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I

(Legislative acts)

REGULATIONS

**REGULATION (EU) 2020/2220 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 23 December 2020****laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Having regard to the opinion of the Court of Auditors ⁽²⁾,

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

Whereas:

- (1) The Commission's legislative proposals on the common agricultural policy (CAP) beyond 2020 aimed to establish the strong Union framework essential to ensure that the CAP remains a common policy with a level playing field, while also giving Member States greater responsibility as regards how they meet the objectives and achieve the targets set. Accordingly, Member States are to draw up CAP strategic plans and to implement them after their approval by the Commission.
- (2) The legislative procedure regarding the Commission's legislative proposals on the CAP beyond 2020 has not been concluded in time to allow Member States and the Commission to prepare all elements necessary to apply the new legal framework and the CAP strategic plans as from 1 January 2021, as initially proposed by the Commission. That delay has created uncertainty and risks for farmers in the Union and the entire Union agriculture sector. In order to alleviate that uncertainty and to maintain the vitality of rural areas and regions, as well as to contribute to environmental sustainability, this Regulation should provide for the continued application of the rules of the current CAP framework covering the period 2014 to 2020 ('current CAP framework') and for uninterrupted payments to farmers and other beneficiaries, and thus provide predictability and stability during the transitional period in the years 2021 and 2022 ('transitional period') until the date of application of the new legal framework covering the period starting on 1 January 2023 ('new legal framework').

⁽¹⁾ OJ C 232, 14.7.2020, p. 29.

⁽²⁾ OJ C 109, 1.4.2020, p. 1.

⁽³⁾ Position of the European Parliament of 16 December 2020 (not yet published in the Official Journal) and decision of the Council of 22 December 2020.

- (3) Since the legislative procedure regarding the Commission's legislative proposals on CAP beyond 2020 still needs to be concluded and the CAP strategic plans are still to be developed by Member States, and the stakeholders need to be consulted, the current CAP framework should continue to apply for the additional period of two years. The aim of the transitional period is to facilitate a smooth transition for beneficiaries to a new programming period and to provide for the possibility to take into account the Commission's Communication of 11 December 2019 on the European Green Deal ('European Green Deal').
- (4) In order to ensure that support can be granted to farmers and other beneficiaries from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD) in the years 2021 and 2022, the Union should continue to grant such support during the transitional period under the conditions of the current CAP framework. The current CAP framework was established, in particular, by Regulations (EU) No 1303/2013 ⁽⁴⁾, (EU) No 1305/2013 ⁽⁵⁾, (EU) No 1306/2013 ⁽⁶⁾, (EU) No 1307/2013 ⁽⁷⁾ and (EU) No 1308/2013 ⁽⁸⁾ of the European Parliament and of the Council.
- (5) This Regulation should provide Member States with sufficient time to prepare their respective CAP strategic plans, as well as facilitate the creation of administrative structures necessary for successful implementation of the new legal framework, in particular by allowing for an increase in technical assistance. All CAP strategic plans should be ready to enter into force once the transitional period ends in order to provide much-needed stability and certainty for the farming sector.
- (6) In light of the fact that the Union should continue to support rural development throughout the transitional period, Member States should have the possibility to finance their extended rural development programmes from the corresponding budget allocation for the years 2021 and 2022. The extended programmes should ensure that at least the same overall share of the EAFRD contribution is reserved for the measures referred to in Article 59(6) of Regulation (EU) No 1305/2013, in line with the new ambitions set out in the European Green Deal.
- (7) Regulation (EU) No 1303/2013 lays down common rules applicable to the EAFRD and to other funds which operate under a common framework. That Regulation should continue to apply to programmes supported by the EAFRD for the 2014–2020 programming period and programming years 2021 and 2022.
- (8) The deadlines laid down in Regulation (EU) No 1303/2013 in respect of implementation reports, annual review meetings, *ex-post* evaluations and synthesis reports, eligibility of expenditure and de-commitment as well as budget commitments are limited to the 2014–2020 programming period. Those deadlines should be adapted in order to take account of the extended duration of the period during which programmes relating to support from the EAFRD should be implemented.

⁽⁴⁾ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

⁽⁵⁾ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

⁽⁶⁾ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

⁽⁷⁾ Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

⁽⁸⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

- (9) Regulation (EU) No 1310/2013 of the European Parliament and of the Council ⁽⁹⁾ and Commission Delegated Regulation (EU) No 807/2014 ⁽¹⁰⁾ provide that expenditure for certain long-term commitments undertaken pursuant to certain regulations that granted support for rural development before Regulation (EU) No 1305/2013 was applicable, should continue, under certain conditions, to be paid by the EAFRD in the 2014-2020 programming period. That expenditure should also continue to be eligible for the duration of their respective legal commitment under the same conditions in the programming years 2021 and 2022. For reasons of legal clarity and certainty, it should also be made clear that the legal commitments undertaken under earlier measures that correspond to the measures of Regulation (EU) No 1305/2013 to which the integrated administration and control system applies, should be subject to that integrated administration and control system and that payments related to those legal commitments should be made within the period from 1 December to 30 June of the following calendar year.
- (10) The EAFRD should be able to support the costs of capacity-building and preparatory actions supporting the design and the future implementation of the community-led local development strategies under the new legal framework.
- (11) In 2015, at the allocation of payment entitlements or at the recalculation of payment entitlements for Member States keeping existing entitlements under Regulation (EU) No 1307/2013, some Member States made errors when establishing the number or value of payment entitlements. Many of those errors, even when they occurred in respect of a single farmer, influence the value of the payment entitlements for all farmers and for all years. Some Member States also made errors after 2015, when allocating entitlements from the reserve, for example in the calculation of the average value. Such non-compliance is normally subject to financial correction until corrective measures are taken by the Member State concerned. In the light of the time that has elapsed since the first allocation, the efforts made by Member States to establish, and where relevant, correct entitlements, and also in the interest of legal certainty, the number and value of payment entitlements should be considered legal and regular with effect from a certain date.
- (12) Under Article 24(6) of Regulation (EU) No 1307/2013, Member States were given the option to apply for the allocation of payment entitlements a reduction coefficient to eligible hectares consisting of permanent grassland located in areas with difficult climate conditions. Alpine pastures are often managed collectively and therefore areas are assigned on a yearly basis, thus creating a significant degree of uncertainty amongst farmers in the Member States concerned. The implementation of that system has proven to be particularly complex especially with regard to the exact definition of the areas concerned. Since the value of payment entitlements in areas where the reduction coefficient is not applied depends on the sum of the payment entitlements in the designated areas, that uncertainty subsequently affects all farmers in the Member States concerned. In order to stabilise the system currently applied in those Member States, and with a view to ensuring legal certainty for all farmers in the Member States concerned as early as possible, the Member States concerned should be able to consider legal and regular the value and number of all entitlements allocated to all farmers before 1 January 2020. The value of those entitlements should, without prejudice to any legal remedies open to individual beneficiaries, be the value for calendar year 2019 valid on 31 December 2019.
- (13) The confirmation of payment entitlements does not represent an exemption from Member States' responsibility under the shared management of the EAGF to ensure the protection of the Union budget from irregular expenditure. Hence, the confirmation of the payment entitlements allocated to farmers before 1 January 2021 or, by way of derogation, before 1 January 2020, should not prejudice the Commission's power to take decisions

⁽⁹⁾ Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), amending Regulation (EU) No 1305/2013 of the European Parliament and of the Council as regards resources and their distribution in respect of the year 2014 and amending Council Regulation (EC) No 73/2009 and Regulations (EU) No 1307/2013, (EU) No 1306/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards their application in the year 2014 (OJ L 347, 20.12.2013, p. 865).

⁽¹⁰⁾ Commission Delegated Regulation (EU) No 807/2014 of 11 March 2014 supplementing Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and introducing transitional provisions (OJ L 227, 31.7.2014, p. 1).

referred to in Article 52 of Regulation (EU) No 1306/2013 in relation to irregular payments granted in respect of any calendar year up to 2020 inclusive or, by way of derogation, up to 2019 inclusive, resulting from errors in the number or value of those payment entitlements.

- (14) In light of the fact that the new legal framework for the CAP has not yet been adopted, it should be made clear that transitional arrangements should be laid down to regulate the transition from existing support schemes granted on a multiannual basis to the new legal framework.
- (15) In order to limit a significant carry-over of commitments from the current programming period for rural development to the CAP strategic plans, the duration of new multiannual commitments in relation to agri-environment-climate, organic farming and animal welfare should, as a general rule, be limited to a period of a maximum of three years. From 2022, the extension of existing commitments should be limited to one year.
- (16) Article 31(5) of Regulation (EU) No 1305/2013 provided for transitional arrangements to facilitate the phasing-out of payments in areas that, because of the application of new delimitation criteria, would no longer be considered areas facing natural constraints. Such payments were to be paid until 2020 and for a maximum period of four years. Regulation (EU) 2017/2393 of the European Parliament and of the Council ⁽¹¹⁾ extended the initial deadline for the new delimitation of such areas to 2019. For farmers in the Member States setting the delimitation in 2018 and 2019, phasing-out of payments could not reach the maximum of four years. In order to continue the phasing-out of payments, Member States should be allowed to continue paying them in the years 2021 and 2022, where applicable. In order to ensure an adequate level of payments per hectare, in accordance with Article 31(5) of Regulation (EU) No 1305/2013, the level of payments in the years 2021 and 2022 should be fixed at EUR 25 per hectare.
- (17) Since farmers are exposed to increasing economic and environmental risks as a consequence of climate change and increased price volatility, Regulation (EU) No 1305/2013 provides for a risk management measure to assist farmers in addressing those risks. That measure includes financial contributions to mutual funds and an income stabilisation tool. Specific conditions were provided for the granting of support under that measure in order to ensure that farmers receive equal treatment across the Union, competition is not distorted and the international obligations of the Union are complied with. In order to further promote the use of that measure to farmers of all sectors, Member States should be provided with the possibility to reduce the threshold of 30 % that triggers the compensation of farmers for the drop in production or income applicable to the respective tool, however to not lower than 20 %.
- (18) Farmers and rural businesses have been affected by the consequences of the COVID-19 outbreak in an unprecedented manner. The prolongation of extensive restrictions on movement put in place in the Member States, as well as mandatory closures of shops, outdoor markets, restaurants and other hospitality establishments, have created economic disruption in the agricultural sector and rural communities and have led to liquidity and cash-flow problems for farmers and for small businesses active in the processing, marketing or development of agricultural products. In order to respond to the impact of the crisis arising from the COVID-19 outbreak, the duration of the measure referred to in Article 39b of Regulation (EU) No 1305/2013 should be extended to address the ongoing liquidity problems that put at risk the continuity of farming activities and of small businesses active in the processing, marketing or development of agricultural products. Support for that measure should be financed by up to 2 % of the EAFRD funds allocated to Member States in the programming period 2014-2020.

⁽¹¹⁾ Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material (OJ L 350, 29.12.2017, p. 15).

- (19) In order to avoid a situation in which funds for community-led local development in the programming years 2021 and 2022 are unspent, Member States that make use of the possibility to transfer amounts from direct payments to rural development should be able to apply the 5 %, and in the case of Croatia 2,5 %, minimum allocation for community-led local development only to the EAFRD contribution to the rural development extended to 31 December 2022 calculated before the transfer of amounts from direct payment has been made.
- (20) In accordance with Council Regulation (EU) 2020/2094 ⁽¹²⁾ establishing a European Union Recovery Instrument ('EURI') to support the recovery in the aftermath of the COVID-19 crisis ('EURI Regulation'), additional resources should be made available for the years 2021 and 2022 to address the impact of the COVID-19 crisis and its consequences for the Union agricultural sector and rural areas.
- (21) Given the unprecedented challenges the Union agricultural sector and rural areas are faced with because of the COVID-19 crisis, the additional resources provided by the EURI should be used to fund measures under Regulation (EU) No 1305/2013, paving the way for a resilient, sustainable and digital economic recovery in line with the objectives of the Union's environmental and climate commitments and with the new ambitions set out in the European Green Deal.
- (22) Member States should therefore not reduce the environmental ambition of their existing rural development programmes. They should ensure the same overall share for the additional resources as the overall share which they reserved in their rural development programmes for measures that are particularly beneficial for the environment and climate under the EAFRD contribution ('non-regression principle'). In addition, at least 37 % of the additional resources provided by the EURI should be devoted to measures that are particularly beneficial to the environment and climate, as well as to animal welfare and LEADER. Moreover, at least 55 % of those additional resources should be devoted to measures that promote economic and social development in rural areas, namely to investments in physical assets, farm and business development, support for basic services and village renewal in rural areas and cooperation.
- (23) In the event that Member States are otherwise unable to comply with the non-regression principle, they should have the possibility to derogate from the obligation to allocate at least 55 % of the additional resources from the EURI for measures that promote economic and social development in rural areas, and should preferably support measures that are particularly beneficial to the environment and climate. However, in order to provide Member States with sufficient flexibility, Member States should also have the possibility to derogate from the non-regression principle in respect of those additional resources to the extent necessary to comply with that obligation of 55 %.
- (24) The additional resources from the EURI are subject to specific conditions. Those additional resources should thus be programmed and monitored separately from the Union support for rural development, while applying, as a general rule, the rules set out in Regulation (EU) No 1305/2013. Hence, those additional resources should be implemented through Regulation (EU) No 1305/2013 and considered in the framework of that Regulation as amounts that finance measures under the EAFRD. In consequence, the rules set out in Regulation (EU) No 1305/2013, including the rules on amendments of rural development programmes, Regulation (EU) No 1306/2013, including the rules on automatic de-commitment, and Regulation (EU) No 1307/2013 should apply, except where this Regulation provides otherwise.
- (25) A specific maximum Union co-financing rate, as well as an increased support rate for investments contributing to a resilient, sustainable and digital economic recovery, and support aid for young farmers should be established in order to ensure the adequate leverage effect of the additional resources provided by the EURI.
- (26) In order to ensure continuity during the transitional period, the reserve for crises in the agricultural sector should be maintained for the years 2021 and 2022. The relevant amount of the reserve for the years 2021 and 2022 should be included in that reserve.
- (27) As regards pre-financing arrangements from the EAFRD, it should be made clear that neither the extension until 31 December 2022 of programmes supported by the EAFRD in accordance with this Regulation nor the additional resources made available on the basis of the EURI Regulation should lead to any additional pre-financing granted for the programmes concerned.

⁽¹²⁾ Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis (OJ L 433, 22.12.2020, p. 23).

- (28) Article 11 of Regulation (EU) No 1307/2013 currently only provides for a notification obligation for Member States as regards their decisions taken in accordance with that Article and the estimated product related to the reduction of the part of the amount of direct payments to be granted to a farmer for a given calendar year exceeding EUR 150 000 for the years 2015 to 2020. With a view to ensuring a continuation of the existing system, Member States should also notify their decisions taken in accordance with that Article and the estimated product related to the reduction for calendar years 2021 and 2022.
- (29) Article 14 of Regulation (EU) No 1307/2013 allows Member States to transfer funds between direct payments and rural development as regards calendar years 2014 to 2020. In order to ensure that Member States may follow their own strategy, the flexibility between pillars should be made available also for calendar year 2021 (financial year 2022) and calendar year 2022 (financial year 2023).
- (30) In order to allow the Commission to be able to set the budgetary ceilings in accordance with Article 22(1), Article 36(4), Article 42(2), Article 49(2), Article 51(4) and Article 53(7) of Regulation (EU) No 1307/2013, it is necessary for Member States to notify their decisions on financial allocations by scheme for calendar year 2021 by 19 February 2021 and for calendar year 2022 by 1 August 2021.
- (31) Article 22(5) of Regulation (EU) No 1307/2013 provides for a linear adjustment of the value of payment entitlements in the event of a change in the ceiling for the basic payment scheme from one year to the following due to certain decisions taken by Member States and affecting the ceiling for the basic payment scheme. The extension of Annex II to that Regulation on national ceilings after calendar year 2020 and the possible annual changes from that date might have an impact on the ceiling for the basic payment scheme. Therefore, for Member States to be able to respect the obligation of equality of the sum of the value of payment entitlements and reserves with the ceiling for the basic payment scheme laid down in Article 22(4) of that Regulation, it is appropriate to provide for a linear adjustment to adapt to the extension of or the amendments to Annex II to that Regulation during the transitional period. Moreover, to provide Member States with greater flexibility, it appears appropriate to allow them to adapt the value of payment entitlements or of the reserve, possibly with different rates of adjustment.
- (32) In accordance with the current legal framework, Member States notified in 2014 their decisions up to calendar year 2020 on the division of the annual national ceiling for the basic payment scheme between the regions and the possible annual progressive modifications for the period covered by Regulation (EU) No 1307/2013. It is necessary that Member States also notify those decisions for calendar years 2021 and 2022.
- (33) The internal convergence mechanism is the core process for a more equitable distribution of direct income support among farmers. Significant individual differences based on old historic references become increasingly difficult to justify. In Regulation (EU) No 1307/2013, the basic model of internal convergence consists of the application by Member States of a uniform flat rate for all payment entitlements, at national or regional level, from 2015. However, in order to ensure a smoother transition to a uniform value, a derogation was set out allowing Member States to differentiate the values of payment entitlements by applying partial convergence, also called the 'tunnel model', between 2015 and 2019. Some Member States made use of that derogation. To continue the process towards a more equitable distribution of direct payments, Member States should be able to further converge towards a national or regional average after 2019 instead of going to a uniform flat rate or keeping the value of entitlements at their 2019 level. That possibility for Member States should therefore apply as of 1 January 2021. Member States should notify the Commission on an annual basis of their decision for the following year.
- (34) The provisions of Regulation (EU) No 1307/2013 on the adjustment of all payment entitlements being amended by this Regulation should apply retroactively from 1 January 2020 so that it is clarified that Member States were able to converge after 2019.
- (35) Article 30 of Regulation (EU) No 1307/2013 provides for annual progressive modifications in the value of the payment entitlements allocated from the reserve to reflect the annual steps of the national ceiling set out in Annex II to that Regulation, reflecting a multiannual management of the reserve. Those rules should be adapted in order to reflect that it is possible to amend both the value of all allocated payment entitlements and of the reserve to adjust to a change in the amount in Annex II to that Regulation between two years. In Member States deciding to continue internal convergence, that internal convergence is implemented on an annual basis. For calendar years 2020, 2021 and 2022, only the value of the payment entitlement of the current year needs to be determined in the year of allocation. The unit value of payment entitlements to be allocated from the reserve in a given year should be

calculated after possible adjustment of the reserve in accordance with Article 22(5) of that Regulation. In any subsequent year, the value of the payment entitlements allocated from the reserve should be adapted in accordance with Article 22(5) of that Regulation.

