that species by vessels using pelagic trawls, beam trawls, bottom trawls and seines (gear codes: OTB, OTT, OTM, PTB, PTM, TBN, TBS, TBB, OT, PT, TX, TM, SSC, SPR, SDN, SX, SV) in ICES subarea 8.;

#### 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 2022 until 31 December 2023.

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

Done at Brussels, 25 August 2021.

For the Commission  
The President  
Ursula VON DER LEYEN

## COMMISSION DELEGATED REGULATION (EU) 2021/2064

of 25 August 2021

**supplementing Regulation (EU) No 1380/2013 of the European Parliament and of the Council as regards the establishment of a *de minimis* exemption to the landing obligation for certain demersal fisheries in the Adriatic and south-eastern Mediterranean Sea**

THE EUROPEAN COMMISSION,

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

Having regard to 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 <sup>(1)</sup>, and in particular Article 15(7),

Whereas:

- (1) Commission Delegated Regulation (EU) 2017/86 <sup>(2)</sup> establishes a discard plan for certain demersal fisheries in the Mediterranean Sea applicable from 1 January 2017 until 31 December 2019, following three joint recommendations submitted to the Commission in 2016 by a number of Member States having a direct management interest in the fisheries in the Mediterranean Sea (Greece, Spain, France, Croatia, Italy, Cyprus, Malta and Slovenia). Those three joint recommendations concerned respectively the western Mediterranean Sea, the Adriatic Sea and the south-eastern Mediterranean Sea.
- (2) In order to avoid disproportionate costs of handling unwanted catches, Delegated Regulation (EU) 2017/86 established a *de minimis* exemption that applies to demersal species. This Regulation expires on 31 December 2021.
- (3) Croatia, Italy and Slovenia ('Adriatica High-Level Group') and Greece, Italy, Cyprus and Malta ('Sudestmed High-Level Group') have a direct fisheries management interest in the Adriatic Sea and south-eastern Mediterranean Sea respectively. On 7 and 14 May 2021, the Adriatica High-Level Group and Sudestmed High-Level Group submitted scientific evidence to request the extension of the *de minimis* exemption laid down in Delegated Regulation (EU) 2017/86.
- (4) The *de minimis* exemptions for small pelagic species in fisheries targeting those species are set out in Commission Delegated Regulation (EU) 2018/161 <sup>(3)</sup>. By contrast, *de minimis* exemptions for by-catches of small pelagic species made in demersal fisheries should be included in this Regulation as requested in the scientific evidence submitted by the High-Level Groups.
- (5) The scientific evidence was assessed by the Scientific, Technical and Economic Committee for Fisheries ('STECF') between 17 and 21 May 2021 <sup>(4)</sup>. On 13 and 21 July 2021, the Adriatica and Sudestmed High-Level Groups submitted respectively updated scientific evidence that was aligned with the STECF scientific advice.
- (6) The Commission notes that in the Adriatic Sea and south-eastern Mediterranean Sea, species are caught at the same time, at highly varying quantities, making a single stock approach challenging. Those species are furthermore caught by small-scale fishing vessels and landed in many different landing points spread out geographically along the coast, that results in disproportionate costs of handling unwanted catches.

<sup>(1)</sup> OJ L 354, 28.12.2013, p. 22.

<sup>(2)</sup> Commission Delegated Regulation (EU) 2017/86 of 20 October 2016 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea (OJ L 14, 18.1.2017, p. 4).

<sup>(3)</sup> Commission Delegated Regulation (EU) 2018/161 of 23 October 2017 establishing a *de minimis* exemption to the landing obligation for certain small pelagic fisheries in the Mediterranean Sea (OJ L 30, 2.2.2018, p. 1).

<sup>(4)</sup> Reports of the Scientific, Technical and Economic Committee for Fisheries (STECF) – Evaluation of the landing obligation joint recommendations (STECF-21-05) 2021. Publications Office of the European Union, Luxembourg. Available here <https://stecf.jrc.ec.europa.eu/documents/43805/2537709/STECF+PLEN+19-02.pdf>

- (7) The STECF noted that the combined *de minimis* approach included in the scientific evidence provided, covers a broad group of species with a wide range of discard rates but considered such broad coverage a valid approach given the complexity of the fisheries in the Adriatic Sea and south-eastern Mediterranean Sea. Furthermore, the STECF considered that individual *de minimis* exemptions covering a single species would likely result in many separate exemptions that would be equally challenging to monitor.
- (8) The Adriatica High-Level group has provided updated scientific evidence on disproportionate costs of handling unwanted catches. Although STECF noted that estimates of the increase in costs are provided, it stressed the difficulties to judge at which level costs are disproportionate. The STECF noted that the information provided on disproportionate costs could be further completed and that an evaluation of the impacts of the exemption should be undertaken. The STECF further noted that reducing the level of unwanted catches through the use of selective gears or marine protected areas should be prioritised. The Commission welcomes the commitment taken by the Adriatica High-Level Group to further work on selectivity and fisheries spatial restrictions as a priority to achieve the reduction of unwanted catches. The Commission considers that the exemption should be extended with the proposed percentage levels.
- (9) The updated scientific evidence for the Adriatic proposes extending the *de minimis* exemption, for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber spp.*) and horse mackerel (*Trachurus spp.*), up to a maximum of 5 % for 2022 of the total annual by-catches of those species caught by vessels using bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX). The STECF considered that the discard rate is very significant for this fishery, but that selectivity projects are still ongoing. The Commission considers that the exemption should be extended for one year, with the proposed percentage levels. The Adriatic High-Level Group should submit by 1 May 2022 additional data, based on the ongoing studies and an evaluation of the impact of the exemption.
- (10) The Sudestmed High-Level Group has provided updated scientific evidence on disproportionate costs of handling unwanted catches. Although STECF noted that estimates of the increase in costs are provided, it stressed the difficulties to judge at which level costs are disproportionate. The STECF noted that the information provided on disproportionate costs could be further completed and that an evaluation of the impacts of the exemption should be undertaken. The STECF further noted that reducing the level of unwanted catches through the use of selective gears or marine protected areas should be prioritised. The Commission welcomes the commitment taken by the Sudestmed High-Level Group to further work on selectivity and fisheries spatial restrictions as a priority to achieve the reduction of unwanted catches. The Commission considers that the exemption should be extended with the proposed percentage levels.
- (11) Given the high number of different species caught at the same time in demersal fishing operations using hooks, lines, gillnets and trammel nets in the south-eastern Mediterranean Sea, the Sudestmed High-Level Group has proposed a different *de minimis* for some species when more frequently caught benefiting from lower *de minimis* threshold than when less frequently caught. Given that this reflects the reality of the mixed fisheries in the south-eastern Mediterranean Sea, the Commission considers that the exemption should be granted with the proposed percentage levels.
- (12) The updated scientific evidence provided for the south-eastern Mediterranean Sea proposes extending the *de minimis* exemption, for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber spp.*) and horse mackerel (*Trachurus spp.*), up to a maximum of 5 % in for 2022 of the total annual by-catches of those species caught by vessels using bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX). The STECF considered that the discard rate is very significant for this fishery, but that selectivity projects are ongoing. The Commission considers that the exemption should be extended for one year, with the proposed percentage levels. The Sudestmed High-Level Group should submit by 1 May 2022 additional data, based on the ongoing studies and an evaluation of the impact of the exemption.
- (13) In their updated scientific evidences, Member States renewed their commitment to increase the selectivity of the fishing gears in accordance with the results of current research programmes in order to reduce and limit unwanted catches and particularly catches below minimum conservation reference sizes.

- (14) In their updated scientific evidences, Member States also committed to identify further closure areas in order to reduce juvenile mortality.
- (15) The measures requested are in line with Article 15(4), point (c).
- (16) Since the measures provided for in this Regulation impact directly on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately after its publication. For the purpose of legal certainty, this Regulation should apply from 1 January 2022,

HAS ADOPTED THIS REGULATION:

#### Article 1

### Implementation of the landing obligation

The landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall apply in Union waters of the Adriatic and the south-eastern Mediterranean Sea to demersal fisheries in accordance with this Regulation.

#### Article 2

### Definitions

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

- (a) 'GFCM Geographical Sub-Areas' ('GSAs') means General Fisheries Commission for the Mediterranean ('GFCM') Geographical Sub-Areas as defined in the Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council <sup>(7)</sup>;
- (b) 'Adriatic Sea' means GFCM Geographical Sub-Areas 17 and 18;
- (c) 'South-Eastern Mediterranean Sea' means GFCM Geographical Sub-Areas 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

#### Article 3

### De minimis exemption

1. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities of species may be discarded pursuant to Article 15(4), point (c) of Regulation (EU) No 1380/2013:

- (a) in the Adriatic Sea:
- (i) for hake (*Merluccius merluccius*) and mullets (*Mullus spp.*), up to a maximum of 5 % for 2022 and 2023 of the total annual catches of those species caught by vessels using bottom trawls;
  - (ii) or hake (*Merluccius merluccius*) and mullets (*Mullus spp.*), up to a maximum of 1 % for 2022 and 2023 of the total annual catches of those species caught by vessels using gillnets and trammel nets (GNS, GN, GND, GNC, GTN, GTR, GEN);
  - (iii) for hake (*Merluccius merluccius*) and mullets (*Mullus spp.*), up to a maximum of 1 % for 2022 and 2023 of the total annual catches of those species caught by vessels using rapido (TBB);
  - (iv) for common sole (*Solea solea*), up to 3 % for 2022 and 2023 of the total annual catches of those species caught by vessels using bottom trawls;

<sup>(7)</sup> Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).

- (v) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), gilthead seabream (*Sparus aurata*) and deep-water rose shrimp (*Parapenaeus longirostris*), up to a maximum of 5 % for 2022 and 2023 of the total annual catches of those species caught by vessels using bottom trawls;
- (vi) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*), up to a maximum of 3 % for 2022 and 2023 of the total annual catches of those species caught by vessels using gillnets and trammel nets (GNS, GN, GND, GNC, GTN, GTR, GEN);
- (vii) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*), up to a maximum of 1 % for 2022 and 2023 of the total annual catches of those species caught by vessels using hooks and lines (LHP, LHM, LLS, LLD, LL, LTL, LX);
- (viii) for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber spp.*) and horse mackerel (*Trachurus spp.*), up to a maximum of 5 % for 2022 of the total annual by-catches of those species caught by vessels using bottom trawls.
- (b) in the south-eastern Mediterranean Sea:
- (i) for hake (*Merluccius merluccius*) and mullets (*Mullus spp.*), up to a maximum of 5 % for 2022 and 2023 of the total annual catches of those species caught by vessels using bottom trawls;
- (ii) for hake (*Merluccius merluccius*) and mullets (*Mullus spp.*), up to a maximum of 1 % for 2022 and 2023 of the total annual catches of those species caught by vessels using gillnets and trammel nets (GNS, GN, GND, GNC, GTN, GTR, GEN);
- (iii) for deep-water rose shrimp (*Parapenaeus longirostris*), up to a maximum of 5 % for 2022 and 2023 of the total annual catches of that species caught by vessels using bottom trawls;
- (iv) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), gilthead seabream (*Sparus aurata*) Norway Lobster (*Nephrops norvegicus*) and common sole (*Solea solea*), up to a maximum of 5 % for 2022 and 2023 of the total annual catches of those species caught by vessels using bottom trawls;
- (v) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), gilthead seabream (*Sparus aurata*), common sole (*Solea solea*), lobster (*Homarus gammarus*) and crawfish (*Palinuridae*), up to a maximum of 3 % for 2022 and 2023 of the total annual catches of those species caught by vessels using gillnets and trammel nets (GNS, GN, GND, GNC, GTN, GTR, GEN). In case landings of those species are less than 25 % of the total landings of the fisheries, the quantities to be discarded may be up to a maximum of 5 % for 2022 and 2023 of the total annual catches of those species;

- (vi) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus spp.*), striped seabream (*Lithognathus mormyrus*), red seabream (*Pagellus bogaraveo*), Spanish seabream (*Pagellus acarne*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), hake (*Merluccius merluccius*) and gilthead seabream (*Sparus aurata*), up to a maximum of 1 % of the total annual catches of those species caught by vessels using hooks and lines (LHP, LHM, LLS, LLD, LL, LTL, LX). In case landings of those species are less than 25 % of the total landings of the fisheries, the quantities to be discarded may be up to a maximum of 3 % of the total annual catches of those species;
- (vii) for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber spp.*) and horse mackerel (*Trachurus spp.*), up to a maximum of 5 % for 2022 of the total annual by-catches of those species caught by vessels using bottom trawls.

2. By 1 May 2022, the Member States having a direct management interest in the fisheries in the Adriatic and south-eastern Mediterranean Sea shall submit to the Commission additional data based on the ongoing studies and an evaluation of the impact of the exemption and any other relevant scientific information supporting the exemption laid down in paragraph 1, points (a)(viii) and (b)(vii). The STECF shall assess those data and that information by 31 July 2022 at the latest.

#### Article 4

#### Entry into force and application

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

It shall apply from 1 January 2022 until 31 December 2023.

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

Done at Brussels, 25 August 2021.

For the Commission  
The President  
Ursula VON DER LEYEN

**COMMISSION DELEGATED REGULATION (EU) 2021/2065**  
**of 25 August 2021**  
**establishing a discard plan for turbot fisheries in the Black Sea**

THE EUROPEAN COMMISSION,

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

Having regard to 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 <sup>(1)</sup> and in particular Article 15(6) thereof,

Whereas:

- (1) Regulation (EU) No 1380/2013 aims to gradually eliminate discards in all Union fisheries through the introduction of a landing obligation.
- (2) As regards the Black Sea, Article 15 of Regulation (EU) No 1380/2013 establishes a landing obligation for all catches of species which are subject to catch limits. Under Article 15(1), point (d) of Regulation (EU) No 1380/2013, the landing obligation is to apply to species which define the fisheries at the latest from 1 January 2017. Turbot is one of those species.
- (3) On 20 October 2016, the Commission adopted Delegated Regulation (EU) 2017/87 <sup>(2)</sup> establishing a discard plan for turbot fisheries in the Black Sea, that provided for a survivability exemption of turbot caught with bottom-set gillnets. It applied from 1 January 2017 until 31 December 2019.
- (4) Bulgaria and Romania have a direct fisheries management interest in the exploitation of turbot in the Black Sea. On 12 February 2021, those Member States submitted a joint recommendation to the Commission, requesting the renewal of the discard plan and the survivability exemption of turbot caught with bottom-set gillnets in the Black Sea. On 15 July 2021, those Member States submitted an updated joint recommendation. Scientific contribution was obtained from relevant scientific bodies with regard to the high survival rates of this species.
- (5) The Scientific, Technical and Economic Committee for Fisheries <sup>(3)</sup> ('STECF') assessed the updated joint recommendation submitted and noted that improvements on the information provided are required. The Commission acknowledges the existence of scientific studies <sup>(4)</sup> demonstrating the high survivability of turbot caught by vessels from non-EU countries using gillnets in the Black Sea. Given that the studies relate to the same sea basin, species and gears as the ones included in the exemption requested by Bulgaria and Romania, the Commission considers that this study should be taken into consideration for the purpose of the exemption.
- (6) Based on the scientific evidence and STECF assessment, the survivability exemption allowed under Article 15(4), point (b) of Regulation (EU) No 1380/2013 should be included in this Regulation for one year.

<sup>(1)</sup> OJ L 354, 28.12.2013, p. 22.

<sup>(2)</sup> Commission Delegated Regulation (EU) 2017/87 of 20 October 2016 establishing a discard plan for turbot fisheries in the Black Sea (OJ L 14, 18.1.2017, p. 9).

<sup>(3)</sup> Reports of the Scientific, Technical and Economic Committee for Fisheries (STECF) – Evaluation of the landing obligation joint recommendations (STECF-21- 05) 2021. Publications Office of the European Union, Luxembourg. Available here: <https://stecf.jrc.ec.europa.eu/documents/43805/2537709/STECF+PLEN+19-02.pdf>

<sup>(4)</sup> Basaran, F. and N. Samsun, 2004, Survival rates of Black Sea Turbot (*Psetta maxima maeotica*, L. 1758) broodstock captured by gill nets from different depths and their adaptation culture conditions, *Aquaculture International* 12: 321–331, 2004; Giragosov, V. and A. Nikolayevna Khanaychenko, 2012, The State-of-Art of the Black Sea Turbot Spawning Population off Crimea (1998-2010), *Turkish Journal of Fisheries and Aquatic Sciences*, September 2012, DOI: 10.4194/1303-2712-v12\_2\_25; Samsun, N. and F. Kalayci, 2005, Survival Rates of Black Sea Turbot (*Scophthalmus maeoticus* Pallas, 1811), Captured by Bottom Turbot Gillnets in Different Depths and Fishing, Seasons Between 1999 and 2004, *Turkish Journal of Fisheries and Aquatic Sciences* 5: 57-62 (2005).



- (7) By 1 May 2022, the Member States concerned should submit additional data on survival estimates relating to the gillnet fishery for turbot.
- (8) Since the measures provided for in this Regulation have a direct impact on the economic activities linked to and the planning of the fishing season of Union vessels, this Regulation should enter into force immediately after its publication. In accordance with the joint recommendation and taking into account the time-frame set out in Article 15(1) of Regulation (EU) No 1380/2013, this Regulation should apply from 1 January 2022,

HAS ADOPTED THIS REGULATION:

#### Article 1

### Implementation of the landing obligation

The landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall apply in the Black Sea to the fisheries of turbot (*Psetta maxima*) caught with bottom-set gillnets (gear code <sup>(5)</sup> GNS), in accordance with this Regulation.

