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⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2020/1557**of 21 October 2020****establishing a fisheries closure for whiting in area 8 for vessels flying the flag of Belgium**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) 2020/123 ⁽²⁾ lays down quotas for 2020.
- (2) According to the information received by the Commission, catches of the stock of whiting in area 8 by vessels flying the flag of or registered in Belgium have exhausted the quota allocated for 2020.
- (3) It is therefore necessary to prohibit certain fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to Belgium for the stock of whiting in area 8 for 2020 referred to in the Annex shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

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

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

*Article 3***Entry into force**

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

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

Done at Brussels, 21 October 2020.

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

ANNEX

No	27/TQ123
Member State	Belgium
Stock	WHG/08.
Species	Whiting (<i>Merlangius merlangus</i>)
Zone	8
Closing date	1.10.2020

COMMISSION REGULATION (EU) 2020/1558**of 21 October 2020****establishing a fisheries closure for skates and rays in Union waters of 8 and 9 for vessels flying the flag of Belgium**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) 2020/123 ⁽²⁾ lays down quotas for 2020.
- (2) According to the information received by the Commission, catches of the stock of skates and rays in Union waters of 8 and 9 by vessels flying the flag of or registered in Belgium have exhausted the quota allocated for 2020.
- (3) It is therefore necessary to prohibit certain fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to Belgium for the stock of skates and rays in Union waters of 8 and 9 for 2020 referred to in the Annex shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

1. Fishing for the stock referred to in Article 1 by vessels flying the flag of or registered in Belgium shall be prohibited from the date set out in the Annex. In particular it shall be prohibited to search for fish, shoot, set or haul a fishing gear for the purpose of fishing that stock.
2. Transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fishery products from that stock caught by those vessels shall remain authorised for catches taken prior to that date.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

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

3. Unintended catches of species from that stock by those vessels shall be brought and retained on board the fishing vessels, recorded, landed and counted against quotas in accordance with Article 15 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾.

Article 3

Entry into force

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

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

Done at Brussels, 21 October 2020.

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

⁽³⁾ 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).

ANNEX

No	26/TQ123
Member State	Belgium
Stock	SRX/89-C. including RJC/89-C., RJH/89-C., RJN/89-C., RJU/8-C. and RJU/9-C.
Species	Skates and rays (<i>Rajiformes</i>)
Zone	Union waters of 8 and 9
Closing date	1.10.2020

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1559
of 26 October 2020
amending Implementing Regulation (EU) 2017/2470 establishing the Union list of novel foods
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 ⁽¹⁾, and in particular Article 12 thereof,

Whereas:

- (1) Pursuant to Article 8 of Regulation (EU) 2015/2283, the Commission was to establish, by 1 January 2018, the Union list of novel foods authorised or notified under Regulation (EC) No 258/97 of the European Parliament and of the Council ⁽²⁾.
- (2) The Union list of novel foods authorised or notified under Regulation (EC) No 258/97 was established by Commission Implementing Regulation (EU) 2017/2470 ⁽³⁾.
- (3) Commission Implementing Regulation (EU) 2018/1023 ⁽⁴⁾ corrected the initial Union list of novel foods established in the Annex to Implementing Regulation (EU) 2017/2470 by replacing that Annex. In the meantime eight Commission Implementing Regulations (EU) 2018/460 ⁽⁵⁾, (EU) 2018/461 ⁽⁶⁾, (EU) 2018/462 ⁽⁷⁾, (EU) 2018/469 ⁽⁸⁾, (EU) 2018/991 ⁽⁹⁾,

⁽¹⁾ OJ L 327, 11.12.2015, p. 1.

⁽²⁾ Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients (OJ L 43, 14.2.1997, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2017/2470 of 20 December 2017 establishing the Union list of novel foods in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods (OJ L 351, 30.12.2017, p. 72).

⁽⁴⁾ Commission Implementing Regulation (EU) 2018/1023 of 23 July 2018 correcting Implementing Regulation (EU) 2017/2470 establishing the Union list of novel foods (OJ L 187, 24.7.2018, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) 2018/460 of 20 March 2018 authorising the placing on the market of *Ecklonia cava* phlorotannins as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470 (OJ L 78, 21.3.2018, p. 2).

⁽⁶⁾ Commission Implementing Regulation (EU) 2018/461 of 20 March 2018 authorising an extension of use of taxifolin-rich extract as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) 2017/2470 (OJ L 78, 21.3.2018, p. 7).

⁽⁷⁾ Commission Implementing Regulation (EU) 2018/462 of 20 March 2018 authorising an extension of use of L-ergothioneine as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) 2017/2470 (OJ L 78, 21.3.2018, p. 11).

⁽⁸⁾ Commission Implementing Regulation (EU) 2018/469 of 21 March 2018 authorising the placing on the market of an extract of three herbal roots (*Cynanchum wilfordii* Hemsley, *Phlomis umbrosa* Turcz. and *Angelica gigas* Nakai) as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) 2017/2470 (OJ L 79, 22.3.2018, p. 11).

⁽⁹⁾ Commission Implementing Regulation (EU) 2018/991 of 12 July 2018 authorising the placing on the market of hen egg white lysozyme hydrolysate as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) 2017/2470 (OJ L 177, 13.7.2018, p. 9).

(EU) 2018/1011 ⁽¹⁰⁾, (EU) 2018/1018 ⁽¹¹⁾, (EU) 2018/1032 ⁽¹²⁾ had been adopted authorising placing on the market of novel foods or extending the use of novel foods respectively. Those Implementing Regulations also updated the Union list. However, those novel foods and extensions of the use of novel foods no longer appear in the list, as replaced by Implementing Regulation (EU) 2018/1023.

- (4) For reasons of clarity and legal certainty, the Union list of novel foods set out in the Annex to Implementing Regulation (EU) 2017/2470 should therefore be amended to include those novel foods and extensions of the use of novel foods in the Union list again. Since those novel foods and extensions of the use of novel foods were included in the Union list until the entry into force of Implementing Regulation (EU) 2018/1023 on 13 August 2018, this Regulation should apply as of that date.
- (5) 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) 2017/2470 is amended in accordance with 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*.

It shall apply from 13 August 2018.

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

Done at Brussels, 26 October 2020.

For the Commission

The President

Ursula VON DER LEYEN

⁽¹⁰⁾ Commission Implementing Regulation (EU) 2018/1011 of 17 July 2018 authorising an extension of use levels of UV-treated mushrooms as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) 2017/2470 (OJ L 181, 18.7.2018, p. 4).

⁽¹¹⁾ Commission Implementing Regulation (EU) 2018/1018 of 18 July 2018 authorising an extension of use of UV-treated baker's yeast (*Saccharomyces cerevisiae*) as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470 (OJ L 183, 19.7.2018, p. 9).

⁽¹²⁾ Commission Implementing Regulation (EU) 2018/1032 of 20 July 2018 authorising the extension of use of oil from the micro algae *Schizochytrium* sp. as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) 2017/2470 (OJ L 185, 23.7.2018, p. 9).

The Annex is amended as follows.

(1) Table 1 (Authorised novel foods) is amended as follows:

(a) the following entry is inserted between the entry for ‘*Echium plantagineum* oil’ and the entry for ‘Egg membrane hydrolysate’:

Authorised novel food	Conditions under which the novel food may be used		Additional specific labelling requirements	Other requirements
‘<i>Ecklonia cava</i> phlorotannins	<i>Specified food category</i>	<i>Maximum levels</i>	<p>The designation of the novel food on the labelling of the food-stuffs containing it shall be “<i>Ecklonia cava</i> Phlorotannins”.</p> <p>Food supplements containing <i>Ecklonia cava</i> phlorotannins shall bear the following statement:</p> <p>(a) This food supplement should not be consumed by children/adolescents under the age of twelve/fourteen/eighteen^(*) years.</p> <p>(b) This food supplement should not be consumed by persons with thyroid disease or by persons who are aware of or have been identified as being at risk of developing thyroid disease.</p> <p>(c) This food supplement should not be consumed if other food supplements containing iodine are also consumed.</p> <p>(*) Depending on the age group the food supplement is intended for.’</p>	
	Food supplements as defined in Directive 2002/46/EC intended for the general population, excluding children under the age of 12 years	<p>163 mg/day for adolescents from 12 to 14 years of age</p> <p>230 mg/day for adolescents above 14 years of age</p> <p>263 mg/day for adults</p>		

(b) the entry for ‘Taxifolin-rich extract’ is replaced by the following:

‘Taxifolin-rich extract	<i>Specified food category</i>	<i>Maximum levels</i>	<p>The designation of the novel food on the labelling of the food-stuffs containing it shall be “taxifolin-rich extract”</p>	
	Yogurt plain/Yogurt with fruits ^(*)	0,020 g/kg		
	Kephir ^(*)	0,008 g/kg		
	Buttermilk ^(*)	0,005 g/kg		
	Milk powder ^(*)	0,052 g/kg		
	Cream ^(*)	0,070 g/kg		
	Sour cream ^(*)	0,050 g/kg		
	Cheese ^(*)	0,090 g/kg		
	Butter ^(*)	0,164 g/kg		
	Chocolate confectionery	0,070 g/kg		

Non-alcoholic beverages	0,020 g/L		
Food supplements as defined in Directive 2002/46/EC intended for the general population, excluding infants, young children, children and adolescents younger than 14 years	100 mg/day		
(*) When used in milk products Taxifolin-rich extract may not replace in whole or in part, any milk constituent			

(c) the entry for 'L-ergothioneine' is replaced by the following:

L-ergothioneine	<i>Specified food category</i>	<i>Maximum levels</i>	The designation of the novel food on the labelling of the food-stuffs containing it shall be “L-ergothioneine”	
	Alcohol-free beverages	0,025 g/kg		
	Milk-based drinks	0,025 g/kg		
	“Fresh” milk products(*)	0,040 g/kg		
	Cereal bars	0,2 g/kg		
	Chocolate confectionery	0,25 g/kg		
	Food supplements as defined in Directive 2002/46/EC	30 mg/day for general population (excluding pregnant and lactating women) 20 mg/day for children older than 3 years		
	(*) When used in milk products L-ergothioneine may not replace in whole or in part, any milk constituent			

(d) the following entry is inserted between the entry for 'L-ergothioneine' and the entry for 'Ferric sodium EDTA':

'Extract of three herbal roots (Cynanchum wilfordii Hemsley, Phlomis umbrosa Turcz. and Angelica gigas Nakai)'	<i>Specified food category</i>	<i>Maximum levels</i>	The designation of the novel food on the labelling of the foodstuffs containing it shall be "extract of three herbal roots (<i>Cynanchum wilfordii</i> Hemsley, <i>Phlomis umbrosa</i> Turcz. and <i>Angelica gigas</i> Nakai)". The labelling of food supplements containing the extract of mixture of the three herbal roots shall bear a statement in close proximity to the list of ingredients indicating that it should not be consumed by individuals with known celery allergy.'	
	Food supplements as defined in Directive 2002/46/EC for adult population	175 mg/day		