- (36) Article 36 of Regulation (EU) No 1307/2013 provides for the application of the single area payment scheme until 31 December 2020. It is appropriate to allow the prolongation of the single area payment scheme in the years 2021 and 2022.
- (37) Given that the amendment, set out in this Regulation, to Annex II to Regulation (EU) No 1307/2013 will enter into force too late for Member States to observe the original deadline for certain notification obligations in 2020, it is necessary to postpone the deadline for Member States to take the decision to introduce for the first time the redistributive payment from 2021 or 2022, and the notification of that decision to the Commission. It is appropriate to set that deadline at the same time as the deadline for the decisions concerning flexibility between pillars.
- (38) Under Article 37 of Regulation (EU) No 1307/2013, Member States applying the single area payment scheme may decide to grant transitional national aid in the period 2015-2020 to avoid a sudden and substantial decrease of support in those sectors that benefitted from transitional national aid until 2014. In order to ensure that, during the transitional period, such aid continues to play its role in supporting the income of farmers in those specific sectors, provision should be made for the continuation of that aid under the same conditions and limitations as in the period 2015-2020.
- (39) For the sake of legal certainty, it should be clarified that Articles 41 and 42 of Regulation (EU) No 1307/2013 allow Member States to review, on an annual basis, their decisions on the redistributive payment. The deadline for the review applicable in 2021 and 2022 should be set at the same time as the deadline for the decisions concerning flexibility between pillars.
- (40) Article 52(10) of Regulation (EU) No 1307/2013 empowers the Commission to adopt delegated acts allowing Member States to decide that voluntary coupled support can continue to be paid until 2020 on the basis of the production units for which such support was granted in a past reference period. That empowerment aims at ensuring the greatest possible consistency between Union schemes targeting sectors that can be marked by structural market imbalances. It is therefore appropriate to prolong that empowerment to also cover the years 2021 and 2022.
- (41) Given that the amendment, set out in this Regulation, to Annex II to Regulation (EU) No 1307/2013 will enter into force too late for Member States to observe the original deadline for certain notification obligations in 2020, it is necessary to postpone the deadline for Member States to take the decision to introduce for the first time the voluntary coupled support from 2021 or 2022 and the notification of that decision to the Commission. It is appropriate to set that deadline at the same time as the deadline for the decisions concerning flexibility between pillars. Similarly, the deadline for a decision of Member States to continue or cease granting voluntary coupled support in the years 2021 and 2022, and the notification of that decision to the Commission, should be postponed to the same date.
- (42) Article 54 of Regulation (EU) No 1307/2013 lays down the elements of Member States' notifications concerning voluntary coupled support. It is appropriate to clarify that those notifications for calendar years 2021 and 2022 should include the percentage of the national ceiling used to finance that support for the years 2021 and 2022.
- (43) Regulation (EU) No 1308/2013 lays down rules for the common organisation of agricultural markets and includes certain aid schemes. The Commission's legislative proposals on the CAP beyond 2020 provided that those aid schemes are to be integrated in the future CAP strategic plans of Member States. To ensure a smooth integration of those aid schemes into the future CAP, rules should be laid down regarding the duration of each of those aid schemes when they are to be renewed during the transitional period. Therefore, as regards the aid scheme in the olive oil and table olive sector, the existing work programmes drawn up for the period running from 1 April 2018 until 31 March 2021 should be followed by new work programmes running from 1 April 2021 until 31 December 2022. Existing operational programmes in the fruit and vegetable sector that have not reached their maximum duration of five years may only be extended until 31 December 2022. New operational programmes in the fruit and vegetable sector should only be approved for a maximum duration of three years. The existing national programmes for the apiculture sector drawn up for a period running from 1 August 2019 until 31 July 2022 should be extended until 31 December 2022.

- (44) Due to the crisis caused by the COVID-19 pandemic, winegrowers holding planting authorisations for new plantings or for replanting which expire in 2020 were largely prevented from making planned use of those authorisations in the last year of their validity. To avoid the loss of those authorisations and reduce the risk of the deterioration of the conditions under which the planting would need to be carried out, it is necessary to allow for a prolongation of the validity of planting authorisations for new plantings or for replanting which expire in 2020. All planting authorisations for new plantings or for replanting expiring in 2020 should therefore be prolonged until 31 December 2021. Also, taking into account changes in market perspectives, the holders of planting authorisations that expire in 2020 should have the possibility not to use their authorisations without being subject to the administrative penalties.
- (45) The provision of Regulation (EU) No 1308/2013 on planting authorisations for new plantings or for replanting that expire in 2020, amended by this Regulation, should, because of the disturbances due to the COVID-19 pandemic and the difficulties it caused as regards the use of those planting authorisations, apply retroactively from 1 January 2020.
- (46) In 2013, transitional provisions were laid down in order to ensure a smooth transition from the former wine grape planting rights regime to the new scheme of planting authorisations, in particular in order to avoid excessive plantings before the start of that new scheme. The latest deadline for the submission of requests for conversion of planting rights into authorisations ends on 31 December 2020. However, authorisations have to be used by the applicant and are not tradable as the former planting rights used to be. Moreover, the applicants for authorisations might be requested to have a corresponding vineyard area, which can lead to situations where holders of planting rights did not yet manage to acquire the corresponding vineyard areas to use the authorisations which would result from the conversion of their planting rights. The severe economic impact of the COVID-19 pandemic on the wine sector has led to cash flow problems for winegrowers and also to uncertainty concerning the future demand for wine. Winegrowers still holding planting rights should not be forced to decide whether they want to convert their planting rights into authorisations while facing exceptional difficulties due to the crisis caused by the COVID-19 pandemic, especially as they would be subject to an administrative penalty if they do not use their planting authorisations resulting from the conversion. Those Member States that allowed winegrowers to submit their requests for conversion of planting rights until 31 December 2020 should therefore be enabled to extend the deadline for the submission of such requests to 31 December 2022. Consequently, the latest date for the validity of such converted authorisations should be adapted and should end on 31 December 2025.
- (47) Article 214a of Regulation (EU) No 1308/2013 allowed Finland to grant, under certain conditions, national aid in Southern Finland until 2020, subject to the authorisation of the Commission. In order to ensure continuity of payments of that aid during the transitional period, the granting of that national aid needs to continue to be allowed under the same conditions and same amounts as in 2020.
- (48) In order to improve the operation of the market for olive oil, Member States should be able to decide on implementation of marketing rules to regulate supply. The scope of such decisions should, however, exclude practices which could distort competition.
- (49) Recent events have shown that farmers are increasingly facing risks of income volatility, partly because of market exposure and partly because of extreme weather events and frequent sanitary and phytosanitary crises affecting Union livestock and agronomic assets. To alleviate the effects of income volatility by encouraging farmers to make savings in good years to cope with bad years, national tax measures whereby the income tax base applied to farmers is calculated on the basis of a multiannual period should be exempted from the application of State aid rules.
- (50) Since the objective of this Regulation, namely to provide for the continued application of the rules of the current CAP framework and for uninterrupted payments to farmers and other beneficiaries, and thus provide predictability and stability during the transitional period, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

- (51) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union (TFEU) apply to this Regulation. Those rules are laid down in Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council⁽¹³⁾ and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes and indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also include a general regime of conditionality for the protection of the Union budget.
- (52) Regulations (EU) No 1305/2013, (EU) No 1306/2013, (EU) No 1307/2013 and (EU) No 1308/2013 should therefore be amended accordingly.
- (53) In order to ensure that the additional resources made available on the basis of the EURI Regulation are available from 1 January 2021, the provisions on EURI support in this Regulation should apply retroactively from that date.
- (54) In view of the overriding need to immediately ensure legal certainty for the agricultural sector in the current circumstances, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

TITLE I

TRANSITIONAL PROVISIONS

CHAPTER I

Extension of certain periods under Regulations (EU) No 1303/2013 and (EU) No 1310/2013 and continued application of Regulation (EU) No 1303/2013 for the programming years 2021 and 2022

Article 1

Extension of the period of duration of programmes supported by the European Agricultural Fund for Rural Development

1. For programmes supported by the European Agricultural Fund for Rural Development (EAFRD), the period from 1 January 2014 to 31 December 2020 laid down in Article 26(1) of Regulation (EU) No 1303/2013 is hereby extended until 31 December 2022.
2. The extension of the period of duration of programmes supported by the EAFRD, referred to in paragraph 1 of this Article, shall be without prejudice to the need to submit a request to amend rural development programmes for the transitional period as referred to in point (a) of Article 11 of Regulation (EU) No 1305/2013. Such an amendment shall ensure that at least the same overall share of the EAFRD contribution is reserved for the measures referred to in Article 59(6) of that Regulation.

Article 2

Continued application of Regulation (EU) No 1303/2013 to programmes supported by the EAFRD

1. Regulation (EU) No 1303/2013 shall continue to apply to programmes supported by the EAFRD under the 2014–2020 programming period and extended in accordance with Article 1 of this Regulation.
2. For programmes extended in accordance with Article 1 of this Regulation, the references to periods or deadlines in Article 50(1), Article 51(1), Article 57(2) and Article 65(2) and (4) and the first paragraph of Article 76 of Regulation (EU) No 1303/2013 shall be extended by two years.

⁽¹³⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

3. For programmes extended in accordance with Article 1 of this Regulation, Member States shall amend their targets established in the context of the performance framework set out in Annex II to Regulation (EU) No 1303/2013 to establish targets for 2025. For those programmes, references to targets for 2023 set out in implementing acts adopted in accordance with Article 22(7) of Regulation (EU) No 1303/2013 or Article 8(3), Article 67, Article 75(5) or Article 76(1) of Regulation (EU) No 1305/2013 shall be read as references to targets for 2025.

4. The final date by which the Commission is to prepare a synthesis report outlining the main conclusions of *ex-post* evaluations of the EAFRD provided for in Article 57(4) of Regulation (EU) No 1303/2013 shall be 31 December 2027.

Article 3

Eligibility of certain types of expenditure during the transitional period

Without prejudice to Article 2(2) of this Regulation, to Article 65(2) of Regulation (EU) No 1303/2013 and to Article 38 of Regulation (EU) No 1306/2013, the expenditure referred to in Article 3(1) of Regulation (EU) No 1310/2013 and in Article 16 of Delegated Regulation (EU) No 807/2014 shall be eligible for an EAFRD contribution from the 2021 and 2022 allocation for programmes supported by the EAFRD which were extended in accordance with Article 1 of this Regulation, subject to the following conditions:

- (a) such expenditure is provided for in the respective rural development programme for the years covered by the transitional period;
- (b) the EAFRD contribution rate of the corresponding measure under Regulation (EU) No 1305/2013, as set out in Annex I to Regulation (EU) No 1310/2013 and in Annex I to Delegated Regulation (EU) No 807/2014, applies;
- (c) the system referred to in Article 67(2) of Regulation (EU) No 1306/2013 applies to the legal commitments undertaken under measures that correspond to support granted in accordance with points (a) and (b) of Article 21(1) and Articles 28 to 31, 33, 34 and 40 of Regulation (EU) No 1305/2013 and the relevant operations are clearly identified; and
- (d) the payments for the legal commitments referred to in point (c) of this Article are made within the period laid down in Article 75 of Regulation (EU) No 1306/2013.

CHAPTER II

Preparation of future community-led local development strategies in the programming years 2021 and 2022

Article 4

Community-led local development

For programmes extended in accordance with Article 1 of this Regulation, the EAFRD may support the costs of capacity building and preparatory actions supporting the design and future implementation of community-led local development strategy under the new legal framework.

CHAPTER III

Payment entitlements for direct payments to farmers

Article 5

Definitive payment entitlements

1. Payment entitlements allocated to farmers before 1 January 2020 shall be considered legal and regular as from 1 January 2021. The value of those entitlements to be considered legal and regular shall be the value for calendar year 2020 valid on 31 December 2020.

2. By way of derogation from paragraph 1 of this Article, a Member State which has made use of the option provided for in Article 24(6) of Regulation (EU) No 1307/2013 may, while respecting the legitimate expectations of farmers, decide that all payment entitlements allocated before 1 January 2020 shall be considered legal and regular as from that date. In that case, the value of those entitlements to be considered legal and regular shall be the value for calendar year 2019 valid on 31 December 2019.
3. Paragraphs 1 and 2 of this Article shall apply without prejudice to the relevant provisions of Union law, in particular to Article 22(5) and Article 25(12) of Regulation (EU) No 1307/2013, concerning the value of payment entitlements for calendar year 2020 and onwards.
4. Paragraphs 1 and 2 shall not apply to payment entitlements allocated to farmers on the basis of factually incorrect applications, except in cases where the error could not reasonably have been detected by the farmer.
5. Paragraphs 1 and 2 of this Article shall not prejudice the Commission's power to take decisions referred to in Article 52 of Regulation (EU) No 1306/2013 in relation to expenditure incurred for payments granted in respect of calendar years up to 2020 inclusive where paragraph 1 of this Article applies, or up to 2019 inclusive where paragraph 2 of this Article applies.

CHAPTER IV

Transitional provisions relating to rural development

Article 6

Eligibility of expenditure incurred under Regulation (EU) No 1305/2013, and certain types of expenditure incurred under Regulations (EC) No 1698/2005 and (EC) No 1257/1999

Expenditure relating to legal commitments to beneficiaries incurred under Regulation (EU) No 1305/2013, and certain types of expenditure incurred under Council Regulations (EC) No 1698/2005 ⁽¹⁴⁾ and (EC) No 1257/1999 ⁽¹⁵⁾ may be eligible for a contribution from the EAFRD in the period 2023-2027 from 1 January 2023, subject to the conditions to be determined in accordance with the CAP legal framework applicable in the period 2023-2027.

TITLE II

AMENDMENTS

Article 7

Amendments to Regulation (EU) No 1305/2013

Regulation (EU) No 1305/2013 is amended as follows:

(1) point (h) of Article 8(1) is amended as follows:

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

‘(i) a table setting out, in accordance with Article 58(4) and Article 58a(2) of this Regulation, the total EAFRD contribution planned for each year. That table shall indicate separately the additional resources as referred to in Article 58a(2) of this Regulation. When applicable, that table shall also indicate separately, within the total

⁽¹⁴⁾ Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 277, 21.10.2005, p. 1).

⁽¹⁵⁾ Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations (OJ L 160, 26.6.1999, p. 80).

EAFRD contribution, the appropriations provided for the less developed regions and the funds transferred to the EAFRD pursuant to Article 7(2) of Regulation (EU) No 1307/2013. The planned annual EAFRD contribution shall be compatible with the Multiannual Financial Framework;’;

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

‘(ii) a table setting out, for each measure, for each type of operation with a specific EAFRD contribution rate, for the type of operation referred to in Article 37(1) and Article 39a, for the type of operation referred to in Article 38(3) and Article 39(1) when a Member State applies a percentage less than 30 %, and for technical assistance, the total Union contribution planned and the applicable EAFRD contribution rate. Where applicable, that table shall indicate separately the EAFRD contribution rate for less developed regions and for other regions;’;

(2) in Article 28(5), the following subparagraphs are added:

‘For new commitments to be undertaken from 2021, Member States shall determine a shorter period of one to three years in their rural development programmes.

If Member States provide for an annual extension of commitments after the termination of the initial period in accordance with the first subparagraph, from 2022 the extension shall not go beyond one year.

By way of derogation from the second subparagraph, for new commitments to be undertaken in 2021 and 2022, Member States may determine a period of longer than three years in their rural development programmes based on the nature of the commitments and the environmental and climate-related objectives sought.’;

(3) in Article 29(3), the following subparagraphs are added:

‘For new commitments to be undertaken from 2021, Member States shall determine a shorter period of one to three years in their rural development programmes.

If Member States provide for an annual extension for the maintenance of organic farming after the termination of the initial period in accordance with the first subparagraph, from 2022 the extension shall not go beyond one year.

By way of derogation from the second subparagraph, for new commitments to be undertaken in 2021 and 2022, where support is granted for conversion to organic farming, Member States may determine a period of longer than three years in their rural development programmes.’;

(4) in Article 31(5), the second subparagraph is replaced by the following:

‘In the years 2021 and 2022, for programmes extended in accordance with Article 1 of Regulation (EU) 2020/2220 of the European Parliament and of the Council *, where degressive payments were not granted by the Member States for the maximum duration of four years up to 2020, those Member States may decide to continue those payments until the end of 2022 but for no longer than four years in total. In that case, the payments in the years 2021 and 2022 shall not exceed EUR 25 per hectare.

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

(5) in Article 33(2), the following subparagraphs are added:

‘For new commitments to be undertaken as from 2021, Member States shall determine a shorter period of one to three years in their rural development programmes.

If Member States provide for an annual renewal of commitments after the termination of the initial period in accordance with the second subparagraph, as from 2022 the renewal shall not go beyond one year.

By way of derogation from the third subparagraph, for new commitments to be undertaken in 2021 and 2022, Member States may determine a period of longer than three years in their rural development programmes based on the nature of the commitments and the animal welfare benefits sought.’;

- (6) in Article 38(3), the second subparagraph is replaced by the following:

‘Support under point (b) of Article 36(1) shall only be granted to cover for loss caused by the outbreak of adverse climatic events, animal or plant disease, pest infestation, or measures adopted in accordance with Directive 2000/29/EC to eradicate or contain a plant disease or pest or environmental incident, which destroy more than 30 % of the average annual production of the farmer in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and lowest entry. Indexes may be used in order to calculate the annual production of the farmer. The calculation method used shall permit the determination of the actual loss of an individual farmer in a given year. Member States may decide to reduce that percentage of 30 %, however, to not less than 20 %.’;

- (7) in Article 39, paragraph 1 is replaced by the following:

‘1. Support under point (c) of Article 36(1) shall only be granted where the drop in income exceeds 30 % of the average annual income of the individual farmer in the preceding three-year period or a three-year average based on the preceding five-year period excluding the highest and lowest entry. Income for the purposes of point (c) of Article 36(1) shall refer to the sum of revenues the farmer receives from the market, including any form of public support, deducting input costs. Payments by the mutual fund to farmers shall compensate for less than 70 % of the income lost in the year the producer becomes eligible to receive this assistance. Indexes may be used to calculate the annual loss of income of the farmer. Member States may decide to reduce that percentage of 30 %, however, to not less than 20 %.’;

- (8) in Article 39b, paragraph 4 is replaced by the following:

‘4. The support shall take the form of a lump sum payment to be paid by 31 December 2021, based on applications for support approved by the competent authority by 30 June 2021. The subsequent reimbursement by the Commission shall be made in accordance with budget appropriations and subject to available funding. The level of payment may be differentiated by categories of beneficiaries, in accordance with objective and non-discriminatory criteria.’;

- (9) in Article 42, paragraph 1 is replaced by the following:

‘1. In addition to the tasks referred to in Article 34 of Regulation (EU) No 1303/2013 and in Article 4 of Regulation (EU) 2020/2220, local action groups may also perform additional tasks delegated to them by the Managing Authority and/or the paying agency.’;

- (10) in Article 51(2), the following subparagraph is added:

‘By way of derogation from the first subparagraph, Member States for which the total amount of Union support for rural development for the years 2014-2020 as laid down in Annex I to this Regulation is less than EUR 1 800 million may, after the extension of their programmes in accordance with Article 1 of Regulation (EU) 2020/2220, decide to devote 5 % of the total amount of each rural development programme to tasks referred to in Article 59 of Regulation (EU) No 1303/2013.’;

- (11) Article 58 is amended as follows:

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

‘Without prejudice to paragraphs 5, 6 and 7, the total amount of Union support for rural development under this Regulation for the period from 1 January 2021 to 31 December 2022 shall be a maximum of EUR 26 896 831 880, in current prices, in accordance with the multiannual financial framework for the years 2021 to 2027.’;

- (b) paragraph 7 is replaced by the following:

‘7. In order to take account of the developments relating to the annual breakdown referred to in paragraph 4 of this Article, including the transfers referred to in paragraphs 5 and 6 of this Article and the transfers resulting from the application of Article 1 of Regulation (EU) 2020/2220, to make technical adjustments without changing the overall allocations, or to take account of any other change provided for by a legislative act after the

adoption of this Regulation, the Commission shall be empowered to adopt delegated acts, in accordance with Article 83 of this Regulation, to review the ceilings set out in Annex I to this Regulation.’;

(12) the following Article is inserted:

‘Article 58a

Resources for the recovery of the Union agricultural sector and rural areas

1. Point (g) of Article 1(2) of Council Regulation (EU) 2020/2094 (‘EURI Regulation’) * shall be implemented in accordance with this Article through measures that are eligible under the EAFRD and that are directed at addressing the impact of the COVID-19 crisis, with an amount of EUR 8 070 486 840 in current prices of the amount referred to in point (vi) of Article 2(2)(a) of that Regulation, subject to Article 3(3), (4) and (8) thereof.

That amount of EUR 8 070 486 840 in current prices shall constitute external assigned revenues in accordance with Article 21(5) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council **.

It shall be made available as additional resources for budgetary commitment under the EAFRD for the years 2021 and 2022, in addition to the total resources set out in Article 58 of this Regulation as follows:

- 2021: EUR 2 387 718 000;
- 2022: EUR 5 682 768 840.