#### Article 2

### Definition

For the purposes of this Regulation, 'Black Sea' means maritime waters in the General Fisheries Commission for the Mediterranean ('GFCM') Geographical Sub-Area 29 as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council <sup>(6)</sup>.

#### Article 3

### Survivability exemption

1. The exemption from the landing obligation pursuant to Article 15(4), point (b) of Regulation (EU) No 1380/2013 for species for which scientific evidence demonstrates high survival rates shall apply in 2022 to turbot (*Psetta maxima*) caught with bottom-set gillnets (GNS) in the Black Sea.
2. Turbot (*Psetta maxima*) caught in the circumstances referred to in paragraph 1 shall be released immediately in the area where it has been caught.
3. By 1 May 2022, Member States having a direct management interest in the turbot fisheries in the Black Sea shall submit to the Commission additional data on survival estimates relating to the gillnet fishery for turbot and any other relevant scientific information supporting the exemption laid down in paragraph 1. The STECF shall assess those data by 31 July 2022 at the latest.

#### Article 4

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 to 31 December 2022.

<sup>(5)</sup> Gear codes used in this Regulation refer to those codes in Annex XI to Commission Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common fisheries policy (OJ L 112, 30.4.2011, p. 1). For the vessels whose length overall is less than 10 metres gear codes used in this table refer to the codes from the FAO gear classification.

<sup>(6)</sup> Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).

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

Done at Brussels, 25 August 2021.

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

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**COMMISSION DELEGATED REGULATION (EU) 2021/2066****of 25 August 2021****supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council regarding details of implementation of the landing obligation for certain demersal stocks in the western Mediterranean Sea for the period 2022-2024**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1022 of the European Parliament and the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014 <sup>(1)</sup>, and in particular Article 14 thereof,

Whereas:

- (1) Regulation (EU) 2019/1022 establishes a multiannual plan concerning demersal fisheries in the western Mediterranean Sea. Article 14 of that Regulation empowers the Commission to adopt delegated acts in order to supplement that Regulation by specifying details of the landing obligation for all stocks of species in the western Mediterranean Sea to which the landing obligation applies and for incidental catches of pelagic species in fisheries exploiting the stocks in accordance with that provision.
- (2) Commission Delegated Regulation (EU) 2017/86 <sup>(2)</sup> established a discard plan for certain demersal fisheries in the Mediterranean Sea applicable from 1 January 2017 until 31 December 2019, following three joint recommendations submitted to the Commission in 2016 by a number of Member States having a direct management interest in the fisheries in the Mediterranean Sea (Greece, Spain, France, Croatia, Italy, Cyprus, Malta and Slovenia). Those three joint recommendations concerned respectively the western Mediterranean Sea, the Adriatic Sea and the south-eastern Mediterranean Sea.
- (3) On 7 May 2021, Spain, France and Italy ('Pescamed High-Level Group'), submitted to the Commission a joint recommendation proposing the extension of certain exemptions of the landing obligation for demersal fisheries in the western Mediterranean after consultations within Mediterranean Advisory Council ('MEDAC').
- (4) This joint recommendation was assessed by the Scientific, Technical and Economic Committee for Fisheries ('STECF') between 17 and 21 May 2021 <sup>(3)</sup>.
- (5) On 21 July 2021, the Pescamed High-Level Group submitted an updated joint recommendation that was aligned with STECF's assessment.
- (6) Under Article 18 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council <sup>(4)</sup>, the Commission has considered the joint recommendation in light of the STECF's assessment to ensure that it is compatible with the relevant conservation measures, including the landing obligation.

<sup>(1)</sup> OJ L 172, 26.6.2019, p. 1.

<sup>(2)</sup> Commission Delegated Regulation (EU) 2017/86 of 20 October 2016 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea (OJ L 14, 18.1.2017, p. 4).

<sup>(3)</sup> Reports of the Scientific, Technical and Economic Committee for Fisheries (STECF) – Evaluation of the landing obligation joint recommendations (STECF-21-05) 2021. Publications Office of the European Union, Luxembourg. Available here <https://stecf.jrc.ec.europa.eu/documents/43805/2537709/STECF+PLEN+19-02.pdf>

<sup>(4)</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).

- (7) The Commission notes that in the western Mediterranean Sea, species are caught at the same time, at highly varying quantities, making a single stock approach challenging. Those species are furthermore caught by small-scale fishing vessels and landed in many different landing points spread out geographically along the coast, that results in disproportionate costs of handling unwanted catches.
- (8) The updated joint recommendation proposes extending the survivability exemption, as provided for in Article 15(4), point (b) of Regulation (EU) No 1380/2013, established for mollusc bivalves, namely scallop (*Pecten jacobaeus*), carpet clams (*Venerupis spp.*) and Venus shells (*Venus spp.*) caught with mechanised dredges (HMD) for 2022. The STECF reminded Member States of two existing studies to be completed for further assessment of the survival rates of scallop, carpet clams and Venus shells. As the evidence on the survival rates of these species is not conclusive, the Commission considers that the survivability exemption should be included in this Regulation for one year pending the submission of the relevant survivability data. The Member States concerned should submit, by 1 May 2022, the relevant survivability data for those three species to the Commission to allow STECF to fully assess the justifications for the exemption and the Commission to carry out a review.
- (9) The updated joint recommendation proposes extending the survivability exemption established for Norway lobster (*Nephrops norvegicus*) caught with bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX) for 2022, 2023 and 2024. The STECF considered there is scientific evidence demonstrating very low survival for that species in the western Mediterranean and other regions, during the months of July and August. As high survival rates occur during the rest of the year and taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, the Commission considers that the survivability exemption should therefore be extended for three years, except for the months of July and August each year.
- (10) The updated joint recommendation proposes extending the survivability exemption for Norway lobster (*Nephrops norvegicus*) caught with pots and traps (FPO, FIX) for 2022, 2023 and 2024. The STECF considered that specific information to support this exemption was limited. However, given that this fishery is quite selective, the Commission considers that the exemption should be extended for three years.
- (11) The updated joint recommendation proposes extending the survivability exemption for red seabream (*Pagellus bogaraveo*) caught with hooks and lines (LHP, LHM, LLS, LLD, LL, LTL, LX) for 2022 and 2023. The STECF considered that evidence to support this exemption had been provided, but additional scientific studies should be performed to directly observe discard survival. The Commission considers that the exemption should be extended for two years.
- (12) The updated joint recommendation proposes extending the survivability exemption for lobster (*Homarus gammarus*) and crawfish (*Palinuridae*) caught with nets (GNS, GN, GND, GNC, GTN, GTR, GEN) and pots and traps (FPO, FIX) for 2022 and 2023. The STECF considered that evidence supporting that the impact of the survivability of the exemption is likely to be low had been provided, but additional scientific studies should be performed to directly observe discard survival rates. The Commission considers that the exemption should be extended for two years.
- (13) The joint recommendation provided updated scientific evidence on disproportionate costs of handling unwanted catches. Although STECF noted, that estimates of the increase in costs are provided, it stressed the difficulties to judge at which level costs are disproportionate. The STECF noted that the information provided on disproportionate costs could be further completed and that an evaluation of the impacts of the exemption should be undertaken. The STECF further noted that reducing the level of unwanted catches through the use of selective gears or marine protected areas should be prioritised. The Commission welcomes the commitment taken by the Pescamed High-Level Group to further work on selectivity and fisheries spatial restrictions as a priority to achieve the reduction of unwanted catches. The STECF noted that the combined *de minimis* approach covers a broad group of species with a wide range of discard rates but considered such broad coverage a valid approach given the complexity of the fisheries in the western Mediterranean Sea. Furthermore, the STECF considered that individual *de minimis* exemptions covering a single species would likely result in many separate exemptions that would be equally challenging to monitor. The Commission considers that the exemption should be extended with the proposed percentage levels.

- (14) Member States renewed their commitment in their joint recommendation to increase the selectivity of the fishing gears in accordance with the results of current research programmes in order to reduce and limit unwanted catches and particularly catches below minimum conservation reference sizes.
- (15) Furthermore, Member States also committed in their joint recommendation to identify further closure areas in order to reduce juvenile mortality, where there is evidence of a high concentration of juvenile fish. The measures suggested by the updated joint recommendations are in line with Article 15(4), Article 15(5), points (b) and (c) and Article 18(3) of Regulation (EU) No 1380/2013.
- (16) Since the measures provided for in this Regulation impact directly on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately after its publication. It should apply from 1 January 2022,

HAS ADOPTED THIS REGULATION:

#### Article 1

### Implementation of the landing obligation

The landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall apply in Union waters of the Western Mediterranean Sea to demersal fisheries in accordance with this Regulation.

#### Article 2

### Definitions

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

- (a) 'GFCM Geographical Sub-Areas' ('GSAs') means General Fisheries Commission for the Mediterranean ('GFCM') Geographical Sub-Areas as defined in the Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council <sup>(5)</sup>;
- (b) 'Western Mediterranean Sea' means GFCM Geographical Sub-Areas 1, 2, 5, 6, 7, 8, 9, 10 and 11.1, 11.2 and 12.

#### Article 3

### Survivability exemptions

1. The exemption from the landing obligation pursuant to Article 15(4), point (b) of Regulation (EU) No 1380/2013 for species for which scientific evidence demonstrates high survival rates, in the western Mediterranean Sea, shall apply to:
- a) scallop (*Pecten jacobaeus*) caught with mechanised dredges (HMD) until 31 December 2022;
- b) carpet clams (*Venerupis spp.*) caught with mechanised dredges (HMD) until 31 December 2022;
- c) Venus shells (*Venus spp.*) caught with mechanised dredges (HMD) until 31 December 2022;
- d) Norway lobster (*Nephrops norvegicus*) caught with all bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX) during the months of January to June and September to December, each year until 31 December 2024;
- e) Norway lobster (*Nephrops norvegicus*) caught with pots and traps (FPO, FIX) until 31 December 2024;

<sup>(5)</sup> Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).

- f) red sea bream (*Pagellus bogaraveo*) caught with hooks and lines (LHP, LHM, LLS, LLD, LL, LTL, LX) until 31 December 2023;
- g) lobster (*Homarus gammarus*) caught with nets (GNS, GN, GND, GNC, GTN, GTR, GEN) and with pots and traps (FPO, FIX) until 31 December 2023;
- h) crawfish (*Palinuridae*) caught with nets (GNS, GN, GND, GNC, GTN, GTR, GEN) and with pots and traps (FPO, FIX) until 31 December 2023.

2. Scallop (*Pecten jacobaeus*), carpet clams (*Venerupis* spp.), Venus shells (*Venus* spp.), Norway lobster (*Nephrops norvegicus*), red sea bream (*Pagellus bogaraveo*), lobster (*Homarus gammarus*) and crawfish (*Palinuridae*) caught in the circumstances referred to in paragraph 1 shall be released immediately in the area where they have been caught.

3. By 1 May 2022, the Member States having a direct management interest in the fisheries in the Mediterranean Sea shall submit to the Commission additional discard data and any other relevant scientific information supporting the exemption laid down in paragraph 1, points (a), (b) and (c). The STECF shall assess the data and information submitted by 31 July 2022 at the latest.

#### Article 4

#### De minimis exemptions

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities of species may be discarded pursuant to Article 15(4), point (c) of Regulation (EU) No 1380/2013:

- (a) for hake (*Merluccius merluccius*) and mullets (*Mullus* spp.), up to a maximum of 5 % for 2022 and 2023 of the total annual catches of those species caught by vessels using bottom trawls;
- (b) for hake (*Merluccius merluccius*) and mullets (*Mullus* spp.), up to a maximum of 1 % for 2022 and 2023 of the total annual catches of those species caught by vessels using gillnets and trammel nets;
- (c) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus* spp.), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*), gilthead seabream (*Sparus aurata*) and deep-water rose shrimp (*Parapenaeus longirostris*), up to a maximum of 5 % for 2022 and 2023 of the total annual catches of those species caught by vessels using bottom trawls;
- (d) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus* spp.), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*), up to a maximum of 3 % for 2022 and 2023 of the total annual catches of those species caught by vessels using gillnets and trammel nets;
- (e) for European seabass (*Dicentrarchus labrax*), annular seabream (*Diplodus annularis*), sharpsnout seabream (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), two-banded seabream (*Diplodus vulgaris*), groupers (*Epinephelus* spp.), striped seabream (*Lithognathus mormyrus*), Spanish seabream (*Pagellus acarne*), common pandora (*Pagellus erythrinus*), common seabream (*Pagrus pagrus*), wreckfish (*Polyprion americanus*), common sole (*Solea solea*) and gilthead seabream (*Sparus aurata*), up to a maximum of 1 % for 2022 and 2023 of the total annual catches of those species caught by vessels using hooks and lines.

*Article 5***Entry into force and application**

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

It shall apply from 1 January 2022 until 31 December 2024.

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

Done at Brussels, 25 August 2021.

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

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**COMMISSION IMPLEMENTING REGULATION (EU) 2021/2067****of 24 November 2021****amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>, and in particular Article 183(b) thereof,

Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 <sup>(2)</sup>, and in particular Article 5(6)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 <sup>(3)</sup> lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.
- (3) Regulation (EC) No 1484/95 should therefore be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 1484/95 shall be replaced by the text set out in the Annex to this Regulation.

*Article 2*

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

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ L 150, 20.5.2014, p. 1.

<sup>(3)</sup> Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC (OJ L 145, 29.6.1995, p. 47).



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

Done at Brussels, 24 November 2021.

*For the Commission,  
On behalf of the President,  
Wolfgang BURTSCHER  
Director-General  
Directorate-General for Agriculture and Rural  
Development*

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## ANNEX

## 'ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin <sup>(1)</sup>
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	172,0	44	BR

<sup>(1)</sup> Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7).'

**COMMISSION IMPLEMENTING REGULATION (EU) 2021/2068****of 25 November 2021****amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances benfluralin, dimoxystrobin, fluazinam, flutolanil, mecoprop-P, mepiquat, metiram, oxamyl and pyraclostrobin****(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 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC <sup>(1)</sup>, and in particular Article 17, first paragraph, thereof,

Whereas:

- (1) Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 <sup>(2)</sup> sets out the active substances deemed to have been approved under Regulation (EC) No 1107/2009.
- (2) Commission Implementing Regulation (EU) 2021/52 <sup>(3)</sup> extended the approval period of the active substances dimoxystrobin, mecoprop-P, metiram, oxamyl and pyraclostrobin until 31 January 2022, and the approval period of the active substances benfluralin, fluazinam, flutolanil and mepiquat until 28 February 2022.
- (3) Applications for the renewal of the approval of those substances were submitted in accordance with Commission Implementing Regulation (EU) No 844/2012 <sup>(4)</sup>, repealed by Commission Implementing Regulation (EU) 2020/1740 <sup>(5)</sup>. However, the procedure for the renewal of the approval of those active substances as set out in Commission Implementing Regulation (EU) No 844/2012 continues to apply in accordance with Article 17(2) of Commission Implementing Regulation (EU) 2020/1740.
- (4) Due to the fact that the assessment of those active substances has been delayed for reasons beyond the control of the applicants, the approvals of those active substances are likely to expire before a decision has been taken on their renewal. It is therefore necessary to extend their approval periods.
- (5) In addition, an extension of the approval period is required for the active substances fluazinam, flutolanil, mecoprop-P, mepiquat, metiram and pyraclostrobin to provide the time necessary to carry out an assessment relating to endocrine disrupting properties of those active substances in accordance with the procedure set out in Articles 13 and 14 of Implementing Regulation (EU) No 844/2012.

<sup>(1)</sup> OJ L 309, 24.11.2009, p. 1.

<sup>(2)</sup> Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

<sup>(3)</sup> Commission Implementing Regulation (EU) 2021/52 of 22 January 2021 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances benfluralin, dimoxystrobin, fluazinam, flutolanil, mecoprop-P, mepiquat, metiram, oxamyl and pyraclostrobin (OJ L 23, 25.1.2021, p. 13).

<sup>(4)</sup> Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

<sup>(5)</sup> Commission Implementing Regulation (EU) 2020/1740 of 20 November 2020 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council, and repealing Commission Implementing Regulation (EU) No 844/2012 (OJ L 392, 23.11.2020, p. 20).

- (6) As regards cases where the Commission is to adopt a Regulation providing that the approval of an active substance referred to in the Annex to this Regulation is not renewed because the approval criteria are not satisfied, the Commission is to set the expiry date at the same date as before this Regulation or at the date of the entry into force of the Regulation providing that the approval of the active substance is not renewed, whichever date is later. As regards cases where the Commission is to adopt a Regulation providing for the renewal of an active substance referred to in the Annex to this Regulation, the Commission will endeavour to set, as appropriate under the circumstances, the earliest possible application date.
- (7) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (8) 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*

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 25 November 2021.