- (e) the following entry is inserted between the entry for 'Lycopene oleoresin from tomatoes' and the entry for 'Magnesium citrate malate':

'Hen egg white lysozyme hydrolysate'	<i>Specified food category</i>	<i>Maximum levels</i>	The designation of the novel food on the labelling of food supplements containing it shall be "Hen egg white lysozyme hydrolysate".	
	Food supplements as defined in Directive 2002/46/EC intended for adult population	1000 mg/day		

- (f) the entry for 'UV-treated mushrooms (*Agaricus bisporus*)' is replaced by the following:

'UV-treated mushrooms (<i>Agaricus bisporus</i>)'	<i>Specified food category</i>	<i>Maximum levels of vitamin D₂</i>	<ol style="list-style-type: none"> 1. The designation on the label of the novel food as such or of the foodstuffs containing it shall be "UV-treated mushrooms (<i>Agaricus bisporus</i>)". 2. The designation on the label of the novel food as such or of the foodstuffs containing it shall be accompanied by indication that a "controlled light treatment was used to increase vitamin D levels" or "UV treatment was used to increase vitamin D₂ levels". 	
	Mushrooms (<i>Agaricus bisporus</i>)	20 µg of vitamin D ₂ /100 g fresh weight		

- (g) the entry for 'UV- treated baker's yeast (*Saccharomyces cerevisiae*)' is replaced by the following:

'UV-treated baker's yeast (<i>Saccharomyces cerevisiae</i>)'	<i>Specified food category</i>	<i>Maximum levels of vitamin D₂</i>	The designation of the novel food on the labelling of the foodstuffs containing it shall be "Vitamin D yeast" or "Vitamin D ₂ yeast"	
	Yeast-leavened breads and rolls	5 µg of vitamin D ₂ /100 g		
	Yeast-leavened fine bakery wares	5 µg of vitamin D ₂ /100 g		
	Food supplements as defined in Directive 2002/46/EC			
	Pre-packed fresh or dry yeast for home baking	45 µg/100 g for fresh yeast 200 µg/100 g for dried yeast	<ol style="list-style-type: none"> 1. The designation of the novel food on the labelling of the foodstuffs shall be "Vitamin D yeast" or "Vitamin D₂ yeast". 2. The labelling of the novel food shall bear a statement that the foodstuff is only intended for baking and that it should not be eaten raw. 3. The labelling of the novel food shall bear instructions for use for the final consumers so that a maximum concentration of 5 µg/100 g of vitamin D₂ in final home-baked products is not exceeded. 	

(h) the entry for ‘*Schizochytrium* sp. (T18) oil’ is replaced by the following:

'Schizochytrium sp. (T18) oil	Specified food category	Maximum levels	The designation of the novel food on the labelling of the food-stuffs containing it shall be “Oil from the microalgae <i>Schizochytrium</i> sp.”.
	Dairy products except milk-based drinks	200 mg/100 g or for cheese products 600 mg/100 g	
	Dairy analogues except drinks	200 mg/100 g or for analogues to cheese products 600 mg/100 g	
	Spreadable fats and dressings	600 mg/100 g	
	Breakfast cereals	500 mg/100 g	
	Food supplements as defined in Directive 2002/46/EC	250 mg DHA/day for general population	
		450 mg DHA/day for pregnant and lactating women	
	Total diet replacement for weight control as defined in Regulation (EU) No 609/2013 and meal replacements for weight control	250 mg/meal	
	Milk-based drinks and similar products intended for young children	200 mg/100 g	
	Foods intended to meet the expenditure of intense muscular effort, especially for sportsmen		
	Foods bearing statements on the absence or reduced presence of gluten in accordance with the requirements of Commission Implementing Regulation (EU) No 828/2014		
	Foods for special medical purposes as defined in Regulation (EU) No 609/2013	In accordance with the particular nutritional requirements of the persons for whom the products are intended	
	Bakery products (breads, rolls and, sweet biscuits)	200 mg/100 g	
	Cereal bars	500 mg/100g	
	Cooking fats	360 mg/100 g	

Non-alcoholic beverages (including dairy analogue and milk-based drinks)	80 mg/100 ml		
Infant formula and follow-on formula as defined in Regulation (EU) No 609/2013	In accordance with Regulation (EU) No 609/2013		
Processed cereal-based foods and baby foods for infants and young children as defined in Regulation (EU) No 609/2013	200 mg/100 g		
Fruit/vegetable puree	100 mg/100 g		

(2) Table 2 (Specifications) is amended as follows:

(a) the following entry is inserted between the entry for 'Echium plantagineum oil' and the entry for 'Egg membrane hydrolysate':

Authorised Novel Food	Specification
'Ecklonia cava phlorotannins	<p>Description/Definition <i>Ecklonia cava</i> phlorotannins are obtained via alcohol extraction from the edible marine alga <i>Ecklonia cava</i>. The extract is a dark brown powder, rich in phlorotannins, polyphenolic compounds found as secondary metabolites in certain brown algae species.</p> <p>Characteristics/Composition Phlorotannin content: 90 ± 5 % Antioxidant activity: > 85 % Moisture: < 5 % Ash: < 5 %</p> <p>Microbiological criteria Total viable cell count: $< 3\,000$ CFU/g Mould/yeast: < 300 CFU/g Coliforms: Negative to test <i>Salmonella</i> spp.: Negative to test <i>Staphylococcus aureus</i>: Negative to test</p> <p>Heavy metals and Halogens Lead: $< 3,0$ mg/kg Mercury: $< 0,1$ mg/kg Cadmium: $< 3,0$ mg/kg Arsenic: $< 25,0$ mg/kg Inorganic Arsenic: $< 0,5$ mg/kg Iodine: $150,0 - 650,0$ mg/kg CFU: Colony Forming Units'</p>

- (b) the entry for 'Definition' for 'Taxifolin-rich extract' is replaced by the following:

'Taxifolin-rich extract'	Definition Chemical name: [(2R,3R)-2-(3,4 dihydroxyphenyl)-3,5,7-trihydroxy-2,3-dihydrochromen-4-one, also called (+) trans (2R,3R)- dihydroquercetin] and with no more than 2 % of the cis-form'
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- (c) the following entry is inserted between the entry for 'L-ergothioneine' and the entry for 'Ferric sodium EDTA':

'Extract of three herbal roots (<i>Cynanchum wilfordii</i> Hemsley, <i>Phlomis umbrosa</i> Turcz. and <i>Angelica gigas</i> Nakai)	Description/Definition The mixture of the three herbal roots is yellowish brown fine powder produced by hot-water extraction, concentration by evaporation, and spray drying Composition of the extract of mixture of the 3 herbal roots <i>Cynanchum wilfordii</i> root: 32,5 % (w/w) <i>Phlomis umbrosa</i> root: 32,5 % (w/w) <i>Angelica gigas</i> root: 35,0 % (w/w) Specifications Loss on drying: NMT 100 mg/g Assay Cinnamic acid: 0,012 – 0,039 mg/g Shanzhiside methyl ester: 0,20 – 1,55 mg/g Nodakenin: 3,35 – 10,61 mg/g Methoxsalen: < 3 mg/g Phenols: 13,0 – 40,0 mg/g Coumarins: 13,0 – 40,0 mg/g Iridoids: 13,0 – 39,0 mg/g Saponins: 5,0 – 15,5 mg/g Nutritive components Carbohydrates: 600 – 880 mg/g Proteins: 70 – 170 mg/g Fats: < 4 mg/g Microbiological parameters Total viable plate count: < 5000 CFU/g Total mold and yeast: < 100 CFU/g Coliform bacteria: < 10 CFU/g <i>Salmonella</i> : Negative/25 g <i>Escherichia coli</i> : Negative/25 g <i>Staphylococcus aureus</i> : Negative/25 g Heavy metals Lead: < 0,65 mg/kg Arsenic: < 3,0 mg/kg Mercury: < 0,1 mg/kg Cadmium: < 1,0 mg/kg CFU: Colony Forming Units'
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(d) the following entry is inserted between the entry for 'Lycopene oleoresin from tomatoes' and the entry for 'Magnesium citrate malate':

'Hen egg white lysozyme hydrolysate'	<p>Description/Definition Hen egg white lysozyme hydrolysate is obtained from hen egg white lysozyme by an enzymatic process, using subtilisin from <i>Bacillus licheniformis</i>. The product is a white to light yellow powder.</p> <p>Specification Protein (TN(*) x 5,30): 80-90 % Tryptophan: 5-7 % Ratio Tryptophan/LNAA(**): 0,18-0,25 Degree of hydrolysis: 19-25 % Moisture: < 5 % Ash: < 10 % Sodium: < 6 %</p> <p>Heavy metals Arsenic: < 1 ppm Lead: < 1 ppm Cadmium: < 0,5 ppm Mercury: < 0,1 ppm</p> <p>Microbiological criteria Total aerobic count: < 10³ CFU/g Total combined yeasts/moulds count: < 10² CFU/g Enterobacteria: < 10 CFU/g <i>Salmonella</i> spp: Absence in 25 g <i>Escherichia coli</i>: Absence in 10 g <i>Staphylococcus aureus</i>: Absence in 10 g <i>Pseudomonas aeruginosa</i>: Absence in 10 g</p> <p>* TN: total nitrogen ** LNAA: large neutral amino acids'</p>
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(e) the entry for 'UV-treated mushrooms (*Agaricus bisporus*)' is replaced by the following:

'UV-treated mushrooms (<i>Agaricus bisporus</i>)'	<p>Description/Definition Commercially grown <i>Agaricus bisporus</i> to which UV light treatment is applied to harvested mushrooms. UV radiation: a process of radiation in ultraviolet light within the wavelength of 200-800 nm.</p> <p>Vitamin D₂ Chemical name: (3β,5Z,7E,22E)-9,10-secoergosta-5,7,10(19),22-tetraen-3-ol Synonym: Ergocalciferol CAS No: 50-14-6 Molecular weight: 396,65 g/mol</p> <p>Contents Vitamin D₂ in the final product: 5-20 µg/100 g fresh weight at the expiration of shelf life.'</p>
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- (f) the entry for 'UV- treated baker's yeast (*Saccharomyces cerevisiae*)' is replaced by the following:

'UV-treated baker's yeast (<i>Saccharomyces cerevisiae</i>)'	<p>Description/Definition</p> <p>Baker's yeast (<i>Saccharomyces cerevisiae</i>) is treated with ultraviolet light to induce the conversion of ergosterol to vitamin D₂ (ergocalciferol). Vitamin D₂ content in the yeast concentrate varies between 800 000-3 500 000 IU vitamin D/100 g (200-875 µg/g). The yeast may be inactivated.</p> <p>The yeast concentrate is blended with regular baker's yeast in order not to exceed the maximum level in the pre-packed fresh or dry yeast for home baking.</p> <p>Tan-coloured, free-flowing granules.</p> <p>Vitamin D₂</p> <p>Chemical name: (5Z,7E,22E)-(3S)-9,10-secoergosta-5,7,10(19),22-tetraen-3-ol</p> <p>Synonym: Ergocalciferol</p> <p>CAS No.: 50-14-6</p> <p>Molecular weight: 396,65 g/mol</p> <p>Microbiological criteria for the yeast concentrate</p> <p>Coliforms: ≤ 10³/g</p> <p><i>Escherichia coli</i>: ≤ 10/g</p> <p><i>Salmonella</i>: Absence in 25 g'</p>
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COMMISSION IMPLEMENTING REGULATION (EU) 2020/1560**of 26 October 2020****amending Annex VI to Regulation (EC) No 152/2009 laying down the methods of analysis for the determination of constituents of animal origin for the official control of feed****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC ⁽¹⁾ and in particular the Article 34(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 152/2009 ⁽²⁾ establishes testing methods used to support official controls to enforce the ban on use of processed animal protein in feed for food producing animals. This includes methods of analysis for the determination of constituents of animal origin for the official control of feed, which are described in Annex VI of that Regulation and performed by light microscopy or polymerase chain reaction (PCR).
- (2) The European Union reference laboratory for animal proteins in feeding stuffs and the national reference laboratories in the Member States have encountered difficulties to interpret the results after the implementation of the light microscopy method described in Annex VI to Regulation (EC) No 152/2009.
- (3) To ensure legal clarity and certainty and to avoid divergent interpretations it is appropriate to amend certain provisions in Annex VI.
- (4) In particular, the observation flowchart for the detection of animal particles in compound feed and feed material should be amended to clarify the situations when only one determination is necessary to conclude the analysis. The expression of the results should also be further detailed. Finally, the characteristics of the equipment and the preparation of samples should be adjusted, based on the experience gained over the last six years of implementation of the method.
- (5) Annex VI to Regulation (EC) No 152/2009 should therefore be amended accordingly.
- (6) 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 Regulation (EC) No 152/2009 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.⁽²⁾ Commission Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed (OJ L 54, 26.2.2009, p. 1).

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, 26 October 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex VI to Regulation (EC) No 152/2009 is amended as follows:

- (1) point 2.1.1. is replaced by the following:

Principle

The constituents of animal origin which may be present in feed materials and compound feed sent for analysis are identified on the basis of typical and microscopically identifiable characteristics like muscle fibres and other meat particles, cartilage, bones, horn, hair, bristles, blood, milk globules, lactose crystals, feathers, egg shells, fish bones and scales.'

- (2) point 2.1.2.1.3.2, is replaced by the following:

'Glycerol (undiluted, viscosity: 1 490 cP) or a mounting medium with equivalent properties for non-permanent slide preparation.'

- (3) point 2.1.2.2.2, is replaced by the following:

'Grinding equipment: knife or rotor mill. If a rotor mill is used, mill sieves $\leq 0,5$ mm shall be prohibited.'

- (4) point 2.1.2.2.3, is replaced by the following:

'Sieves with square meshes of 0,25 mm and 1 mm width. With the exception of sample pre-sieving, the diameter of the sieves should not exceed 10 cm to avoid loss of materials. Calibration of sieves is not required.'

- (5) the following points are added in point 2.1.2.2:

'2.1.2.2.9. Laboratory oven

2.1.2.2.10. Centrifuge

2.1.2.2.11. Filter paper: qualitative cellulose filter (pore size 4-11 μ m).'

- (6) point 2.1.3.1, is replaced by the following:

Sampling

A representative sample, taken in accordance with the provisions laid down in Annex I to this Regulation shall be used.'

- (7) point 2.1.3.3.1, is replaced by the following:

'Sample drying: samples with a moisture content > 14 % shall be dried prior to handling according to Annex III to this Regulation.'

- (8) point 2.1.3.3.2, is replaced by the following:

'Sample pre-sieving: in order to collect information on possible environmental contamination of the feed, it is recommended to pre-sieve at 1 mm pelleted feeds and kernels and to subsequently prepare, analyse, and report separately on the two resulting fractions, which must be considered as distinct samples.'

- (9) the last paragraph of point 2.1.3.3.4 is replaced by the following:

'The sediment shall be collected on a filter paper placed into a funnel to allow the separation of the remaining TCE while avoiding fat deposition into the sediment. The sediment shall be dried. It is recommended to subsequently weigh the sediment (accurate to 0,001 g) to control the sedimentation step. Lastly, the sediment shall be sieved at 0,25 mm and the two resulting fractions shall be examined, unless sieving is not deemed necessary.'

- (10) the first sentence of point 2.1.4.1 is replaced by the following:

'Microscopic slides shall be prepared from the sediment and, depending on the operator's choice, from either the flotat or the raw material.'

- (11) point 2.1.4.2, including its Diagrams 1 and 2, is replaced by the following:

'Observation flowchart for the detection of animal particles in compound feed and feed material

The prepared microscopic slides shall be observed in accordance with the observation flowcharts laid down in diagrams 1 and 2.

The microscopic observations shall be conducted using the compound microscope on the sediment and, depending on the operator's choice, either on the flotata or on the raw material. The stereomicroscope may be used in addition to the compound microscope for the coarse fractions. Each slide shall be screened entirely at various magnifications. Precise explanations on how to use the observation flowcharts are detailed by a SOP established by the EURL-AP and published on its website.

The minimum numbers of slides to be observed at each step of the observation flowcharts shall be strictly respected, unless the entire fraction material does not permit to reach the stipulated slide number, for instance when no sediment is obtained. No more than 6 slides per determination shall be used for recording of the number of particles.

When additional slides are prepared on the flotata or the raw material using a more specific mounting medium with staining properties, as laid down in point 2.1.2.1.4, to further characterise structures (e.g. feathers, hairs, muscle or blood particles) which have been detected on slides prepared by other mounting media, as laid down in point 2.1.2.1.3, the number of particles shall be counted based on a number of slides per determination not exceeding 6, including the additional slides with a more specific mounting medium.

In order to facilitate the identification of the particles' nature and origin, the operator may use support tools like decision support systems, image libraries and reference samples.

Diagram 1

Observation flowchart for the detection of animal particles in compound feed and feed material for the first determination.

(D1 and D2 refer to the first and second determinations; *: terrestrial vertebrate, fish)

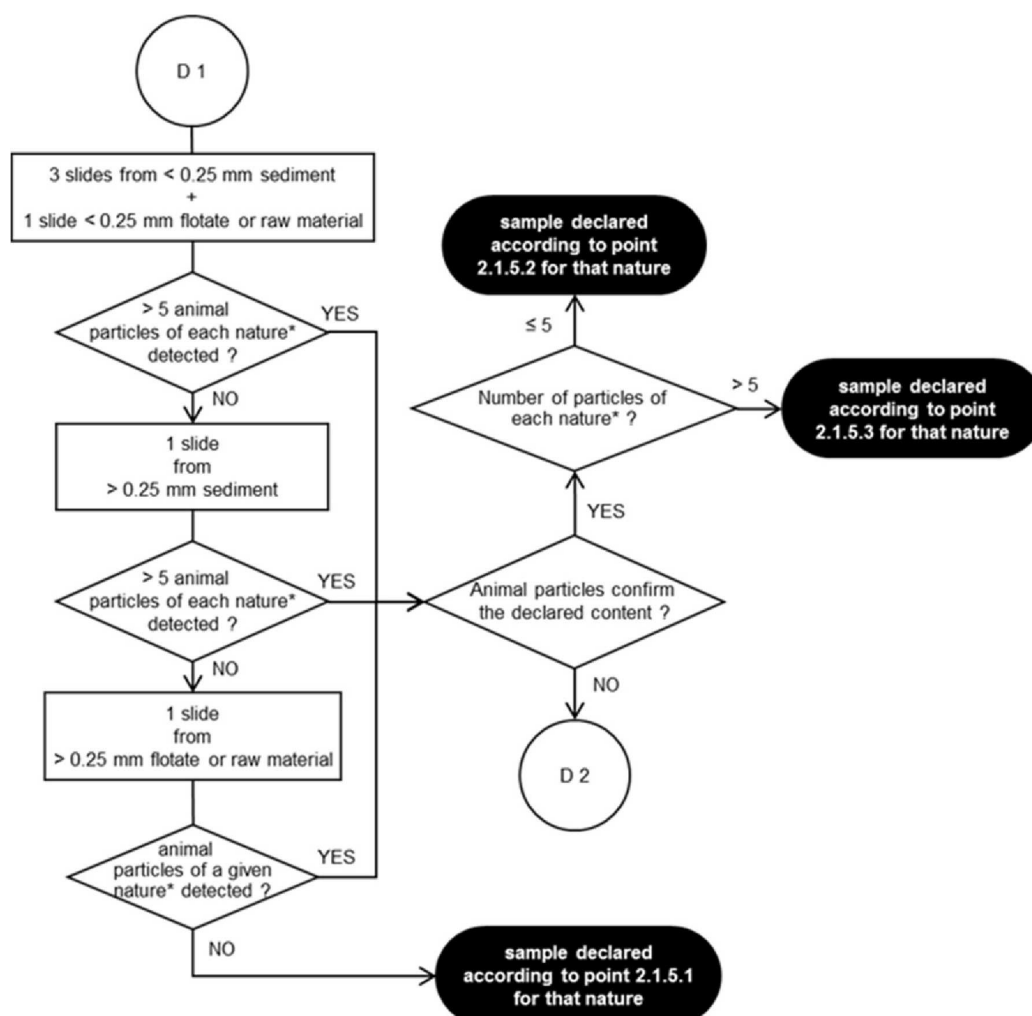
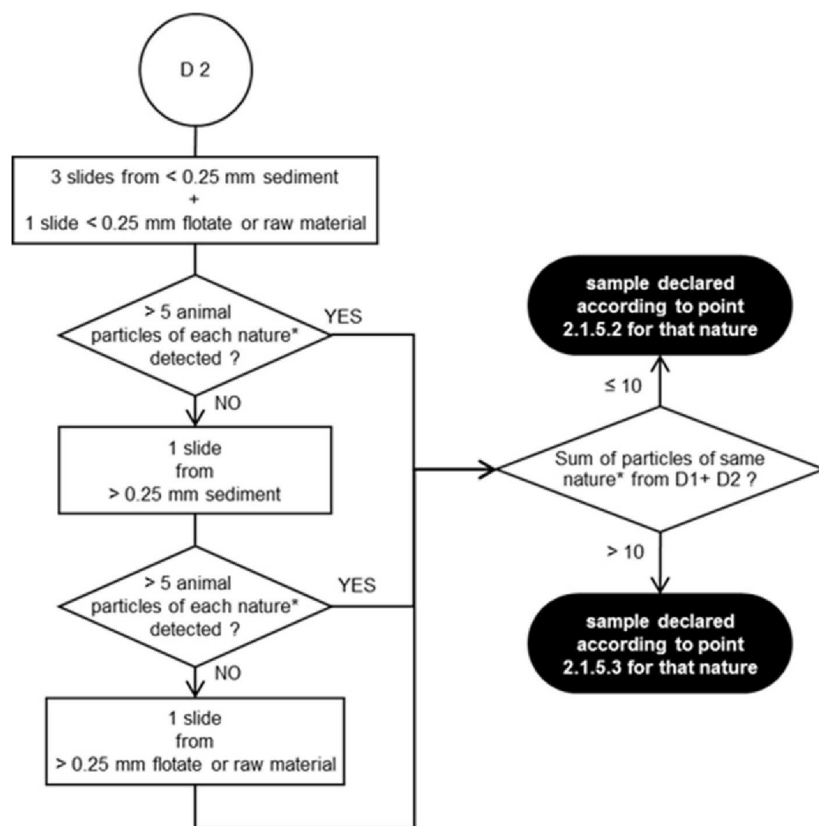