For the purpose of this Regulation and Regulations (EU) No 1306/2013 and (EU) No 1307/2013, those additional resources shall be considered as amounts financing measures under the EAFRD. They shall be considered as being part of the total amount of Union support for rural development, as referred to in Article 58(1) of this Regulation, to which they shall be added when reference is made to the total amount of Union support for rural development. Article 14 of Regulation (EU) No 1307/2013 shall not apply to the additional resources referred to in this paragraph and in paragraph 2 of this Article.

2. The breakdown for each Member State of the additional resources referred to in paragraph 1 of this Article, after deduction of the amount referred to in paragraph 7 of this Article, is set out in Annex Ia.

3. The percentage thresholds of the total EAFRD contribution to the rural development programme referred to in Article 59(5) and (6) of this Regulation shall not apply to the additional resources referred to in paragraph 1 of this Article. However, Member States shall ensure that at least the same overall share of the EAFRD contribution, including the additional resources referred to in paragraph 2 of this Article, is reserved in each rural development programme for the measures referred to in Article 59(6) of this Regulation, in line with Article 1(2) of Regulation (EU) 2020/2220.

4. At least 37 % of the additional resources referred to in paragraph 2 of this Article shall be reserved in each rural development programme for measures referred to in Article 33 and Article 59(5) and (6), and in particular for:

- (a) organic farming;
- (b) mitigation of, and adaptation to, climate change, including reduction of greenhouse gas emissions from agriculture;
- (c) soil conservation, including the enhancement of soil fertility through carbon sequestration;
- (d) improvement of the use and management of water, including water saving;
- (e) creation, conservation and restoration of habitats favourable to biodiversity;
- (f) reduction of the risks and impacts of pesticide and antimicrobial use;
- (g) animal welfare;
- (h) LEADER cooperation activities.

5. At least 55 % of the additional resources referred to in paragraph 2 of this Article shall be reserved in each rural development programme for measures referred to in Articles 17, 19, 20 and 35, provided that the designated use of such measures in the rural development programmes promotes economic and social development in rural areas, and contributes to a resilient, sustainable and digital economic recovery in line, inter alia, with the agri-environment-climate objectives pursued under this Regulation, and in particular:

- (a) short supply chains and local markets;
- (b) resource efficiency, including precision and smart farming, innovation, digitalisation and modernisation of production machinery and equipment;
- (c) safety conditions at work;
- (d) renewable energy, circular and bio-economy;
- (e) access to high-quality ICT in rural areas.

When allocating the additional resources referred to in paragraph 2 of this Article, Member States may decide to derogate from the percentage threshold set out in the first subparagraph of this paragraph to the extent necessary to comply with the non-regression principle set out in Article 1(2) of Regulation (EU) 2020/2220. However, Member States may instead decide to derogate from that non-regression principle to the extent necessary to comply with the percentage threshold set out in the first subparagraph of this paragraph.

6. Up to 4 % of the total additional resources referred to in paragraph 2 of this Article may be allocated to technical assistance, at the initiative of the Member States, to the rural development programmes in accordance with Article 51(2). That percentage threshold may be 5 % for those Member States to which the fourth subparagraph of Article 51(2) applies.

7. Up to 0,25 % of the total additional resources referred to in paragraph 1 of this Article may be allocated to technical assistance in accordance with Article 51(1).

8. The budget commitments relating to the additional resources referred to in paragraphs 1 and 2 of this Article shall in each rural development programme be made separately from the allocation referred to in Article 58(4).

9. Articles 20, 21 and 22 of Regulation (EU) No 1303/2013 shall not apply to the total additional resources referred to in paragraphs 1 and 2 of this Article.

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

** Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).;

(13) Article 59 is amended as follows:

(a) in paragraph 4, the following point is inserted:

‘(ea) 100 % for operations receiving funding from additional resources referred to in Article 58a(1). Member States may establish a single, specific EAFRD contribution rate applicable to all those operations;’

(b) paragraph 5 is replaced by the following:

‘5. At least 5 %, and in the case of Croatia 2,5 %, of the total EAFRD contribution to the rural development programme shall be reserved for LEADER and community-led local development as referred to in Article 4 of Regulation (EU) 2020/2220.

When Member States make use of the possibility provided for in the sixth or seventh subparagraph of Article 14 (1) of Regulation (EU) No 1307/2013, the percentages laid down in the first subparagraph of this paragraph shall apply to the total EAFRD contribution to the rural development programme without the additional support made available in accordance with the sixth or seventh subparagraph of Article 14(1) of Regulation (EU) No 1307/2013.;

(c) paragraph 6a is replaced by the following:

‘6a. The EAFRD support provided under Article 39b shall not exceed 2 % of the total EAFRD contribution to the rural development programme for the years 2014-2020 as provided for in Part One of Annex I.;

(14) in Article 75, paragraph 1 is replaced by the following:

‘1. By 30 June 2016 and by 30 June of each subsequent year until and including 2026, the Member State shall submit to the Commission the annual implementation report on implementation of the rural development programme in the previous calendar year. The report submitted in 2016 shall cover the calendar years 2014 and 2015.;

(15) Article 78 is replaced by the following:

‘In 2026, an *ex-post* evaluation report shall be prepared by the Member States for each of their rural development programmes. That report shall be submitted to the Commission by 31 December 2026.;

(16) Annex I is amended in accordance with Annex I to this Regulation;

(17) A new Annex Ia is inserted as set out in Annex II to this Regulation;

(18) Annex II is amended as follows:

(a) Article 17(3) Investment in physical assets, fourth column is amended as follows:

(i) row 6 is replaced by the following:

‘Of the amount of eligible investment in other regions

The above rates may be increased by an additional maximum 35 percentage points in case of financing operations from funds referred to in Article 58a(1) contributing to a resilient, sustainable and digital economic recovery, provided that such support does not exceed 75 %, and by an additional 20 percentage points, provided that maximum combined support does not exceed 90 %, for:

- Young farmers as defined in this Regulation, or who have already set up during the five years preceding the application for support;
- Collective investments and integrated projects, including those linked to a merger of producer organisations;
- Areas facing natural constraints and other specific constraints as referred to in Article 32;
- Operations supported in the framework of the EIP;
- Investments linked to operations under Articles 28 and 29’;

(ii) row 11 is replaced by the following:

‘Of the amount of eligible investment in other regions

The above rates may be increased by an additional maximum 35 percentage points in case of financing operations from funds referred to in Article 58a(1) contributing to a resilient, sustainable and digital economic recovery, provided that such support does not exceed 75 %, and by an additional 20 percentage points, provided that maximum combined support does not exceed 90 %, for operations supported in the framework of the EIP or those linked to a merger of producer organisations’;

(b) Article 19(6) Farm and business development, fourth column, row 1 is replaced by the following:

‘Per young farmer under Article 19(1)(a)(i)

That amount may be increased by an additional maximum of EUR 30 000 in the case of financing operations from funds referred to in Article 58a(1).’

Article 8

Amendments to Regulation (EU) No 1306/2013

Regulation (EU) No 1306/2013 is amended as follows:

- (1) in Article 25, the following subparagraph is added:

‘For each of the years 2021 and 2022, the amount of the reserve shall be EUR 400 million (at 2011 prices) and shall be included under Heading 3 of the Multiannual Financial Framework as set out in the Annex to Council Regulation (EU) 2020/2093 * [MFF].

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

- (2) Article 33 is replaced by the following:

‘Article 33

Budget commitments

As regards the Union's budget commitments for rural development programmes, Article 76 of Regulation (EU) No 1303/2013 and where applicable in conjunction with Article 2(2) of Regulation (EU) 2020/2220 of the European Parliament and of the Council * shall apply.

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

- (3) in Article 35, the following paragraph is added:

‘5. For programmes extended in accordance with Article 1 of Regulation (EU) 2020/2220, no pre-financing shall be granted for the 2021 and 2022 allocation or for additional resources referred to in Article 58a(1) and (2) of Regulation (EU) No 1305/2013.’;

- (4) in Article 36(3), the following subparagraph is added:

‘Point (b) of the first subparagraph shall apply, *mutatis mutandis*, to the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013.’;

- (5) in Article 37, paragraph 1 is replaced by the following:

‘1. After receiving the last annual progress report on the implementation of a rural development programme, the Commission shall pay the balance, subject to the availability of resources, on the basis of the financial plan in force, the annual accounts for the last execution year for the relevant rural development programme and of the corresponding clearance decision. Those accounts shall be presented to the Commission no later than six months after the final eligibility date of expenditure as referred to in Article 65(2) of Regulation (EU) No 1303/2013, and where applicable in conjunction with Article 2(2) of Regulation (EU) 2020/2220, and shall cover the expenditure effected by the paying agency up to the last eligibility date of expenditure.’;

- (6) in Article 38, paragraph 2 is replaced by the following:

‘2. The part of budget commitments that is still open on the last eligibility date for expenditure as referred to in Article 65(2) of Regulation (EU) No 1303/2013, and where applicable in conjunction with Article 2(2) of Regulation (EU) 2020/2220, for which no declaration of expenditure has been made within six months of that date shall be automatically de-committed.’.

Article 9

Amendments to Regulation (EU) No 1307/2013

Regulation (EU) No 1307/2013 is amended as follows:

- (1) in Article 11(6), the following subparagraph is added:

'Member States shall notify the Commission of the decisions taken in accordance with this Article and of any estimated product of reductions for the year 2021 by 19 February 2021 and for the year 2022 by 1 August 2021.';

- (2) Article 14 is amended as follows:

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

'Member States may decide to make available, as additional support financed under the EAFRD in financial years 2022 and 2023, up to 15 % of their annual national ceilings for the calendar years 2021 and 2022 set out in Annex II to this Regulation. As a result, the corresponding amount shall no longer be available for granting direct payments. That decision shall be notified to the Commission for the calendar year 2021 by 19 February 2021 and for the calendar year 2022 by 1 August 2021 and shall set out the percentage chosen.';

- (b) in paragraph 2, the following subparagraph is added:

'Member States which do not take the decision referred to in the seventh subparagraph of paragraph 1 for financial years 2022 and 2023, may decide to make available as direct payments up to 15 %, or in the case of Bulgaria, Estonia, Spain, Latvia, Lithuania, Poland, Portugal, Romania, Slovakia, Finland and Sweden up to 25 %, of the amount allocated to support financed under the EAFRD in financial year 2022 by Regulation (EU) No 1305/2013 and in financial year 2023 by Union legislation adopted after the adoption of Council Regulation (EU) 2020/2093 * [MFF]. As a result, the corresponding amount shall no longer be available for support financed under the EAFRD. That decision shall be notified to the Commission for the financial year 2022 by 19 February 2021 and for the financial year 2023 by 1 August 2021 and shall set out the percentage chosen.'

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

- (3) Article 22 is amended as follows:

- (a) paragraph 2 is replaced by the following:

'2. For each Member State, the amount calculated in accordance with the paragraph 1 of this Article may be increased by a maximum of 3 % of the relevant annual national ceiling set out in Annex II after deduction of the amount resulting from the application of Article 47(1) for the relevant year. When a Member State applies such an increase, that increase shall be taken into account by the Commission when setting the annual national ceiling for the basic payment scheme pursuant to paragraph 1 of this Article. For that purpose, Member States shall notify the Commission by 1 August 2014 of the annual percentages by which the amount calculated pursuant to paragraph 1 of this Article is to be increased. By 19 February 2021, Member States shall notify the Commission of the annual percentage by which the amount calculated pursuant to paragraph 1 of this Article is to be increased for calendar years 2021 and 2022.';

- (b) in paragraph 5, the following subparagraph is added:

'For calendar years 2021 and 2022, if the ceiling for a Member State set by the Commission pursuant to paragraph 1 of this Article is different from that of the previous year as a result of a change in the amount set out in Annex II or as a result of any decision taken by that Member State in accordance with this Article, Article 14(1) or (2), Article 42(1), Article 49(1), Article 51(1) or Article 53, that Member State shall linearly reduce or increase the value of all payment entitlements and/or reduce or increase the national reserve or regional reserves in order to ensure compliance with paragraph 4 of this Article.';

- (4) in Article 23(6), the following subparagraph is added:

'Member States applying the first subparagraph of paragraph 1 shall notify the Commission for calendar year 2021 by 19 February 2021 and for calendar year 2022 by 1 August 2021 of the decisions referred to in paragraphs 2 and 3.;

- (5) in Article 25, the following paragraphs are added:

'11. After having applied the adjustment referred to in Article 22(5), Member States that have made use of the derogation provided for in paragraph 4 of this Article may decide that payment entitlements held by farmers on 31 December 2019 which have a value lower than the national or regional unit value in 2020 as calculated in accordance with the second subparagraph of this paragraph have their unit value increased towards the national or regional unit value in 2020. The increase shall be calculated under the following conditions:

- (a) the calculation method for the increase decided upon by the Member State concerned is based on objective and non-discriminatory criteria;
- (b) in order to finance the increase, all or part of the owned or leased-in payment entitlements held by farmers on 31 December 2019 which have a value higher than the national or regional unit value in 2020 as calculated in accordance with the second subparagraph shall be reduced; that reduction shall apply to the difference between the value of those entitlements and the national or regional unit value in 2020; the application of that reduction shall be based on objective and non-discriminatory criteria, which may include the fixing of a maximum decrease.

The national or regional unit value in 2020 referred to in the first subparagraph of this paragraph shall be calculated by dividing the national or regional ceiling for the basic payment scheme set in accordance with Article 22(1) or Article 23(2) for 2020, excluding the amount of the national or regional reserves, by the number of the owned or leased-in payment entitlements held by farmers on 31 December 2019.

By way of derogation from the first subparagraph of this paragraph, Member States that have made use of the derogation provided for in paragraph 4 of this Article may decide to keep the value of payment entitlements calculated in accordance with that paragraph subject to the adjustment referred to in Article 22(5).

Member States shall inform farmers in due time of the value of their payment entitlements as calculated in accordance with this paragraph.

12. For calendar years 2021 and 2022, Member States may decide to apply further internal convergence by applying paragraph 11 to the year concerned.;

- (6) in Article 29, the following paragraph is added:

'For calendar years 2020 and 2021, Member States shall notify the Commission of their decisions referred to in Article 25(11) and (12) by 19 February 2021.

For calendar year 2022, Member States shall notify the Commission of their decision referred to in Article 25(12) by 1 August 2021.;

- (7) in Article 30(8), the following subparagraph is added:

'For allocations from the national reserve or regional reserves in 2021 and 2022, the amount of the national reserve or regional reserves to be excluded in accordance with the second subparagraph of this paragraph shall be adjusted in accordance with the second subparagraph of Article 22(5). For allocations from the national reserve or regional reserves in 2021 and 2022, the third subparagraph of this paragraph shall not apply.;

- (8) Article 36 is amended as follows:

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

'Member States applying the single area payment scheme in 2020 shall continue to do so after 31 December 2020.;

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

'For each Member State, the amount calculated in accordance with the first subparagraph of this paragraph may be increased by a maximum of 3 % of the relevant annual national ceiling set out in Annex II after deduction of the amount resulting from the application of Article 47(1) for the relevant year. When a Member State applies such an increase, that increase shall be taken into account by the Commission when setting the annual national ceiling for the single area payment scheme pursuant to the first subparagraph of this paragraph. For that purpose, Member States shall notify the Commission by 31 January 2018 of the annual percentages by which

the amount calculated pursuant to paragraph 1 of this Article is to be increased each calendar year from 2018. By 19 February 2021, Member States shall notify the Commission of the annual percentage by which the amount calculated pursuant to paragraph 1 of this Article is to be increased for calendar years 2021 and 2022.;

(9) Article 37 is amended as follows:

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

‘Member States granting transitional national aid in the period 2015-2020 may decide to grant transitional national aid in 2021 and 2022.;

(b) in paragraph 4, the sixth indent is replaced by the following:

‘— 50 % in 2020, 2021 and 2022.;

(10) in Article 41, paragraph 1 is replaced by the following:

‘1. Member States may decide by 1 August of any given year to grant, from the following year, an annual payment to farmers who are entitled to a payment under the basic payment scheme referred to in Sections 1, 2, 3 and 5 of Chapter 1 or under the single area payment scheme referred to in Section 4 of Chapter 1 (“the redistributive payment”). Member States may take such a decision by 19 February 2021 for calendar year 2021 and by 1 August 2021 for calendar year 2022. Member States already applying the redistributive payment may review their decision to grant such payment or the details of the scheme by 19 February 2021 for calendar year 2021 and by 1 August 2021 for calendar year 2022.

Member States shall notify the Commission of any such decision by the relevant date referred to in the first subparagraph.;

(11) in Article 42(1), the following subparagraph is added:

‘Member States shall notify the Commission of the percentage referred to in the first subparagraph by 19 February 2021 for calendar year 2021 and by 1 August 2021 for calendar year 2022.;

(12) in Article 49(1), the following subparagraph is added:

‘Member States granting payments in accordance with Article 48 in calendar year 2020 shall notify the Commission of the percentage referred to in the first subparagraph by 19 February 2021 for calendar year 2021 and by 1 August 2021 for calendar year 2022.;

(13) in Article 51(1), the first subparagraph is replaced by the following:

‘1. In order to finance the payment for young farmers, Member States shall use a percentage, which shall not be higher than 2 %, of the annual national ceiling set out in Annex II. The Member States shall notify the Commission, by 1 August 2014, of the estimated percentage necessary to finance that payment. By 19 February 2021, Member States shall notify the Commission of the estimated percentages necessary to finance that payment for calendar years 2021 and 2022.;

(14) in Article 52, paragraph 10 is replaced by the following:

‘10. The Commission is empowered to adopt delegated acts in accordance with Article 70 supplementing this Regulation as regards measures in order to avoid beneficiaries of voluntary coupled support suffering from structural market imbalances in a sector. Those delegated acts may allow Member States to decide that such support may continue to be paid until 2022 on the basis of the production units for which voluntary coupled support was granted in a past reference period.;

(15) Article 53 is amended as follows:

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

‘Member States not having granted voluntary coupled support until claim year 2020 may take a decision in accordance with the first subparagraph for calendar year 2021 by 19 February 2021.;

(b) paragraph 6 is replaced by the following:

‘6. Member States may, by 1 August of any given year, review their decision pursuant to this Chapter.

By 8 February 2020, Member States may also review their decision pursuant to this Chapter to the extent necessary to adjust to the decision on flexibility between pillars for calendar year 2020 taken in accordance with Article 14.

Member States shall decide by 19 February 2021 for calendar year 2021, and by 1 August 2021 for calendar year 2022, whether to continue or cease granting voluntary coupled support for the respective claim year.

By means of a review pursuant to the first and second subparagraphs of this paragraph, or a notification pursuant to the third subparagraph of this paragraph, Member States may decide with effect from the following year and for calendar years 2020 and 2021 with effect from the same calendar year:

- (a) to leave unchanged, increase or decrease the percentage fixed pursuant to paragraphs 1, 2 and 3, within the limits laid down therein where applicable, or to leave unchanged or decrease the percentage fixed pursuant to paragraph 4;
- (b) to modify the conditions for granting the support;
- (c) to cease granting the support under this Chapter.

Member States shall notify the Commission of any decision relating to the first, second and third subparagraphs of this paragraph by the respective dates referred to in those subparagraphs. The notification of the decision relating to a review pursuant to the second subparagraph of this paragraph shall explain the link between the review and the decision on flexibility between pillars for calendar year 2020 taken in accordance with Article 14.;

(16) in Article 54, paragraph 1 is replaced by the following:

‘1. Member States shall notify the Commission of the decisions referred to in Article 53 by the dates referred to in that Article. Except for the decision referred to in point (c) of the fourth subparagraph of Article 53(6), the notification shall include information on the regions targeted, the selected types of farming or sectors, and the level of support to be granted. The notifications of the decisions referred to in Article 53(1) and of the decision referred to in the third subparagraph of Article 53(6) shall also include the percentage of the national ceiling referred to in Article 53 for the relevant calendar year.’;

(17) in Article 58, paragraph 3 is replaced by the following:

‘3. The amount of the crop-specific payment for cotton per hectare of eligible area shall be calculated for 2020 by multiplying the yields established in paragraph 2 with the following reference amounts:

- Bulgaria: EUR 649,45,
- Greece: EUR 234,18,
- Spain: EUR 362,15,
- Portugal: EUR 228,00.