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

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## ANNEX

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

- (1) in the sixth column, expiration of approval, of row 57, Mecoprop-P, the date is replaced by '31 January 2023';
  - (2) in the sixth column, expiration of approval, of row 81, Pyraclostrobin, the date is replaced by '31 January 2023';
  - (3) in the sixth column, expiration of approval, of row 115, Metiram, the date is replaced by '31 January 2023';
  - (4) in the sixth column, expiration of approval, of row 116, Oxamyl, the date is replaced by '31 January 2023';
  - (5) in the sixth column, expiration of approval, of row 128, Dimoxystrobin, the date is replaced by '31 January 2023';
  - (6) in the sixth column, expiration of approval, of row 187, Flutolanil, the date is replaced by '28 February 2023';
  - (7) in the sixth column, expiration of approval, of row 188, Benfluralin, the date is replaced by '28 February 2023';
  - (8) in the sixth column, expiration of approval, of row 189, Fluazinam, the date is replaced by '28 February 2023';
  - (9) in the sixth column, expiration of approval, of row 191, Mepiquat, the date is replaced by '28 February 2023'.
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**COMMISSION IMPLEMENTING REGULATION (EU) 2021/2069****of 25 November 2021****amending Annex VI to Implementing Regulation (EU) 2019/2072 as regards the introduction into the Union of ware potatoes from Bosnia and Herzegovina, Montenegro and Serbia and repealing Implementing Decisions 2012/219/EU and (EU) 2015/1199**

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 40(2) thereof

Whereas:

- (1) Entry 17 of Annex VI to Commission Implementing Regulation (EU) 2019/2072 <sup>(2)</sup> prohibits the introduction into the Union of tubers of species of *Solanum* L. and their hybrids, other than those specified in entries 15 and 16 thereof, including tubers of *Solanum tuberosum* L. (the 'specified plant') originating in certain third countries.
- (2) That prohibition does not apply to European third countries and specific areas listed under entry 17, fourth column, point (b), of Annex VI to Implementing Regulation (EU) 2019/2072, if they are recognised as being free from *Clavibacter sepedonicus* (Spieckermann and Kotthoff) Nouioui *et al.* ('the specified pest'), which causes for potato ring rot disease, or if their legislation is recognised as equivalent to the Union rules concerning protection against that pest.
- (3) It appears from information supplied by Montenegro and related to the annual survey campaigns between 2010 and 2020, and from information collected during a Commission audit on the potato sector carried out in that country in November 2019, that the specified pest was not present in Montenegro. That country developed a satisfactory follow-up action plan in response to the recommendations of the final report of the audit as regards improving the plant health controls in the potato sector. It is therefore appropriate to recognise Montenegro as being free from *Clavibacter sepedonicus* (Spieckermann and Kotthoff) Nouioui *et al.* and to allow the introduction into the Union of ware potatoes from Montenegro, as it is considered free from the specified pest.
- (4) Commission Implementing Decisions 2012/219/EU <sup>(3)</sup> and (EU) 2015/1199 <sup>(4)</sup> recognised Serbia and Bosnia and Herzegovina, respectively, as being free from the specified pest.
- (5) As, on the basis of the respective survey results and audits, the situation has not changed in Bosnia and Herzegovina and in Serbia since the adoption of those Implementing Decisions, those third countries are still considered to be free from the specified pest and ware potatoes produced in their territories should be allowed to be introduced into the Union.

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

<sup>(2)</sup> Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, p. 1).

<sup>(3)</sup> Commission Implementing Decision 2012/219/EU of 24 April 2012 recognising Serbia as being free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckerman and Kotthoff) Davis *et al.* (OJ L 114, 26.4.2012, p. 28).

<sup>(4)</sup> Commission Implementing Decision (EU) 2015/1199 of 17 July 2015 recognising Bosnia and Herzegovina as being free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckerman and Kotthoff) Davis *et al.* (OJ L 194, 22.7.2015, p. 42).

- (6) In order to ensure that Bosnia and Herzegovina, Montenegro, Serbia and the United Kingdom remain free from the specified pest, those third countries should be required to submit to the Commission, by 30 April of each year, the survey results of the previous year confirming that the specified pest is not present on their territories, as this would ensure the most appropriate period of time for the appropriate collection and submission of those results.
- (7) Entry 17, fourth column, points (b) and (c), of Annex VI to Implementing Regulation (EU) 2019/2072 should therefore be amended accordingly, in order to also concern Bosnia and Herzegovina, Montenegro, Serbia and the United Kingdom.
- (8) For reasons of legal clarity, Implementing Decisions 2012/219/EU and (EU) 2015/1199 should be repealed.
- (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*

Annex VI to Implementing Regulation (EU) 2019/2072 is amended in accordance with the Annex to this Regulation.

*Article 2*

Implementing Decisions 2012/219/EU and (EU) 2015/1199 are repealed.

*Article 3*

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, 25 November 2021.

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

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## ANNEX

In entry 17, fourth column, of Annex VI to Implementing Regulation (EU) 2019/2072, the text is replaced by the following:

‘Third countries or regions other than:

(a) Algeria, Egypt, Israel, Libya, Morocco, Syria, Switzerland, Tunisia and Turkey;

or

(b) those which fulfil the following:

(i) they are one of following:

Albania, Andorra, Armenia, Azerbaijan, Belarus, Canary Islands, Faeroe Islands, Georgia, Iceland, Liechtenstein, Moldova, Monaco, North Macedonia, Norway, Russia (only the following parts: Central Federal District (Tsentralny federalny okrug), Northwestern Federal District (Severo-Zapadny federalny okrug), Southern Federal District (Yuzhny federalny okrug), North Caucasian Federal District (Severo-Kavkazsky federalny okrug) and Volga Federal District (Privolzhsky federalny okrug)), San Marino and Ukraine;

and

(ii) they fulfil one of the following:

— they are recognised as being free from *Clavibacter sepedonicus* (Spieckermann and Kotthoff) Nouioui *et al.*, in accordance with the procedure referred to in Article 107 of Regulation (EU) 2016/2031, or

— their legislation is recognised as equivalent to the Union rules concerning protection against *Clavibacter sepedonicus* (Spieckermann and Kotthoff) Nouioui *et al.* in accordance with the procedure referred to in Article 107 of Regulation (EU) 2016/2031;

or

(c) Bosnia and Herzegovina, Montenegro, Serbia and the United Kingdom (\*), provided the following condition is fulfilled: the submission by those third countries to the Commission, by 30 April of each year, of survey results of the previous year confirming that *Clavibacter sepedonicus* (Spieckermann and Kotthoff) Nouioui *et al.* is not present on their territories.

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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.’



**COMMISSION IMPLEMENTING REGULATION (EU) 2021/2070****of 25 November 2021****amending Regulation (EC) No 474/2006 as regards the list of air carriers banned from operating or subject to operational restrictions within the Union****(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 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating carrier, and repealing Article 9 of Directive 2004/36/EC <sup>(1)</sup>, and in particular Article 4(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 474/2006 <sup>(2)</sup> establishes the list of air carriers, which are subject to an operating ban within the Union.
- (2) Certain Member States and the European Union Aviation Safety Agency ('the Agency') communicated to the Commission, pursuant to Article 4(3) of Regulation (EC) No 2111/2005, information that is relevant for updating that list. Third countries and international organisations also provided relevant information. On the basis of the information provided, the list should be updated.
- (3) The Commission informed all air carriers concerned, either directly or through the authorities responsible for their regulatory oversight, about the essential facts and considerations which would form the basis of a decision to impose an operating ban on them within the Union or to modify the conditions of an operating ban imposed on an air carrier, which is included in the list in Annex A or B to Regulation (EC) No 474/2006.
- (4) The Commission gave the air carriers concerned the opportunity to consult all relevant documentation, to submit written comments and to make an oral presentation to the Commission and to the Committee established by Article 15 of Regulation (EC) No 2111/2005 (the 'EU Air Safety Committee').
- (5) The Commission has informed the EU Air Safety Committee about the ongoing joint consultations, within the framework of Regulation (EC) No 2111/2005 and Commission Regulation (EC) No 473/2006 <sup>(3)</sup>, with the competent authorities and air carriers of Armenia, Comoros, Iraq, Kazakhstan, Libya, Mexico, Moldova, Pakistan, Russia and South Sudan. The Commission also informed the EU Air Safety Committee about the aviation safety situation in Congo (Brazzaville), Equatorial Guinea, Madagascar, Sudan and Suriname.
- (6) The Agency informed the Commission and the EU Air Safety Committee about the technical assessments conducted for the initial evaluation and the continuous monitoring of third country operator ('TCO') authorisations, issued pursuant to Commission Regulation (EU) No 452/2014 <sup>(4)</sup>.

<sup>(1)</sup> OJ L 344, 27.12.2005, p. 15.

<sup>(2)</sup> Commission Regulation (EC) No 474/2006 of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council (OJ L 84, 23.3.2006, p. 14).

<sup>(3)</sup> Commission Regulation (EC) No 473/2006 of 22 March 2006 laying down implementing rules for the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council (OJ L 84, 23.3.2006, p. 8).

<sup>(4)</sup> Commission Regulation (EU) No 452/2014 of 29 April 2014 laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 133, 6.5.2014, p. 12).

- (7) The Agency also informed the Commission and the EU Air Safety Committee about the results of the analysis of ramp inspections carried out under the Safety Assessment of Foreign Aircraft programme ('SAFA'), in accordance with Commission Regulation (EU) No 965/2012 <sup>(5)</sup>.
- (8) In addition, the Agency informed the Commission and the EU Air Safety Committee about the technical assistance projects carried out in third countries affected by an operating ban under Regulation (EC) No 474/2006. Furthermore, the Agency and France provided information on the plans and requests for further technical assistance and cooperation to improve the administrative and technical capability of civil aviation authorities in third countries with a view to helping them resolve non-compliance with applicable international civil aviation safety standards. Member States were invited to respond to such requests on a bilateral basis in coordination with the Commission and the Agency. In that regard, the Commission reiterated the usefulness of providing information to the international aviation community, particularly through the International Civil Aviation Organisation's ('ICAO') Aviation Safety Implementation Assistance Partnership tool, on technical assistance to third countries provided by the Union and Member States to improve aviation safety around the world.
- (9) Eurocontrol provided the Commission and the EU Air Safety Committee with an update on the status of the SAFA and TCO alarming functions, including statistics about alert messages for banned air carriers.

#### **Union air carriers**

- (10) Following the Agency's analysis of information resulting from ramp inspections carried out on the aircraft of Union air carriers, as well as standardisation inspections carried out by the Agency, complemented also with information stemming from specific inspections and audits carried out by national aviation authorities, several Member States and the Agency, acting as competent authority, have taken certain corrective and enforcement measures and informed the Commission and the EU Air Safety Committee about those measures.
- (11) Member States and the Agency, acting as competent authority, reiterated their readiness to act, as necessary, in the event that pertinent safety information indicates imminent safety risks resulting from non-compliance by Union air carriers with the relevant safety standards.

#### **Air carriers from Armenia**

- (12) In June 2020, air carriers from Armenia were included in Annex A to Regulation (EC) No 474/2006, by Commission Implementing Regulation (EU) 2020/736 <sup>(6)</sup>.
- (13) On 3 November 2021, the Commission, the Agency, Member States and the Civil Aviation Committee of Armenia ('CAC') held a technical meeting, during which CAC provided an update regarding the actions taken since the technical meeting held on 15 April 2021 to address the identified safety deficiencies. CAC provided an overview of the latest developments regarding the civil aviation legislative framework in Armenia, information about the further development of CAC's department/section functions and responsibilities, and the Human Resources Manual.
- (14) CAC also informed the Commission about the newly developed Safety Management Manual and about the Safety Management System (SMS) trainings followed by CAC staff.

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<sup>(5)</sup> Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

<sup>(6)</sup> Commission Implementing Regulation (EU) 2020/736 of 2 June 2020 amending Regulation (EC) No 474/2006 as regards the list of air carriers banned from operating or subject to operational restrictions within the Union (OJ L 172, 3.6.2020, p. 7).

- (15) Furthermore, CAC informed the Commission that the Air Operator Certificates ('AOC') of the air carriers *Atlantis Armenian Airlines* and *Fly Armenia Airways* have been revoked, and that a new air carrier *Flyone Armenia* (AOC No 074) has been certified. Since CAC has not demonstrated a sufficient ability to implement and enforce the relevant safety standards, the issuance of an AOC to this new air carrier does not guarantee sufficient compliance with international safety standards.
- (16) The Commission takes note of the progress made by CAC in addressing the aviation safety concerns that in June 2020 led to the inclusion of air carriers certified in Armenia in Annex A to Regulation (EC) No 474/2006. From the information and documentation provided by CAC, there is however not enough evidence that the safety deficiencies identified during the 2020 Union on-site assessment visit have been effectively addressed to ensure compliance with international safety standards. The Commission will continue to engage with CAC and monitor the further measures adopted and activities undertaken to address those safety deficiencies, including CAC's safety oversight capabilities. In this context, it was noted that the Agency will manage a technical assistance project to support CAC in their efforts to enhance the aviation safety oversight in Armenia.
- (17) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that with respect to air carriers from Armenia, the list of air carriers which are subject to an operating ban within the Union should be amended to include *Flyone Armenia* in Annex A to Regulation (EC) No 474/2006, and to remove *Atlantis Armenian Airlines* and *Fly Armenia Airways* from that Annex.
- (18) Member States should continue verifying the effective compliance of air carriers certified in Armenia with the relevant international safety standards through prioritisation of ramp inspections of those air carriers, pursuant to Regulation (EU) No 965/2012.

#### **Air carriers from Comoros**

- (19) The air carrier *Air Service Comores* was included in Annex A to Regulation (EC) No 474/2006 on 22 March 2006.
- (20) On 12 October 2006, the air carrier *Air Service Comores* was moved from Annex A to Annex B to Regulation (EC) No 474/2006, by Commission Regulation (EC) No 1543/2006 <sup>(7)</sup>.
- (21) As part of its continuous monitoring activities, the Commission requested the Agence Nationale de l'Aviation Civile et de la Météorologie de l'Union des Comores ('ANACM') to provide a list of all AOC holders certified in the Comoros.
- (22) On 15 July 2021, ANACM confirmed in writing the cessation of activities by the air carrier *Air Service Comores*.
- (23) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that the list of air carriers, which are subject to an operating ban within the Union, should be amended to remove the air carrier *Air Service Comores* from Annex B to Regulation (EC) No 474/2006.
- (24) Member States should continue verifying the effective compliance of air carriers certified in Comoros with the relevant international safety standards through prioritisation of ramp inspections of those air carriers, pursuant to Regulation (EU) No 965/2012.
- (25) Where any relevant safety information reveals imminent safety risks resulting from non-compliance with international safety standards, further action by the Commission can become necessary, in accordance with Regulation (EC) No 2111/2005.

<sup>(7)</sup> Commission Regulation (EC) No 1543/2006 of 12 October 2006 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council and as amended by Regulation (EC) No 910/2006 (OJ L 283, 14.10.2006, p. 27).

### Air carriers from Iraq

- (26) In December 2015, the air carrier *Iraqi Airways* was included in Annex A to Regulation (EC) No 474/2006, by Commission Implementing Regulation (EU) 2015/2322 <sup>(8)</sup>.
- (27) On 17 June 2021, at Iraq's request and as part of the continuous monitoring activities of the Commission, the Commission, the Agency, Member States, and the Iraqi Civil Aviation Authority ('ICAA') held a technical meeting. During that meeting, ICAA provided an update regarding the actions taken since *Iraqi Airways* was included in Annex A to Regulation (EC) No 474/2006, as well as information regarding the status of the completion of the ICAO Universal Safety Oversight Audit Programme Continuous Monitoring Approach ('USOAP CMA') Desk Audit.
- (28) Furthermore, ICAA indicated to the Commission that all the recommendations resulting from the technical assistance project to ICAA, provided by the Agency in 2017, had been addressed and implemented. As a complement to information provided ahead of the technical meeting, ICAA committed to providing further evidence to demonstrate the progress mentioned. During the second part of that meeting, at the specific request of Iraq, the Commission and the Agency provided clarifications with respect to the TCO authorisation process, in view of a future application for TCO authorisations by *Iraqi Airways* or other air carriers certified in Iraq.
- (29) The Commission, during the meeting held on 17 June 2021, specified that it could consider removing *Iraqi Airways* from Annex A to Regulation (EC) No 474/2006 when information, including through a Union on-site assessment visit, confirms Iraq's compliance with ICAO certification and oversight standards, and *Iraqi Airways* demonstrates to the Agency and the Commission that the reasons leading to the negative TCO decision in 2015 have been resolved.
- (30) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that at this time there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union with respect to air carriers from Iraq.
- (31) Member States should continue verifying the effective compliance of air carriers certified in Iraq with the relevant international safety standards through prioritisation of ramp inspections of those air carriers, pursuant to Regulation (EU) No 965/2012.

### Air carriers from Kazakhstan

- (32) In December 2016, air carriers from Kazakhstan were removed from Annex A to Regulation (EC) No 474/2006, by Commission Implementing Regulation (EU) 2016/2214 <sup>(9)</sup>.
- (33) In February 2020, as part of the continuous monitoring of the safety oversight system in Kazakhstan, formal consultations were opened with the competent authorities of Kazakhstan. In that context, at the occasion of its meeting in May 2021, the EU Air Safety Committee was provided with an overview of the safety oversight situation in Kazakhstan.
- (34) As a follow up to the May 2021 EU Air Safety Committee deliberations, experts from the Commission, the Agency and Member States conducted a Union on-site assessment visit in Kazakhstan between 11 and 15 October 2021 at the Civil Aviation Committee of Kazakhstan ('CAC KZ') and at the Aviation Administration of Kazakhstan Joint Stock Company ('AAK'), as well as a sample of three air carriers certified in Kazakhstan, namely *Air Astana*, *Jupiter Jet* and *Qazaq Air*.

<sup>(8)</sup> Commission Implementing Regulation (EU) 2015/2322 of 10 December 2015 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community (OJ L 328, 12.12.2015, p. 67).

<sup>(9)</sup> Commission Implementing Regulation (EU) 2016/2214 of 8 December 2016 amending Regulation (EC) No 474/2006 as regards the list of air carriers which are subject to an operating ban within the Union (OJ L 334, 9.12.2016, p. 6).