Diagram 2

Observation flowchart for the detection of animal particles in compound feed and feed material for the second determination

(D1 and D2 refer to the first and second determinations; *: terrestrial vertebrate, fish)



(12) point 2.1.4.3 is replaced by the following:

‘Number of determinations

Determinations shall be performed on different sub-samples of 50 g each.

If following the first determination carried out in accordance with the observation flowchart laid down in diagram 1, no animal particles are detected, no additional determination is necessary and the result of the analysis shall be reported using the terminology laid down in point 2.1.5.1.

If, following the first determination carried out in accordance with the observation flowchart laid down in diagram 1, one or more animal particles of a given nature (i.e. terrestrial vertebrate or fish) are detected, and the nature of the particles found confirms the declared content of the sample, no second determination is necessary. If the number of the animal particles of a given nature detected during this first determination is higher than 5, the result of the analysis shall be reported per animal nature using the terminology laid down in point 2.1.5.3. Otherwise, the result of the analysis shall be reported per animal nature using the terminology laid down in point 2.1.5.2.

In other cases, including when no declaration of content has been provided to the laboratory a second determination shall be carried out from a new sub-sample.

If, following the second determination carried out in accordance with the observation flowchart laid down in diagram 2, the sum of the animal particles of a given nature detected over the two determinations is higher than 10, the result of the analysis shall be reported per animal nature using the terminology laid down in point 2.1.5.3. Otherwise, the result of the analysis shall be reported per animal nature using the terminology laid down in point 2.1.5.2.’

(13) point 2.1.5 is replaced by the following:

‘Expression of the results

When reporting the results, the laboratory shall indicate on which type of material the analysis has been carried-out (sediment, flotate or raw material). The reporting shall clearly indicate how many determinations have been carried-out and if sieving of the fractions prior to slide preparation, in accordance with the last paragraph of point 2.1.3.3.4., was not performed.

The laboratory report shall at least contain information on the presence of constituents derived from terrestrial vertebrates and from fish.

The different situations shall be reported in the following ways.

2.1.5.1. No animal particle of a given nature detected:

- “As far as was discernible using a light microscope, no particle derived from terrestrial vertebrates was detected in the submitted sample.”
- “As far as was discernible using a light microscope, no particle derived from fish was detected in the submitted sample.”

2.1.5.2. Between 1 and 5 animal particles of a given nature detected when only one determination has been performed, or between 1 and 10 particles of a given nature detected in case of two determinations (the number of detected particles is below the decision limit established in the standard operating procedures (SOP) of the EU reference laboratory for animal proteins in feedingstuffs (EURL-AP) and published on its website ⁽¹⁾):

When only one determination has been performed:

- “As far as was discernible using a light microscope, no more than 5 particles derived from terrestrial vertebrates were detected in the submitted sample. The particles were identified as ... [bone, cartilage, muscle, hair, horn...]. This low level presence is below the decision limit established for this microscopic method.”
- “As far as was discernible using a light microscope, no more than 5 particles derived from fish were detected in the submitted sample. The particles were identified as ... [fishbone, fish scale, cartilage, muscle, otolith, gill...]. This low level presence, is below the decision limit established for this microscopic method.”

When two determinations have been performed:

- “As far as was discernible using a light microscope, no more than 10 particles derived from terrestrial vertebrates were detected over the two determinations in the submitted sample. The particles were identified as ... [bone, cartilage, muscle, hair, horn...]. This low level presence is below the decision limit established for this microscopic method.”
- “As far as was discernible using a light microscope, no more than 10 particles derived from fish were detected over the two determinations in the submitted sample. The particles were identified as ... [fishbone, fish scale, cartilage, muscle, otolith, gill...]. This low level presence is below the decision limit established for this microscopic method.”

Additionally:

- In case of sample pre-sieving, the laboratory report shall mention in which fraction (sieved fraction, pelleted fraction or kernels) the animal particles have been detected insofar as the detection of animal particles only in the sieved fraction may be the sign of an environmental contamination.
- When only animal particles which cannot be categorised as either terrestrial vertebrates or fish are detected (e.g. muscle fibres), the report shall mention that only such animal particles were detected and that it cannot be excluded that they originate from terrestrial vertebrates

2.1.5.3. More than 5 animal particles of a given nature detected when only one determination has been performed, or more than 10 particles of a given nature detected in case of two determinations:

When only one determination has been performed:

- “As far as was discernible using a light microscope, more than 5 particles derived from terrestrial vertebrates were detected in the submitted sample. The particles were identified as ... [bone, cartilage, muscle, hair, horn...].”

⁽¹⁾ <http://eurl.craw.eu/>

- “As far as was discernible using a light microscope, more than 5 particles derived from fish were detected in the submitted sample. The particles were identified as ... [fishbone, fish scale, cartilage, muscle, otolith, gill...].”

When two determinations have been performed:

- “As far as was discernible using a light microscope, more than 10 particles derived from terrestrial vertebrates were detected over the two determinations in the submitted sample. The particles were identified as ... [bone, cartilage, muscle, hair, horn...].”
- “As far as was discernible using a light microscope, more than 10 particles derived from fish were detected over the two determinations in the submitted sample. The particles were identified as ... [fishbone, fish scale, cartilage, muscle, otolith, gill...].”

Additionally:

- In case of sample pre-sieving, the laboratory report shall mention in which fraction (sieved fraction, pelleted fraction or kernels) the animal particles have been detected insofar as the detection of animal particles only in the sieved fraction may be the sign of an environmental contamination.
 - When only animal particles which cannot be categorised as either terrestrial vertebrates or fish are detected (e.g. muscle fibres), the report shall mention that only such animal particles were detected and that it cannot be excluded that they originate from terrestrial vertebrates.’
-

DECISIONS

COUNCIL IMPLEMENTING DECISION (EU) 2020/1561

of 23 October 2020

granting temporary support under Regulation (EU) 2020/672 to Hungary to mitigate unemployment risks in the emergency following the COVID-19 outbreak

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) 2020/672 of 19 May 2020 on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak ⁽¹⁾, and in particular Article 6(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 6 August 2020, Hungary requested financial assistance from the Union with a view to complementing its national efforts to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of the outbreak for workers and the self-employed.
- (2) The COVID-19 outbreak and the extraordinary measures implemented by Hungary to contain the outbreak and its socioeconomic and health-related impact are expected to have a dramatic impact on public finances. According to the Commission's 2020 Spring forecast, Hungary was expected to have a general government deficit and debt of 5,2 % and 75,0 % of gross domestic product (GDP) respectively by the end of 2020. According to the Commission's 2020 Summer interim forecast, Hungary's GDP is projected to decrease by 7,0 % in 2020.
- (3) The COVID-19 outbreak has immobilised a substantial part of the labour force in Hungary. This has led to a sudden and severe increase in public expenditure in Hungary in respect of similar measures to short-time work schemes and health-related measures, as set out in recitals (4) to (14).
- (4) 'Government Resolution 2080/2020 on the national development of accommodation', as it is referred to in Hungary's request of 6 August 2020, introduced temporary support for upgrading accommodation (conversion, expansion, renovation of premises, acquisition of equipment) in tourist destinations in order to retain the existing workforce. Only the part of expenditure related to the support of the self-employed and one-person companies has been requested. The measure can be considered to be a similar measure to short-time work schemes, as referred to in Regulation (EU) 2020/672, as it aims to protect the self-employed or similar categories of workers from reduction or loss of income.
- (5) The 'Decree of Minister of Agriculture No 25/2020. (VI. 22.)' ⁽²⁾, 'Decree of Minister of Agriculture No 26/2020. (VI. 22.)' ⁽³⁾ and 'Decree of Minister of Agriculture No 30/2020. (VI. 22.)' ⁽⁴⁾, as they are referred to in Hungary's request of 6 August 2020, introduced a one-off grant support for food-processing companies, horticultural companies in the sectors of growing non-perennial crops and of plant propagation, and fish farming companies respectively. The support is conditional on the entity maintaining their employees until December 2020. As regards the part of the expenditure related to support for the self-employed and one-person companies, the measure can be considered to be a similar measure to short-time work schemes, as referred to in Regulation (EU) 2020/672, as it aims to protect the self-employed or similar categories of workers from reduction or loss of income.

⁽¹⁾ OJ L 159, 20.5.2020, p. 1.

⁽²⁾ Promulgated in the Hungarian Official Gazette on June 22, 2020 (Nr. 148), p. 3872.

⁽³⁾ Promulgated in the Hungarian Official Gazette on June 22, 2020 (Nr. 148), p. 3875.

⁽⁴⁾ Promulgated in the Hungarian Official Gazette on June 22, 2020 (Nr. 148), p. 3889.