The amount of the crop-specific payment for cotton per hectare of eligible area shall be calculated for 2021 and 2022 by multiplying the yields established in paragraph 2 with the following reference amounts:

- Bulgaria: EUR 636,13,
- Greece: EUR 229,37,
- Spain: EUR 354,73,
- Portugal: EUR 223,32.’;

(18) Annexes II and III are amended in accordance with Annex III to this Regulation.

Article 10

Amendments to Regulation (EU) No 1308/2013

Regulation (EU) No 1308/2013 is amended as follows:

(1) Article 29 is amended as follows:

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

‘Work programmes drawn up for the period running from 1 April 2021 shall end on 31 December 2022.’;

(b) paragraph 2 is replaced by the following:

‘2. The Union financing of the work programmes referred to in paragraph 1 for 2020 shall be:

(a) EUR 11 098 000 for Greece;

(b) EUR 576 000 for France;

(c) EUR 35 991 000 for Italy.

The Union financing of the work programmes referred to in paragraph 1 for each of the years 2021 and 2022 shall be:

(a) EUR 10 666 000 for Greece;

(b) EUR 554 000 for France;

(c) EUR 34 590 000 for Italy.’;

(2) in Article 33(1), the following subparagraphs are added:

‘Operational programmes for which an extension in line with the maximum duration of five years referred to in the first subparagraph is to be approved after 29 December 2020 may only be extended until 31 December 2022.

By way of derogation from the first subparagraph, new operational programmes that are approved after 29 December 2020 shall have a maximum duration of three years.’;

(3) in Article 55(1), the following subparagraph is added:

‘By way of derogation from the first subparagraph, national programmes drawn up for the period running from 1 August 2019 until 31 July 2022 shall be extended until 31 December 2022. Member States shall modify their national programmes to take account of that extension and shall notify the modified programmes to the Commission for their approval.’;

(4) in Article 58, paragraph 2 is replaced by the following:

‘2. The Union financing for the aid to producer organisations provided for in paragraph 1 for 2020 shall be EUR 2 277 000 for Germany.

The Union financing for the aid to producer organisations provided for in paragraph 1 for each of the years 2021 and 2022 shall be EUR 2 188 000 for Germany.’;

(5) in Article 62(3), the following subparagraphs are added:

‘By way of derogation from the first subparagraph, the validity of authorisations granted in accordance with Article 64 and Article 66(1), which expires in the year 2020, is extended until 31 December 2021.

Producers who hold authorisations in accordance with Article 64 and Article 66(1) of this Regulation, which expire in 2020, shall not, by way of derogation from the first subparagraph of this paragraph, be subject to the administrative penalty referred to in Article 89(4) of Regulation (EU) No 1306/2013 provided that they inform the competent authorities by 28 February 2021 that they do not intend to make use of their authorisation and do not wish to benefit from the extension of their validity as referred to in the second subparagraph of this paragraph.’;

(6) Article 68 is amended as follows:

(a) in paragraph 1, the second subparagraph is replaced by the following:

‘Such conversion shall take place upon a request to be submitted by those producers before 31 December 2015. Member States may decide to allow producers to submit such a request to convert rights into authorisations until 31 December 2022.’;

(b) paragraph 2 is replaced by the following:

‘2. Authorisations granted pursuant to paragraph 1 shall have the same period of validity as the planting rights referred to in paragraph 1. If those authorisations are not used, they shall expire at the latest by 31 December 2018, or, where a Member State has taken the decision referred to in the second subparagraph of paragraph 1, at the latest by 31 December 2025.’;

(7) The following Article is inserted at the end of Title II, Chapter III, Section 4:

‘Article 167a

Marketing rules to improve and stabilise the operation of the common market in olive oils

1. In order to improve and stabilise the operation of the common market in olive oils, including the olives from which they derive, producer Member States may lay down marketing rules to regulate supply.

Such rules shall be proportionate to the objective pursued and shall not:

- (a) relate to any transaction after the first marketing of the produce concerned;
- (b) allow for price fixing, including where prices are set for guidance or recommendation;
- (c) render unavailable an excessive proportion of the production of the marketing year that would otherwise be available.

2. The rules provided for in paragraph 1 shall be brought to the attention of operators by being published in full in an official publication of the Member State concerned.

3. Member States shall notify the Commission of any decisions taken under this Article.’;

(8) in Article 211, the following paragraph is added:

‘3. By way of derogation from paragraph 1 of this Article, Articles 107, 108 and 109 TFEU shall not apply to national fiscal measures whereby Member States decide to deviate from general tax rules by allowing for the income tax base applied to farmers to be calculated on the basis of a multiannual period with a view to evening out the tax base over a certain number of years.’;

(9) in Article 214a, the following paragraph is added:

‘In 2021 and 2022, Finland may continue to grant the national aids referred to in the first paragraph subject to the same conditions and amounts as authorised by the Commission for 2020.’;

(10) Annex VI is replaced by the text set out in Annex IV to this Regulation.

TITLE III

FINAL PROVISIONS

Article 11

Entry into force and application

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

Point 5 of Article 9 (concerning Article 25(11) of Regulation (EU) No 1307/2013) and point 5 of Article 10 (concerning Article 62(3) of Regulation (EU) No 1308/2013) shall apply from 1 January 2020.

By way of derogation from the first paragraph of this Article, point 12, point (a) of point 13 and points 17 and 18 of Article 7 shall enter into force on the date of entry into force of the EURI Regulation. Point 12, point (a) of point 13 and points 17 and 18 of Article 7 shall apply from 1 January 2021.

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

Done at Brussels, 23 December 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
M. ROTH

ANNEX I

Annex I to Regulation (EU) No 1305/2013 is amended as follows:

- (1) the title is replaced by the following:

'PART ONE: BREAKDOWN OF UNION SUPPORT FOR RURAL DEVELOPMENT (2014 TO 2020)';

- (2) the following title and table are added:

'PART TWO: BREAKDOWN OF UNION SUPPORT FOR RURAL DEVELOPMENT (2021 AND 2022)

(current prices in EUR)

	2021	2022
Belgium	101 120 350	82 800 894
Bulgaria	344 590 304	282 162 644
Czechia	316 532 230	259 187 708
Denmark	92 734 249	75 934 060
Germany	1 334 041 136	1 092 359 738
Estonia	107 490 074	88 016 648
Ireland	380 590 206	311 640 628
Greece	680 177 956	556 953 600
Spain	1 319 414 366	1 080 382 825
France	1 782 336 917	1 459 440 070
Croatia	363 085 794	297 307 401
Italy	1 648 587 531	1 349 921 375
Cyprus	29 029 670	23 770 514
Latvia	143 490 636	117 495 173
Lithuania	238 747 895	195 495 162
Luxembourg	15 034 338	12 310 644
Hungary	509 100 229	416 869 149
Malta	24 406 009	19 984 497
Netherlands	89 478 781	73 268 369
Austria	635 078 708	520 024 752
Poland	1 612 048 020	1 320 001 539
Portugal	660 145 863	540 550 620
Romania	1 181 006 852	967 049 892
Slovenia	134 545 025	110 170 192
Slovakia	316 398 138	259 077 909
Finland	432 993 097	354 549 956
Sweden	258 769 726	211 889 741
Total EU-27	14 750 974 100	12 078 615 700
Technical Assistance	36 969 860	30 272 220
Total	14 787 943 960	12 108 887 920'

ANNEX II

Annex Ia to Regulation (EU) No 1305/2013 is inserted as follows:

'ANNEX Ia

BREAKDOWN OF THE ADDITIONAL RESOURCES BY MEMBER STATE AS REFERRED TO IN ARTICLE 58A

(current prices, in EUR)

	2021	2022
Belgium	14 246 948	33 907 737
Bulgaria	59 744 633	142 192 228
Czechia	54 879 960	130 614 305
Denmark	16 078 147	38 265 991
Germany	209 940 765	499 659 020
Estonia	18 636 494	44 354 855
Ireland	56 130 739	133 591 159
Greece	108 072 886	257 213 470
Spain	212 332 550	505 351 469
France	256 456 603	610 366 714
Croatia	59 666 188	142 005 526
Italy	269 404 179	641 181 947
Cyprus	3 390 542	8 069 491
Latvia	24 878 226	59 210 178
Lithuania	41 393 810	98 517 267
Luxembourg	2 606 635	6 203 790
Hungary	88 267 157	210 075 834
Malta	2 588 898	6 161 577
Netherlands	15 513 719	36 922 650
Austria	101 896 221	242 513 006
Poland	279 494 858	665 197 761
Portugal	104 599 747	248 947 399
Romania	204 761 482	487 332 328
Slovenia	21 684 662	51 609 495
Slovakia	48 286 370	114 921 561
Finland	61 931 116	147 396 056
Sweden	44 865 170	106 779 104
Total EU-27	2 381 748 705	5 668 561 918
Technical Assistance (0,25 %)	5 969 295	14 206 922
Total	2 387 718 000	5 682 768 840'

ANNEX III

Annexes II and III to Regulation (EU) No 1307/2013 are amended as follows:

(1) in Annex II, the following columns are added:

'2021	2022
494 926	494 926
788 626	797 255
854 947	854 947
862 367	862 367
4 915 695	4 915 695
190 715	193 576
1 186 282	1 186 282
1 891 660	1 890 730
4 800 590	4 797 439
7 285 001	7 274 171
344 340	374 770
3 628 529	3 628 529
47 648	47 648
339 055	344 140
569 965	578 515
32 748	32 748
1 243 185	1 243 185
4 594	4 594
717 382	717 382
677 582	677 582
3 030 049	3 061 233
595 873	600 528
1 891 805	1 919 363
131 530	131 530
391 174	396 034
515 713	517 532
685 676	685 904'

(2) in Annex III, the following columns are added:

'2021	2022
494,9	494,9
791,2	799,8
854,9	854,9
862,4	862,4

'2021	2022
4 915,7	4 915,7
190,7	193,6
1 186,3	1 186,3
2 075,7	2 074,7
4 860,3	4 857,1
7 285,0	7 274,2
344,3	374,8
3 628,5	3 628,5
47,6	47,6
339,1	344,1
570,0	578,5
32,7	32,7
1 243,2	1 243,2
4,6	4,6
717,4	717,4
677,6	677,6
3 030,0	3 061,2
596,1	600,7
1 891,8	1 919,4
131,5	131,5
391,2	396,0
515,7	517,5
685,7	685,9'

ANNEX IV

Annex VI to Regulation (EU) No 1308/2013 is replaced by the following:

‘ANNEX VI

BUDGETARY LIMITS FOR SUPPORT PROGRAMMES REFERRED TO IN ARTICLE 44(1)

in 1 000 EUR per budget year					
	2014	2015	2016	2017-2020	2021 onwards
Bulgaria	26 762	26 762	26 762	26 762	25 721
Czechia	5 155	5 155	5 155	5 155	4 954
Germany	38 895	38 895	38 895	38 895	37 381
Greece	23 963	23 963	23 963	23 963	23 030
Spain	353 081	210 332	210 332	210 332	202 147
France	280 545	280 545	280 545	280 545	269 628
Croatia	11 885	11 885	11 885	10 832	10 410
Italy	336 997	336 997	336 997	336 997	323 883
Cyprus	4 646	4 646	4 646	4 646	4 465
Lithuania	45	45	45	45	43
Luxembourg	588	—	—	—	—
Hungary	29 103	29 103	29 103	29 103	27 970
Malta	402	—	—	—	—
Austria	13 688	13 688	13 688	13 688	13 155
Portugal	65 208	65 208	65 208	65 208	62 670
Romania	47 700	47 700	47 700	47 700	45 844
Slovenia	5 045	5 045	5 045	5 045	4 849
Slovakia	5 085	5 085	5 085	5 085	4 887
United Kingdom	120	—	—	—	—

REGULATION (EU) 2020/2221 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 23 December 2020

amending Regulation (EU) No 1303/2013 as regards additional resources and implementing arrangements to provide assistance for fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and for preparing a green, digital and resilient recovery of the economy (REACT-EU)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 177 and point (a) of Article 322(1) thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the Court of Auditors ⁽¹⁾,

After consulting the European Economic and Social Committee,

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

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

Whereas:

- (1) Member States have been affected by the crisis resulting from the economic, social and health consequences of the COVID-19 pandemic in an unprecedented manner. The crisis hampers growth in Member States, which in turn aggravates the serious liquidity shortages which are due to the sudden and significant increase in public investments needed in Member States' health systems and other sectors of their economies. The crisis has also exacerbated the situation of people at risk of poverty, thus reducing the social cohesion in Member States. In addition, the closure of internal borders has had a severe impact on economic cooperation, in particular in border areas, affecting the commuting of workers and the viability of micro, small and medium-sized enterprises (SMEs). This has created an exceptional situation which needs to be addressed with specific, immediate and extraordinary measures that reach the real economy quickly.
- (2) In order to respond to the impact of the crisis, Regulations (EU) No 1301/2013 ⁽⁴⁾ and (EU) No 1303/2013 ⁽⁵⁾ of the European Parliament and the Council were amended by Regulation (EU) 2020/460 of the European Parliament and of the Council ⁽⁶⁾ in order to allow for more flexibility in the implementation of operational programmes supported by the European Regional Development Fund (the 'ERDF'), the European Social Fund (the 'ESF') and the Cohesion Fund (collectively 'the Funds') and by the European Maritime and Fisheries Fund (the 'EMFF'). However, as the serious negative effects on Union economies and societies worsened, both Regulations were amended again by

⁽¹⁾ OJ C 272, 17.8.2020, p. 1.

⁽²⁾ Opinion of 14 October 2020 (not yet published in the Official Journal).

⁽³⁾ Position of the European Parliament of 16 December 2020 (not yet published in the Official Journal) and decision of the Council of 22 December 2020.

⁽⁴⁾ Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006 (OJ L 347, 20.12.2013, p. 289).

⁽⁵⁾ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

⁽⁶⁾ Regulation (EU) 2020/460 of the European Parliament and of the Council of 30 March 2020 amending Regulations (EU) No 1301/2013, (EU) No 1303/2013 and (EU) No 508/2014 as regards specific measures to mobilise investments in the healthcare systems of Member States and in other sectors of their economies in response to the COVID-19 outbreak (Coronavirus Response Investment Initiative) (OJ L 99, 31.3.2020, p. 5).

Regulation (EU) 2020/558 of the European Parliament and of the Council ⁽⁷⁾. Those amendments have provided exceptional additional flexibility to enable the Member States to concentrate on the necessary response to the unprecedented crisis by enhancing the possibility to mobilise non-utilised support from the Funds and by simplifying procedural requirements linked to programme implementation and audits.

- (3) On 23 April 2020, the European Council endorsed the 'Roadmap for recovery' in order to redress huge shocks to the economy and to mitigate, on the one hand, the social and economic consequences for the Union stemming from the exceptional restrictions put in place by Member States to contain the spread of COVID-19 and, on the other, the risk of an asymmetric recovery, stemming from the different national means available in different Member States, which has, in turn, had a serious impact on the functioning of the internal market. The Roadmap for recovery has a strong investment component and calls for the establishment of the European Recovery Fund. In addition, and as restated in the conclusions of the European Council of 21 July 2020, it mandates the Commission to analyse the needs so that the resources would be targeted towards those sectors and geographical parts of the Union that are most affected, while also clarifying the link with the Multiannual Financial Framework for 2021-2027.
- (4) In accordance with Council Regulation (EU) 2020/2094 ⁽⁸⁾ and within the limits of the resources allocated therein, recovery and resilience measures under the European Structural and Investment Funds should be carried out to address the unprecedented impact of the COVID-19 crisis. Such additional resources should be used to ensure compliance with the time limits provided for in Regulation (EU) 2020/2094.
- (5) This Regulation lays down rules and implementing arrangements regarding the additional resources provided as Recovery Assistance for Cohesion and the Territories of Europe ('REACT-EU') to provide assistance for fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and for preparing a green, digital and resilient recovery of the economy. Under REACT-EU, an additional exceptional amount of up to EUR 47 500 000 000 in 2018 prices for budgetary commitment from the Structural Funds for the years 2021 and 2022 should be made available to support those Member States and regions that are most affected by crisis repair in the context of the COVID-19 pandemic and its social consequences and that are preparing a green, digital and resilient recovery of the economy ('REACT-EU resources'), with a view to deploying resources quickly to the real economy through the existing operational programmes. The REACT-EU resources stem from the European Union Recovery Instrument. Part of the REACT-EU resources should be allocated to technical assistance at the initiative of the Commission. The Commission should set out the breakdown of the REACT-EU resources for each Member State on the basis of an allocation method based on the latest available objective statistical data concerning Member States' relative prosperity and the extent of the effect of the COVID-19 crisis on their economies and societies. Before the application of the allocation method concerning the REACT-EU resources for the year 2021 and to provide support for the most important sectors following the COVID-19 crisis in certain Member States, an amount of EUR 100 000 000 and EUR 50 000 000 should be allocated to Luxembourg and Malta, respectively. The allocation method should include a dedicated additional amount for the outermost regions, given the specific vulnerability of their economies and societies. In order to reflect the evolving nature of the effects of the COVID-19 crisis, the breakdown should be revised in 2021 on the basis of the same allocation method and using the latest statistical data available by 19 October 2021 to distribute the 2022 tranche of the REACT-EU resources.
- (6) In view of the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the UN Sustainable Development Goals, the Funds will contribute to mainstream climate actions and to the achievement of an overall target of 30 % of the Union budget expenditure supporting climate objectives. REACT-EU is expected to contribute 25 % of the overall financial envelope to climate objectives. In line with the nature of REACT-EU as a crisis-repair instrument and the flexibility provided by this Regulation, including the lack

⁽⁷⁾ Regulation (EU) 2020/558 of the European Parliament and of the Council of 23 April 2020 amending Regulations (EU) No 1301/2013 and (EU) No 1303/2013 as regards specific measures to provide exceptional flexibility for the use of the European Structural and Investments Funds in response to the COVID-19 outbreak (OJ L 130, 24.4.2020, p. 1).

⁽⁸⁾ Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis (OJ L 433, 22.12.2020, p. 23).

of thematic concentration requirements and the possibility for Member States to direct the REACT-EU resources to support ERDF or ESF operations according to their needs, the level of Member States' contributions towards that ambition may differ depending on national priorities.

- (7) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union ('TFEU') apply to this Regulation. Those rules are laid down in Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽⁹⁾ (the 'Financial Regulation') and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also include a general regime of conditionality for the protection of the Union budget.
- (8) In order to allow maximum flexibility to Member States in tailoring crisis repair actions in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy, allocations should be established by the Commission at Member State level. Furthermore, the possibility of using any REACT-EU resources to support aid for the most deprived and the Youth Employment Initiative ('YEI') should also be provided for. In addition, it is necessary to establish ceilings concerning the allocation to technical assistance at the initiative of the Member States while allowing maximum flexibility to the Member States as to its allocation within operational programmes supported by the ERDF or the ESF. The operational strength of the ESF should be maintained when allocating the REACT-EU resources in the policy areas of employment, in particular youth employment in line with the reinforced Youth Guarantee, skills and education, social inclusion and health, with a particular focus on reaching out to disadvantaged groups and children. Taking account of the expected quick spending of the REACT-EU resources, the commitments linked to these resources should only be decommitted at the closure of the operational programmes.
- (9) As the COVID-19 pandemic has affected regions and municipalities in Member States differently, the involvement of regional and local actors from authorities, economic and social partners and civil society, in accordance with the partnership principle, is important for the preparation, implementation, monitoring and evaluation of crisis repair supported by REACT-EU.
- (10) Possibilities for financial transfers under the Investment for growth and jobs goal between the ERDF and the ESF should also be introduced for the REACT-EU resources in accordance with Article 25a of Regulation (EU) No 1303/2013. Such transfers should not affect either the resources available under the European territorial cooperation goal or the specific allocation for the YEI.
- (11) In order to complement the actions already available under the scope of support of the ERDF, as extended by Regulations (EU) 2020/460 and (EU) 2020/558, Member States should continue to be allowed to use the REACT-EU resources primarily for investments in products and services for health services, including cross-border, and institutional, community and family-based care, for providing support in the form of working capital or investment support to SMEs, including advisory support, in particular in the sectors most affected by the COVID-19 pandemic and needing rapid revitalisation, such as tourism and culture, for investments contributing to the transition towards a digital and green economy, for investments in infrastructure providing non-discriminatory basic services to citizens, and for economic support measures for those regions which are most dependent on sectors most affected by the COVID-19 crisis. Stronger health cooperation, coordination and resilience should also be fostered. Furthermore, technical assistance should be supported. It is appropriate that the REACT-EU resources are focused exclusively under the new thematic objective 'Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy', which should also constitute a single investment priority, to allow for simplified programming and implementation of these resources.