- (35) The assessment visit focused its activities on AAK in view of the latter's predominant role and responsibility for the oversight activities of the air carriers certified in Kazakhstan. Representatives from CAC KZ did, however, participate in all the assessment activities as a number of policy activities, such as the adoption of AAK procedures, are in their remit.
- (36) From the assessment visit, it is clear that while AAK shows strengths, there are still weaknesses, such as a non-compliance with AAK's obligations during the certification processes of the air carriers. Furthermore, the surveillance process should be adapted and where necessary strengthened to ensure that all air carriers are subject to an oversight commensurate with their size and complexity, and to ensure continued compliance with applicable international safety standards.
- (37) Moreover, greater attention should be given by CAC KZ to ensuring that the legislative framework is kept updated in terms of integrating amendments of ICAO Annexes into the Kazakh regulations. CAC KZ and AAK need to ensure the implementation of sound internal mechanisms and procedures translating the existing legal and technical framework into routine activities and procedures of the organisation. In this context, CAC KZ and AAK should improve their overall quality management functions, as well as the State Safety Programme of Kazakhstan, to ensure that potential safety risks are identified and duly mitigated in a systemic and timely manner.
- (38) With regard to the licensing activities performed by AAK, to ensure the implementation of licensing responsibilities of Kazakhstan as an ICAO Contracting State, the assessment team has identified areas needing improvement, in particular, inspectors' procedures, the flight crew's theoretical examinations system, and the procedures to enable a standardised approach to flight examiners' qualification and the supervision thereof.
- (39) The airworthiness staff has a good knowledge of the procedures in force within AAK. However, further improvements are necessary, notably in the field of recurrent and specialised training to guarantee the required qualifications of the inspectors. Sampling of activities carried out by airworthiness staff has shown deviations from the requirements, particularly in the areas of certification and surveillance of operators and maintenance organisations.
- (40) *Air Astana*, Kazakhstan's predominant passenger and cargo air carrier, was the subject of a dedicated visit by the assessment team on 13 October 2021. The air carrier has a well-functioning and solid SMS in place that generates useful data to the air carrier. Overall, based on the sample review, it was possible to confirm that a robust and functional Compliance Monitoring System (CMS) was in place. The upper management of the company have a good understanding of those systems, and use them to identify risks and take appropriate measures to mitigate the highest risks to acceptable levels.
- (41) The operations of the air carrier are supported by qualified technicians and line stations with maintenance capability. No issues or shortcomings on the airworthiness domain were identified during the visit.
- (42) The air carrier showed a robust and structured system to control the different aspects of the training for flight crew, cabin crew and flight operation officers/flight dispatchers, including instructors and flight examiners. The sampled files have demonstrated traceability of training certificates, and forms properly filled.
- (43) *Jupiter Jet* is a Kazakh cargo air carrier based in Almaty, and was the subject of a dedicated visit by the assessment team on 13 October 2021. It was founded as *Joint-Stock Company Air Company ATMA* in 1996 and then renamed in 2016. It operates ad hoc charter services with one Antonov AN-12.
- (44) While the air carrier has developed and implemented a SMS, further improvements are needed in order to achieve the system's required maturity level.
- (45) The air carrier showed a robust and structured system to control the different aspects of the continuing airworthiness.

- (46) During the visit it was determined that the Electronic Flight Bag (EFB) related procedures, as part of the Operations Manual, were very generic. Furthermore, it was also identified in the Operations Manual that some of the procedures were not up to date or fully developed, e.g. the chapter related to Traffic Collision Avoidance System ("TCAS") did not include all the standard TCAS 7.1 call outs and associated procedures. The Operations Manual needs to be reviewed and checked for compliance with applicable standards.
- (47) *Qazaq Air*, established in 2015, is an inter-regional passenger and cargo air carrier, based in Nur-Sultan, and operates a fleet of five De Havilland Dash-8-Q400NG turboprop aircraft. A dedicated visit to the air carrier by the assessment team took place on 14 October 2021.
- (48) *Qazaq Air* has a SMS in place that generates useful data to the air carrier. However, during the assessment, it was identified that *Qazaq Air* did not systematically carry out all activities according to the requirements in the Safety Management Manual, e.g. no safety audits performed, and an emergency response exercise was still outstanding.
- (49) The air carrier has developed and implemented a Compliance Monitoring function, but further improvements are needed to ensure its full potential, notably as regards the closure of findings from internal audits.
- (50) During the assessment, some discrepancies have been observed with the air carrier's Operations Manual. Of specific concern is the fact that the air carrier has not established low visibility operation qualifications criteria for flight crews, even though the air carrier has been approved for low visibility operations.
- (51) *Qazaq Air* uses a computer-based crew scheduling and monitoring system for its flight crew. During the assessment of the flight dispatchers training record, it was found that a number of recurrent trainings were overdue.
- (52) Based on its deliberations, the EU Air Safety Committee came to the conclusion that particular attention should be given to the monitoring, including through a hearing of CAC KZ as well as of AAK at the next meeting of the EU Air Safety Committee, of their follow-up activities, to address the observations made during the assessment visit, and notably as regards the elaboration and effective implementation of an appropriate corrective actions plan.
- (53) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that at this time there are no grounds for amending the list of air carriers, which are subject to an operating ban within the Union with respect to air carriers from Kazakhstan.
- (54) Member States should continue verifying the effective compliance of air carriers certified in Kazakhstan with the relevant international safety standards through prioritisation of ramp inspections of those air carriers, pursuant to Regulation (EU) No 965/2012.
- (55) Where any relevant safety information reveals imminent safety risks resulting from non-compliance with international safety standards, further action by the Commission may become necessary, in accordance with Regulation (EC) No 2111/2005.

### **Air carriers from Libya**

- (56) In December 2014, air carriers from Libya were included in Annex A to Regulation (EC) No 474/2006, by Commission Implementing Regulation (EU) No 1318/2014 <sup>(10)</sup>.
- (57) By letter of 2 June 2021, the Libyan Civil Aviation Authority ('LYCAA') provided information concerning its structure, oversight system and activities, including internal inspector procedure manuals, instructions to the civil aviation organisations, forms for aviation professionals and organisations, enforcement measures taken since 2019, as well as the current list of AOC holders and registered aircraft.

<sup>(10)</sup> Commission Implementing Regulation (EU) No 1318/2014 of 11 December 2014 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community (OJ L 355, 12.12.2014, p. 8).

- (58) The information provided indicates that LYCAA certified two new air carriers, namely *Berniq Airways* (AOC 032/21) and *Hala Airlines* (AOC 033/21), and that *Global Aviation and Services* changed its name into *Global Air Transport*. Since LYCAA has not demonstrated that it had a sufficient ability to implement and enforce the relevant safety standards, the issuance of an AOC to those two new air carriers does not guarantee sufficient compliance with international safety standards.
- (59) On 1 September 2021, at Libya's request and as part of continuous monitoring activities, the Commission, the Agency, Member States, and representatives of LYCAA held a technical meeting. During that meeting, LYCAA provided an overview of its organisation and functions, including the basic principles of its conduct of safety oversight. Other information provided by LYCAA included an updated overview of developments and state-of-play of their actions addressing the recommendations resulting from the technical assistance project to LYCAA, provided by the Agency in 2019. LYCAA also provided information regarding the results of the ICAO USOAP CMA Desk Audit, which was conducted in 2020.
- (60) Whereas LYCAA has demonstrated limited progress in the implementation of international safety standards, the Commission and the EU Air Safety Committee concluded, on the basis of the information and documentation provided by LYCAA, including the information provided by LYCAA at the technical meeting of 1 September 2021, that LYCAA has not been able to demonstrate an effective compliance with and implementation of the relevant international safety standards.
- (61) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that the list of air carriers from Libya, which are subject to an operating ban within the Union, should be amended to include *Berniq Airways* and *Hala Airlines* in Annex A to Regulation (EC) No 474/2006.
- (62) Member States should continue verifying the effective compliance of air carriers certified in Libya with the relevant international safety standards through prioritisation of ramp inspections of those air carriers, pursuant to Regulation (EU) No 965/2012.

#### **Air carriers from Mexico**

- (63) Air carriers from Mexico have never been included in Annex A or B to Regulation (EC) No 474/2006.
- (64) Following a fatal accident of Mexican air carrier *Global Air (Aerolíneas Damojh, S.A. de C.V.)* in Cuba on 18 May 2018, the Commission contacted the *Dirección General de Aeronáutica Civil* of Mexico ('DGAC Mexico') requesting detailed information. On 16 October 2018 the Commission, the Agency, and DGAC Mexico opened formal consultations, including a technical meeting.
- (65) Based on the consultations held, the information provided and the data from the EU's SAFA and TCO programmes, which at that time did not show serious or systemic problems, the Commission considered that the situation of aviation safety in Mexico did not raise urgent safety concerns.
- (66) On 25 May 2021, the United States Federal Aviation Administration ('FAA') gave a Category 2 rating to the DGAC Mexico in the framework of its International Aviation Safety Assessment ('IASA') programme, since it considered that DGAC Mexico did not meet international safety standards.
- (67) On 23 June 2021, the Commission sent a letter to DGAC Mexico expressing concerns raised by the decision taken by FAA, and requested any relevant information that would indicate the extent of the safety concern established by FAA.
- (68) On 20 September 2021, DGAC Mexico provided the Commission with information on the shortcomings identified by FAA relative to the ICAO Critical Elements and on the technical assistance programmes and activities undertaken to address those issues properly.

- (69) Based on available information, including information provided by DGAC Mexico in its letter of 20 September 2021, the Commission considers that at this stage DGAC Mexico has the necessary ability and willingness to address safety deficiencies when identified.
- (70) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that at this time there are no grounds for amending the list of air carriers, which are subject to an operating ban within the Union with respect to air carriers from Mexico.
- (71) Member States should continue verifying the effective compliance of air carriers certified in Mexico with the relevant international safety standards through prioritisation of ramp inspections of those air carriers, pursuant to Regulation (EU) No 965/2012.
- (72) Where any relevant safety information reveals imminent safety risks resulting from non-compliance with international safety standards, further action by the Commission can become necessary, in accordance with Regulation (EC) No 2111/2005.

#### **Air carriers from Moldova**

- (73) In April 2019, all air carriers from Moldova, except for *Air Moldova*, *Fly One* and *Aerotranscargo*, were included in Annex A to Regulation (EC) No 474/2006 by Commission Implementing Regulation (EU) 2019/618 <sup>(1)</sup>.
- (74) As a follow-up to the May 2021 EU Air Safety Committee deliberations, experts from the Commission, the Agency, and Member States conducted a Union on-site assessment visit in Moldova from 20 to 24 September 2021 at the Civil Aviation Authority of Moldova ('CAAM') and a sample of three air carriers certified in Moldova, namely *Terra Avia*, *Fly Pro* and *HiSky*.
- (75) The assessment visit report indicates that CAAM has made considerable improvements in a number of areas since the 2019 Union on-site assessment visit. Of particular relevance was the stability reached by CAAM in terms of drafting national aviation regulations and the maturity presented to conduct a proper and effective oversight. It was noted that CAAM had made considerable efforts to update the majority of the national regulations, and to develop new ones. CAAM is working on producing adequate guidance material to support its staff in its oversight tasks.
- (76) CAAM has developed a strong Quality Management System. The audit plan for 2021 was followed, and audits and inspections were carried out according to the schedule. Findings raised as a result of this activity have been, or are being, addressed by the responsible staff.
- (77) The licensing activities are performed by CAAM in accordance with the international safety standards. However, the assessment team determined areas where further improvements were needed, in particular the finalisation of the theoretical examinations system for private pilots and designated medical examiners, and the strengthening of flight examiners' supervision by a CAAM inspector.
- (78) The continuous oversight programme is comprehensive in terms of areas and number of audits, and the qualification and experience of the inspectors is duly catered for in the existing and future planned trainings. Performed audits are duly documented and monitored, notably in terms of actions taken by the air carriers, including corrective actions and root-cause analysis. However, some further standardisation of inspection procedures is needed, especially with respect to recording of findings made during inspection activities.
- (79) CAAM is able to attract sufficient staff, commensurate to the current size and scope of the aviation industry on which oversight is performed. All the interviewed staff was qualified and knowledgeable. Theoretical training programmes and plans were appropriate.

<sup>(1)</sup> Commission Implementing Regulation (EU) 2019/618 of 15 April 2019 amending Regulation (EC) No 474/2006 as regards the list of air carriers which are banned from operating or are subject to operational restrictions within the Union (OJ L 106, 17.4.2019, p. 1).



- (80) The team concluded that CAAM has the capabilities to oversee the aviation activities in Moldova, maintain a sound regulatory system, implement and enforce the existing aviation regulations in order to address arising safety deficiencies. The safety oversight system is well established in Moldova, although there are still some ongoing activities aimed at further improving the system and remaining up-to-date with recent amendments to the international safety standards.
- (81) *Terra Avia* was established in 2005 as a private air carrier, and is operating a Boeing 747 for scheduled cargo flights and an Airbus A320 aircraft for passenger charter flights. The air carrier has a functioning CMS and a SMS. During the assessment of the air carrier's SMS, the team identified some areas, which require further improvements. The air carrier showed a very positive attitude towards further enhancement of the safety systems.
- (82) The Continuing Airworthiness management is carried out by two different structures: one located in Moldova and the second one in Sharjah (UAE). The assessment team concluded that the air carrier needed to improve its record keeping system of the different maintenance activities carried out in the different locations pertaining to its aircraft.
- (83) *Terra Avia's* Operations Manual is reflective of the performed operations, and is drafted in conformity with the applicable regulations in Moldova, although an update is warranted for it to include a dangerous goods policy.
- (84) *Fly Pro* operates two Boeing 747 freighters. The CMS and SMS are fully developed and implemented, although the Safety Management Manual and the Compliance Monitoring Manual should be amended in order to align the accountabilities and responsibilities of the Safety Manager and the Compliance Monitoring Manager. In the area of flight data monitoring, *Fly Pro* has a well-established programme, which includes an active feedback system.
- (85) *Fly Pro* has a robust system in place for continuing airworthiness, and acts confidently in its different roles, although the documentation process of the activities performed could be improved.
- (86) The *Fly Pro* Operations Manual reflects the operations performed, and is drafted in conformity with the applicable regulations in Moldova. The air carrier should improve the administrative methodology, whereby it records all flight related activities, such as the journey log books. Furthermore, the air carrier's Minimum Equipment List should be better customised for the aircraft to which it applies, and should be the subject of regular and appropriate control.
- (87) *HiSky* was founded in September 2019, and operates one Airbus A319 aircraft in its own right, while equally having one aircraft available under a wet lease arrangement with the air carrier *HiSky Europe* certified in Romania.
- (88) *HiSky* has developed and implemented a solid SMS that generates useful data to the air carrier. The CMS is robust and functional, but slight improvements are desirable in terms of drafting of the accountabilities and responsibilities of the Safety Manager and the Compliance Monitoring Manager. The upper management of the company have a good understanding of these systems, and use them to identify risks and take appropriate measures to mitigate the highest risks to acceptable levels.
- (89) *HiSky* has developed the required manuals containing the policies and detailing the associated procedures, which are approved by CAAM. The certifying staff are properly trained on the operated types. The currently approved Operations Manual reflects the operations performed, and is drafted in conformity with the applicable regulations in Moldova.
- (90) *HiSky* operations are supported by qualified technicians and line stations with maintenance capability. The air carrier has established a system to monitor training and checking validity and to ensure traceability of training certificates and filled check forms.
- (91) On the basis of the outcome of the Union on-site assessment visit, the Commission invited CAAM and the air carriers *Terra Avia*, *Fly Pro* and *HiSky* to a hearing before the EU Air Safety Committee on 10 November 2021.

- (92) At the hearing, CAAM presented to the Commission and the EU Air Safety Committee the system put in place to ensure safety oversight of the air carriers certified in Moldova. It explained that the progress in the effective implementation of international safety standards was the result of a series of actions undertaken since 2019. Underlining its commitment for continuing improvement, CAAM provided the Commission and the EU Air Safety Committee with a comprehensive and detailed overview of the implementation of the corrective action plan developed in response to the results of the Union on-site assessment visit of September 2021. This included the strategic objectives defined for the future, such as amendments to the Moldovan legal framework, CAAM's manuals and procedures, the continuation of the improvements of the quality management system, and the further enhancement of the effective implementation of international safety standards.
- (93) In addition, CAAM informed the Commission and the EU Air Safety Committee about the corrective action plans developed by the air carriers *Terra Avia*, *Fly Pro* and *HiSky*, in response to the results of the Union on-site assessment visit of September 2021. Those corrective action plans were coordinated with and approved by CAAM, and were integrated in the oversight activities of CAAM.
- (94) During the hearing, CAAM committed to keeping the Commission informed about the further actions taken with respect to the remaining observations made during the 2021 Union on-site assessment visit. Furthermore, CAAM committed to a continued safety dialogue, including through the provision of relevant safety information and through additional meetings, if and when deemed necessary by the Commission.
- (95) The Commission stressed, and the Moldovan authorities acknowledged, the importance for them to ensure stability and continued independence for the leadership of CAAM, as it was clear that this has been an important factor in the improvements witnessed especially in the past year.
- (96) On the basis of all information available at present, including the results of the Union on-site assessment visit of September 2021 and the hearing at the EU Air Safety Committee, it is considered that there is sufficient evidence of compliance with applicable international safety standards on the part of CAAM and the air carriers certified in Moldova.
- (97) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that with respect to air carriers from Moldova the list of air carriers which are subject to an operating ban within the Union set out in Annex A to Regulation (EC) No 474/2006 should be amended to remove all air carriers certified in Moldova.
- (98) Member States should continue verifying the effective compliance of air carriers certified in Moldova with the relevant international safety standards through prioritisation of ramp inspections of those air carriers, pursuant to Regulation (EU) No 965/2012.
- (99) Where any relevant safety information reveals imminent safety risks resulting from non-compliance with international safety standards, further action by the Commission can become necessary, in accordance with Regulation (EC) No 2111/2005.