- (6) 'Government Decree No 59/2020. (III. 23.)' ⁽⁵⁾ and 'Act LVIII of 2020' ⁽⁶⁾, as they are referred to in Hungary's request of 6 August 2020, extended childcare benefits to employees and the self-employed, which would have expired due to age restrictions between 11 March 2020 and 30 June 2020, which was the period of the state of alarm. Those childcare benefits can be considered to be a similar measure to short-time work schemes, as referred to in Regulation (EU) 2020/672, as they provide income support to employees and the self-employed, which will help to cover the costs of childcare during school closures and therefore help parents to continue working, preventing putting the employment relation at risk.
- (7) On the basis of 'Government Decree No 47/2020. (III. 18.)' ⁽⁷⁾ (as amended), as it is referred to in Hungary's request of 6 August 2020, the authorities have introduced a number of tax-related measures. Since those measures consist of forgone revenue for the Government, they can be considered to be equivalent to public expenditure.
- (8) For the sectors most hit by the pandemic, the authorities introduced an exemption from the employers' social security contributions and training levy for the period from March to December 2020 as well as a reduction in the employers' rehabilitation contribution tax for the period from March to June 2020. The part of the total expenditure related to companies that reduce or suspend working time or when the employees were continuously in employment up to the latest available outturn data has been requested.
- (9) For small tax-payers in 26 activities, an exemption from the small business lump sum tax ('KATA') regime, was introduced for the period from March to June 2020. Only the part of expenditure related to the support of the self-employed and one-person companies has been requested. The measure can be considered to be a similar measure to short-time work schemes, as referred to in Regulation (EU) 2020/672, as it aims to protect the self-employed or similar categories of workers from reduction or loss of income.
- (10) Finally, in relation to tax-related measures, in the sectors most hit by the pandemic, the authorities have excluded personnel costs from the tax base of the small enterprise tax ('KIVA'), for the period from March to June 2020. The part of the total expenditure related to companies that reduce or suspend working time or when the employees were continuously in employment up to the latest available outturn data has been requested.
- (11) Hungary has also introduced a series of health-related measures to address the COVID-19 outbreak. 'Government Decree No 275/2020. (VI. 12.)' ⁽⁸⁾, as it is referred to in Hungary's request of 6 August 2020, introduced a one-off lump sum benefit of HUF 500 000 per person for healthcare workers as an acknowledgment of their extra work during the pandemic.
- (12) State-owned companies, whose costs are borne by the State, have introduced special measures with corresponding costs to control the pandemic. Such health-related measures include cleaning and the provision of protective equipment.
- (13) On the basis of 'Government Decree No 250/2014 (X. 2.) on the Directorate-General for Public Procurement and Supply (KEF)' ⁽⁹⁾, as it is referred to in Hungary's request of 6 August 2020, special measures to control the pandemic (such as daily disinfection services, as well as multiple cleaning of ventilation systems and elevators) and to protect the personal health of public officials with disinfectants and protection tools have resulted in an increase in costs. Such measures have been introduced by the KEF to ensure the continuous functioning of public budgetary bodies.
- (14) Finally, 'Government Resolution 1012/2020. (I. 31.) on the Establishment of the Operative Staff' ⁽¹⁰⁾ as it is referred to in Hungary's request of 6 August 2020, introduced measures related to infrastructures and investments in hospitals in order to allow for a high level of protection of healthcare workers and patients. The measures include dedicated medical examination rooms and isolated COVID wards. Additionally, the direct costs of personal protection tools and equipment (single use facemasks, medical cloaks, plastic shields, gloves, disinfectants, etc.) in hospitals and other healthcare institutions have increased in order to allow for a high level of protection of healthcare workers.

⁽⁵⁾ Promulgated in the Hungarian Official Gazette on March 23, 2020 (Nr. 51), p. 1558.

⁽⁶⁾ Promulgated in the Hungarian Official Gazette on June 17, 2020 (Nr. 144), p. 3652.

⁽⁷⁾ Promulgated in the Hungarian Official Gazette on March 18, 2020 (Nr. 47), p. 1462.

⁽⁸⁾ Promulgated in the Hungarian Official Gazette on June 12, 2020 (Nr. 141), p. 3585.

⁽⁹⁾ Promulgated in the Hungarian Official Gazette on October 2, 2014 (Nr.136), p. 13839.

⁽¹⁰⁾ Promulgated in the Hungarian Official Gazette on January 31, 2020 (Nr.16), p. 288.

- (15) Hungary fulfils the conditions for requesting financial assistance set out in Article 3 of Regulation (EU) 2020/672. Hungary has provided the Commission with appropriate evidence that the actual and planned public expenditure has increased by EUR 639 500 000 as of 1 February 2020 due to the national measures taken to address the socioeconomic effects of the COVID-19 outbreak. The increased amount directly related to the measures above that are similar to short-time work schemes constitutes a sudden and severe increase because it relates to both new measures and an extension of existing measures, which cover a significant proportion of undertakings and of the labour force in Hungary. Hungary intends to finance EUR 113 740 000 of the increased amount of expenditure through Union funds.
- (16) The Commission has consulted Hungary and verified the sudden and severe increase in the actual and planned public expenditure directly related to short-time work schemes and similar measures, as well as the recourse to relevant health-related measures related to the COVID-19 outbreak, referred to in the request of 6 August 2020, in accordance with Article 6 of Regulation (EU) 2020/672.
- (17) Health-related measures, as requested by Hungary and referred to in recitals (11) to (14), amount to EUR 268 550 000. This amount represents more than half of the total requested amount of financial support. Given the need to ensure the ancillary nature of this category of measures, the amount of the financial assistance in support of health-related measures should be limited to EUR 247 124 000, so that the amount represents less than half of total financial assistance.
- (18) Financial assistance should therefore be provided with a view to helping Hungary to address the socioeconomic effects of the severe economic disturbance caused by the COVID-19 outbreak. The Commission should take the decisions concerning maturities, size and release of instalments and tranches in close cooperation with national authorities.
- (19) This Decision should be without prejudice to the outcome of any procedures relating to distortions of the operation of the internal market that may be undertaken, in particular under Articles 107 and 108 of the Treaty. It does not override the requirement for Member States to notify instances of potential State aid to the Commission under Article 108 of the Treaty.
- (20) Hungary should inform the Commission on a regular basis of the implementation of the planned public expenditure, in order to enable the Commission to assess the extent to which Hungary has implemented that expenditure.
- (21) The decision to provide financial assistance has been reached taking into account existing and expected needs of Hungary, as well as requests for financial assistance pursuant to Regulation (EU) 2020/672 already submitted or planned to be submitted by other Member States, while applying the principles of equal treatment, solidarity, proportionality and transparency,

HAS ADOPTED THIS DECISION:

Article 1

Hungary fulfils the conditions set out in Article 3 of Regulation (EU) 2020/672.

Article 2

1. The Union shall make available to Hungary a loan amounting to a maximum of EUR 504 330 000. The loan shall have a maximum average maturity of 15 years.
2. The availability period for financial assistance granted by this Decision shall be 18 months starting from the first day after this Decision has taken effect.
3. The Union financial assistance shall be made available by the Commission to Hungary in a maximum of eight instalments. An instalment may be disbursed in one or several tranches. The maturities of the tranches under the first instalment may be longer than the maximum average maturity referred to in paragraph 1. In such cases, the maturities of further tranches shall be set so that the maximum average maturity referred to in paragraph 1 is respected once all instalments have been disbursed.
4. The first instalment shall be released subject to the entry into force of the loan agreement provided for in Article 8(2) of Regulation (EU) 2020/672.

5. Hungary shall pay the cost of the funding of the Union referred to in Article 4 of Regulation (EU) 2020/672 for each instalment plus any fees, costs and expenses of the Union resulting from any funding related to the loan granted under paragraph 1 of this Article.

6. The Commission shall decide on the size and release of instalments, as well as on the size of the tranches.

Article 3

Hungary may finance the following measures:

- (a) temporary support for upgrading accommodation in tourist destinations in order to retain the existing workforce as provided for by 'Government Resolution 2080/2020 on the national development of accommodation', for the part of expenditure related to the support of the self-employed and one-person companies;
- (b) temporary support for food-processing companies as provided for by the 'Decree of Minister of Agriculture No 25/2020. (VI. 22.)', for the part of expenditure related to the support of the self-employed and one-person companies;
- (c) temporary support for horticultural companies in the sectors of growing non-perennial crops and of plant propagation as provided for by the 'Decree of Minister of Agriculture No 26/2020. (VI. 22.)', for the part of expenditure related to the support of the self-employed and one-person companies;
- (d) temporary support for fish farming companies, as provided for by the 'Decree of Minister of Agriculture No 30/2020. (VI. 22.)', for the part of expenditure related to the support of the self-employed and one-person companies;
- (e) the extension, until 30 June 2020, of those childcare benefits which expired during the period of the state of alarm, as provided for by 'Government Decree No 59/2020. (III. 23.)' and Article 71 of 'Act LVIII of 2020';
- (f) the suspension of the employers' social contribution tax in certain sectors for the period from March to December 2020, as provided for by point (a) of Article 4 of 'Government Decree No 47/2020. (III. 18.)' (as amended), for the part of expenditure related to companies that reduce or suspend working time or when the employees were continuously in employment;
- (g) exemptions from the employers' training levy in certain sectors for the period from March to December 2020, as provided for by point (a) of Article 4 of 'Government Decree No 47/2020. (III. 18.)' (as amended), for the part of expenditure related to companies that reduce or suspend working time or when the employees were continuously in employment;
- (h) the reduction of the rehabilitation contribution tax of employers in certain sectors for the period from March to June 2020, as provided for by point (a) of Article 4 of 'Government Decree No 47/2020. (III. 18.)' (as amended), for the part of expenditure related to companies that reduce or suspend working time or when the employees were continuously in employment;
- (i) a tax exemption for small tax-payers from the small business lump sum tax ('KATA') regime in 26 activities, for the period from March to June 2020, as provided for by Article 5 of 'Government Decree No 47/2020. (III. 18.)' (as amended), for the part of expenditure related to the support of the self-employed and one-person companies;
- (j) the exclusion of personnel costs from the tax base of the small enterprise tax ('KIVA') in certain sectors, for the period from March to June 2020, as provided for by 'Government Decree No 47/2020. (III. 18.)' (as amended), for the part of expenditure related to companies that reduce or suspend working time or when the employees were continuously in employment;
- (k) a lump sum benefit for healthcare workers as an acknowledgment of their extra work during the pandemic, as provided for by 'Government Decree No 275/2020. (VI. 12.)';
- (l) costs related to special measures to control the pandemic introduced in state-owned companies;
- (m) costs related to special measures to control the pandemic and to protect the personal health of public officials, as provided for by 'Government Decree No 250/2014 (X. 2.) on Directorate-General for Public Procurement and Supply (KEF)';
- (n) costs related to infrastructure and investments in hospitals for high level protection of healthcare workers and patients, as provided for by 'Government Resolution 1012/2020 (I. 31.) on the Establishment of the Operative Staff';
- (o) direct costs of personal protection tools and equipment in hospitals and other health care institutions for high level protection of healthcare workers, as provided for by 'Government Resolution 1012/2020 (I. 31.) on the Establishment of the Operative Staff'.