⁽⁹⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

- (12) For the ESF, Member States should use the REACT-EU resources primarily to support access to the labour market and social systems, ensuring job maintenance, including through short-time work schemes and support to the self-employed as well as entrepreneurs and freelancers, artists and creative workers. Short-time work schemes and similar measures, in particular for the self-employed, aim to protect employees and the self-employed against the risk of unemployment while maintaining the same level of working and employment conditions and wages of employees. The REACT-EU resources allocated to such schemes are to be used exclusively to support workers. In the context of the current exceptional circumstances caused by the COVID-19 pandemic, it should be possible to provide support to short-time work schemes for employees and the self-employed even when such support is not combined with active labour market measures, unless those measures are imposed by national law. That rule should also apply in a uniform manner to short-time work schemes which have been supported in accordance with Regulation (EU) No 1303/2013, as amended by Regulations (EU) 2020/460 and (EU) 2020/558 following the COVID-19 crisis, and which continue to be supported under the dedicated investment priority 'Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy'. Union support to such short-time work schemes should be limited in time.
- (13) Support should also be provided for job creation and quality employment, in particular for people in vulnerable situations, and for social inclusion and poverty eradication measures. Youth employment measures should be extended in line with the reinforced Youth Guarantee. Investments in education, training and skills development, including reskilling and upskilling, in particular for disadvantaged groups, should be provided for. Equal access to social services of general interest, including for children, the elderly, persons with disabilities, ethnic minorities and the homeless should be promoted.
- (14) Furthermore, Member States should continue to pay special attention to people living in rural, border, less developed, insular, mountainous, sparsely populated and outermost regions, as well as in areas affected by industrial transition and depopulation and, where appropriate, use the REACT-EU resources towards supporting those people.
- (15) As the temporary closing of borders between Member States has led to significant challenges for cross-border communities and businesses, it is appropriate to allow Member States to allocate the REACT-EU resources also to existing cross-border programmes under the European territorial cooperation goal.
- (16) In order to ensure that Member States have sufficient financial means to quickly implement crisis repair actions in the context of the COVID-19 pandemic and its social consequences and to prepare a green, digital and resilient recovery of the economy, it is necessary to provide a higher level of initial pre-financing payment for the quick implementation of actions supported by the REACT-EU resources. The initial pre-financing to be paid should ensure that Member States have the means to arrange for advance payments to beneficiaries where necessary and to reimburse beneficiaries quickly following the submission of payment claims.
- (17) It should be possible for Member States to allocate the REACT-EU resources to new dedicated operational programmes under the Investment for growth and jobs goal or to new priority axes within existing programmes under the Investment for growth and jobs and the European territorial cooperation goals. In order to enable quick implementation, only already designated authorities of existing operational programmes supported by the ERDF, the ESF, or the Cohesion Fund should be allowed to be identified for new dedicated operational programmes. An *ex ante* evaluation by the Member States should not be required and the elements required for the submission of the operational programme to the Commission's approval should be limited.
- (18) The REACT-EU resources should be used in accordance with the sustainable development and 'Do no harm' principles, taking into account the Paris Agreement and the UN Sustainable Development Goals. Furthermore, equality between men and women, gender mainstreaming and the integration of gender perspective should be taken into account and promoted throughout the implementation of operational programmes.

- (19) With a view to alleviating the burden on public budgets regarding crisis repair in the context of the COVID-19 pandemic and its social consequences and the preparation of a green, digital and resilient recovery of the economy, expenditure for operations should be eligible from 1 February 2020 and Member States should be given the exceptional possibility to request a co-financing rate of up to 100 % to be applied to the separate priority axes of operational programmes providing support from the REACT-EU resources.
- (20) While it is important to ensure that 31 December 2023 remains the end date for eligibility for the 2014-2020 programming period, it should be made clear that operations could still be selected for support in the course of 2023.
- (21) In order to ensure continuity of implementation of certain operations supported by the REACT-EU resources, the phasing provisions of a Regulation laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument should apply.
- (22) Following the specific flexibility measures in response to the COVID-19 outbreak introduced into Regulation (EU) No 1303/2013 by Regulation (EU) 2020/558, expenditure for physically completed or fully implemented operations that foster crisis repair in the context of the COVID-19 pandemic and its social consequences and prepare a green, digital and resilient recovery of the economy supported under the corresponding new thematic objective should also be eligible, provided that the operations concerned started from 1 February 2020.
- (23) In order to enable Member States to quickly deploy the REACT-EU resources within the current programming period, it is justified to exempt, on an exceptional basis, Member States from the obligation to comply with *ex ante* conditionalities and requirements on the performance reserve and application of the performance framework, on thematic concentration, also in relation to the thresholds established for sustainable urban development for the ERDF, and requirements on preparation of a communication strategy for the REACT-EU resources. It is nevertheless necessary that Member States carry out at least one evaluation by 31 December 2024 to assess the effectiveness, efficiency, impact and inclusiveness of the REACT-EU resources as well as how these resources have contributed to achieving the goals of the new dedicated thematic objective. To facilitate the availability of comparable information at Union level, Member States should be required, where appropriate, to make use of the COVID-19 programme-specific indicators made available by the Commission. In addition, while carrying out their responsibilities linked to information, communication and visibility, Member States and managing authorities should enhance the visibility of the exceptional measures and resources introduced by the Union, in particular by ensuring that potential beneficiaries, beneficiaries, participants, final recipients of financial instruments and the general public are aware of the existence, volume and additional support stemming from the REACT-EU resources.
- (24) With a view to allowing the REACT-EU resources to be targeted to the geographic areas where they are most needed, as an exceptional measure and without prejudice to the general rules for allocating Structural Funds resources, the REACT-EU resources allocated to the ERDF and the ESF should not be required to be broken down per category of region. However, Member States are expected to take into account the different regional needs and development levels in order to ensure that support is balanced between the needs of the regions and cities most affected by the impact of the COVID-19 pandemic and the need to maintain focus on less developed regions, in accordance with the objectives of economic, social and territorial cohesion set out in Article 174 TFEU. Member States should also involve local and regional authorities, as well as relevant bodies representing civil society and social partners, in accordance with the partnership principle.

- (25) Except for those cases where derogations are provided for by this Regulation, expenditure under REACT-EU should be subject to the same obligations and safeguards as all cohesion funding. That includes respect for fundamental rights and compliance with the Charter of Fundamental Rights of the European Union as well as effective anti-fraud measures implemented with the support of existing anti-fraud agencies at Member State and Union level, such as the European Anti-Fraud Office and, where relevant, the European Public Prosecutor's Office.
- (26) When measures are adopted to protect the Union budget, it is essential that the legitimate interests of final recipients and beneficiaries be properly safeguarded.
- (27) In order to facilitate the transfers authorised by the changes introduced under this Regulation, the condition laid down in point (f) of Article 30(1) of the Financial Regulation regarding the use of appropriations for the same objective should not apply in respect of those transfers.
- (28) Since the objective of this Regulation, namely to respond to the impact of the COVID-19 crisis by introducing flexibility measures in the field of providing support from the European Structural and Investment Funds, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the proposed action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.
- (29) Given the urgency of the situation related to the COVID-19 pandemic, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (30) Regulation (EU) No 1303/2013 should therefore be amended accordingly.
- (31) Article 135(2) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽¹⁰⁾ provides that amendments to Council Regulation (EU, Euratom) No 1311/2013 ⁽¹¹⁾ or Council Decision 2014/335/EU, Euratom ⁽¹²⁾ that are adopted on or after the date of entry into force of that Agreement are not to apply to the United Kingdom insofar as those amendments have an impact on the United Kingdom's financial obligations. The support under this Regulation for 2021 and 2022 is financed from an increase of the own resources ceiling of the Union, which would have an impact on the United Kingdom's financial obligation. Therefore, this Regulation should not apply to or in the United Kingdom,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1303/2013 is amended as follows:

- (1) the following Articles are inserted:

'Article 92a

REACT-EU resources

The measures referred to in Article 1(2) of Council Regulation (EU) 2020/2094 (*) shall be implemented under the Structural Funds with an amount of up to EUR 47 500 000 000 in 2018 prices as referred to in point (a)(i) of Article 2 (2) of that Regulation, subject to its Article 3(3), (4), (7) and (9).

⁽¹⁰⁾ OJ L 29, 31.1.2020, p. 7.

⁽¹¹⁾ Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

⁽¹²⁾ Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union (OJ L 168, 7.6.2014, p. 105).

These additional resources for 2021 and 2022, stemming from the European Union Recovery Instrument, shall provide assistance for fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and for preparing a green, digital and resilient recovery of the economy ("REACT-EU resources").

As provided for in Article 3(1) of Regulation (EU) 2020/2094, the REACT-EU resources shall constitute external assigned revenues for the purpose of Article 21(5) of the Financial Regulation.

Article 92b

Implementing arrangements for the REACT-EU resources

1. The REACT-EU resources shall be made available under the Investment for growth and jobs goal.

By way of derogation from Article 94, Member States shall also jointly allocate part of their REACT-EU resources to cross-border co-operation programmes under the European territorial cooperation goal in which they participate, if they agree that such allocations reflect their respective national priorities.

The REACT-EU resources shall be used to implement technical assistance pursuant to paragraph 6 of this Article and the operations implementing the thematic objective referred to in the first subparagraph of paragraph 9 of this Article.

2. The REACT-EU resources shall be made available for budgetary commitment for the years 2021 and 2022, in addition to the global resources set out in Article 91, as follows:

— 2021: EUR 37 500 000 000,

— 2022: EUR 10 000 000 000.

The REACT-EU resources shall also support administrative expenditure up to EUR 18 000 000 in 2018 prices.

Operations to be supported by the REACT-EU resources may be selected for support up to the end of 2023. The phasing provisions set out in a Regulation laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument are applicable to operations supported by the REACT-EU resources.

3. 0,35 % of the REACT-EU resources shall be allocated to technical assistance at the initiative of the Commission, with a special focus on Member States hit harder by the COVID-19 pandemic and Member States with lower absorption and implementation rates.

4. The Commission shall adopt a decision, by means of implementing acts, setting out the breakdown of the REACT-EU resources as appropriations from the Structural Funds for 2021 for each Member State in accordance with the criteria and methodology set out in Annex VIIa. That decision shall be revised in 2021 to set out the breakdown of the REACT-EU resources for 2022 based on data available by 19 October 2021.

5. By way of derogation from the first paragraph of Article 76, the budget commitments for the REACT-EU resources in respect of each operational programme concerned shall be made for each Fund for the years 2021 and 2022.

The legal commitment referred to in the second paragraph of Article 76 for the years 2021 and 2022 shall enter into force on or after the date referred to in Article 3(3) of Regulation (EU) 2020/2094.

The third and fourth paragraphs of Article 76 shall not apply in respect of the REACT-EU resources.

By way of derogation from Article 14(3) of the Financial Regulation, the de-commitment rules set out in Chapter IV of Title IX of Part II and in Article 136 of this Regulation shall apply to the budgetary commitments based on the REACT-EU resources. By way of derogation from point (c) of Article 12(4) of the Financial Regulation, the REACT-EU resources shall not be used for a succeeding programme or action.

By way of derogation from Articles 86(2) and 136(1) of this Regulation, the commitments for the REACT-EU resources shall be decommitted in accordance with the rules to be followed for the closure of the programmes.

Each Member State shall allocate the REACT-EU resources available for programming under the ERDF and the ESF to operational programmes or to cross-border cooperation programmes, involving local and regional authorities, as well as relevant bodies representing civil society and social partners, in accordance with the partnership principle.

By way of derogation from Article 92(7), a part of the REACT-EU resources shall also be proposed to be used, if the Member State concerned considers it appropriate, to increase the support for the Fund for European Aid to the Most Deprived ("FEAD"), in order to address the situation of those who have been hit to an unprecedented degree by the COVID-19 crisis. A part of the REACT-EU resources may also be used to increase the support for the YEI. In both cases, the increase may be proposed before or at the same time as the allocation to the ERDF and the ESF.

Following their initial allocation, the REACT-EU resources may, at the request of a Member State for amendment of an operational programme pursuant to Article 30(1), be transferred between the ERDF and the ESF, irrespective of the percentages referred to in points (a), (b) and (c) of Article 92(1), keeping the overall operational strength of the ESF at Union level. This subparagraph shall not apply to ERDF resources allocated to cross-border cooperation programmes under the European territorial cooperation goal.

Article 30(5) shall not apply to the REACT-EU resources. Those resources shall be excluded from the basis of calculation for the purposes of the ceilings established in that paragraph.

For the purposes of the application of point (f) of Article 30(1) of the Financial Regulation, the condition that appropriations are to be for the same objective shall not apply in respect of such transfers. Such transfers may only apply to the ongoing year or to future years in the financial plan.

The requirements laid down in Article 92(4) of this Regulation shall not apply to the initial allocation or the subsequent transfers of the REACT-EU resources.

The REACT-EU resources shall be implemented in accordance with the rules of the Fund to which they are allocated or transferred.

6. Up to 4 % of the total REACT-EU resources under the ERDF and the ESF may be allocated to technical assistance at the initiative of the Member States, under any existing operational programme supported from the ERDF or the ESF or a new operational programme or programmes referred to in paragraph 10.

Up to 6 % of the additional ERDF resources allocated to a cross-border cooperation programme under the European territorial cooperation goal pursuant to the second subparagraph of paragraph 1 may be allocated to technical assistance.

7. By way of derogation from Articles 81(1) and 134(1), the initial pre-financing to be paid following the Commission decision adopting an operational programme or approving the amendment to an operational programme for the allocation of the REACT-EU resources shall be 11 % of the REACT-EU resources allocated to programmes for the year 2021.

For the purpose of applying Article 134(2) to the annual pre-financing in the years 2021, 2022 and 2023, the amount of the support from the Funds for the whole programming period to the operational programme shall include the REACT-EU resources.

The amount paid as additional initial pre-financing referred to in the first subparagraph shall be totally cleared from the Commission accounts not later than when the operational programme is closed.

8. The REACT-EU resources not allocated to technical assistance shall be used under the thematic objective referred to in the first subparagraph of paragraph 9 to support operations that foster crisis repair in the context of the COVID-19 pandemic and its social consequences and prepare a green, digital and resilient recovery of the economy.

Member States may allocate the REACT-EU resources either to one or more separate priority axes within an existing operational programme or programmes under the Investment for growth and jobs goal or within an existing cross-border cooperation programme or programmes under the European territorial cooperation goal, or to a new operational programme or programmes referred to in paragraph 10 of this Article under the Investment for growth and jobs goal. By way of derogation from Article 26(1), the programme shall cover the period until 31 December 2022, subject to paragraph 4 of this Article.

For the ERDF, the REACT-EU resources shall be used primarily to support investments in products and services for health services or in social infrastructure, to provide support in the form of working capital or investment support to SMEs' investments in sectors with a high job creation potential, to support investments contributing to the transition towards a digital and green economy, to support investments in infrastructure providing basic services to citizens, and to support economic support measures in the regions which are most dependent on sectors most affected by the COVID-19 crisis.

For the ESF, the REACT-EU resources shall be used primarily to support access to the labour market by maintaining jobs of employees and of the self-employed, including through short-time work schemes even when that support is not combined with active labour market measures, unless those measures are imposed by national law. The REACT-EU resources shall support job creation and quality employment, in particular for people in vulnerable situations, and extend youth employment measures in line with the reinforced Youth Guarantee. Investments in education, training and skills development shall be directed to address the twin green and digital transitions.

The REACT-EU resources shall also support social systems contributing to social inclusion, anti-discrimination and poverty eradication measures, with a particular focus on child poverty and enhance equal access to social services of general interest, including for children, the elderly, persons with disabilities, ethnic minorities and the homeless.

9. With the exception of technical assistance referred to in paragraph 6 of this Article and of the REACT-EU resources used for the FEAD or for the YEI referred to in the seventh subparagraph of paragraph 5 of this Article, the REACT-EU resources shall support operations under the new thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy", complementing the thematic objectives set out in Article 9.

The thematic objective referred to in the first subparagraph of this paragraph shall be available exclusively for the programming of the REACT-EU resources. By way of derogation from points (b), (c) and (d) of Article 96(1) of this Regulation and from Article 8(1) of Regulation (EU) No 1299/2013, it shall not be combined with other investment priorities.

The thematic objective referred to in the first subparagraph of this paragraph shall also constitute the single investment priority for the programming and implementation of the REACT-EU resources from the ERDF and the ESF.

Where one or more separate priority axes are established corresponding to the thematic objective referred to in the first subparagraph of this paragraph within an existing operational programme, the elements listed in points (b)(v) and (vii) of Article 96(2) of this Regulation and in points (b)(v) and (vi) of Article 8(2) of Regulation (EU) No 1299/2013 shall not be required for the description of the priority axis in the revised operational programme.

The revised financing plan set out in point (d) of Article 96(2) of this Regulation and in point (d) of Article 8(2) of Regulation (EU) No 1299/2013 shall set out the allocation of the REACT-EU resources for the year 2021 and, where applicable, for 2022 without identifying amounts for the performance reserve and with no breakdown per category of regions.

By way of derogation from Article 30(1) of this Regulation, requests for the amendment of a programme submitted by a Member State shall be duly justified and shall in particular set out the expected impact of the changes to the programme on fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and on preparing a green, digital and resilient recovery of the economy. Those requests shall be accompanied by the revised programme.

10. By way of derogation from Article 26(4), new dedicated operational programmes under the Investment for growth and jobs goal may be drawn up by Member States under the new thematic objective referred to in the first subparagraph of paragraph 9 of this Article. No *ex ante* evaluation as set out in Article 55 shall be required.

By way of derogation from point (a) of Article 96(2), where such a new operational programme is established, the justification shall set out the expected impact of the operational programme on fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and on preparing a green, digital and resilient recovery of the economy.

Where such a new operational programme is established, only authorities already designated under ongoing operational programmes supported by the ERDF, the ESF and the Cohesion Fund may be identified by the Member States for the purposes of point (a) of Article 96(5).

The elements set out in points (b)(v) and (vii) of the first subparagraph of paragraph 2, in paragraph 4, in points (b) and (c) of paragraph 6 and in paragraph 7 of Article 96 shall not be required for such new operational programme. The elements set out in Article 96(3) shall only be required where corresponding support is provided.

By way of derogation from Article 29(3) and (4) and Article 30(2), the Commission shall do its utmost to approve any new dedicated operational programme or any amendment to an existing programme within 15 working days of its submission by a Member State.

11. By way of derogation from Article 65(2) and (9), expenditure for operations supported under the thematic objective referred to in the first subparagraph of paragraph 9 of this Article shall be eligible from 1 February 2020.

12. By way of derogation from the first and second subparagraphs of Article 120(3), a co-financing rate of up to 100 % may be applied to the priority axis or axes supported by the REACT-EU resources programmed under the thematic objective referred to in the first subparagraph of paragraph 9 of this Article. Further to the common indicators set out in the Fund-specific rules, Member States shall also, where appropriate, make use of COVID-19 programme-specific indicators made available by the Commission.