### **Air carriers from Pakistan**

- (100) In March 2007, *Pakistan International Airlines* was included in Annex B to Regulation (EC) No 474/2006 by Commission Regulation (EC) No 235/2007<sup>(12)</sup>, and subsequently removed from that Annex in November 2007 by Commission Regulation (EC) No 1400/2007<sup>(13)</sup>.

<sup>(12)</sup> Commission Regulation (EC) No 235/2007 of 5 March 2007 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community (OJ L 66, 6.3.2007, p. 3).

<sup>(13)</sup> Commission Regulation (EC) No 1400/2007 of 28 November 2007 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community (OJ L 311, 29.11.2007, p. 12).

- (101) On 24 June 2020, in the aftermath of the accident on 22 May 2020 involving an aircraft of *Pakistan International Airlines*, a statement from the Pakistan Federal Minister for Aviation revealed that a high number of flight crew licenses, issued by the Pakistan Civil Aviation Authority ('PCAA'), were obtained by fraudulent means.
- (102) That event, and the apparent lack of effective safety oversight by PCAA, led the Agency to suspend the TCO authorisations of *Pakistan International Airlines* and *Vision Air* with effect from 1 July 2020. This situation persists, as, at this moment, the Agency considers that not all conditions required to lift the suspension are met.
- (103) Other international aviation safety organisations have also reacted to this situation in Pakistan. On 15 July 2020, FAA downgraded Pakistan to a Category 2 rating under its IASA programme. In February 2021, ICAO posted a Significant Safety Concern (SSC) in the area of personnel licensing and training in relation to the licensing process for flight crew in Pakistan.
- (104) On 1 July 2020, the Commission opened consultations with PCAA pursuant to Article 3(2) of Regulation (EC) No 473/2006. In that context, the Commission, in cooperation with the Agency and Member States, has organised a number of technical meetings with PCAA on 9 July and 25 September 2020, 15 and 16 March 2021, and on 15 October 2021.
- (105) During those meetings, various issues were discussed, in particular the oversight of Pakistan-certified air carriers, including their SMS. The Commission requested information and evidence to verify whether a similar situation is not prevalent in other domains also subject to PCAA safety oversight, such as cabin crew certification, the licensing of maintenance engineers, or the certification of air carriers.
- (106) PCAA provided information that has been assessed by the Commission and the Agency experts. During the meeting on 15 October 2021, PCAA informed of the further actions taken to address the concerns identified by the Commission. These deficiencies include quality management deficiencies of the documented procedures, lack of guidance for the inspectors, a non-compliant Airline Transport Pilot License ('ATPL') qualification process, little or no tracking of corrective actions as a result of findings, and a lack of proper root-cause analysis capabilities. In that regard, and also mindful of the ICAO USOAP audit that has been scheduled between 29 November and 10 December 2021, PCAA informed of the extensive review of their manuals and procedures, in particular of the changes of PCAA licensing process, as well as of the internal checks to verify compliance with international safety standards and resolving the ICAO SSC.
- (107) The Commission requested PCAA to send further information concerning the changes to its licensing system, the new and/or revised manuals and procedures, the results or reports of the internal checks, and the notification of a difference to ICAO concerning the ATPL skill test.
- (108) On the basis of available information and exchanges with PCAA, the Commission acknowledges PCAA's efforts in adopting corrective actions to address the identified safety deficiencies. The Commission, with the assistance of the Agency and Member States, has not, however, been able to make a clear determination as to the effectiveness and implementation of such corrective measures to mitigate, in a sustainable manner, the identified safety deficiencies. On this basis, the Commission, for the purpose of determining whether further action is required pursuant to Regulation (EC) No 2111/2005, will continue to engage with PCAA and monitor the further measures adopted and actions taken to address the situation in Pakistan, including through the outcome of the planned ICAO USOAP audit, as well as through a Union on-site assessment visit to Pakistan.
- (109) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that at this time there are no grounds for amending the list of air carriers, which are subject to an operating ban within the Union with respect to air carriers from Pakistan.
- (110) Member States should continue verifying the effective compliance of air carriers certified in Pakistan with the relevant international safety standards through prioritisation of ramp inspections of those air carriers, pursuant to Regulation (EU) No 965/2012.
- (111) Where any relevant safety information reveals imminent safety risks resulting from non-compliance with international safety standards, further action by the Commission can become necessary, in accordance with Regulation (EC) No 2111/2005.

**Air carriers from Russia**

- (112) The Commission, the Agency and the competent authorities of the Member States have continued to closely monitor the safety performance of air carriers certified in Russia and operating within the Union, including through prioritisation of the ramp inspections carried out on certain Russian air carriers, pursuant to Regulation (EU) No 965/2012.
- (113) On 31 August 2020, the air carrier *SKOL Airline LLC*, certified in Russia, applied to the Agency for a TCO authorisation. The Agency assessed that application in accordance with the requirements laid down in Regulation (EU) No 452/2014, and raised fundamental safety concerns regarding the failure by *SKOL Airline LLC* to demonstrate compliance with the requirements laid down in Article 3 of that Regulation, in particular the standards contained in the Annexes to the Chicago Convention on International Civil Aviation. After extensive exchanges with the Agency, *SKOL Airline LLC* decided to withdraw its application on 12 February 2021.
- (114) On 25 March 2021, the air carrier *SKOL Airline LLC* reapplied to the Agency for a TCO authorisation. The Agency assessed that application in accordance with the requirements laid down in Regulation (EU) No 452/2014, and again raised fundamental safety concerns regarding the failure by *SKOL Airline LLC* to demonstrate compliance with the applicable requirements laid down in Article 3 of that Regulation, in particular the standards contained in the Annexes to the Chicago Convention on International Civil Aviation. The Agency concluded that *SKOL Airline LLC* did not meet those requirements. Therefore, on 19 July 2021, the Agency rejected the application on safety grounds. The air carrier *SKOL Airline LLC* did not use the right to appeal against this decision in accordance with Articles 108 to 114 of Regulation (EU) 2018/1139 <sup>(14)</sup> of the European Parliament and of the Council.
- (115) On 20 October 2021, representatives from the Commission, the Agency and the Member States met with representatives from the Russian Federal Air Transport Agency ('FATA') to review the safety performance of air carriers certified in Russia on the basis of ramp inspection carried out in the period from 24 March 2021 to 1 October 2021, and to identify in which cases FATA should strengthen its oversight activities.
- (116) The review of the SAFA ramp inspections of air carriers certified in Russia did not reveal any significant or recurrent safety deficiency. The results of the monitoring programme implemented by the Agency in accordance with Regulation (EU) No 452/2014 of the air carriers certified in Russia, which hold a TCO authorisation, were also presented during the meeting. The Commission noted that also the results of this monitoring programme did not reveal significant or recurrent safety deficiencies.
- (117) Following the refusal on safety grounds by the Agency of the TCO application of the air carrier *SKOL Airline LLC*, the air carrier *SKOL Airline LLC* was invited on 22 October 2021 for a hearing by the Commission and the Air Safety Committee on 9 November 2021. The air carrier *SKOL Airline LLC* confirmed on 28 October 2021 its participation to the planned hearing.
- (118) On 28 October 2021, FATA informed the Commission about a ban imposed on the air carrier *SKOL Airline LLC* prohibiting the air carrier from operating flights beyond the state border of Russia and requested the Commission to reconsider the need for the hearing of the air carrier *SKOL Airline LLC* as on the basis of FATA's decision, *SKOL Airline LLC* would not be able to operate into the Union.
- (119) On 3 November 2021, the Commission informed FATA that *SKOL Airline LLC* was invited to the hearing due to its failure to demonstrate compliance with the standards contained in the Annexes to the Chicago Convention on International Civil Aviation and for that reason it maintained the invitation to the hearing.

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<sup>(14)</sup> 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 (OJ L 212, 22.8.2018, p. 1).

- (120) The air carrier *SKOL Airline LLC* was heard on 9 November 2021. At its own request, FATA also attended the hearing. During that hearing, the air carrier *SKOL Airline LLC* retraced the activities related to the two applications for a TCO authorisation. It underlined the difficulties the air carrier encountered during the process to demonstrate compliance with the requirements of Regulation (EU) No 452/2014. While recognising all the findings raised by the Agency, it did not provide any information on the measures undertaken to resolve those findings. It also did not provide any evidence about the current status of the implementation of the corrective actions to those findings. Based on the information provided by the air carrier *SKOL Airline LLC* before and at the hearing, the air carrier is not able to identify non-compliances in its processes, procedures, and operational activities.
- (121) FATA stated that it had not supported the re-application of 25 March 2021 of the air carrier *SKOL Airline LLC* for a TCO authorisation. FATA also informed the Commission and the EU Air Safety Committee that it would conduct additional, ad-hoc audits on *SKOL Airline LLC* should the air carrier subsequently re-engage with the Agency for a TCO authorisation.
- (122) Based on all information available at present, including notably the refusal of the TCO application by the Agency on safety grounds on 19 July 2021, and the information provided during the hearing, the Commission and the EU Air Safety Committee concluded that the air carrier *SKOL Airline LLC* had failed to demonstrate compliance with the international safety standards.
- (123) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that the list of air carriers which are subject to an operating ban within the Union should be amended to include the air carrier *SKOL Airline LLC* in Annex A to Regulation (EC) No 474/2006.
- (124) Member States should continue verifying the effective compliance of air carriers from Russia with the relevant international safety standards, through prioritisation of ramp inspections of those air carriers pursuant to Regulation (EU) No 965/2012.
- (125) Where those inspections detect an imminent safety risk resulting from non-compliance with international safety standards, the Commission can impose an operating ban on the Russian-certified air carriers concerned, and include them in Annex A or B to Regulation (EC) No 474/2006.

#### **Air carriers from South Sudan**

- (126) Air carriers from South Sudan have never been included in Annex A or B to Regulation (EC) No 474/2006.
- (127) In the last 3 years, nine accidents and serious incidents have occurred in South Sudan, including the crash, on 2 March 2021, of a Let-410 aircraft with registration HK-4274, operated by *South Sudan Supreme Airlines* and resulting in 10 fatalities, and the recent crash, on 2 November 2021, of an Antonov AN-26 aircraft with registration TR-NGT, and resulting in five fatalities. In both cases, the authenticity of the registration marks has been put into question, as they would appear to no longer be valid, and consequently might have been used as fake registration marks on the involved aircraft. The circumstances around those events raised concerns as to the South Sudan Civil Aviation Authority ('SSCAA') capabilities to conduct properly safety oversight of air carriers under its responsibility.
- (128) On 26 March 2021, the Commission addressed a letter to SSCAA expressing its concerns regarding the aviation safety situation in South Sudan, and requested documents describing SSCAA's structure and organisation, its certification and oversight system, and oversight activities conducted on air carriers certified in South Sudan. Information was also requested with regard to the status of current AOC holders, aircraft registered in South Sudan, maintenance organisations, and flight crew licences.

- (129) On 23 July 2021, SSCAA replied to the Commission's enquiry, informing that the AOC of *South Sudan Supreme Airlines* was suspended. Furthermore, it informed the Commission that, due to suspicions related to the registration of the aircraft involved in that accident, SSCAA was reviewing all aircraft operators and AOCs in the country. Also, SSCAA communicated that improvement actions were ongoing in the areas of Regulations, Manuals and Training. However, SSCAA failed to provide the requested set of documents.
- (130) On 5 October 2021, the Commission sent a further letter to SSCAA reiterating its request for the aforementioned documents to be submitted by 18 October 2021 at the latest. In the letter, the Commission also clarified that a failure to provide the requested information in a timely manner would be considered as a lack of cooperation by SSCAA, when concerns about the safety oversight system of South Sudan have been raised.
- (131) On 5 November 2021, the EU Delegation in Juba, South Sudan, met with the head of SSCAA, who confirmed that the letter of 5 October 2021 had been received. SSCAA committed to send replies to the questions by the end of November, and provided two documents that include information regarding SSCAA's Inspection, Surveillance and Audit Programme, as well as reports on reviews of certain air carriers and on foreign registered aircraft operating in South Sudan. The Commission will carefully study the documentation that will be delivered for it to decide whether SSCAA will be invited to the next meeting of the EU Air Safety Committee.
- (132) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, and in view of ongoing consultations with SSCAA instigated under Article 3 of Commission Regulation (EC) No 473/2006, the Commission considers that at this time there are no grounds for amending the list of air carriers, which are subject to an operating ban within the Union with respect to air carriers from South Sudan.
- (133) Member States should continue verifying the effective compliance of air carriers certified in South Sudan with the relevant international safety standards through prioritisation of ramp inspections of those air carriers, pursuant to Regulation (EU) No 965/2012.
- (134) Where any relevant safety information reveals imminent safety risks resulting from non-compliance with international safety standards, further action by the Commission can become necessary, in accordance with Regulation (EC) No 2111/2005.
- (135) Regulation (EC) No 474/2006 should therefore be amended accordingly.
- (136) Articles 5 and 6 of Regulation (EC) No 2111/2005 recognise the need for decisions to be taken swiftly and, where appropriate, urgently, given the safety implications. It is therefore essential, for the protection of sensitive information and the traveling public, that any decisions in the context of updating the list of air carriers which are subject to an operating ban or restriction within the Union, are published and enter into force immediately after their adoption.
- (137) The measures provided for in this Regulation are in accordance with the opinion of the EU Air Safety Committee established by Article 15 of Regulation (EC) No 2111/2005,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EC) No 474/2006 is amended as follows:

- (1) Annex A is replaced by the text in Annex I to this Regulation;
- (2) Annex B is replaced by the text 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, 25 November 2021.

*For the Commission,  
On behalf of the President,  
Adina VĂLEAN  
Member of the Commission*

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## ANNEX I

## ANNEX A

LIST OF AIR CARRIERS WHICH ARE BANNED FROM OPERATING WITHIN THE UNION, WITH EXCEPTIONS <sup>(1)</sup>

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO three letter designator	State of the Operator
AVIOR AIRLINES	ROI-RNR-011	ROI	Venezuela
BLUE WING AIRLINES	SRBWA-01/2002	BWI	Suriname
IRAN ASEMAN AIRLINES	FS-102	IRC	Iran
IRAQI AIRWAYS	001	IAW	Iraq
MED-VIEW AIRLINE	MVA/AOC/10-12/05	MEV	Nigeria
AIR ZIMBABWE (PVT)	177/04	AZW	Zimbabwe
SKOL AIRLINE LLC	228	CDV	Russia
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Afghanistan, including</b>			<b>Afghanistan</b>
ARIANA AFGHAN AIRLINES	AOC 009	AFG	Afghanistan
KAM AIR	AOC 001	KMF	Afghanistan
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Angola, with the exception of TAAG Angola Airlines and Heli Malongo, including</b>			<b>Angola</b>
AEROJET	AO-008/11-07/17 TEJ	TEJ	Angola
GUICANGO	AO-009/11-06/17 YYY	Unknown	Angola
AIR JET	AO-006/11-08/18 MBC	MBC	Angola
BESTFLYA AIRCRAFT MANAGEMENT	AO-015/15-06/17YYY	Unknown	Angola
HELIANG	AO 007/11-08/18 YYY	Unknown	Angola
SJL	AO-014/13-08/18YYY	Unknown	Angola
SONAIR	AO-002/11-08/17 SOR	SOR	Angola
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Armenia, including</b>			<b>Armenia</b>

<sup>(1)</sup> Air carriers listed in Annex A could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.