Article 4

Hungary shall inform the Commission by 28 April 2021, and every six months thereafter of the implementation of the planned public expenditure until that planned public expenditure has been fully implemented.

Article 5

This Decision is addressed to Hungary.

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

Article 6

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 23 October 2020.

For the Council
The President
M. ROTH

COMMISSION IMPLEMENTING DECISION (EU) 2020/1562**of 26 October 2020****amending Implementing Decision (EU) 2020/167 as regards harmonised standards for certain radio equipment concerning advanced surface movement guidance and control systems, primary surveillance radars, broadcast sound receivers, international mobile telecommunications equipment and fixed radio systems**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) In accordance with Article 16 of Directive 2014/53/EU of the European Parliament and of the Council, ⁽²⁾ radio equipment which is in conformity with harmonised standards or parts thereof, the references of which have been published in the *Official Journal of the European Union*, is to be presumed to be in conformity with the essential requirements set out in Article 3 of that Directive, covered by those standards or parts thereof.
- (2) By Implementing Decision C(2015) 5376 ⁽³⁾, the Commission made a request to the European Committee for Electrotechnical Standardisation (CENELEC) and the European Telecommunications Standards Institute (ETSI) for the drafting and revision of harmonised standards for radio equipment in support of Directive 2014/53/EU.
- (3) On the basis of the request set out in Implementing Decision C(2015) 5376, ETSI drafted harmonised standards EN 303 213-5-1 V1.1.1, for receivers and interrogators of advanced surface movement guidance and control systems, EN 303 345-2 V1.1.1 and EN 303 345-5 V1.1.1, for broadcast sound receivers, and EN 303 364-3 V1.1.1, for primary surveillance radars.
- (4) On the basis of the request set out in Implementing Decision C(2015) 5376, ETSI revised harmonised standards EN 301 908-2 V11.1.2, EN 301 908-13 V11.1.2, EN 302 217-2 V3.1.1 and EN 303 213-6-1 V2.1.1, the references of which are published in the C series of the *Official Journal of the European Union* ⁽⁴⁾. This resulted in adoption of, respectively, harmonised standards EN 301 908-2 V13.1.1 for user equipment for international mobile telecommunications, EN 301 908-13 V13.1.1 for user equipment for evolved universal terrestrial radio access, EN 302 217-2 V3.2.2 for fixed radio systems and EN 303 213-6-1 V3.1.1 for advanced surface movement guidance and control systems.
- (5) The Commission, together with ETSI, has assessed whether those harmonised standards comply with the request set out in Implementing Decision C(2015) 5376.
- (6) Harmonised standards EN 303 213-5-1 V1.1.1 and EN 301 908-2 V13.1.1 satisfy the essential requirements which they aim to cover and which are set out in Directive 2014/53/EU. It is therefore appropriate to publish the references of those standards in the *Official Journal of the European Union*.
- (7) Implementing Decision C(2015) 5376 provides, in Annex II 3(3), that “receiver performance is also of particular importance for mobile terminals, in particular antenna performance, and for communication equipment used in safety of life applications”. Harmonised standard EN 301 908-13 V13.1.1 does not include specifications with respect to antenna performance. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restriction.

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62).

⁽³⁾ Commission Implementing Decision C(2015) 5376 final of 4 August 2015 on a standardisation request to the European Committee for Electrotechnical Standardisation and to the European Telecommunications Standards Institute as regards radio equipment in support of Directive 2014/53/EU of the European Parliament and of the Council.

⁽⁴⁾ OJ C 326, 14.9.2018, p. 114.

- (8) Note 2 of clause 4.3.2 of harmonised standard EN 302 217-2 V3.2.2 could allow manufacturers to deviate from other specifications in the harmonised standard concerning the Bit Error Rate (BER) and clauses H.3.4, I.3.4 and J.3.4 of that harmonised standard do not require an explicit test method to demonstrate compliance. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restrictions.
- (9) Recommendation ITU-R SM.329-12 (09/2012) on unwanted emissions in the spurious domain states that “for the most economical and efficient use of the frequency spectrum, it is necessary to establish general maximum limits of spurious domain emissions”. The ERC Recommendation 74-01 (2019) states that “for the purposes of specific sharing or compatibility studies, lower levels for the unwanted emissions in the spurious domain could be used to enhance spectrum efficiency”. Spurious emissions are consequently recognized as relevant for the efficient use of the spectrum, which is addressed under Article 3(2) of Directive 2014/53/EU. Annex C.3 of EN 303 345-2 V1.1.1 and Annex B.3 of EN 303 345-5 V1.1.1 recognise that receiver unwanted emissions in the spurious domain are relevant for Article 3(2) of Directive 2014/53/EU. However, clause C.3.5 of EN 303 345-2 V1.1.1 and clause B.3.5 of EN 303 345-5 V1.1.1 provide that the receiver unwanted emissions in the spurious domain are covered by other standards. The references of harmonised standards EN 303 345-2 V1.1.1 and EN 303 345-5 V1.1.1 should therefore be published in the *Official Journal of the European Union* with restriction.
- (10) Recital 2 of Implementing Decision C(2015) 5376 calls for good cooperation with the European Conference of Postal and Telecommunications Administrations (CEPT), which has been consulted on the adherence of these harmonised standards with the ERC Recommendation 74-01 (2019) concerning unwanted emissions in the spurious domain. CEPT, in reply, expressed the view that the relaxation of the applicability of ERC Recommendation 74-01 (2019) can occur only under specific technical conditions. Clause 4.2.1.5 of EN 303 213-6-1 V3.1.1 and Clause of 4.2.1.4 of EN 303 364-3 V1.1.1 can therefore provide presumption of conformity only to specific radio equipment. The references of those harmonised standards should therefore be published in the *Official Journal of the European Union* with restriction.
- (11) Annex I to Commission Implementing Decision (EU) 2020/167 ⁽⁵⁾ lists the references of harmonised standards conferring a presumption of conformity with Directive 2014/53/EU and Annex II to that Implementing Decision lists the references of harmonised standards conferring a presumption of conformity with Directive 2014/53/EU with restriction. In order to ensure that the references of harmonised standards drafted in support of Directive 2014/53/EU are listed in one act, the reference of standards EN 303 213-5-1 V1.1.1 and EN 301 908-2 V13.1.1 should be included in Annex I to that Implementing Decision and the references of standards EN 301 908-13 V13.1.1, EN 302 217-2 V3.2.2, EN 303 213-6-1 V3.1.1, EN 303 345-2 V1.1.1, EN 303 345-5 V1.1.1 and EN 303 364-3 V1.1.1 should be included in Annex II to that Implementing Decision.
- (12) According to ETSI, harmonised standard EN 303 339 V1.1.1, the reference of which is published in the C series of the *Official Journal of the European Union* ⁽⁶⁾, should be considered obsolete, as it does not represent anymore the state-of-the-art.
- (13) It is therefore necessary to withdraw the references of harmonised standards EN 301 908-2 V11.1.2, EN 301 908-13 V11.1.2, EN 302 217-2 V3.1.1 and EN 303 213-6-1 V2.1.1, given that they have been revised, and of harmonised standard EN 303 339 V1.1.1, given that it is considered obsolete, from the C series of the *Official Journal of the European Union* ⁽⁷⁾. Annex III to Implementing Decision (EU) 2020/167 lists the references of harmonised standards drafted in support of Directive 2014/53/EU that are withdrawn from the *Official Journal of the European Union*. It is therefore appropriate to include those references in that Annex. In order to give manufacturers sufficient time to prepare for applying harmonised standards EN 301 908-2 V13.1.1, EN 301 908-13 V13.1.1, EN 302 217-2 V3.2.2 and EN 303 213-6-1 V3.1.1, it is necessary to defer the withdrawal of the references of harmonised standards EN 301 908-2 V11.1.2, EN 301 908-13 V11.1.2, EN 302 217-2 V3.1.1 and EN 303 213-6-1 V2.1.1. In order also to give manufacturers time to prepare for the withdrawal of the reference of harmonised standard EN 303 339 V1.1.1, it is necessary to defer the withdrawal of the reference of that standard.
- (14) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should therefore enter into force on the day of its publication,

⁽⁵⁾ Commission Implementing Decision (EU) 2020/167 of 5 February 2020 on the harmonised standards for radio equipment drafted in support of Directive 2014/53/EU of the European Parliament and of the Council (OJ L 34, 6.2.2020, p. 46).

⁽⁶⁾ OJ C 326, 14.9.2018, p. 114.

⁽⁷⁾ OJ C 326, 14.9.2018, p. 114.

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2020/167 is amended as follows:

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

Article 2

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

Done at Brussels, 26 October 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

In Annex I to Implementing Decision (EU) 2020/167, the following rows are added:

No	Reference of the standard
'8.	EN 301 908-2 V13.1.1 IMT cellular networks; Harmonised Standard for access to radio spectrum; Part 2: CDMA Direct Spread (UTRA FDD) User Equipment (UE)
9.	ETSI EN 303 213-5-1 V1.1.1 Advanced Surface Movement Guidance and Control System (A-SMGCS); Part 5: Harmonised Standard for access to radio spectrum for Multilateration (MLAT) equipment; Sub-part 1: Receivers and Interrogators'.