By way of derogation from Articles 56(3) and 114(2), the Member States shall ensure that by 31 December 2024 at least one evaluation on the use of the REACT-EU resources is carried out to assess their effectiveness, efficiency, impact and, where applicable, inclusiveness and non-discrimination, including from a gender perspective, and how they contributed to the thematic objective referred to in the first subparagraph of paragraph 9 of this Article.

13. The following provisions shall not apply to the REACT-EU resources:

- (a) thematic concentration requirements including thresholds established for sustainable urban development as set out in this Regulation or the Fund-specific rules, by way of derogation from Article 18;
- (b) *ex ante* conditionalities, by way of derogation from Article 19 and the Fund-specific rules;
- (c) requirements on the performance reserve and application of the performance framework, by way of derogation from Articles 20 and 22, respectively;
- (d) Article 65(6) for operations that started from 1 February 2020 and that foster crisis repair in the context of the COVID-19 pandemic and its social consequences and prepare a green, digital and resilient recovery of the economy supported under the thematic objective referred to in the first subparagraph of paragraph 9 of this Article;
- (e) requirements to prepare a communication strategy, by way of derogation from Article 116 and point (a) of Article 115(1).

By way of derogation from the requirements set out in Article 12(4) of Regulation (EU) No 1299/2013 for operations supported by the REACT-EU resources under the European territorial cooperation goal, cooperation of beneficiaries in at least two fields shall be sufficient.

14. While carrying out their responsibilities linked to information, communication and visibility in accordance with Article 115(1) and (3) and with Annex XII, Member States and managing authorities shall ensure that potential beneficiaries, beneficiaries, participants, final recipients of financial instruments and the general public are aware of the existence, volume and additional support stemming from the REACT-EU resources.

The Member States and managing authorities shall make clear to citizens that the operation in question is funded as part of the Union's response to the COVID-19 pandemic and shall ensure full transparency, using, where appropriate, social media.

The references to the "Fund", "Funds" or "ESI Funds" in Section 2.2 of Annex XII shall be complemented by a reference to "funded as part of the Union's response to the COVID-19 pandemic", where financial support is provided to operations from the REACT-EU resources.

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

(2) in Article 154, the following subparagraph is added:

'Articles 92a and 92b shall not apply to or in the United Kingdom. References to Member States in those provisions shall be understood as not including the United Kingdom.';

(3) the text set out in the Annex to this Regulation is inserted as Annex VIIa.

Article 2

The Commission shall provide the European Parliament and the Council with an evaluation of REACT-EU by 31 March 2025. That evaluation shall include information on the achievement of the objectives of REACT-EU, the effectiveness of the use of the REACT-EU resources, the types of actions financed, the beneficiaries and final recipients of the financial allocations, and its European added value in aiding the economic recovery.

Article 3

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, 23 December 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
M. ROTH

ANNEX

'ANNEX VIIa

METHODOLOGY FOR THE ALLOCATION OF THE REACT-EU RESOURCES – ARTICLE 92b(4)

Allocation method for the REACT-EU resources

The REACT-EU resources shall be distributed between the Member States according to the following methodology:

1. Each Member State's provisional share from the REACT-EU resources is determined as the weighted sum of the shares determined on the basis of the following criteria, weighted as indicated:

(a) A factor of GDP (weighting of 2/3) obtained by applying the following steps:

- (i) share of each Member State of the total loss of real seasonally adjusted GDP expressed in EUR between the first semester of 2019 and the end of the applicable reference period for all Member States considered;
- (ii) adjustment of the shares obtained under point (i) by dividing them with the Member State's GNI per capita expressed as a percentage of the average GNI per capita of the EU-27 (average expressed as 100 %).

(b) A factor of unemployment (weighting of 2/9) expressed as the weighted average of:

- (i) the share of the Member State in the total number of unemployed (weighting of 3/4) for all Member States considered in January 2020; and
- (ii) the share of the Member State in the total increase in the number of persons unemployed (weighting of 1/4) between January 2020 and the end of the applicable reference period for all Member States considered.

(c) A factor of youth unemployment (weighting of 1/9) expressed as the average of:

- (i) the share of the Member State in the total number of young persons unemployed (weighting of 3/4) for all Member States considered in January 2020; and
- (ii) the share of the Member State in the total increase in the number of young persons unemployed (weighting of 1/4) between January 2020 and the applicable reference period for all Member States considered.

If the Member State's real seasonally adjusted GDP expressed in EUR for the applicable reference period is higher than in the first semester of 2019, that Member State's data shall be excluded from the calculations in point (a)(i).

If the number of people unemployed (age group 15 to 74) or young people unemployed (age group 15 to 24) in the Member State for the applicable reference period is lower than in January 2020, that Member State's data shall be excluded from the calculations in points (b)(ii) and (c)(ii).

2. The rules set out in paragraph 1 shall not result in allocations per Member State for the whole period 2021 to 2022 higher than:

- (a) for Member States whose average GNI per capita (in PPS) for the period 2015-2017 is above 109 % of the EU-27 average: 0,07 % of their real GDP of 2019;
- (b) for Member States whose average GNI per capita (in PPS) for the period 2015-2017 is equal to or below 90 % of the EU-27 average: 2,60 % of their real GDP of 2019;
- (c) for Member States whose average GNI per capita (in PPS) for the period 2015-2017 is above 90 % and equal to or below 109 % of the EU-27 average: the percentage is obtained through a linear interpolation between 0,07 % and 2,60 % of their real GDP of 2019 leading to a proportional reduction of the capping percentage in line with the increase in prosperity.

The amounts exceeding the level set out in points (a) to (c) per Member State are redistributed proportionally to the allocations of all other Member States whose average GNI per capita (in PPS) is under 100 % of the EU-27 average. The GNI per capita (in PPS) for the period 2015-2017 is the one used for cohesion policy in the MFF 2021-2027 negotiations.

3. For the purposes of calculating the distribution of the REACT-EU resources for the year 2021:
 - (a) for the GDP the reference period shall be the first semester of 2020;
 - (b) for the number of people unemployed and the number of young people unemployed the reference period shall be the average of June to August 2020;
 - (c) the maximum allocation resulting from the application of paragraph 2 is multiplied by the share of the REACT-EU resources for the year 2021 in the total REACT-EU resources for the years 2021 and 2022.

Before the application of the method described in paragraphs 1 and 2 concerning the REACT-EU resources for the year 2021, an amount of EUR 100 000 000 and EUR 50 000 000 shall be allocated to Luxembourg and Malta, respectively.

In addition, an amount corresponding to an aid intensity of EUR 30 per inhabitant shall be allocated to the outermost NUTS level 2 regions from the allocation. That allocation will be distributed per region and Member State in a manner proportional to the total population of those regions. The additional allocation for the outermost regions shall be added to the allocation that every outermost region receives through the distribution of the national budget.

The remaining amount for the year 2021 shall be distributed among Member States in accordance with the method described in paragraphs 1 and 2.

4. For the purposes of calculating the distribution of the REACT-EU resources for the year 2022:
 - (a) for GDP the reference period shall be the first semester of 2021;
 - (b) for the number of people unemployed and the number of young people unemployed the reference period shall be the average of June to August 2021;
 - (c) the maximum allocation resulting from the application of paragraph 2 is multiplied by the share of the REACT-EU resources for the year 2022 in the total REACT-EU resources for the years 2021 and 2022.’.
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REGULATION (EU) 2020/2222 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 23 December 2020****on certain aspects of railway safety and connectivity with regard to the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

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

After consulting the European Economic and Social Committee,

After consulting the Committee of the Regions,

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

Whereas:

- (1) The Agreement on the withdrawal of the United Kingdom from the European Union and the European Atomic Energy Community ⁽²⁾ (the 'Withdrawal Agreement') was concluded by the Union by Council Decision (EU) 2020/135 ⁽³⁾ and entered into force on 1 February 2020. The transition period referred to in Article 126 of the Withdrawal Agreement, during which Union law continues to apply to and in the United Kingdom in accordance with Article 127 of the Withdrawal Agreement (the 'transition period'), ends on 31 December 2020.
- (2) Article 10 of the Treaty between the United Kingdom of Great Britain and Northern Ireland and the French Republic concerning the construction and operation by private concessionaires of a channel fixed link, signed at Canterbury on 12 February 1986 (the 'Treaty of Canterbury') established an Intergovernmental Commission to supervise all matters concerning the construction and operation of the Channel Fixed Link.
- (3) Until the end of the transition period, the Intergovernmental Commission constitutes the national safety authority within the meaning of Directive (EU) 2016/798 of the European Parliament and of the Council ⁽⁴⁾. In that capacity, it applies in the entirety of the Channel Fixed Link the provisions of Union law relevant to railway safety and, under Directive (EU) 2016/797 of the European Parliament and of the Council ⁽⁵⁾, railway interoperability.
- (4) After the end of the transition period, unless otherwise provided, Union law will no longer be applicable to the part of the Channel Fixed Link under the jurisdiction of the United Kingdom and, as regards the part of the Channel Fixed Link under the jurisdiction of France, the Intergovernmental Commission will no longer be a national safety authority under Union law. The safety authorisation for the Channel Fixed Link infrastructure manager and safety

⁽¹⁾ Position of the European Parliament of 17 December 2020 (not yet published in the Official Journal) and decision of the Council of 22 December 2020.

⁽²⁾ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).

⁽³⁾ Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 1).

⁽⁴⁾ Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102).

⁽⁵⁾ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

certificates for railway undertakings operating through the Channel Fixed Link issued by the Intergovernmental Commission pursuant to Article 11 and Article 10 respectively of Directive 2004/49/EC of the European Parliament and of the Council ⁽⁶⁾ will cease to be valid from 1 January 2021.

- (5) By Decision (EU) 2020/1531 of the European Parliament and of the Council ⁽⁷⁾, France was empowered to negotiate, sign and conclude an international agreement with the United Kingdom regarding the application of the railway safety and interoperability rules of the Union to the Channel Fixed Link in order to maintain a unified safety regime. Regulation (EU) 2020/1530 of the European Parliament and of the Council ⁽⁸⁾ amended Directive (EU) 2016/798 as regards, inter alia, the rules pertaining to national safety authorities.
- (6) On the basis of Regulation (EU) 2020/1530, and subject to an agreement envisaged by Decision (EU) 2020/1531 and concluded under certain conditions set out in that Decision, the Intergovernmental Commission was to remain the single safety authority for the entirety of the Channel Fixed Link while constituting, as regards the part of the Channel Fixed Link under the jurisdiction of France, the national safety authority within the meaning of point (7) of Article 3, of Directive (EU) 2016/798. It is, however, unlikely that the agreement envisaged by Decision (EU) 2020/1531 will have entered into force by the end of the transition period.
- (7) Without such an agreement, as from 1 January 2021, the Intergovernmental Commission will no longer qualify as a national safety authority within the meaning of point (7) of Article 3, of Directive (EU) 2016/798, as regards the part of the Channel Fixed Link under the jurisdiction of France. Safety authorisations and safety certificates issued by the Intergovernmental Commission will cease to be valid. The French national safety authority will become the competent national safety authority for the section of the Channel Fixed Link under the jurisdiction of France.
- (8) In light of the economic importance to the Union of the Channel Fixed Link, it is essential that the Channel Fixed Link continues to operate after 1 January 2021. To that end, the safety authorisation for the Channel Fixed Link infrastructure manager issued by the Intergovernmental Commission should remain valid for a maximum period of two months from the date of application of this Regulation, which is enough time to enable the French national safety authority to issue its own safety authorisation.
- (9) The licences issued under Chapter III of Directive 2012/34/EU of the European Parliament and of the Council ⁽⁹⁾ to railway undertakings established in the United Kingdom will no longer be valid after the end of the transition period. On 10 November 2020, pursuant to Article 14(3) of Directive 2012/34/EU, France notified the Commission of its intention to enter into negotiations on a cross-border agreement with the United Kingdom. The objective of such an agreement would be to allow rail undertakings established and licensed in the United Kingdom to use the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link until the border-crossing station and terminal of Calais-Fréthun (France), without obtaining a licence under Directive 2012/34/EU from a Union licensing authority.
- (10) In order to ensure the connectivity between the Union and the United Kingdom, it is essential that the rail undertakings established and licensed in the United Kingdom continue to operate. To that end, the period of validity of their licences issued by the United Kingdom under Directive 2012/34/EU and of their safety certificates issued by the Intergovernmental Commission should be extended for a period of nine months from the date of application of

⁽⁶⁾ Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railway and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ L 164, 30.4.2004, p. 44).

⁽⁷⁾ Decision (EU) 2020/1531 of the European Parliament and of the Council of 21 October 2020 empowering France to negotiate, sign and conclude an international agreement supplementing the Treaty between France and the United Kingdom of Great Britain and Northern Ireland concerning the Construction and Operation by private concessionaires of a Channel Fixed Link (OJ L 352, 22.10.2020, p. 4).

⁽⁸⁾ Regulation (EU) 2020/1530 of the European Parliament and of the Council of 21 October 2020 amending Directive (EU) 2016/798, as regards the application of railway safety and interoperability rules within the Channel Fixed Link (OJ L 352, 22.10.2020, p. 1).

⁽⁹⁾ Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32).

this Regulation, which is enough time to enable the Member State concerned to take the necessary steps to ensure connectivity in accordance with Directives 2012/34/EU and (EU) 2016/798 and on the basis of the agreement envisaged by Decision (EU) 2020/1531.

- (11) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the withdrawal of the benefit conferred on holders of the authorisations, certificates and licences, where compliance with the Union requirements is not ensured. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽¹⁰⁾. The examination procedure should be used for the adoption of those measures, given their potential impact on railway safety. The Commission should adopt immediately applicable implementing acts where, in duly justified cases, imperative grounds of urgency so require.
- (12) In view of the urgency entailed by the end of the transition period, it is appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community.
- (13) Since the objective of this Regulation, namely to lay down provisional measures on certain aspects of railway safety and connectivity with regard to the end of the transition period, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (14) This Regulation should enter into force as a matter of urgency and should apply from the day following that of the end of the transition period,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down specific provisions, in view of the ending of the transition period referred to in Article 126 of the Withdrawal Agreement, for certain safety authorisations and safety certificates issued under Directive 2004/49/EC and certain licences of railway undertakings issued under Directive 2012/34/EU, referred to in paragraph 2.
2. This Regulation shall apply to the following authorisations, certificates and licences, which are valid on 31 December 2020:
 - (a) safety authorisations issued under Article 11 of Directive 2004/49/EC to infrastructure managers for the management and operation of cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link;
 - (b) safety certificates issued under Article 10 of Directive 2004/49/EC to railway undertakings established in the United Kingdom and using the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link;
 - (c) licences issued under Chapter III of Directive 2012/34/EU to railway undertakings established in the United Kingdom and using the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link.

⁽¹⁰⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

*Article 2***Definitions**

For the purposes of this Regulation, relevant definitions in Directives 2012/34/EU and (EU) 2016/798 and the delegated and implementing acts adopted under those Directives and under Directive 2004/49/EC shall apply.

*Article 3***Validity of safety authorisations, safety certificates and licences**

1. The safety authorisations referred to in point (a) of Article 1(2) shall remain valid for two months from the date of application of this Regulation.
2. The safety certificates referred to in point (b) of Article 1(2) shall remain valid for nine months from the date of application of this Regulation. They shall be valid only for the purpose of reaching the border crossing station and terminal of Calais-Fréthun from the United Kingdom or departing from that station and terminal to the United Kingdom.
3. Licences referred to in point (c) of Article 1(2) shall remain valid for nine months from the date of application of this Regulation. By way of derogation from Article 23(1) of Directive 2012/34/EU, those licences shall be valid only on the territory situated between the border-crossing station and terminal of Calais-Fréthun and the United Kingdom.

*Article 4***Rules and obligations regarding safety authorisations, safety certificates and licences**

1. Safety authorisations, safety certificates and licences governed by Article 3 of this Regulation are subject to the rules applicable to them in accordance with Directives 2012/34/EU and (EU) 2016/798, and in accordance with the implementing and delegated acts adopted under those Directives.
2. The holders of safety authorisations, safety certificates and licences referred to in Article 1(2), and, as appropriate, the authority issuing them, when different from the national safety authority in whose territory the infrastructure is situated in the Union and under whose competence the border-crossing station and terminal of Calais-Fréthun falls, shall cooperate with that national safety authority and deliver to it all relevant information and documents.
3. Where information or documents have not been delivered within the time limits set in requests made by the national safety authority referred to in paragraph 2 of this Article, the Commission may, upon notification by the national safety authority, adopt implementing acts to withdraw the benefit conferred on the holder pursuant to Article 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 7(2).
4. Holders of safety authorisations, safety certificates and licences referred to in Article 1(2) of this Regulation shall inform without delay the Commission and the European Union Agency for Railways of any actions by other competent safety authorities, which may conflict with their obligations under this Regulation, Directive 2012/34/EU or Directive (EU) 2016/798.
5. Before withdrawing the benefits conferred pursuant to Article 3, the Commission shall in due time inform the national safety authority referred to in paragraph 2 of this Article, the authority having issued the safety authorisations, safety certificates and licences referred to in Article 1(2), and the holders of such authorisations, certificates and licences of its intention to proceed to such withdrawal, and shall provide them with the opportunity to make their views known.
6. As regards the licences referred to in point (c) of Article 1(2) of this Regulation, for the purposes of paragraphs (1) to (5) of this Article, references to a national safety authority shall be understood as references to a licensing authority defined in point (15) of Article 3 of Directive 2012/34/EU.

Article 5

Monitoring compliance with Union law

1. The national safety authority referred to in Article 4(2) shall monitor the railway safety standards applied to railway undertakings established in the United Kingdom using the cross-border infrastructure referred to in point (a) of Article 1(2), and applied to that cross-border infrastructure. In addition, the national safety authority shall check that infrastructure managers and railway undertakings comply with the safety requirements set out in Union law. Where appropriate, the national safety authority shall provide the Commission and the European Union Agency for Railways with a recommendation for the Commission to act in accordance with paragraph 2 of this Article.

The licencing authority referred to in Article 4(2), in conjunction with Article 4(6), of this Regulation shall monitor whether the requirements of Articles 19 to 22 of Directive 2012/34/EU continue to be met in relation to railway undertakings licensed by the United Kingdom referred to in point (c) of Article 1(2) of this Regulation.

2. Where the Commission has justified doubts that the safety standards applied to the operation of cross-border railway services or infrastructure falling within the scope of this Regulation or the part of the same infrastructure that is situated in the United Kingdom are in line with the relevant provisions of Union law, it shall without undue delay adopt implementing acts to withdraw the benefit conferred on the holder pursuant to Article 3. The power to adopt implementing acts shall apply *mutatis mutandis* where the Commission has justified doubts in respect of the fulfilment of the requirements referred to in the second subparagraph of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 7(2).

3. For the purposes of paragraph 1 of this Article, the national safety authority or the licensing authority referred to in Article 4(2), in conjunction with Article 4(6), may request information from the relevant competent authorities, setting a reasonable time limit. Where those relevant competent authorities do not provide the information requested within the established time limit, or provide incomplete information, the Commission may, upon notification by the national safety authority or licensing authority referred to in Article 4(2), in conjunction with Article 4(6), as appropriate, adopt implementing acts to withdraw the benefit conferred on the holder pursuant to Article 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 7(2).

4. Before withdrawing the benefits conferred pursuant to Article 3, the Commission shall in due time inform the national safety authority referred to in Article 4(2), the authority having issued the safety authorisations, safety certificates and licences referred to in Article 1(2) and the holders of such authorisations, certificates and licences, as well as the national safety authority and the licensing authority of the United Kingdom, of its intention to proceed to such withdrawal, and shall provide them with the opportunity to make their views known.

Article 6

Consultation and cooperation

1. The competent authorities of the Member State concerned shall consult and cooperate with the competent authorities of the United Kingdom as necessary in order to ensure the implementation of this Regulation.

2. The Member State concerned shall, upon request, provide the Commission without undue delay with any information obtained pursuant to paragraph 1 or any other information relevant for the implementation of this Regulation.