AIRCOMPANY ARMENIA	AM AOC 065	NGT	Armenia
ARMENIA AIRWAYS	AM AOC 063	AMW	Armenia
ARMENIAN HELICOPTERS	AM AOC 067	KAV	Armenia
FLYONE ARMENIA	AM AOC 074		Armenia
NOVAIR	AM AOC 071	NAI	Armenia
SHIRAK AVIA	AM AOC 072	SHS	Armenia
SKYBALL	AM AOC 073	N/A	Armenia
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Congo (Brazzaville), including</b>			<b>Congo (Brazzaville)</b>
CANADIAN AIRWAYS CONGO	CG-CTA 006	TWC	Congo (Brazzaville)
EQUAFLIGHT SERVICES	CG-CTA 002	EKA	Congo (Brazzaville)
EQUAJET	RAC06-007	EKJ	Congo (Brazzaville)
TRANS AIR CONGO	CG-CTA 001	TSG	Congo (Brazzaville)
SOCIETE NOUVELLE AIR CONGO	CG-CTA 004	Unknown	Congo (Brazzaville)
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Democratic Republic of Congo (DRC), including</b>			<b>Democratic Republic of Congo (DRC)</b>
AIR FAST CONGO	AAC/DG/OPS-09/03	Unknown	Democratic Republic of Congo (DRC)
AIR KATANGA	AAC/DG/OPS-09/08	Unknown	Democratic Republic of Congo (DRC)
BUSY BEE CONGO	AAC/DG/OPS-09/04	Unknown	Democratic Republic of Congo (DRC)
COMPAGNIE AFRICAINE D'AVIATION (CAA)	AAC/DG/OPS-09/02	Unknown	Democratic Republic of Congo (DRC)
CONGO AIRWAYS	AAC/DG/OPS-09/01	Unknown	Democratic Republic of Congo (DRC)
KIN AVIA	AAC/DG/OPS-09/10	Unknown	Democratic Republic of Congo (DRC)
MALU AVIATION	AAC/DG/OPS-09/05	Unknown	Democratic Republic of Congo (DRC)
SERVE AIR CARGO	AAC/DG/OPS-09/07	Unknown	Democratic Republic of Congo (DRC)
SWALA AVIATION	AAC/DG/OPS-09/06	Unknown	Democratic Republic of Congo (DRC)

MWANT JET	AAC/DG/OPS-09/09	Unknown	Democratic Republic of Congo (RDC)
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Djibouti, including</b>			<b>Djibouti</b>
DAALLO AIRLINES	Unknown	DAO	Djibouti
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Equatorial Guinea, including</b>			<b>Equatorial Guinea</b>
CEIBA INTERCONTINENTAL	2011/0001/MTTCT/DGAC/SOPS	CEL	Equatorial Guinea
Cronos AIRLINES	2011/0004/MTTCT/DGAC/SOPS	Unknown	Equatorial Guinea
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Eritrea, including</b>			<b>Eritrea</b>
ERITREAN AIRLINES	AOC No 004	ERT	Eritrea
NASAIR ERITREA	AOC No 005	NAS	Eritrea
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Kyrgyzstan, including</b>			<b>Kyrgyzstan</b>
AEROSTAN	08	BSC	Kyrgyzstan
AIR COMPANY AIR KG	50	Unknown	Kyrgyzstan
AIR MANAS	17	MBB	Kyrgyzstan
AVIA TRAFFIC COMPANY	23	AVJ	Kyrgyzstan
FLYSKY AIRLINES	53	FSQ	Kyrgyzstan
HELI SKY	47	HAC	Kyrgyzstan
KAP.KG AIRCOMPANY	52	KGS	Kyrgyzstan
SKY KG AIRLINES	41	KGK	Kyrgyzstan
TEZ JET	46	TEZ	Kyrgyzstan
VALOR AIR	07	VAC	Kyrgyzstan
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Liberia.</b>			<b>Liberia</b>

<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Libya, including</b>			<b>Libya</b>
AFRIQYAH AIRWAYS	007/01	AAW	Libya
AIR LIBYA	004/01	TLR	Libya
AL MAHA AVIATION	030/18	Unknown	Libya
BERNIQ AIRWAYS	032/21	BNL	Libya
BURQA AIR	002/01	BRQ	Libya
GLOBAL AIR TRANSPORT	008/05	GAK	Libya
HALA AIRLINES	033/21	HTP	Libya
LIBYAN AIRLINES	001/01	LAA	Libya
LIBYAN WINGS AIRLINES	029/15	LWA	Libya
PETRO AIR	025/08	PEO	Libya
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Nepal, including</b>			<b>Nepal</b>
AIR DYNASTY HELI. S.	035/2001	Unknown	Nepal
ALTITUDE AIR	085/2016	Unknown	Nepal
BUDDHA AIR	014/1996	BHA	Nepal
FISHTAIL AIR	017/2001	Unknown	Nepal
SUMMIT AIR	064/2010	Unknown	Nepal
HELI EVEREST	086/2016	Unknown	Nepal
HIMALAYA AIRLINES	084/2015	HIM	Nepal
KAILASH HELICOPTER SERVICES	087/2018	Unknown	Nepal
MAKALU AIR	057A/2009	Unknown	Nepal
MANANG AIR PVT	082/2014	Unknown	Nepal
MOUNTAIN HELICOPTERS	055/2009	Unknown	Nepal
PRABHU HELICOPTERS	081/2013	Unknown	Nepal
NEPAL AIRLINES CORPORATION	003/2000	RNA	Nepal
SAURYA AIRLINES	083/2014	Unknown	Nepal
SHREE AIRLINES	030/2002	SHA	Nepal
SIMRIK AIR	034/2000	Unknown	Nepal
SIMRIK AIRLINES	052/2009	RMK	Nepal
SITA AIR	033/2000	Unknown	Nepal
TARA AIR	053/2009	Unknown	Nepal

YETI AIRLINES	037/2004	NYT	Nepal
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Sao Tome and Principe, including</b>			<b>Sao Tome and Principe</b>
AFRICA'S CONNECTION	10/AOC/2008	ACH	Sao Tome and Principe
STP AIRWAYS	03/AOC/2006	STP	Sao Tome and Principe
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Sierra Leone</b>			<b>Sierra Leone</b>
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Sudan, including</b>			<b>Sudan</b>
ALFA AIRLINES SD	54	AAJ	Sudan
BADR AIRLINES	35	BDR	Sudan
BLUE BIRD AVIATION	11	BLB	Sudan
ELDINDER AVIATION	8	DND	Sudan
GREEN FLAG AVIATION	17	GNF	Sudan
HELEJETIC AIR	57	HJT	Sudan
KATA AIR TRANSPORT	9	KTV	Sudan
KUSH AVIATION CO.	60	KUH	Sudan
NOVA AIRWAYS	46	NOV	Sudan
SUDAN AIRWAYS CO.	1	SUD	Sudan
SUN AIR	51	SNR	Sudan
TARCO AIR	56	TRQ	Sudan'

## ANNEX II

## ANNEX B

LIST OF AIR CARRIERS WHICH ARE SUBJECT TO OPERATIONAL RESTRICTIONS WITHIN THE UNION <sup>(1)</sup>

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number	ICAO three letter designator	State of the Operator	Aircraft type restricted	Registration mark(s) and, when available, construction serial number(s) of restricted aircraft	State of registry
IRAN AIR	FS100	IRA	Iran	All aircraft of type Fokker F100 and of type Boeing B747	Aircraft of type Fokker F100 as mentioned on the AOC; aircraft of type Boeing B747 as mentioned on the AOC	Iran
AIR KORYO	GAC-AOC/ KOR-01	KOR	North Korea	All fleet with the exception of: 2 aircraft of type TU- 204.	All fleet with the exception of: P-632, P-633.	North Korea'

<sup>(1)</sup> Air carriers listed in Annex B could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.

**COMMISSION IMPLEMENTING REGULATION (EU) 2021/2071****of 25 November 2021****subjecting certain vaccines and active substances used for the manufacture of such vaccines to export surveillance**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/479 of the European Parliament and of the Council of 11 March 2015 on common rules for exports <sup>(1)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) On 30 January 2021, the Commission adopted Implementing Regulation (EU) 2021/111 <sup>(2)</sup> making the exportation of COVID-19 vaccines as well as active substances, including master and working cell banks, used to manufacture these vaccines, subject to the production of an export authorisation, pursuant to Article 5 of Regulation (EU) 2015/479, for a period of six weeks. Hereafter, on 12 March 2021, the Commission adopted Implementing Regulation (EU) 2021/442 <sup>(3)</sup> making the exportation of the same products subject to an export authorisation until 30 June 2021, pursuant to Article 6 of Regulation (EU) 2015/479.
- (2) On 24 March 2021, the Commission adopted Implementing Regulation (EU) 2021/521 <sup>(4)</sup> introducing as an additional factor when considering granting an export authorisation, the need to assess whether such authorisation does not pose a threat to the security of supply within the Union of the goods covered by Regulation (EU) 2021/442. By the same Regulation, the Commission decided on a temporary suspension of the exemption of certain destination countries from the scope of Regulation (EU) 2021/442.
- (3) Commission Implementing Regulation (EU) 2021/521 was adopted pursuant to Article 5 of Regulation (EU) 2015/479 and applied for a period of six weeks. The measures introduced by that Regulation were subsequently extended until 30 June 2021 by Commission Implementing Regulation (EU) 2021/734 <sup>(5)</sup>.
- (4) Both Regulation (EU) 2021/442 and Regulation (EU) 2021/521 were further extended, first until 30 September 2021 by Commission Implementing Regulation (EU) 2021/1071 <sup>(6)</sup>, and then until 31 December 2021 by Commission Implementing Regulation (EU) 2021/1728 <sup>(7)</sup>.
- (5) The production and deliveries of COVID-19 vaccine doses in the Union have been accelerated and the risk that exports would threaten the execution of the Advance Purchase Agreements between the Union and the vaccine manufacturers or the security of Union supplies of COVID-19 vaccines and their active substances have currently reduced.
- (6) Under the current circumstances and situation of supply, the Commission considered the application of the requirement to produce an export authorisation for the exports of vaccines against SARS-related coronaviruses (SARS-CoV species) and active substances, including master and working cell banks used for the manufacture of such vaccines, after 31 December 2021, not required.

<sup>(1)</sup> OJ L 83, 27.3.2015, p. 34.<sup>(2)</sup> OJ L 31 I, 30.1.2021, p. 1.<sup>(3)</sup> OJ L 85, 12.3.2021, p. 190.<sup>(4)</sup> OJ L 104, 25.3.2021, p. 52.<sup>(5)</sup> OJ L 158, 6.5.2021, p. 13.<sup>(6)</sup> OJ L 230, 30.6.2021, p. 28.<sup>(7)</sup> OJ L 345, 30.9.2021, p. 34.

- (7) However, it remains necessary to subject to surveillance using the procedure based on Article 56(5) of Regulation (EU) No 952/2013 of the European Parliament and of the Council <sup>(8)</sup>, and to require that the export or re-export declaration includes the TARIC additional codes, provided in the Annex, as well as the numbers of doses (in case of multi-dose containers, dose for adults) for a period of 24 months as from 1 January 2022.
- (8) This surveillance should allow the Commission to collect supplementary statistical export data at the level of each manufacturer with a view to detecting in a timely manner (i) any indication of lack of compliance with the Advance Purchase Agreement concluded by the Commission (ii) any other circumstance that could threaten the Union's security of supply, and (iii) the Union's capacity to pledge, and deliver, further donations. This should enable the Commission, where warranted, to take further action in order to prevent a critical situation from arising on account of a shortage of these products in accordance with the requirements of Regulation (EU) 2015/479,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. The following goods shall be subject to export surveillance for a period of 24 months from the date of entry into force of this Regulation:

- (a) vaccines against SARS-related coronaviruses (SARS-CoV species) currently falling under CN code 3002 20 10, irrespective of their packaging;
- (b) active substances, including master and working cell banks used for the manufacture of such vaccines, currently falling under CN codes ex 2933 99 80, ex 2934 99 90, ex 3002 90 90 and ex 3504 00 90.

2. For the purposes of this Regulation, 'export' means:

- (a) an export of Union goods under the export procedure within the meaning of Article 269(1) of Regulation (EU) No 952/2013;
- (b) a re-export of non-Union goods within the meaning of Article 270(1) of that Regulation after such goods have been subject to manufacturing operations including filling and packaging within the customs territory of the Union.

#### *Article 2*

The export or re-export declaration of the goods mentioned in Article 1 shall, during the time referred to therein, include the TARIC additional codes mentioned in the Annex, or any corresponding future codes, and shall indicate the number of doses (in case of multi-dose containers, the number of doses for adults).

#### *Article 3*

The Commission shall make the information on the exports publicly available, due account being taken of the confidentiality of the data.

#### *Article 4*

This Regulation shall enter into force on 1 January 2022.

<sup>(8)</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

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

Done at Brussels, 25 November 2021.

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

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## ANNEX

## TARIC ADDITIONAL CODES

Manufacturer	Taric additional code for vaccines against SARS-related coronaviruses (SARS-CoV species)	Taric additional code for active substances (*)
AstraZeneca AB	4500	4520
Pfizer / BioNTech	4501	4521
Moderna Switzerland / Moderna Inc	4502	4522
Janssen Pharmaceutica NV	4503	4523
CureVac AG	4504	4524
Sanofi Pasteur / GlaxoSmithKline Biologicals S.A	4505	4525
Novavax	4506	4526
Valneva	4507	4527
Gedeon Richter	4508	4528
Arcturus	4509	4529
PCI Pharma	4510	4530
Other manufacturers	4999	4999

(\*) active substances including master and working cell banks used for the manufacture of vaccines against SARS-related coronaviruses (SARS-CoV species).

Company	TARIC additional code for other substances (*)
All manufacturers	4599

(\*) 'Other substances' are products or substances that are not going to be used to manufacture vaccines against SARS-related coronaviruses (SARS-CoV species), but that are classified under the same CN codes as the active substances.

# DECISIONS

## COUNCIL DECISION (CFSP) 2021/2072

of 25 November 2021

### **in support of building resilience in biosafety and biosecurity through the Biological and Toxin Weapons Convention**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 12 December 2003, the European Council adopted the EU Strategy against Proliferation of Weapons of Mass Destruction (the 'EU Strategy'), Chapter III of which contains a list of measures to combat such proliferation.
- (2) The Union is actively implementing the EU Strategy and is giving effect to the measures listed in Chapter III thereof, in particular those measures related to reinforcement, implementation and universalisation of the Biological and Toxin Weapons Convention (BTWC).
- (3) On 20 March 2006, the Council adopted the EU Action Plan on biological and toxin weapons, complementary to Joint Action 2006/184/CFSP <sup>(1)</sup> in support of the BTWC.
- (4) On 16 November 2015, the Council adopted Decision (CFSP) 2015/2096 <sup>(2)</sup> on the position of the Union at the Eighth Review Conference of the States Parties to the BTWC.
- (5) The Eighth Review Conference of the BTWC decided to renew the mandate of the Implementation Support Unit (ISU) established within the Geneva Branch of the UN Office for Disarmament Affairs (UNODA) and agreed to at the Seventh Review Conference of the BTWC, for the period from 2017 to 2021.
- (6) On 21 January 2019, the Council adopted Decision (CFSP) 2019/97 <sup>(3)</sup> in support of the BTWC, in the framework of the EU Strategy. This Decision complements Decision (CFSP) 2019/97 by further strengthening biosafety and biosecurity at the national, regional, and international levels against the backdrop of the ongoing COVID-19 pandemic.
- (7) Considering the lessons learnt from the COVID-19 pandemic, there is a need to step up efforts to improve biosafety and biosecurity at the international, regional and national levels,

<sup>(1)</sup> Council Joint Action 2006/184/CFSP of 27 February 2006 in support of the Biological and Toxin Weapons Convention, in the framework of the EU Strategy against the Proliferation of Weapons of Mass Destruction (OJ L 65, 7.3.2006, p. 51).

<sup>(2)</sup> Council Decision (CFSP) 2015/2096 of 16 November 2015 on the position of the European Union relating to the Eighth Review Conference of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BTWC) (OJ L 303, 20.11.2015, p. 13).

<sup>(3)</sup> Council Decision (CFSP) 2019/97 of 21 January 2019 in support of the Biological and Toxin Weapons Convention in the framework of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 19, 22.1.2019, p. 11).

HAS ADOPTED THIS DECISION:

#### *Article 1*

1. This Decision is guided by the following principles:
  - (a) making best use of the experience gained through previous Joint Actions and Council Decisions in support of the BTWC;
  - (b) taking into account specific needs expressed by States Parties as well as by States not party to the BTWC with respect to strengthening biosafety and biosecurity at the national, regional and international levels through the BTWC;
  - (c) encouraging local and regional ownership of the projects, in order to ensure their long-term sustainability and to build a partnership between the Union and third parties in the framework of the BTWC;
  - (d) focusing on those activities that have brought concrete results in terms of strengthening national, regional and international assistance, response and preparedness capabilities;
  - (e) contributing to the advancement of the peace and security- and health-related objectives through the effective implementation of the BTWC by States Parties.
2. The Union shall support the following projects corresponding to measures of the EU Strategy:
  - (a) strengthening biosafety and biosecurity capabilities in Africa through increased regional coordination;
  - (b) capacity building for BTWC National Contact Points;
  - (c) facilitating the review of developments in science and technology of relevance to the BTWC by also involving academia and industry;
  - (d) broadening the support for voluntary transparency exercises.

A detailed description of these projects is set out in the Project Document set out in the Annex to this Decision.

#### *Article 2*

1. The High Representative of the Union for Foreign Affairs and Security Policy (HR) shall be responsible for the implementation of this Decision.
2. The technical implementation of the activities referred to in Article 1 shall be entrusted to UNODA. It shall perform this task under the responsibility of the HR. For that purpose, the HR shall enter into the necessary arrangements with UNODA.

#### *Article 3*

1. The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 2 147 443,52.
2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For that purpose, it shall conclude the necessary agreement with UNODA. The agreement shall stipulate that UNODA is to ensure visibility of the Union contribution appropriate to its size.
4. The Commission shall endeavour to conclude the agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the agreement.

*Article 4*

The HR shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by UNODA. Those reports shall form the basis for the evaluation carried out by the Council. The Commission shall provide information on the financial aspects of the projects referred to in Article 1(2).

*Article 5*

1. This Decision shall enter into force on the date of its adoption.
2. This Decision shall expire 24 months after the date of conclusion of the agreement referred to in Article 3(3) or six months after the date of its adoption if that agreement has not been concluded by that time.

Done at Brussels, 25 November 2021.

*For the Council*  
*The President*  
Z. POČIVALŠEK

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## ANNEX

**Project in support of Resilience in Biosafety and Biosecurity through the Biological and Toxin Weapons Convention (BTWC)****1. BACKGROUND**

The COVID-19 pandemic has demonstrated the global disruption, which can be caused by infectious diseases and has highlighted the lack of preparedness at national, regional, and international levels to respond to biological events. If such a disease was deliberately manipulated to be more virulent, or intentionally released in multiple places at once, it could lead to an even greater global crisis. At the same time, advances in biotechnology also need to be considered as they can lead to multiple benefits with a positive impact on sustainable development but bear multiple risks with potentially catastrophic consequences. In these circumstances, there is a need to step up efforts to address biosafety and biosecurity issues in the context of the Biological and Toxin Weapons Convention.