ANNEX II

In Annex II to Implementing Decision (EU) 2020/167, the following rows are added:

No	Reference of the standard
‘4.	<p>EN 301 908-13 V13.1.1</p> <p>IMT cellular networks; Harmonised Standard for access to radio spectrum; Part 13: Evolved Universal Terrestrial Radio Access (E-UTRA) User Equipment (UE)</p> <p><i>Notice:</i> This harmonised standard does not contain antenna performance parameters and compliance with this harmonised standard does not confer a presumption of conformity with the essential requirement set out in Article 3(2) of Directive 2014/53/EU as regards those parameters.</p>
5.	<p>EN 302 217-2 V3.2.2</p> <p>Fixed Radio Systems; Characteristics and requirements for point-to-point equipment and antennas; Part 2: Digital systems operating in frequency bands from 1 GHz to 86 GHz; Harmonised Standard for access to radio spectrum</p> <p><i>Notice:</i> Compliance with this harmonised standard does not confer a presumption of conformity with the essential requirement set out in Article 3(2) of Directive 2014/53/EU if note 2 of clause 4.3.2 of this harmonised standard is applied;</p> <p><i>Notice:</i> As regards the radio equipment covered by either clause H.3.4, I.3.4 or J.3.4 of this harmonised standard, compliance with this harmonised standard does not confer a presumption of conformity with the essential requirement set out in Article 3(2) of Directive 2014/53/EU in case that the appropriate test methods are not carried out in order to demonstrate compliance, respectively, with either clause H.3.4, I.3.4 or J.3.4 of this harmonised standard.</p>
6.	<p>EN 303 213-6-1 V3.1.1</p> <p>Advanced Surface Movement Guidance and Control System (A-SMGCS); Part 6: Harmonised Standard for access to radio spectrum for deployed surface movement radar sensors; Sub-part 1: X-band sensors using pulsed signals and transmitting power up to 100 kW</p> <p><i>Notice:</i> As regards clause 4.2.1.5 of this harmonised standard, compliance of this harmonised standard does not confer a presumption of conformity with the essential requirement set out in Article 3(2) of Directive 2014/53/EU to equipment not combining a “WR112/R84 taper section and a WR90/R100 Waveguide” as in note 1 of Section 1 of this harmonised standard. The waveguide is requested to have a continuously unobstructed transmission path (unperturbed/pure) and a minimum length of 20 times the waveguide cut-off wavelength in that operational mode.</p>
7.	<p>EN 303 345-2 V1.1.1</p> <p>Broadcast Sound Receivers; Part 2: AM broadcast sound service; Harmonised Standard for access to radio spectrum</p> <p><i>Notice:</i> Compliance with this harmonised standard does not confer a presumption of conformity with the essential requirement set out in Article 3(2) of Directive 2014/53/EU as regards the receiver unwanted emissions in the spurious domain.</p>
8.	<p>EN 303 345-5 V1.1.1</p> <p>Broadcast Sound Receivers; Part 5: DRM broadcast sound service; Harmonised Standard for access to radio spectrum</p> <p><i>Notice:</i> Compliance with this harmonised standard does not confer a presumption of conformity with the essential requirement set out in Article 3(2) of Directive 2014/53/EU as regards the receiver unwanted emissions in the spurious domain.</p>
9.	<p>EN 303 364-3 V1.1.1</p> <p>Primary Surveillance Radar (PSR); Harmonised Standard for access to radio spectrum; Part 3: Air Traffic Control (ATC) PSR sensors operating in the frequency band 8 500 MHz to 10 000 MHz (X band)</p> <p><i>Notice:</i> As regards clause 4.2.1.4 of this harmonised standard, compliance with this harmonised standard does not confer a presumption of conformity with the essential requirement set out in Article 3(2) of Directive 2014/53/EU to equipment not combining a “WR112/R84 taper section and a WR90/R100 Waveguide” as in note 1 of Section 1 of this harmonised standard. The waveguide is requested to have a continuously unobstructed transmission path (unperturbed/pure) and a minimum length of 20 times the waveguide cut-off wavelength in that operational mode.’.</p>

ANNEX III

In Annex III to Implementing Decision (EU) 2020/167, the following rows are added:

No	Reference of the standard	Date of withdrawal
12.	EN 301 908-2 V11.1.2 IMT cellular networks; Harmonised Standard covering the essential requirements of Article 3(2) of Directive 2014/53/EU; Part 2: CDMA Direct Spread (UTRA FDD) User Equipment (UE)	27 October 2021
13.	EN 301 908-13 V11.1.2 IMT cellular networks; Harmonised Standard covering the essential requirements of Article 3(2) of Directive 2014/53/EU; Part 13: Evolved Universal Terrestrial Radio Access (E-UTRA) User Equipment (UE)	27 October 2021
14.	EN 302 217-2 V3.1.1 Fixed Radio Systems; Characteristics and requirements for point-to-point equipment and antennas; Part 2: Digital systems operating in frequency bands from 1 GHz to 86 GHz; Harmonised Standard covering the essential requirements of Article 3(2) of Directive 2014/53/EU	27 April 2022
15.	EN 303 213-6-1 V2.1.1 Advanced Surface Movement Guidance and Control System (A-SMGCS); Part 6: Harmonised Standard covering the essential requirements of Article 3(2) of the Directive 2014/53/EU for deployed surface movement radar sensors; Sub-part 1: X-band sensors using pulsed signals and transmitting power up to 100 kW	27 October 2021
16.	EN 303 339 V1.1.1 Broadband Direct Air-to-Ground Communications; Equipment operating in the 1 900 MHz to 1 920 MHz and 5 855 MHz to 5 875 MHz frequency bands; Fixed pattern antennas; Harmonised Standard covering the essential requirements of Article 3 (2) of Directive 2014/53/EU	27 April 2021.

RECOMMENDATIONS

COMMISSION RECOMMENDATION (EU) 2020/1563

of 14 October 2020

on energy poverty

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 168 and 194 thereof,

Having regard to Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU ⁽¹⁾ (‘the recast Electricity Directive’), and in particular Article 29 thereof,

Whereas:

- (1) Energy poverty is a situation in which households are unable to access essential energy services. With nearly 34 million Europeans unable to afford to keep their homes adequately warm in 2018 ⁽²⁾, energy poverty is a major challenge for the EU.
- (2) As recognised by the co-legislators, adequate warmth, cooling, lighting, and energy to power appliances are essential services that underpin a decent standard of living and health. Access to energy services is essential for social inclusion. Tackling energy poverty thus has the potential to bring multiple benefits, including lower spending on health, reduced air pollution (by replacing heating sources that are not fit for purpose), improved comfort and wellbeing, and improved household budgets. Taken together, these benefits would directly boost economic growth and prosperity in the European Union.
- (3) The European Pillar of Social Rights, jointly proclaimed by the European Parliament, the Council and the Commission on 17 November 2017, includes energy among the essential services which everyone is entitled to access. Support for access to such services must be available for those in need ⁽³⁾.
- (4) A fair transition towards a climate-neutral Union by 2050 is central to the European Green Deal proposed by the Commission in December 2019 ⁽⁴⁾. A centrepiece of this Green Deal is the Renovation Wave ⁽⁵⁾, a major initiative designed to boost the structural renovation of private and public buildings, thereby reducing emissions, boosting recovery and addressing energy poverty. Such structural renovation shall help boost EU efforts in climate change mitigation. For this reason, it has been considered vital that the Renovation Wave and this Recommendation be jointly adopted in order to mutually strengthen the calls to tackle energy poverty and worst-performing buildings.

⁽¹⁾ OJ L 158, 14.6.2019, p. 125.

⁽²⁾ Data from 2018. Eurostat, SILC [ilc_mdes01]).

⁽³⁾ EPSR, Principle 20 ‘Access to essential services’: https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights/european-pillar-social-rights-20-principles_en

⁽⁴⁾ COM(2019) 640 final – Commission Communication on the European Green Deal.

⁽⁵⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions ‘A Renovation Wave for Europe – greening our buildings, creating jobs, improving lives (COM(2020) 662 final).

- (5) Energy poverty is a key concept consolidated in the legislative package entitled 'Clean Energy for All Europeans', which is designed to facilitate a just energy transition. Under Regulation (EU) 2018/1999 of the European Parliament and of the Council ⁽⁶⁾ ('the Governance Regulation') and the recast Electricity Directive, the Commission is required to provide indicative guidance on appropriate indicators for measuring energy poverty ⁽⁷⁾ and on the definition of a 'significant number of households in energy poverty' ⁽⁸⁾. There is no standard definition of energy poverty, and it is therefore left to Member States to develop their own criteria according to their national context. However, the recently adopted legislative package provides useful general principles and insights into the possible causes and consequences of energy poverty. It also underlines the importance of policies to tackle the problem, especially those associated with national energy and climate plans ('NECPs') and with long-term renovation strategies ('LTRSs') ⁽⁹⁾.
- (6) In their NECP, Member States have to assess the number of households in energy poverty. In the event that a Member State finds that it has a significant number of households in energy poverty, it shall include in its plan a national objective as well as policies and measures to reduce energy poverty. In the context of the fifth report of the State of the Energy Union, the Commission has published staff working documents for each Member State containing individual assessments of each final NECP. These staff working documents also assess how the final plans addressed the related 2019 Commission recommendations, including on energy poverty, and include a guidance on the implementation of the NECP.
- (7) The recast Electricity Directive requires Member States to take appropriate measures to address energy poverty wherever it is identified, including measures addressing the broader context of poverty. Member States must also protect vulnerable customers, in particular those in remote areas. Directive 2009/73/EC of the European Parliament and of the Council ⁽¹⁰⁾ contains similar provisions.
- (8) A novelty in the new legislative framework is that it requires determining the number of households in energy poverty. Article 29 of the recast Electricity Directive refers to Member States' obligation to assess the number of households in energy poverty and states that they must establish and publish the criteria underpinning this assessment. Where there are significant numbers of such households, Member States must include in their national energy and climate plans an indicative objective for the reduction of energy poverty, provide a timeframe, and outline relevant policies. They are then required to report to the Commission, in accordance with the Governance Regulation, on any progress they make towards the goal of reducing the number of households in energy poverty.
- (9) The Energy Efficiency Directive 2012/27/EU of the European Parliament and of the Council ⁽¹¹⁾, as amended by Directive (EU) 2018/2002 of the European Parliament and of the Council ⁽¹²⁾, requires Member States to take account of the need to reduce energy poverty in the context of their energy efficiency obligations. Article 7(11) requires, to the extent appropriate, a share of energy efficiency measures to address vulnerable households as a priority, including those affected by energy poverty ⁽¹³⁾. The Governance Regulation also contains similar obligations.

⁽⁶⁾ Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).

⁽⁷⁾ Article 3(3)(d) of Regulation (EU) 2018/1999.

⁽⁸⁾ Article 29 of Directive (EU) 2019/944.

⁽⁹⁾ As pursuant to Article 2a of the Energy Performance of Buildings Directive 2010/31/EU of the European Parliament and of the Council (OJ L 153, 18.6.2010, p. 13), amended by Directive (EU) 2018/844 (OJ L 156, 19.6.2018, p. 75).

⁽¹⁰⁾ Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).

⁽¹¹⁾ Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

⁽¹²⁾ Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency (OJ L 328, 21.12.2018, p. 210).

⁽¹³⁾ This builds on existing obligations under Directive 2012/27/EU. See also the Annex to the Commission Recommendation on the transposition of the energy savings obligation under the amended Energy Efficiency Directive (C(2019) 6621 final).