Article 7

Committee

1. The Commission shall be assisted by the committee referred to in Article 51 of Directive (EU) 2016/797 and by the committee referred to in Article 62 of Directive 2012/34/EU. Those committees shall be committees within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

Article 8

Entry into force and application

1. This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from 1 January 2021.
3. This Regulation shall cease to apply on 30 September 2021.

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

Done at Brussels, 23 December 2020.

For the European Parliament

The President

D. M. SASSOLI

For the Council

The President

M. ROTH

REGULATION (EU, Euratom) 2020/2223 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 23 December 2020

amending Regulation (EU, Euratom) No 883/2013, as regards cooperation with the European Public Prosecutor's Office and the effectiveness of the European Anti-Fraud Office investigations

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 325 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the Court of Auditors ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) The adoption of Directive (EU) 2017/1371 of the European Parliament and of the Council ⁽³⁾ and Council Regulation (EU) 2017/1939 ⁽⁴⁾, substantially strengthened the means available to the Union to protect its financial interests by means of criminal law. The establishment of the European Public Prosecutor's Office (EPPO) is a key priority in the Union's criminal justice and anti-fraud policy, having the power to carry out criminal investigations and bring indictments related to criminal offences affecting the financial interests of the Union, within the meaning of Directive (EU) 2017/1371, in the participating Member States.
- (2) To protect the financial interests of the Union, the European Anti-Fraud Office (the 'Office') conducts administrative investigations into administrative irregularities as well as criminal conduct. At the end of its investigations, it may make judicial recommendations to the national prosecution authorities, in order to enable them to pursue indictments and prosecutions in Member States. In the Member States participating in the EPPO, it will report suspected criminal offences to the EPPO and collaborate with the EPPO in the context of the EPPO's investigations.
- (3) Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽⁵⁾ should be amended and adapted in light of the adoption of Regulation (EU) 2017/1939. The provisions of Regulation (EU) 2017/1939 governing the relationship between the Office and the EPPO should be reflected in, and complemented by, provisions in Regulation (EU, Euratom) No 883/2013, in order to ensure the highest level of protection of the financial interests of the Union through synergies between them, while ensuring close cooperation, information exchange, complementarity and the avoidance of duplication.

⁽¹⁾ OJ C 42, 1.2.2019, p. 1.

⁽²⁾ Position of the European Parliament of 16 April 2019 (not yet published in the Official Journal) and position of the Council at first reading of 4 December 2020 (not yet published in the Official Journal). Position of the European Parliament of 17 December 2020 (not yet published in the Official Journal).

⁽³⁾ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

⁽⁴⁾ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

⁽⁵⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

- (4) In view of their common goal of preserving the integrity of the Union budget, the Office and the EPPO should establish and maintain a close relationship based on the principle of sincere cooperation and aiming to ensure the complementarity of their respective mandates and the coordination of their action, in particular as regards the scope of the enhanced cooperation for the establishment of the EPPO. The relationship between the Office and the EPPO should contribute to ensuring that all means are used to protect the financial interests of the Union.
- (5) Regulation (EU) 2017/1939 requires the Office, as well as the institutions, bodies, offices and agencies of the Union and competent authorities of Member States, to report to the EPPO without undue delay suspected criminal conduct in respect of which the EPPO may exercise its competence. Since the mandate of the Office is to carry out administrative investigations into fraud, corruption and any other illegal activity affecting the financial interests of the Union, it is ideally placed and equipped to act as a partner and privileged source of information for the EPPO.
- (6) Elements pointing to possible criminal conduct falling within the competence of the EPPO may be present in initial allegations received by the Office or emerge only in the course of an administrative investigation opened by the Office on the grounds of a suspicion of administrative irregularity. In order to comply with its duty to report to the EPPO, the Office should therefore report suspected criminal conduct at any stage before or during its investigations.
- (7) Regulation (EU) 2017/1939 specifies the minimum elements that reports are to contain. The Office may need to conduct a preliminary evaluation of allegations to ascertain those elements and collect the necessary information. The Office should conduct such an evaluation expeditiously and by means which do not risk jeopardising a possible future criminal investigation. Upon completion of its evaluation, the Office should report to the EPPO where a suspicion of an offence within its competence is identified.
- (8) In consideration of the Office's expertise, the institutions, bodies, offices and agencies established by, or on the basis of, the Treaties ('institutions, bodies, offices and agencies') should be able to make use of the Office to conduct such a preliminary evaluation of allegations reported to them.
- (9) In accordance with Regulation (EU) 2017/1939, the Office should in principle not open an administrative investigation in parallel with an investigation conducted by the EPPO into the same facts. However, in certain cases, the protection of the financial interests of the Union may require that the Office carry out a complementary administrative investigation before the conclusion of criminal proceedings initiated by the EPPO, with the purpose of ascertaining whether precautionary measures are necessary, or whether financial, disciplinary or administrative action should be taken. Such a complementary investigation may be appropriate, inter alia, to recover amounts due to the Union budget that are subject to specific time-barring rules, where the amounts at risk are very high, or where there is the need to avoid further expenditure in risk situations through administrative measures.
- (10) For the purpose of the application of the requirement of non-duplication of investigations, the notion of 'same facts' should be considered, in light of the case-law of the Court of Justice of the European Union (CJEU) on the *ne bis in idem* principle, to mean that the material facts under investigation are identical or substantially the same and understood in the sense of the existence of a set of concrete circumstances which are inextricably linked in time and space.
- (11) Regulation (EU) 2017/1939 provides that the EPPO may request the Office to carry out complementary administrative investigations. In the absence of such a request, such complementary investigations should be possible on the initiative of the Office under specific conditions after consulting the EPPO. In particular, the EPPO should be able to object to the opening or continuation of an investigation by the Office, or to the performance of certain acts pertaining to one of its investigations, in particular with a view to preserving the effectiveness of its investigation and powers. The Office should refrain from performing an action to which the EPPO has raised an objection. Where the Office opens an investigation in the absence of such an objection, it should conduct that investigation, consulting the EPPO on an ongoing basis.

- (12) The Office should actively support the EPPO's investigations. In this regard, the EPPO should be able to request the Office to support or complement its criminal investigations through the exercise of powers under Regulation (EU, Euratom) No 883/2013. The Office should provide such support within the limits of its powers and within the framework provided for in that Regulation.
- (13) To ensure effective coordination, cooperation and transparency, the Office and the EPPO should exchange information on an ongoing basis. The exchange of information prior to the opening of investigations by the Office or the EPPO is particularly relevant to ensure proper coordination between their respective actions, to guarantee complementarity and to avoid duplication. To that end, the Office and the EPPO should make use of the hit/no-hit functions in their respective case management systems. The Office and the EPPO should specify the procedure and conditions for that exchange of information in their working arrangements. In order to ensure the proper application of the rules that seek to avoid duplication and ensure complementarity, the Office and the EPPO should agree on certain time limits for their information exchanges.
- (14) The Commission Report on Evaluation of the application of Regulation (EU, Euratom) No 883/2013 of 2 October 2017 (the 'Commission evaluation report') concluded that the 2013 changes to the legal framework brought clear improvements as regards the conduct of investigations, cooperation with partners and the rights of the persons concerned. At the same time, the Commission evaluation report highlighted some shortcomings which have an impact on the effectiveness and efficiency of investigations.
- (15) It is necessary to address the clearest findings of the Commission evaluation report by means of amendments to Regulation (EU, Euratom) No 883/2013. Those amendments are necessary in the short term to strengthen the framework for the Office's investigations in order that the Office remains strong and fully functioning and that it complements the EPPO's criminal law approach with administrative investigations, without changing the Office's mandate or powers. The amendments primarily concern areas where the lack of clarity of Regulation (EU, Euratom) No 883/2013 could hinder the effective conduct of investigations by the Office, such as the conduct of on-the-spot checks and inspections, the possibility of access to bank account information, or the admissibility of the case reports drawn up by the Office as evidence in administrative or judicial proceedings.
- (16) The amendments to Regulation (EU, Euratom) No 883/2013 do not affect the procedural guarantees applicable to the framework of investigations. The Office is bound by the procedural guarantees of Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96⁽⁶⁾ and those contained in the Charter of Fundamental Rights of the European Union. That framework requires that the Office conduct its investigations objectively, impartially and confidentially, seeking evidence for and against the persons concerned, and carry out investigative acts on the basis of written authorisation and following a legality check. The Office is required to ensure respect for the rights of the persons concerned by its investigations, including the presumption of innocence and the right to avoid self-incrimination. When interviewed, the persons concerned have, inter alia, the right to be assisted by a person of their choice, to approve the record of the interview, and to use any of the official languages of the institutions of the Union. The persons concerned also have the right to comment on the facts of the case before conclusions are drawn.
- (17) Persons reporting fraud, corruption and any other illegal activity affecting the financial interests of the Union should be afforded the protection of Directive (EU) 2019/1937 of the European Parliament and of the Council⁽⁷⁾.
- (18) Where the Office performs, within its mandate, supporting measures at the request of the EPPO, in order to protect the admissibility of evidence, as well as fundamental rights and procedural guarantees, while at the same time avoiding duplication of investigations and providing for an efficient and complementary cooperation, the Office and the EPPO, acting in close cooperation, should ensure that the applicable procedural safeguards of Chapter VI of Regulation (EU) 2017/1939 are observed.

⁽⁶⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁽⁷⁾ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

- (19) The Office has power to conduct on-the-spot checks and inspections, which allow it to access the premises and documentation of economic operators in the framework of its investigations into suspected fraud, corruption or other illegal conduct affecting the financial interests of the Union. Such on-the-spot checks and inspections are carried out in accordance with Regulation (EU, Euratom) No 883/2013 and with Regulation (Euratom, EC) No 2185/96, which in some instances make the application of those powers subject to conditions of national law. The Commission evaluation report found that the extent to which national law applies is not completely clear, and as a result hinders the effectiveness of the Office's investigative activities.
- (20) It is therefore appropriate to clarify the instances in which national law is to apply in the course of investigations by the Office, without changing the powers of the Office or the way in which Regulation (EU, Euratom) No 883/2013 operates in relation to the Member States, reflecting the judgment of the General Court of 3 May 2018 in Case T-48/16, *Sigma Orionis SA v European Commission* ⁽⁸⁾.
- (21) The conduct by the Office of on-the-spot checks and inspections in situations where the economic operator concerned submits to the on-the-spot check and inspection should be subject to Union law alone. This would allow the Office to exercise its investigative powers in an effective and coherent manner in all Member States with a view to contributing to a high level of protection of the financial interests of the Union throughout the Union in accordance with Article 325 of the Treaty on the Functioning of the European Union.
- (22) In situations where the Office needs to rely on the assistance of the competent authorities of Member States, particularly where an economic operator resists an on-the-spot check and inspection, Member States should ensure that the Office's action is effective, and should provide the necessary assistance in accordance with the relevant rules of national procedural law. In order to safeguard the financial interests of the Union, the Commission should take any Member State's failure to comply with its duty to cooperate with the Office into account in considering whether to recover the amounts concerned through the application of financial corrections on Member States, in accordance with the applicable Union law.
- (23) The Office is able, under Regulation (EU, Euratom) No 883/2013, to enter into administrative arrangements with competent authorities of Member States, such as anti-fraud coordination services, and institutions, bodies, offices and agencies, in order to specify the arrangements for their cooperation under that Regulation, in particular concerning the transmission of information, the conduct of investigations and any follow-up action.
- (24) Regulation (EU, Euratom) No 883/2013 should be amended to introduce a duty on the part of economic operators to cooperate with the Office, in accordance with their obligation under Regulation (Euratom, EC) No 2185/96 to grant access for the carrying out of on-the-spot checks and inspections of premises, land, means of transport or other areas, used for business purposes, and with the obligation set out in Article 129 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽⁹⁾ that any person or entity receiving Union funds is to fully cooperate in the protection of the financial interests of the Union, including in the context of investigations by the Office.
- (25) As part of that duty of cooperation, the Office should be able to require economic operators to supply relevant information where they may have been involved in the matter under investigation or may hold such information. When complying with such requests, economic operators should not be obliged to make self-incriminating statements, but they should be obliged to answer factual questions and provide documents, even if that information may be used to establish against them or against another economic operator the existence of illegal activity. To ensure the effectiveness of investigations in the context of current work practices, the Office should be able to request access to information in privately owned devices used for work purposes. Access by the Office should be

⁽⁸⁾ Judgment of the General Court (First Chamber) of 3 May 2018, *Sigma Orionis SA v European Commission*, T-48/16, ECLI:EU:T:2018:245.

⁽⁹⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

given subject to the same conditions and to the same extent that apply to national control authorities, and only if the Office has reasonable grounds to suspect that the content of such devices may be relevant for the investigation, in accordance with the principles of necessity and proportionality, and should only concern information relevant to the investigation.

- (26) Economic operators should have the possibility to use any of the official languages of the Member State where the check takes place, and should have the right to be assisted by a person of their choice, including external legal counsel, during on-the-spot checks and inspections. The presence of legal counsel should not, however, represent a legal condition for the validity of on-the-spot checks and inspections. To ensure the effectiveness of on-the-spot checks and inspections, in particular as regards the risk of evidence disappearing, the Office should be able to access to the premises, land, means of transportation or other areas used for business purposes without waiting for the economic operator to consult legal counsel. It should accept only a short, reasonable delay pending consultation of legal counsel before starting the on-the-spot check and inspection. Any such delay should be kept to the strict minimum.
- (27) To ensure transparency when carrying out on-the-spot checks and inspections, the Office should provide economic operators with appropriate information on their duty to cooperate and the consequences of a refusal to do so, and the procedure applicable, including the procedural safeguards.
- (28) In internal and, where necessary, external investigations, the Office has access to any relevant information held by the institutions, bodies, offices and agencies. It is necessary, as suggested in the Commission evaluation report, to clarify that such access should be possible irrespective of the type of medium on which that information or data are stored, in order to reflect evolving technological progress. In the course of internal investigations, the Office should be able to request access to information held on privately owned devices used for work purposes in situations where the Office has reasonable grounds to suspect that their content might be relevant for the investigation. It should be possible to subject access by the Office to specific conditions by the relevant institution, body, office or agency. Such access should comply with the principles of necessity and proportionality and should concern only information relevant to the investigation. To guarantee an effective and consistent level of access for the Office, as well as a high level of protection of the fundamental rights of the persons concerned, the institutions, bodies, offices and agencies should ensure the coherence of the rules on access to private devices adopted by the different institutions, bodies, offices and agencies in order to provide equivalent conditions in compliance with the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-fraud Office (OLAF) ⁽¹⁰⁾.
- (29) For a more coherent framework for the investigations of the Office, the rules applicable to internal and external investigations should be further aligned in order to address certain inconsistencies identified in the Commission evaluation report where divergent rules are not justified. For instance, reports and recommendations drawn up following an external investigation should, if necessary, be sent to the institution, body, office or agency concerned for it to take appropriate action, as is the case in internal investigations. Where possible in accordance with its mandate, the Office should support the institution, body, office or agency concerned in following up its recommendations. Where the Office does not open an investigation, it should be able to send relevant information to Member States' authorities or to the institutions, bodies, offices or agencies for appropriate action to be taken. It should send such information where it decides not to open an investigation despite there being a sufficient suspicion of fraud, corruption or any other illegal activity affecting the financial interests of the Union. Before doing so, the Office should give due consideration to a possible interference with ongoing investigations by the EPPO.

⁽¹⁰⁾ OJ L 136, 31.5.1999, p. 15.

- (30) Due to the large diversity of national institutional frameworks, Member States should, on the basis of the principle of sincere cooperation, have the possibility to notify to the Office the authorities that are competent to take actions upon recommendations of the Office, as well as the authorities that need to be informed, such as for financial, statistical or monitoring purposes, for the performance of their relevant duties. Such authorities may include national anti-fraud coordination services. In accordance with the settled case-law of the CJEU, the Office recommendations included in its reports have no binding legal effects on such authorities of Member States or on institutions, bodies, offices and agencies.
- (31) The Office should be provided with the necessary means to follow the money trail in order to uncover the *modus operandi* typical of much fraudulent conduct. The Office is able to obtain bank account information relevant for its investigative activity held by credit institutions in a number of Member States through cooperation with and assistance by the national authorities. To ensure an effective approach throughout the Union, Regulation (EU, Euratom) No 883/2013 should specify the duty of competent national authorities to provide bank account information to the Office, as part of their general duty to assist the Office. Member States should notify to the Commission the competent authorities through which such cooperation is to take place. When giving such assistance to the Office, the national authorities should act under the same conditions that apply to the competent national authorities of the Member State concerned.
- (32) For the purpose of protecting and complying with procedural guarantees and fundamental rights, the Commission should create an internal function in the form of a Controller of procedural guarantees (the 'Controller'), which should – with a view to an efficient use of resources – be administratively attached to the Supervisory Committee, and be provided with adequate resources. The Controller should handle complaints in a fully independent manner, including from the Supervisory Committee and from the Office, and should have access to all information necessary to fulfil his or her duties.
- (33) A person concerned should be able to lodge a complaint with the Controller regarding the Office's compliance with procedural guarantees as well as on the grounds of an infringement of the rules applicable to investigations by the Office, in particular infringements of procedural requirements and fundamental rights. A complaints mechanism should be established to that end. The Controller should be responsible for issuing recommendations in response to such complaints, where necessary suggesting solutions to the issues raised in the complaint. The Controller should examine the complaint in a swift, adversarial procedure, while allowing the Office to continue the ongoing investigation. The Controller should give the complainant and the Office the opportunity to provide comments on or resolve the issues raised in the complaint. The Director-General should take appropriate action as warranted by the Controller's recommendation. The Director-General should, in duly justified cases, be able to deviate from the Controller's recommendations. Thereasons for doing so should be attached to the final investigation report.
- (34) In order to increase transparency and accountability, the Controller should report on the complaints mechanism in his or her annual report. The annual report should cover in particular the number of complaints received, the types of infringements of procedural requirements and fundamental rights involved, the activities concerned and, where possible, the follow-up measures taken by the Office.
- (35) The early transmission of information by the Office for the purpose of adopting precautionary measures is an essential tool for the protection of the financial interests of the Union. In order to ensure close cooperation in this regard between the Office and the institutions, offices, bodies and agencies, it is appropriate that the latter have the possibility to consult at any time the Office with a view to deciding on any appropriate precautionary measures, including measures for the safeguarding of evidence.
- (36) Reports drawn up by the Office constitute admissible evidence in administrative or judicial proceedings in the same way and under the same conditions as administrative reports drawn up by national administrative inspectors. According to the Commission evaluation report this rule does not sufficiently ensure the effectiveness of the Office's activities in some Member States. To increase the effectiveness and the consistent use of reports of the Office, Regulation (EU, Euratom) No 883/2013 should provide for the admissibility of such reports in judicial

proceedings of a non-criminal nature before national courts, as well as in administrative proceedings in Member States. The rule providing for equivalence with the reports of national administrative inspectors should continue to apply in the case of national judicial proceedings of a criminal nature. Regulation (EU, Euratom) No 883/2013 should also provide for the admissibility of the reports drawn up by the Office in administrative and judicial proceedings at Union level.