**2. OBJECTIVES**

This Council Decision is designed to specifically strengthen biosafety and biosecurity at the national, regional, and international levels against the backdrop of the ongoing COVID-19 pandemic. This Decision will complement Council Decision (CFSP) 2019/97 of 21 January 2019 <sup>(1)</sup> in support of the BTWC. Decision 2019/97 is being implemented by the United Nations Office for Disarmament Affairs (UNODA) Geneva Branch, in close cooperation with the BTWC Implementation Support Unit (ISU). As applicable, this Decision will build upon achievements of Decision 2019/97 and previous Joint Actions and Council Decisions in support of the BTWC, without duplicating any ongoing activities <sup>(2)</sup>. During the implementation phase of this Decision, best use will be made of possible synergies with Decision 2019/97.

This Council Decision will be guided by the following principles:

- (a) making best use of the experience gained through previous Joint Actions and Council Decisions in support of the BTWC;
- (b) taking into account specific needs expressed by States Parties as well as States not party to the BTWC with respect to strengthening biosafety and biosecurity at the national, regional and international levels through the BTWC;
- (c) encouraging local and regional ownership of the projects in order to ensure their long-term sustainability and to build a partnership between the European Union and third parties in the framework of the BTWC;
- (d) focusing on those activities that have shown to bring concrete results in terms of strengthening national, regional and international assistance, response and preparedness capabilities;
- (e) contributing to the advancement of the peace and security- and health-related objectives through the effective implementation of BTWC by States Parties.

**3. PROJECTS****3.1. Project 1 – Strengthening biosafety and biosecurity capabilities in Africa through increased regional coordination****3.1.1. Project Purpose**

This project focuses on strengthening the implementation of the BTWC and advancing its universalization on the African continent, by increasing the capacities of national authorities and regional entities and organizations dealing with biosafety and biosecurity issues in Africa. The project also aims at increasing cooperation and coordination among these actors.

<sup>(1)</sup> The main workstreams of EU CD 2019/97 are universalization, assistance programs to strengthen the implementation of the BTWC at national levels, creation of biosecurity networks among young scientist from the Global South, support of the intersessional programme and the 9<sup>th</sup> Review Conference as well as the development of outreach and educational materials.

<sup>(2)</sup> Joint Actions 2006/184/CFSP and 2008/858/CFSP and Council Decisions 2012/421/CFSP and 2016/51/CFSP.

Presently 14 States – four signatory and ten non-signatory States – have not yet ratified or acceded to the BTWC. Eight of these States are in Africa: Chad, Comoros, Djibouti, Egypt, Eritrea, Namibia, Somalia and South Sudan. Two of these States, Egypt and Somalia, are signatories to the BTWC, while the other six States have not signed the Convention. The African continent is therefore a priority area in terms of the universalization of the BTWC. Furthermore, the implementation of the Convention could be considerably strengthened by increasing the biosafety and biosecurity capacities of its African States Parties.

### 3.1.2. Project Description

This project will include the creation of a P3 Political Affairs Officer position based in Addis Ababa to work specifically towards the universalization and strengthened implementation of the Convention on the African continent and explore opportunities for synergies with regional frameworks on peace and security, health security and development. Concretely, the Political Affairs Officer would be responsible for the following tasks:

- (a) provide legislative assistance to States parties wishing to improve their BTWC related legislation as well as to States interested in joining the Convention and intending to review and adjust their existing legislation;
- (b) provide specific trainings to States Parties on the elaboration and submission of BTWC Confidence-Building Measures (CBM) reports;
- (c) assist African BTWC States Parties with queries related to CBMs. This additional assistance, which would reinforce the support already provided by the BTWC ISU, aims at achieving a higher number and quality of CBM reports being submitted by African States Parties;
- (d) liaise closely with African States not party to the BTWC, including through their Permanent Missions to the African Union in Addis Ababa, to identify specific national challenges to the accession to or ratification of the Convention and facilitate respective accession/ratification processes by providing related technical and legislative assistance as required;
- (e) liaise closely and coordinate activities with relevant stakeholders, sub-regional groupings and partner organizations based in Africa (?); and
- (f) support the implementation of all other activities under this EU Council Decision in Africa.

The Political Affairs Officer will be supported by external consultants for specific substantive assignments (e.g. the provision of legislative support and technical assistance), as necessary. UNODA's presence in Africa through its Regional Centre for Peace and Disarmament in Africa (UNREC) will be used to facilitate and support aspects of the activities as appropriate.

All activities of the Political Affairs Officer will be coordinated closely with the BTWC ISU and the EU Council Decision project staff based in Geneva. The Political Affairs Officer will work closely with UNODA's UN Security Council 1540 (2004) (\*) Regional Coordinator for Africa and will be based in the United Nations Economic Commission for Africa (UN ECA) building in Addis Ababa.

### 3.1.3. Expected Results of the Project

This Project is expected to advance the universalization and to improve national implementation of the Convention on the African continent. It also aims at increasing cooperation and coordination among national authorities and regional entities and organizations dealing with biosafety and biosecurity issues in Africa.

(?) Such as the Africa Centre for Disease Control and Prevention (Africa CDC) with regard to its *Biosafety and Biosecurity Initiative*, the African Union Commission's Peace and Security Department, the AU Development Agency – African Biosafety Network of Expertise (AUDA-NEPAD), Regional Economic Communities (RECs) and other relevant AU entities, as well as the Global Partnership Biological Security Working Group's Signature Initiative.

(\*) In resolution 1540 (2004), the Security Council decided that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes.

With the anchoring of the Political Affairs Officer position in Addis Ababa it is expected that the greater proximity to national authorities in Africa, relevant embassies in Addis Ababa and regional policy-making platforms will contribute decisively to advancing the implementation of the BTWC and universalization of the Convention in Africa as outlined above.

### 3.2. Project 2 – Capacity building for BTWC National Contact Points

#### 3.2.1. Project Purpose

This project aims at creating training materials and providing dedicated training to BTWC National Contact Points (NCPs) on national implementation of the BTWC. It also intends to create means and opportunities for dialogue and exchange of information on the national implementation of the BTWC among the NCPs, including the sharing of best practices. The objective of this project is to strengthen the implementation of the BTWC by providing dedicated capacity-building to NCPs and engendering greater exchange and cooperation among them at the regional and international levels.

The Sixth Review Conference in 2006 decided that each State Party should designate a national point of contact for:

- Coordinating national implementation and communicating with other States Parties and relevant international organizations;
- Preparing and submitting the annual Confidence-Building Measures (CBM) reports;
- Exchanging information on universalization efforts.

Out of the current 183 States Parties, only 134 States have to date nominated NCPs. The NCPs are embedded in different entities at the domestic level, have different backgrounds and varying levels of prior knowledge on the BTWC. To date, trainings for BTWC NCPs are only available on an ad hoc basis and preconditioned by the provision of funding by donors.

#### 3.2.2. Project Description

This project includes the elaboration of a standardized training course, made available to all NCPs. The training course will either be provided online or in-person in the different regions (depending on the evolution of the COVID-19 pandemic) for national representatives serving as BTWC NCPs. The training course will involve information on all aspects of national implementation of the BTWC, including the elaboration of BTWC Confidence-Building Measures reports and addressing legislative issues. The training will build upon the *Guide on Implementing the BTWC*, which is being developed under EU Council Decision 2019/97.

While the BTWC ISU makes the contact details of all designated NCPs available to all States Parties on a separate, restricted access page, there exist no formalized ways for the NCPs to interact with each other. The present project therefore foresees the holding of a series of informal - virtual or in-person - regional dialogue fora for BTWC NCPs in order to facilitate information exchange and sharing of best practices.

Furthermore, an event will be held in Geneva bringing together all BTWC NCPs, for example before the BTWC Meeting of States Parties, to allow for the exchange of information and networking among the NCPs across regions, similar to the OPCW's Annual Meeting of National Authorities under the Chemical Weapons Convention. The restricted access page will also be further expanded to serve as a repository of relevant information for NCPs, including all relevant training materials, and as an interactive platform allowing the NCPs to interact with each other and the BTWC ISU. The restricted access page will be maintained and administered by the BTWC ISU to ensure a continued facilitated exchange among NCPs beyond the conclusion of this Council Decision.

Both the training course as well as the dialogue fora have a strong networking component, as the NCPs would get an opportunity to get to know and liaise with each other.

### 3.2.3. Expected Results of the Project

As a positive consequence of this training course, it is expected that through the provision of the training programme more States Parties will nominate NCPs. It is also expected that the provided training will result in higher numbers and quality of annually submitted Confidence-Building Measures reports, which will provide additional information on the status of the implementation of the Convention globally. In order to ensure sustainability, the training materials will be conceptualized in a way to be usable and accessible to NCPs for future trainings after the conclusion of this Council Decision. This Project is furthermore expected to facilitate information exchange and sharing of best practices between NCPs.

## 3.3. Project 3 – Facilitating the review of developments in Science & Technology of relevance to the BTWC by also involving academia and industry

### 3.3.1. Project Purpose

This project aims at facilitating the review of science and technology (S&T) of relevance to the Convention. States Parties to the BTWC have repeatedly recognized the importance of staying informed about relevant advances in science and technology. Such advances could on the one hand pose risks which could lead to potential breaches of the Convention and on the other hand can be of benefit to the Convention by, for example, improving vaccines and the diagnosis of diseases. As the technology surrounding the BTWC is inherently dual-use, the constant involvement of and exchange with academia and industry is of great importance.

### 3.3.2. Project Description

This project consists of holding of an international science and technology conference in preparation for the Ninth Review Conference, targeting mainly experts from academia, governments and industry to incorporate their views into the discussions that will feed into the programme of the Ninth Review Conference. The conference will, as applicable, take into account and build upon the outcomes of the five regional S&T workshops held in the framework of EU Council Decision (CFSP) 2016/51 in support of the BTWC. The conference will also address S&T-related proposals of BTWC States Parties, such as the introduction of a code of conduct for bio-scientists and efforts to establish a S&T review mechanism, which will be subjects of renewed discussions during the Ninth Review Conference. The conference will be held in a country of the Global South, for example in one of the sponsors <sup>(i)</sup> of the UNGA resolution on the “Role of science and technology in the context of international security and disarmament”. In case the holding of the conference in an in-person setting is not feasible due to the COVID-19 pandemic, a virtual format will be applied. For the organization and holding of the conference, an external consultant with a relevant background and close ties with academia and/or industry will be engaged. The external consultant will also be tasked to work on the development of a longer-term strategy for greater multi-stakeholder engagement under the BTWC.

The S&T conference will be complemented by the creation of a “Science for Diplomats” initiative which aims at ensuring that policy makers are aware of how technological and scientific advances can both benefit and challenge the Convention. The “Science for Diplomats” initiative will consist of the organization of a series of events focusing on technological developments of particular importance to the Convention. The external consultant will also be responsible for the organization of the “Science for Diplomats” events.

### 3.3.3. Expected Results of the Project

The S&T conference is expected to inform and feed into the substantive discussions that will take place during the Ninth Review Conference. The discussion of relevant S&T-related proposals of BTWC States Parties, such as the introduction of a code of conduct for bio-scientists and efforts to establish a S&T review mechanism, aims at facilitating the formulation of national and/or regional positions as well as the discussion and negotiation of these proposals at the Ninth Review Conference.

The “Science for Diplomats” initiative aims at familiarizing policy makers with key technological and scientific advances of relevance to the Convention.

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<sup>(i)</sup> See <https://undocs.org/en/A/RES/73/32>



### 3.4. Project 4 – Broadening support for voluntary transparency exercises

#### 3.4.1. Project Purpose

The project has the objective of promoting transparency and building confidence under the Convention. It builds upon past voluntary transparency exercises carried out by States Parties since 2011 and aims at further enhancing the support for such initiatives through the establishment of an exchange platform for voluntary transparency exercises. It also includes, inter alia, the conduct of a comprehensive analysis to identify lessons from those activities as well as a set of practical activities in support of the concept.

#### 3.4.2. Project Description

Since 2011, 15 States Parties have undertaken voluntary initiatives to host different types of transparency exercises under the Convention. These exercises brought together 35 countries from all regional groups. While previous activities have differed in their specific aims and objectives, format, level of participation and duration, they build upon one common understanding: all are voluntarily agreed either bilaterally, multilaterally or by a process open to all States Parties that are interested to make use of the peer review opportunities. This approach allows the tailoring of various key parameters according to the preferences of the organizing/participating States Parties. Voluntary transparency exercises can address various aspects such as national implementation, international assistance and cooperation, preparedness and response, export control, biosafety and biosecurity legislation, or the preparation of Confidence-Building Measures reports.

The project foresees the establishment of an online compendium of all transparency exercises in the form of a searchable database on all activities conducted so far and the compilation of a comprehensive study on past transparency exercises, including lessons identified from the various activities. The study will be carried out in close collaboration with UNIDIR. In addition, UNODA will seek to partner with interested regional and international organizations, including the EU CBRN Centres of Excellence, in the implementation of the project. The establishment of the online compendium and the elaboration of the study on past exercises will be assigned to external consultants.

#### 3.4.3. Expected Results of the Project

The project is expected to strengthen the implementation of the Convention through the sharing of information and best practices among States Parties on voluntary transparency exercises and to help identify needs for assistance and cooperation under Article X of the BTWC. It will also help to create a dialogue forum on such initiatives among interested States Parties.

## 4. STAFFING ISSUES

The implementation of this Council Decision will require staffing presence in Geneva to ensure the coordinated and streamlined implementation of all activities under this Council Decision. It is therefore necessary to have a P2 Political Affairs Officer and a GS4 Administrative Assistant based in the UNODA Geneva Branch. As outlined above, a P3 Political Affairs Officer will be based in Addis Ababa. The P2 and P3 Political Affairs Officers and GS4 Administrative Assistant will report to the P3 Political Affairs Officer overseeing the implementation of Decision Council 2019/97 in order to ensure a streamlined and coordinated implementation of both Council Decisions.

Given the high degree of specialization required for the provision of legislative and technical assistance in Africa, the modernization of the NCP website and elaboration of training materials for NCPs, the organization of the S&T Conference and realization of the “Science for Diplomats” initiative, the establishment of the online compendium on the voluntary transparency exercises and the elaboration of the study of past exercises and best practices, it will be necessary to engage external consultants to those ends.

## 5. REPORTING

The UNODA/BTWC-ISU will submit to the HR six-monthly progress reports on the implementation of the projects.

## 6. DURATION

The total estimated duration of the projects' implementation is 24 months.

## 7. EU VISIBILITY

UNODA/BTWC-ISU will take all appropriate measures to publicise the fact that the activities conducted have been funded by the Union. Such measures will be carried out in accordance with the Commission Communication and Visibility Manual for EU External Actions laid down and published by the European Commission. UNODA/BTWC-ISU will thus ensure the visibility of the Union contribution with appropriate branding and publicity, highlighting the role of the Union, ensuring the transparency of its actions, and raising awareness of the reasons for this Decision as well as awareness of Union support for this Decision and the results of that support. Material produced by the projects will prominently display the Union flag in accordance with Union guidelines for the accurate use and reproduction of the flag.

## 8. BENEFICIARIES

The beneficiaries of Project 1 will be States Parties to the BTWC with regard to the provision of legal and technical assistance and States non-Parties (both signatory States and non-signatory States) to the BTWC with regard to universalization activities, including relevant stakeholders from the private sector, academia and NGOs as well as sub-regional groupings and partner organizations based in Africa <sup>(6)</sup>, where appropriate.

The beneficiaries of Project 2 in relation to capacity building for BTWC National Contact Points are States Parties to the BTWC, particularly officials designated as national contact points.

The beneficiaries of Project 3 on facilitating the review of developments in Science & Technology of relevance to the Convention will be officials, scientists, academics and industry representatives from BTWC States Parties.

The beneficiaries of Project 4 in relation to broadening support for voluntary transparency exercises will be States Parties to the BTWC.

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<sup>(6)</sup> Such as the Africa Centre for Disease Control and Prevention (Africa CDC) with regard to its *Biosafety and Biosecurity Initiative*, the African Union Commission's Peace and Security Department, the AU Development Agency – African Biosafety Network of Expertise (AUDA-NEPAD), Regional Economic Communities (RECs) and other relevant AU entities, as well as the Global Partnership Biological Security Working Group's Signature Initiative.

**COUNCIL DECISION (CFSP) 2021/2073****of 25 November 2021****in support of enhancing the operational effectiveness of the Organisation for the Prohibition of Chemical Weapons (OPCW) through satellite imagery**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 12 December 2003 the European Council adopted the EU Strategy against Proliferation of Weapons of Mass Destruction ('the EU Strategy'), Chapter III of which contains a list of measures to combat such proliferation.
- (2) The EU Strategy underlines the crucial role of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC) and of the Organisation for the Prohibition of Chemical Weapons (OPCW) in creating a world free of chemical weapons. The objectives of the EU Strategy are complementary to those pursued by the OPCW in the context of its responsibility for the implementation of the CWC.
- (3) On 22 November 2004 the Council adopted Joint Action 2004/797/CFSP <sup>(1)</sup> on support for OPCW activities. That Joint Action was followed on its expiry by Council Joint Action 2005/913/CFSP <sup>(2)</sup>, which in turn was followed by Council Joint Action 2007/185/CFSP <sup>(3)</sup>. Joint Action 2007/185/CFSP was followed by Council Decisions 2009/569/CFSP <sup>(4)</sup>, 2012/166/CFSP <sup>(5)</sup>, 2013/726/CFSP <sup>(6)</sup>, (CFSP) 2015/259 <sup>(7)</sup>, (CFSP) 2017/2302 <sup>(8)</sup>, (CFSP) 2017/2303 <sup>(9)</sup>, (CFSP) 2019/538 <sup>(10)</sup> and (CFSP) 2021/1026 <sup>(11)</sup>.