- (10) Under the revised version of the Energy Performance of Buildings Directive (EU) 2018/844 Member States must outline relevant national measures to help alleviate energy poverty, as part of their long-term renovation strategies to support the renovation of the national stock of residential and non-residential buildings ⁽¹⁴⁾.
- (11) The EU legislative framework also contains safeguards to ensure that measures taken to address energy poverty do not impede the opening up or the operation of the market. Retail markets that operate smoothly are essential for a fair transition. These safeguards are enshrined in Article 28 of the recast Electricity Directive and are operationalised chiefly in Article 5(5) thereof.
- (12) Article 27 of the recast Electricity Directive strengthens the principle by requiring Member States to ensure that all household customers, and, where Member States deem it appropriate, small enterprises, enjoy universal service, i.e. the right to be supplied with electricity of a specified quality within their territory at reasonable, easily and clearly comparable, transparent and non-discriminatory prices. To ensure the provision of universal service, Member States may appoint a supplier of last resort.
- (13) As Recital 59 of the recast Electricity Directive recapitulates, energy poverty arises from a combination of low income, high expenditure on energy, and poor energy efficiency of dwellings. The impact of volatile energy market prices and poor energy efficiency, especially in terms of the performance of buildings, in combination with a broad range of socioeconomic factors associated with general poverty and issues arising from housing tenure systems, make the issue complex to address.
- (14) In 2018, 6,8 % of people living in private households across the EU (30,3 million people ⁽¹⁵⁾) were unable to keep up with utility bills, including energy bills, and so were at risk of having their supply cut off. Meanwhile, 7,3 % of the EU population (37,4 million people) experienced uncomfortable ambient temperatures in their homes.
- (15) The Covid-19 crisis has highlighted the urgency of addressing energy poverty if we are to create a social Europe that caters for the needs of all its inhabitants. Energy poverty levels across Member States will be in the spotlight as more Europeans may struggle to afford access to essential energy, particularly with rising unemployment. Against this background, it is vital to achieve the European Green Deal milestones, despite the current unprecedented disruptions to Europe's economies.
- (16) The Next Generation EU ⁽¹⁶⁾ Recovery Package was presented to 'guide and build a more sustainable, resilient and fairer Europe for the next generation'. Europe's recovery plans must be guided by the principles of environmental sustainability, solidarity, cohesion and convergence and the determination not to leave behind any Member States, regions or individuals. Next Generation EU confirms the Renovation Wave's role as one main facilitator of the green recovery.
- (17) National long-term renovation strategies and other instruments designed to meet the 2030 and 2050 energy efficiency targets should be steered towards protecting energy-poor households and empowering vulnerable energy consumers by helping people save money on energy bills, providing healthier living conditions, and reducing energy poverty.
- (18) Identifying the households most in need of protection and dwellings most in need of renovation helps in targeting and better managing public interventions, thereby producing practical outcomes for consumers, improving energy efficiency, and minimising any distortions in the functioning of the internal energy market.

⁽¹⁴⁾ This builds on existing obligations under Article 4 of the Energy Efficiency Directive 2012/27/EU that have been moved to the Energy Performance of Buildings Directive and strengthened as regards the need to address energy poverty. Recital 11 of Directive (EU) 2018/844 clarifies that the need to alleviate energy poverty should be taken into account, in accordance with criteria defined by the Member States. The Recital further clarifies that while outlining national actions that contribute to the alleviation of energy poverty in their renovation strategies, the Member States have the right to establish what they consider to be relevant actions.

⁽¹⁵⁾ Based on an estimated EU27 population of 446 million inhabitants on 1 January 2018: http://ec.europa.eu/eurostat/statistics-explained/index.php/Population_and_population_change_statistics

⁽¹⁶⁾ European Commission, Communication From The Commission To The European Parliament, The European Council, The Council, The European Economic And Social Committee And The Committee Of The Regions Europe's moment: Repair and Prepare for the Next Generation, 27 May 2020.

- (19) In providing this Recommendation and making Commission guidance on energy poverty available to Member States in an accompanying staff working document, the Commission is fulfilling the obligation referred to above and helping Member States transpose the new provisions on energy poverty. The Commission also provides information on emerging good practices ⁽¹⁷⁾.
- (20) The main difficulty with any definition is how to obtain reliable numerical data. A set of statistical indicators measuring likely drivers of energy poverty and its consequences has been developed at EU level. These are aggregate indicators. Since energy poverty is a multi-dimensional phenomenon, no single indicator can fully reflect all of its aspects.
- (21) Aggregate indicators have been developed at European level and are listed in the Annex to this Recommendation. Developed by the Statistical office of the European Union ('EUROSTAT') and the European Energy Poverty Observatory ('EPOV') and derived from harmonised EU data collections, these indicators allow to monitor the situation EU-wide and identify national specificities, as well as to promote more efficient, mutual learning and exchanges of best practice. National indicators can help complement these and refine the identification of energy poverty, where relevant.
- (22) This calls for close cooperation between the relevant competent authorities, and in particular for properly coordinated efforts at regional and local levels, so that any analysis based on indicators at EU or national level is counterpointed and complemented by a bottom-up approach. Regional and local authorities are well placed to identify the key financial and social challenges facing households in energy poverty and to play a significant role in designing and implementing green transition which is fair, inclusive and sustainable for everyone in Europe.
- (23) The Commission will continue to support the sharing of good practices between Member States, both in cooperation with the Social Protection Committee and in other ways. The EU funding programmes, including cohesion policy, the Technical Support Instrument and other forms of support can be mobilised to address the challenges identified through channels including the platforms provided by the European Energy Poverty Observatory and the Covenant of Mayors Initiative.
- (24) The fourth European Commission report on energy prices and costs also looks at the particular circumstances of people living in energy poverty and vulnerable consumers ⁽¹⁸⁾. The Commission will also pay particular attention to how Member States implement Article 5 of the recast Electricity Directive, which allows public intervention in price setting for the supply of electricity to energy-poor customers or those living in vulnerable households.

HEREBY RECOMMENDS THAT MEMBER STATES:

1. Develop a systematic approach to the liberalisation of energy markets, with the aim of sharing the benefits with all sections of society, particularly those most in need.
2. Take particular account of the accompanying staff working document that provides guidance on indicators on energy poverty as well as on the definition of what constitutes a significant amount of energy poor households. Importantly, Member States should use the Commission's guidance when implementing and updating their current national energy and climate plans in accordance with Article 14 of Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action.
3. Use the indicators outlined in the Annex in their energy poverty assessments.
4. In line with Recital 60 of the recast Electricity Directive, produce integrated policy solutions as part of energy and social policy. These should include social policy measures and energy efficiency improvements that reinforce each other, especially in housing.

⁽¹⁷⁾ Recital 59 of Directive (EU) 2019/944 provides that the Commission should actively support the implementation of the provisions of that Directive on energy poverty by facilitating the sharing of good practices between Member States.

⁽¹⁸⁾ Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on *energy prices and costs in Europe* (COM(2020) 951) and its accompanying staff working document (SWD (2020) 951).

5. Assess the distributional effects of the energy transition, in particular energy efficiency measures in the national context, and define and implement policies that address associated concerns. Due attention should be given to barriers to investment in energy-efficient housing and the profile of dwellings in most need of renovation, in line with national long-term renovation strategies.
6. Develop all policies to tackle energy poverty on the basis of meaningful and accountable processes of public participation and broad stakeholder engagement.
7. Develop measures to address energy poverty that build on close cooperation between all levels of administration, enabling, in particular, close cooperation between regional and local authorities on the one hand, and civil society organisations and private sector entities on the other.
8. Take full advantage of the potential to deploy Union funding programmes, including cohesion policy, to tackle energy poverty by analysing the distributional effects of energy transition projects and prioritising measures targeting vulnerable groups to ensure access to support.
9. When allocating public funds, especially grants, target low-income households in those categories of beneficiaries that have very limited resources of their own and limited access to commercial loans. Explore the role of energy service companies (ESCOs) and energy performance contracts in providing renovation financing solutions for energy poor households that enable these vulnerable households to overcome high upfront costs.

Done at Brussels, 14 October 2020.

For the Commission
Kadri SIMSON
Member of the Commission

ANNEX

ENERGY POVERTY INDICATORS

The indicators outlined below are available with the Statistical office of the European Union European Statistical Office and the European Energy Poverty Observatory for Member States to consult when assessing national energy poverty levels.

In order to assist Member States, the Commission provides guidance on the interpretation of such indicators developed at EU level to better quantify the concept of significant number of energy poor households identified by national definitions of energy poverty ⁽¹⁾.

Member States can further disaggregate some of the indicators listed under points 1 and 2, to deepen the analysis of the potential drivers of energy poverty at the national level.

Indicators can be divided into four groups:

- (a) *indicators comparing spending on energy with income*: these quantify energy poverty by comparing the amount households spend on energy with an income measure (e.g. percentage or number of households spending more than a certain proportion of their disposable income on domestic energy services)
- (b) *indicators based on self-assessment*: households are asked directly to what extent they feel able to afford energy (e.g. ability to keep the home warm enough in winter and cool enough in summer)
- (c) *indicators based on direct measurement*: these indicators measure physical variables to determine the adequacy of energy services (e.g. room temperature)
- (d) *indirect indicators*: these measure energy poverty by through associated factors, such as arrears on utility bills, number of disconnections, and housing quality.

1. Indicators focusing on the affordability of energy services

- Share of population at risk of poverty (below 60% of national median equivalised disposable income) not able to keep their home adequately warm, based on the question ‘Can your household afford to keep its home adequately warm?’ (Eurostat, SILC [ilc_mdcs01])
- Share of total population not able to keep their home adequately warm, based on the question ‘Can your household afford to keep its home adequately warm?’ (Eurostat, SILC [ilc_mdcs01])
- Arrears on utility bills: share of population at risk of poverty (below 60% of national median equivalised disposable income) having arrears on utility bills (Eurostat, SILC, [ilc_mdcs07])
- Arrears on utility bills: share of population having arrears on utility bills (Eurostat, SILC, [ilc_mdcs07])
- Expenditure on electricity, gas and other fuels as a proportion of total household expenditure
- Proportion of households whose share of energy expenditure in income is more than twice the national median share (source Eurostat, Household Budget Surveys, 2015)
- Share of households whose absolute energy expenditure is below half the national median. (Eurostat, Household Budget Surveys, 2015)

2. Complementary indicators

- Electricity prices for household consumers – average consumption band (Eurostat, [nrg_pc_204])
- Gas prices for household consumers – average consumption band (Eurostat, [nrg_pc_202])
- Gas prices for household consumers, lowest consumption band (Eurostat, [nrg_pc_202])

⁽¹⁾ SWD(2020)960 “EU Guidance on Energy Poverty”

- Share of population at risk of poverty (below 60% of national median equivalised disposable income) with leak, damp or rot in their dwelling (Eurostat, SILC [ilc_mdho01])
 - Share of population with leak, damp or rot in their dwelling – total population (Eurostat SILC, [TESSI292])
 - Final energy consumption per square metre in the residential sector, climate-corrected (Odyssee-MURE project database)
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