<sup>(1)</sup> Council Joint Action 2004/797/CFSP of 22 November 2004 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 349, 25.11.2004, p. 63).

<sup>(2)</sup> Council Joint Action 2005/913/CFSP of 12 December 2005 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 331, 17.12.2005, p. 34).

<sup>(3)</sup> Council Joint Action 2007/185/CFSP of 19 March 2007 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 85, 27.3.2007, p. 10).

<sup>(4)</sup> Council Decision 2009/569/CFSP of 27 July 2009 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 197, 29.7.2009, p. 96).

<sup>(5)</sup> Council Decision 2012/166/CFSP of 23 March 2012 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 87, 24.3.2012, p. 49).

<sup>(6)</sup> Council Decision 2013/726/CFSP of 9 December 2013 in support of the UNSCR 2118 (2013) and OPCW Executive Council EC-M-33/ Dec 1, in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 329, 10.12.2013, p. 41).

<sup>(7)</sup> Council Decision (CFSP) 2015/259 of 17 February 2015 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 43, 18.2.2015, p. 14).

<sup>(8)</sup> Council Decision (CFSP) 2017/2302 of 12 December 2017 in support of the OPCW activities to assist clean-up operations at the former chemical weapons storage site in Libya in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 329, 13.12.2017, p. 49).

<sup>(9)</sup> Council Decision (CFSP) 2017/2303 of 12 December 2017 in support of the continued implementation of UN Security Council Resolution 2118 (2013) and OPCW Executive Council decision EC-M-33/DEC.1 on the destruction of Syrian chemical weapons, in the framework of the implementation of the EU Strategy against proliferation of weapons of mass destruction (OJ L 329, 13.12.2017, p. 55).

<sup>(10)</sup> Council Decision (CFSP) 2019/538 of 1 April 2019 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 93, 2.4.2019, p. 3).

<sup>(11)</sup> Council Decision (CFSP) 2021/1026 of 21 June 2021 in support of the Cyber Security and Resilience and Information Assurance Programme of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 224, 24.6.2021, p. 24).

- (4) Decision (CFSP) 2017/2303 provided, *inter alia*, for support for the OPCW to access satellite imagery and imagery analysis provided by the European Union Satellite Centre (SatCen).
- (5) On 10 December 2018 the Council adopted Decision (CFSP) 2018/1943 <sup>(12)</sup>, which provided for a twelve-month no-cost extension of the implementation period of Decision (CFSP) 2017/2303.
- (6) On 9 December 2019 the Council adopted Decision (CFSP) 2019/2112 <sup>(13)</sup>, which provided for a further twelve-month no-cost extension of the implementation period of Decision (CFSP) 2017/2303.
- (7) Through the implementation of Decision (CFSP) 2017/2303, the OPCW has come to rely on the unique information provided by SatCen's imagery analysis for both mission planning and information analysis.
- (8) There is a need to enhance the operational effectiveness of the OPCW through the continued provision of SatCen satellite imagery and imagery analysis in support of OPCW-mandated activities and missions following the end of the implementation period of Decision (CFSP) 2017/2303,

HAS ADOPTED THIS DECISION:

#### Article 1

1. For the purpose of giving immediate and practical application to certain elements of the EU Strategy, the Union shall support the project of the OPCW to enhance its operational effectiveness through satellite imagery and imagery analysis provided by SatCen with the following objectives:

- expanding the OPCW's capacity to support OPCW-mandated activities (the Declaration Assessment Team (DAT), the Fact Finding Mission (FFM), the Investigation and Identification Team (IIT), etc) through imagery analysis as a source of evidentiary substantiation or corroboration of findings, and
- utilising targeted imagery analysis for areas of interest (sites, routes, etc) in planning for OPCW-mandated missions (incidents of alleged use (IAUs), challenge inspections (CIs), technical assistance visits (TAVs), etc) in order to increase security and confidence in verification accuracy.

2. In the context of paragraph 1, the Union-supported activities of the project of the OPCW, which are in compliance with the measures set out in Chapter III of the EU Strategy, shall be the following:

- enabling the OPCW, through imagery capacity, to conduct appropriate oversight effectively and provide requisite reporting to the OPCW policymaking organs (Executive Council and Conference of the States Parties), and
- enabling the OPCW, through imagery capacity, to conduct verification activities accurately, effectively and safely and provide requested assistance to States Parties.

3. The project referred to in paragraph 1 concerns the provision of, *inter alia*, situation-awareness products related to the security of the FFM, including the status of the road network, through the delivery to the OPCW of SatCen satellite imagery products.

<sup>(12)</sup> Council Decision (CFSP) 2018/1943 of 10 December 2018 amending Decision (CFSP) 2017/2303 in support of the continued implementation of UN Security Council Resolution 2118 (2013) and OPCW Executive Council decision EC-M-33/DEC.1 on the destruction of Syrian chemical weapons, in the framework of the implementation of the EU Strategy against proliferation of weapons of mass destruction (OJ L 314, 11.12.2018, p. 58).

<sup>(13)</sup> Council Decision (CFSP) 2019/2112 of 9 December 2019 amending Decision (CFSP) 2017/2303 in support of the continued implementation of UN Security Council Resolution 2118 (2013) and OPCW Executive Council decision EC-M-33/DEC.1 on the destruction of Syrian chemical weapons, in the framework of the implementation of the EU Strategy against proliferation of weapons of mass destruction (OJ L 318, 10.12.2019, p. 159).

4. A detailed description of the Union-supported activities referred to in paragraph 2 is set out in the project document in the Annex.

#### *Article 2*

1. The High Representative of the Union for Foreign Affairs and Security Policy ('the HR') shall be responsible for the implementation of this Decision.
2. Technical implementation of the project referred to in Article 1 shall be carried out by the OPCW Technical Secretariat ('the Technical Secretariat'). It shall perform that task under the responsibility and the control of the HR. For that purpose, the HR shall enter into the necessary arrangements with the Technical Secretariat.

#### *Article 3*

1. The financial reference amount for the implementation of the project referred to in Article 1 shall be EUR 1 593 353,22.
2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 2. For that purpose, it shall conclude the necessary agreement with the Technical Secretariat. That agreement shall stipulate that the Technical Secretariat is to ensure visibility of the Union contribution, commensurate with its size, and specify measures to facilitate the development of synergies and to avoid the duplication of activities.
4. The Commission shall endeavour to conclude the agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the agreement.

#### *Article 4*

The HR shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by the Technical Secretariat. The HR reports shall form the basis for the evaluation carried out by the Council. The Commission shall provide information on the financial aspects of the project referred to in Article 1.

#### *Article 5*

1. This Decision shall enter into force on the date of its adoption.
2. This Decision shall expire 48 months after the date of conclusion of the agreement referred to in Article 3(3). However, it shall expire six months after its entry into force if that agreement has not been concluded by that time.

Done at Brussels, 25 November 2021.

*For the Council*  
*The President*  
Z. POČIVALŠEK

## ANNEX

## PROJECT DOCUMENT

**Union Support for Enhancing the OPCW Operational Effectiveness through Satellite Imagery****1. Background**

The OPCW analytical processes require corroboration and verification of evidentiary information provided in the most robust manners available. Satellite imagery, while not the only source of evidentiary information, can provide indicators and corroboration not available from other sources thus providing valuable analytical insights that can be used to ensure the full implementation of the Chemical Weapons Convention (CWC). Key to this is sufficient capacity institutionally, of which imagery and imagery analysis can facilitate more detailed and robust mission planning, mitigation of security risks for deployed teams, as well as evidentiary information and analysis for more cost effective verification.

Through the implementation of Council Decision CFSP/2017/2303, the OPCW has come to rely on the unique information SATCEN's imagery analysis provides both for mission planning and information analysis. OPCW efforts to conduct more thorough witness interviews, corroborate witness statements and more accurately identify locations of interest have been enhanced by satellite imagery. Since 2014, satellite imagery of the Syrian Arab Republic (SAR) has reinforced situational awareness and security and reduced risk for OPCW field missions with regard to locations to be visited/inspected. Integrating imagery analysis into operational planning has allowed OPCW teams to fine-tune their actions on site by providing team members with near real-time images of the area in which they will deploy. Imagery analysis has proven to be and will continue to be strategic enabler of OPCW's analytical efforts.

Furthermore, a number of investigations of allegations of use remain outstanding as well as Executive Council (EC) Decisions mandating additional site visits, fact-finding missions and investigations that continue to require satellite imagery support. The unique analytical capabilities provided by SATCEN has allowed OPCW's mandated teams to corroborate information from other sources and to analyse more thoroughly incidents of alleged use in SAR. Satellite imagery analysis has proven to be indispensable to the OPCW teams involved in SAR. Beyond its mandated activities related to SAR, the OPCW foresees an increasing role for satellite imagery analysis in cases of allegations of chemical weapons use outside of SAR to facilitate the implementation of CWC Article IX related activities (consultations, cooperation and fact-finding), as well as in the case of possible future accession to the CWC for possessor states.

**2. Project Purpose***2.1 Overall Objectives of the Project*

The overall objective of the Project is to ensure Secretariat capacity to facilitate implementation of CWC Article IX (consultations, cooperation and fact-finding) and related OPCW EC Decisions, through the provision of imagery services that addresses gaps in situational awareness for missions, such that it contributes to OPCW's decreased deployment vulnerability and maximises OPCW's analytical efficiency.

*2.2 Specific Objectives*

- Expanding OPCW's capacity to support OPCW mandated activities (DAT, FFM, IIT, etc.) through imagery analysis as a source of evidentiary substantiation or corroboration of findings.
- Utilisation of targeted imagery analysis for areas of interest (sites, routes, etc.) in planning for OPCW mandated Missions (incidents of alleged use (IAU), challenge inspections (CI), technical assistance visit (TAV), etc.) to increase security and confidence in verification accuracy.

*2.3 Results*

*Expected results the Project contributes to are as follows:*

- utilisation of imagery and analysis, regarding targeted evidence, to inform and corroborate teams findings and verification processes,

- minimisation of security risks and increased situational awareness to facilitate the most efficient OPCW Mission planning possible.

### 3. Description of Activities

*Activity 1 – Enabling the OPCW to effectively conduct, through imagery capacity, appropriate oversight and provide requisite reporting to OPCW policy making organs (EC and CSP)*

*This activity seeks to provide, through imagery and imagery analysis, the OPCW with the capacity to inform targeted analytical evidentiary undertakings, while optimising OPCW planning (allocation and efforts) for increased missions efficiency and decreased vulnerability.*

*Activity 2 – Enabling the OPCW through imagery capacity to accurately, effectively, and safely conduct verification activities and provide requested assistance to States Parties*

*This activity focuses on the provision of imagery services, on an as needed basis, for varied CWC fact finding requests submitted by States Parties (IAU, CI, TAV, etc.), as well as optimising OPCW planning (allocation and efforts) for increased missions efficiency and decreased vulnerability.*

### 4. Duration

The total estimated duration of implementation funded through this project are expected to be incurred and concluded over a 48 month period.

### 5. Beneficiaries

Beneficiaries from the project will be OPCW Technical Secretariat personnel and teams; and CWC stakeholders including States Parties.

### 6. EU Visibility

The OPCW shall take all appropriate measures, within reasonable security considerations and visibility/communication measures available to the project, to publicise the fact that this project has been funded by the Union.

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**COUNCIL DECISION (CFSP) 2021/2074****of 25 November 2021****amending Decision (CFSP) 2017/2370 in support of the Hague Code of Conduct and ballistic missile non-proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 18 December 2017, the Council adopted Decision (CFSP) 2017/2370 <sup>(1)</sup>, entrusting the technical implementation of certain projects to the *Fondation pour la recherche stratégique* (FRS).
- (2) In accordance with Article 3(3) of Decision (CFSP) 2017/2370, a grant agreement with the FRS was signed on 21 December 2017. The grant agreement was due to expire on 21 December 2020.
- (3) On 26 May 2020, the FRS requested an extension of the implementation period for Decision (CFSP) 2017/2370 until 20 December 2021. The requested extension was due to the COVID-19 pandemic, and in particular the postponement of a number of the activities referred to in Article 1 of that Decision and the reluctance of national administrations in target countries to discuss the organisation of such activities given the climate of uncertainty due to that pandemic.
- (4) On 20 July 2020, the Council adopted Decision (CFSP) 2020/1066 <sup>(2)</sup>, which amended Decision (CFSP) 2017/2370, extending its date of expiration until 20 December 2021.
- (5) On 27 September 2021, the FRS requested an additional extension of Decision (CFSP) 2017/2370 in view of the continuing impact of the COVID-19 pandemic situation and the related travel restrictions on its planned activities, requesting an additional extension of 13 months until 21 January 2023.
- (6) The continuation of the activities referred to in Article 1 of Decision (CFSP) 2017/2370 does not have any implication as regards financial resources until 21 January 2023.
- (7) Decision (CFSP) 2017/2370 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 5 of Decision (CFSP) 2017/2370, paragraph 2 is replaced by the following:

‘2. This Decision shall expire on 21 January 2023.’

<sup>(1)</sup> Council Decision (CFSP) 2017/2370 of 18 December 2017 in support of the Hague Code of Conduct and ballistic missile non-proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 337, 19.12.2017, p. 28).

<sup>(2)</sup> Council Decision (CFSP) 2020/1066 of 20 July 2020 amending Decision (CFSP) 2017/2370 in support of the Hague Code of Conduct and ballistic missile non-proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 234 I, 21.7.2020, p. 1).



*Article 2*

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

Done at Brussels, 25 November 2021.

*For the Council*  
*The President*  
Z. POČIVALŠEK

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**COUNCIL DECISION (CFSP) 2021/2075****of 25 November 2021****amending Decision (CFSP) 2020/979 in support of the development of an internationally recognised system for the validation of arms and ammunition management according to open international standards**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 7 July 2020, the Council adopted Decision (CFSP) 2020/979 <sup>(1)</sup>, which envisages a project in two phases. Phase I is a feasibility study for the development of an internationally recognised Arms and Ammunition Management Validation System ('AAMVS').
- (2) Decision (CFSP) 2020/979 provides that the implementation of Phase II of the project, developing a concept for the creation of an AAMVS, can be authorised if the Council so decides, on the basis of the outcome of the feasibility study.
- (3) The study authorised by Decision (CFSP) 2020/979 demonstrated the feasibility of developing an AAMVS and highlighted several elements that will need to be considered in order to bring the concept to reality. Phase II will comprise designing a proposed framework for the AAMVS and a plan for developing the system. Those outputs will be aimed at supporting and guiding future efforts to build the AAMVS.
- (4) Based on the outcome of the feasibility study, the Council should decide that Phase II of the project is to be implemented.
- (5) Decision (CFSP) 2020/979 is due to expire 14 months after the date of the conclusion of the financing agreement referred to in Article 3(4) thereof, unless the Council decides to extend the validity of that Decision in order to allow for the implementation of Phase II of the project.
- (6) The continuation of the activities referred to in Article 1 of Decision (CFSP) 2020/979 until 30 November 2022 does not have any implication as regards financial resources.
- (7) Decision (CFSP) 2020/979 should be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision (CFSP) 2020/979 is hereby amended as follows:

- (1) The second subparagraph of Article 1(1) is replaced by the following:

'The project shall consist of two phases, "Phase I" and "Phase II".

- During Phase I, in the first year of the implementation, a feasibility study for the development of an internationally recognised Arms and Ammunition Management Validation System ("AAMVS") was undertaken to investigate options for appropriate methodologies and tools for the assessment of risk and quality;
- During Phase II, based on the outcome of the feasibility study of Phase I, a concept for the creation of an AAMVS shall be developed.;

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<sup>(1)</sup> Council Decision (CFSP) 2020/979 of 7 July 2020 in support of the development of an internationally recognised system for the validation of arms and ammunition management according to open international standards (OJ L 218, 8.7.2020, p. 1).

(2) Article 3(2) is replaced by the following:

'2. The amount intended to cover Phase I of the project is EUR 821 872. The amount intended to cover Phase II of the project is EUR 820 237.';

(3) Article 5 is replaced by the following:

*'Article 5*

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

It shall expire on 30 November 2022.'.

*Article 2*

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

Done at Brussels, 25 November 2021.

*For the Council*  
*The President*  
Z. POČIVALŠEK

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**CORRIGENDA****Corrigendum to Regulation (EU) 2021/1056 of the European Parliament and of the Council of 24 June 2021 establishing the Just Transition Fund**

*(Official Journal of the European Union L 231 of 30 June 2021)*

On page 18, in Annex III, in the table 'REGIO Common Output Indicators (RCO) and REGIO Common Result Indicators (RCR)', column 'Outputs', item RCO 121:

*for:* 'RCO 121 – Enterprises supported to achieve the reduction of greenhouse-gas emissions from activities listed in Annex I to Directive 2003/87/EC',

*read:* 'RCO 121a – Enterprises supported to achieve the reduction of greenhouse-gas emissions from activities listed in Annex I to Directive 2003/87/EC'.

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**Corrigendum to Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013**

*(Official Journal of the European Union L 231 of 30 June 2021)*

On page 57, Annex III, point 1 'Output indicators', item 1.2.2:

*for:* '1.2.2. proportion of the ESF+ co-financed food in the total volume of food distributed the beneficiaries (in %).',

*read:* '1.2.2. proportion of the ESF+ co-financed food in the total volume of food distributed by the beneficiaries (in %).'.  

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