- (37) The anti-fraud coordination services of Member States were introduced by Regulation (EU, Euratom) No 883/2013 to facilitate an effective cooperation and exchange of information, including information of an operational nature, between the Office and Member States. The Commission evaluation report concluded that they have contributed positively to the work of the Office. The Commission evaluation report also identified the need to further clarify the role of those anti-fraud coordination services in order to ensure that the Office is provided with the necessary assistance to ensure that its investigations are effective, while leaving the organisation and powers of the anti-fraud coordination services to each Member State. In that regard, the anti-fraud coordination services should be able to provide or coordinate the necessary assistance to the Office to carry out its tasks effectively, before, during or at the end of an external or internal investigation.
- (38) The duty of the Office to provide Member States with assistance in order to coordinate their action for the protection of the financial interests of the Union is a key element of its mandate to support cross-border cooperation among Member States. More detailed rules should be laid down in order to facilitate the coordinating activities of the Office and its cooperation in this context with Member States' authorities, third countries and international organisations. Those rules should be without prejudice to the exercise by the Office of powers conferred on the Commission in specific provisions governing mutual assistance between Member States' administrative authorities and cooperation between those authorities and the Commission, in particular to Council Regulation (EC) No 515/97 ⁽¹¹⁾ and Regulation (EU) No 608/2013 of the European Parliament and of the Council ⁽¹²⁾, as well as coordination activities relating to the European Structural and Investment Funds.
- (39) It should be clarified that when the competent authorities of Member States, including anti-fraud-coordination services, act in cooperation with the Office or with other competent authorities for the purposes of protecting the financial interests of the Union, they continue to be bound by national law.
- (40) It should be possible for the anti-fraud coordination services in the context of coordination activities to provide assistance to the Office, as well as for the anti-fraud coordination services to cooperate among themselves, in order to further reinforce the available mechanisms for cooperation in the fight against fraud.
- (41) The competent authorities of Member States, as well as the institutions, bodies, offices and agencies, should take the actions warranted by a recommendation of the Office. In order to allow the Office to followup on the development of its cases, where the Office makes judicial recommendations to the national prosecution authorities of a Member State, Member States should, upon request of the Office, send the Office the final decision of the national court. In order to fully maintain judicial independence, such transmission should take place only after the relevant judicial proceedings have been finally determined and the final court decision has become public.
- (42) In order to supplement the procedural rules on the conduct of investigations set out in Regulation (EU, Euratom) No 883/2013, the Office should lay down guidelines on investigation procedures to be followed by the staff of the Office.

⁽¹¹⁾ Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82, 22.3.1997, p. 1).

⁽¹²⁾ Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003 (OJ L 181, 29.6.2013, p. 15).

- (43) It should be clarified that the Office may participate in joint investigation teams established in accordance with Union law and that it is entitled to exchange operational information acquired in that framework. The use of such information is subject to the conditions and safeguards provided for in the Union law on the basis of which the joint investigation teams have been established. When the Office participates in such joint investigation teams, it has a supporting capacity and takes the role of a partner subject to legal constraints that may exist in Union or national law.
- (44) No later than five years after the date determined in accordance with the second subparagraph of Article 120(2) of Regulation (EU) 2017/1939, the Commission should evaluate the application of Regulation (EU, Euratom) No 883/2013 and in particular the efficiency of the cooperation between the Office and the EPPO in order to consider whether amendments are warranted on the basis of experience regarding that cooperation. The Commission should submit, where appropriate, a new comprehensive legislative proposal, no later than two years after that evaluation.
- (45) Since the objective of this Regulation, namely to strengthen the protection of the financial interests of the Union by adapting the operation of the Office to the establishment of the EPPO and by enhancing the effectiveness of the investigations by the Office, cannot be sufficiently achieved by the Member States, but can rather, by adopting rules governing the relationship between the Office and the EPPO to increase the effectiveness of the conduct of investigations by them, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (46) This Regulation does not modify the powers and responsibilities of Member States to take measures to combat fraud, corruption and any other illegal activity affecting the financial interests of the Union.
- (47) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹³⁾ and delivered formal comments on 23 July 2018.
- (48) Regulation (EU, Euratom) No 883/2013 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU, Euratom) No 883/2013 is amended as follows:

(1) Article 1 is amended as follows:

(a) in paragraph 3, point (d) is replaced by the following:

‘(d) Regulation (EU) 2016/679 of the European Parliament and of the Council *;

(e) Regulation (EU) 2018/1725 of the European Parliament and of the Council **.

* Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

** Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).’;

⁽¹³⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

(b) the following paragraph is inserted:

‘4a. The Office shall establish and maintain a close relationship with the European Public Prosecutor’s Office (EPPO) established in enhanced cooperation by Council Regulation (EU) 2017/1939 *. That relationship shall be based on mutual cooperation, information exchange, complementarity and the avoidance of duplication. It shall aim in particular to ensure that all available means are used to protect the financial interests of the Union through the complementarity of their respective mandates and the support provided by the Office to the EPPO.

* Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office (“the EPPO”) (OJ L 283, 31.10.2017, p. 1).;

(c) paragraph 5 is replaced by the following:

‘5. For the application of this Regulation, competent authorities of the Member States and institutions, bodies, offices and agencies may establish administrative arrangements with the Office. Those administrative arrangements may concern, in particular, the transmission of information, the conduct of investigations and any follow-up action.’;

(2) Article 2 is amended as follows:

(a) point 3 is replaced by the following:

‘(3) “fraud, corruption and any other illegal activity affecting the financial interests of the Union” shall have the meaning applied to those words in the relevant Union acts and the notion of “any other illegal activity” shall include irregularity as defined in Article 1(2) of Regulation (EC, Euratom) No 2988/95;’;

(b) point 4 is replaced by the following:

‘(4) “administrative investigations” (“investigations”) shall mean any inspection, check or other measure undertaken by the Office in accordance with Articles 3 and 4, with a view to achieving the objectives set out in Article 1 and to establishing, where necessary, the irregular nature of the activities under investigation; those investigations shall not affect the powers of the EPPO or of the competent authorities of Member States to initiate and conduct criminal proceedings;’;

(c) the following point is added:

‘(8) “member of an institution” means a member of the European Parliament, a member of the European Council, a representative of a Member State at ministerial level in the Council, a member of the Commission, a member of the Court of Justice of the European Union (CJEU), a member of the Governing Council of the European Central Bank or a member of the Court of Auditors, with respect to the obligations imposed by Union law in the context of the duties they perform in that capacity.’;

(3) Article 3 is replaced by the following:

‘Article 3

External investigations

1. In the areas referred to in Article 1, the Office shall carry out on-the-spot checks and inspections in Member States and, in accordance with cooperation and mutual assistance agreements and any other legal instrument in force, in third countries and on the premises of international organisations.

2. The Office shall carry out on-the-spot checks and inspections in accordance with this Regulation and, to the extent not covered by this Regulation, in accordance with Regulation (Euratom, EC) No 2185/96.

3. Economic operators shall cooperate with the Office in the course of its investigations. The Office may request written and oral information, including through interviews.

4. Where, in accordance with paragraph 3 of this Article, the economic operator concerned submits to an on-the-spot check and inspection authorised pursuant to this Regulation, Article 2(4) of Regulation (EC, Euratom) No 2988/95, the third subparagraph of Article 6(1) of Regulation (Euratom, EC) No 2185/96 and Article 7(1) of Regulation (Euratom, EC) No 2185/96 shall not apply insofar as those provisions require compliance with national law and are capable of restricting access to information and documentation by the Office to the same conditions as those that apply to national administrative inspectors.

5. At the request of the Office, the competent authority of the Member State concerned shall, without undue delay, provide the staff of the Office with the assistance needed in order to carry out their tasks effectively, as specified in the written authorisation referred to in Article 7(2).

The Member State concerned shall ensure, in accordance with Regulation (Euratom, EC) No 2185/96, that the staff of the Office are allowed access to all information, documents and data relating to the matter under investigation which prove necessary in order for the on-the-spot checks and inspections to be carried out effectively and efficiently, and that the staff are able to assume custody of documents or data to ensure that there is no danger of their disappearance. Where privately owned devices are used for work purposes, those devices may be subject to inspection by the Office. The Office shall subject such devices to inspection only under the same conditions and to the same extent that national control authorities are allowed to investigate privately owned devices and where the Office has reasonable grounds for suspecting that their content may be relevant for the investigation.

6. Where the staff of the Office find that an economic operator resists an on-the-spot check and inspection authorised pursuant to this Regulation, namely where the economic operator refuses to grant the Office the necessary access to its premises or any other areas used for business purposes, conceals information or prevents the conduct of any of the activities that the Office needs to perform in the course of an on-the-spot check and inspection, the competent authorities, including, where appropriate, law enforcement authorities of the Member State concerned shall afford the staff of the Office the necessary assistance so as to enable the Office to conduct its on-the-spot check and inspection effectively and without undue delay.

When providing assistance in accordance with this paragraph or with paragraph 5, the competent authorities of Member States shall act in accordance with national procedural rules applicable to the competent authority concerned. If such assistance requires authorisation from a judicial authority in accordance with national law, such authorisation shall be applied for.

7. The Office shall conduct on-the-spot checks and inspections upon production of written authorisation, as provided for in Article 7(2). It shall, at the latest at the start of the on-the-spot check and inspection, inform the economic operator concerned of the procedure applicable to the on-the-spot check and inspection, including the applicable procedural safeguards, and the economic operator's duty to cooperate.

8. In the exercise of the powers assigned to it, the Office shall comply with the procedural guarantees provided for in this Regulation and in Regulation (Euratom, EC) No 2185/96. In the conduct of an on-the-spot check and inspection, the economic operator concerned shall have the right not to make self-incriminating statements and to be assisted by a person of the economic operator's choice. When making statements during an on-the-spot check and inspection, the economic operator shall be provided with the possibility to use any of the official languages of the Member State where that economic operator is located. The right to be assisted by a person of choice shall not prevent access by the Office to the premises of the economic operator and shall not unduly delay the start of the on-the-spot check and inspection.

9. Where a Member State does not cooperate with the Office in accordance with paragraphs 5 and 6, the Commission may apply the relevant provisions of Union law in order to recover the funds related to the on-the-spot check and inspection in question.

10. As part of its investigative function, the Office shall carry out the checks and inspections provided for in Article 9(1) of Regulation (EC, Euratom) No 2988/95 and in the sectoral rules referred to in Article 9(2) of that Regulation in Member States and, in accordance with cooperation and mutual assistance agreements and any other legal instrument in force, in third countries and on the premises of international organisations.

11. During an external investigation, the Office may have access to any relevant information and data, irrespective of the medium on which it is stored, held by the institutions, bodies, offices and agencies, connected with the matter under investigation, where necessary in order to establish whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. For that purpose Article 4(2) and (4) shall apply.

12. Without prejudice to Article 12c(1), where, before a decision has been taken whether or not to open an external investigation, the Office handles information which suggests that there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union, it may inform the competent authorities of the Member States concerned and, where necessary, the institutions, bodies, offices and agencies concerned.

Without prejudice to the sectoral rules referred to in Article 9(2) of Regulation (EC, Euratom) No 2988/95, the competent authorities of the Member States concerned shall ensure that appropriate action is taken, in which the Office may take part, in accordance with national law. Upon request, the competent authorities of the Member States concerned shall inform the Office of the action taken and of their findings on the basis of information referred to in the first subparagraph of this paragraph.;

(4) Article 4 is amended as follows:

(a) paragraphs 1 to 4 are replaced by the following:

‘1. Investigations within the institutions, bodies, offices and agencies in the areas referred to in Article 1 shall be conducted in accordance with this Regulation and with the decisions adopted by the relevant institution, body, office or agency (“internal investigations”).

2. In the course of internal investigations:

(a) the Office shall have the right of immediate and unannounced access to any relevant information and data, relating to the matter under investigation, irrespective of the type of medium on which it is stored, held by the institutions, bodies, offices and agencies, and to their premises. Where privately owned devices are used for work purposes, those devices may be subject to inspection by the Office. The Office shall subject such devices to inspection only to the extent that the devices are used for work purposes, under the conditions set in the decisions adopted by the relevant institution, body, office or agency and where the Office has reasonable grounds for suspecting that their content may be relevant for the investigation.

The Office shall be empowered to inspect the accounts of the institutions, bodies, offices and agencies. The Office may take a copy of, and obtain extracts from, any document or the contents of any data medium held by the institutions, bodies, offices and agencies and, if necessary, assume custody of such documents or data to ensure that there is no danger of their disappearance;

(b) the Office may request oral information, including through interviews, and written information from officials, other servants, members of institutions or bodies, heads of offices or agencies, or staff members, thoroughly documented in accordance with the applicable Union confidentiality and data protection rules.

3. Under the same rules and conditions as provided for in Article 3, the Office may carry out on-the-spot checks and inspections at the premises of economic operators in order to obtain access to information relevant to the matter under investigation within the institutions, bodies, offices and agencies.

4. The institutions, bodies, offices and agencies shall be informed whenever the staff of the Office conduct an internal investigation on their premises, consult documents or data, or request information held by them. Without prejudice to Articles 10 and 11, the Office may at any time forward to the institution, body, office or agency concerned the information obtained in the course of internal investigations.;

(b) in paragraph 8, the first subparagraph is replaced by the following:

‘8. Without prejudice to Article 12c(1), where, before a decision has been taken whether or not to open an internal investigation, the Office handles information which suggests that there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union, it may inform the institution, body, office

or agency concerned. Upon request, the institution, body, office or agency concerned shall inform the Office of any action taken and of its findings on the basis of such information.’;

(5) Article 5 is amended as follows:

(a) paragraphs 1, 2 and 3 are replaced by the following:

‘1. Without prejudice to Article 12d, the Director-General may open an investigation when there is a sufficient suspicion, which may be based on information provided by any third party or on anonymous information, that there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. The decision to open the investigation may take into account the need for efficient use of the Office’s resources and for the proportionality of the means employed. With regard to internal investigations, specific account shall be taken of the institution, body, office or agency best placed to conduct them, based, in particular, on the nature of the facts, the actual or potential financial impact of the case, and the likelihood of any judicial follow-up.

2. The decision to open an investigation shall be taken by the Director-General, acting on his or her own initiative or following a request from an institution, body, office or agency or from a Member State.

3. While the Director-General is considering whether or not to open an internal investigation following a request as referred to in paragraph 2, or while the Office is conducting an internal investigation, the institutions, bodies, offices or agencies concerned shall not open a parallel investigation into the same facts, unless agreed otherwise with the Office.

This paragraph shall not apply to investigations by the EPPO pursuant to Regulation (EU) 2017/1939.’;

(b) paragraphs 5 and 6 are replaced by the following:

‘5. If the Director-General decides not to open an investigation, he or she may without delay send any relevant information, as appropriate, to the competent authorities of the Member State concerned for appropriate action to be taken in accordance with Union and national law or to the institution, body, office or agency concerned for appropriate action to be taken in accordance with the rules applicable to that institution, body, office or agency. The Office shall agree with that institution, body, office or agency, if appropriate, on suitable measures to protect the confidentiality of the source of that information and shall, if necessary, ask to be informed of the action taken.

6. Where the Director-General decides not to open an investigation despite there being a sufficient suspicion that there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union, he or she shall send the information referred to in paragraph 5 without delay.’;

(6) Article 7 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The Director-General shall direct the conduct of investigations on the basis, where appropriate, of written instructions. Investigations shall be conducted under his or her direction by the staff of the Office designated by him or her. The Director-General shall not personally carry out concrete investigative acts.’;

(b) paragraph 3 is replaced by the following:

‘3. The competent authorities of Member States shall give the necessary assistance to enable the staff of the Office to fulfil their tasks in accordance with this Regulation effectively and without undue delay. When providing such assistance, the competent authorities of Member States shall act in accordance with any national procedural rules applicable to them.

3a. At the request of the Office, which shall be explained in writing, in relation to matters under investigation, the relevant competent authorities of the Member States shall, under the same conditions as those that apply to the national competent authorities, provide the Office with the following:

- (a) information available in the centralised automated mechanisms referred to in Article 32a(3) of Directive (EU) 2015/849 of the European Parliament and of the Council *;
- (b) where strictly necessary for the purposes of the investigation, the record of transactions.

The request of the Office shall include a justification of the appropriateness and proportionality of the measure with regard to the nature and gravity of the matters under investigation. Such request shall refer only to information referred to in points (a) and (b) of the first subparagraph.

Member States shall notify to the Commission the relevant competent authorities for the purposes of points (a) and (b) of the first subparagraph.

3b. The institutions, bodies, offices and agencies shall ensure that their officials, other servants, members, heads and staff members provide the necessary assistance to enable the staff of the Office to fulfil their tasks effectively and without undue delay.

* Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).;

- (c) paragraph 6 is amended as follows:

- (i) in the first subparagraph, point (b) is replaced by the following:

‘(b) any information that could assist the institution, body, office or agency concerned in deciding on the appropriate precautionary administrative measures to be taken in order to protect the financial interests of the Union;’;

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

‘The institution, body, office or agency concerned may at any time consult the Office with a view to taking, in close cooperation with the Office, any appropriate precautionary measures, including measures for the safeguarding of evidence. The institution, body, office or agency concerned shall inform the Office without delay about any precautionary measures taken.’;

- (d) paragraph 8 is replaced by the following:

‘8. If an investigation cannot be closed within 12 months after it has been opened, the Director-General shall, at the expiry of that 12-month period and every six months thereafter, report to the Supervisory Committee, indicating the reasons and, where appropriate, the remedial measures envisaged with a view to speeding up the investigation.’;

- (7) Article 8 is replaced by the following:

‘Article 8

Duty to inform the Office

1. In the areas referred to in Article 1, the institutions, bodies, offices and agencies shall transmit to the Office without delay any information relating to possible cases of fraud, corruption or any other illegal activity affecting the financial interests of the Union.

Where the institutions, bodies, offices and agencies report to the EPPO in accordance with Article 24 of Regulation (EU) 2017/1939, they may comply with the obligation set out in the first subparagraph of this paragraph by transmitting to the Office a copy of the report sent to the EPPO.

2. The institutions, bodies, offices and agencies and, unless prevented by national law, the competent authorities of Member States shall, at the request of the Office or on their own initiative, transmit without delay to the Office any document or information they hold which relates to an ongoing investigation by the Office.

Prior to the opening of an investigation they shall, at the request of the Office, which shall be explained in writing, transmit any document or information they hold which is necessary to assess the allegations or to apply the criteria for opening an investigation as set out in Article 5(1).

3. The institutions, bodies, offices and agencies and, unless prevented by national law, the competent authorities of Member States shall transmit without delay to the Office, at the request of the Office or on their own initiative, any other information, documents or data considered pertinent which they hold, relating to the fight against fraud, corruption and any other illegal activity affecting the financial interests of the Union.

4. This Article shall not apply to the EPPO as regards the criminal offences in respect of which it could exercise its competence in accordance with Chapter IV of Regulation (EU) 2017/1939.

This is without prejudice to the possibility for the EPPO to provide the Office with relevant information on cases in accordance with Articles 34(8), 36(6), 39(4) and Article 101(3) and (4) of Regulation (EU) 2017/1939.

5. The provisions related to transmission of information in accordance with Council Regulation (EU) No 904/2010 * shall remain unaffected.

* Council Regulation (EU) No 904/2010 of 7 October 2010 on administrative cooperation and combating fraud in the field of value added tax (OJ L 268, 12.10.2010, p. 1).;

(8) Article 9 is amended as follows:

(a) in paragraph 2, the fourth subparagraph is replaced by the following:

‘The requirements referred to in the second and third subparagraphs shall not apply to the taking of statements in the context of on-the-spot checks and inspections. The procedural guarantees as referred to in Article 3(7) and (8) shall apply to the person concerned, in particular the right to be assisted by a person of his or her choice.’;

(b) in paragraph 4, the second and third subparagraphs are replaced by the following:

‘To that end, the Office shall send the person concerned an invitation to comment either in writing or at an interview with staff designated by the Office. That invitation shall include a summary of the facts concerning the person concerned and the information required by Articles 15 and 16 of Regulation (EU) 2018/1725, and shall indicate the timelimit for submitting comments, which shall not be less than 10 working days from receipt of the invitation to comment. That notice period may be shortened with the express consent of the person concerned or on duly reasoned grounds of urgency of the investigation. The final investigation report shall make reference to any such comments.

In duly justified cases where necessary to preserve the confidentiality of the investigation or an ongoing or future criminal investigation by the EPPO or a national judicial authority, the Director-General may, where appropriate after consulting the EPPO or the national judicial authority concerned, decide to defer the fulfilment of the obligation to invite the person concerned to comment.’;

(9) the following articles are inserted:

‘Article 9a

Controller of procedural guarantees

1. A Controller of procedural guarantees (the “Controller”) shall be appointed by the Commission, in accordance with the procedure specified in paragraph 2, for a non-renewable term of office of five years. On expiry of that term of office, the Controller shall remain in office until he or she is replaced.

2. The Controller shall be administratively attached to the Supervisory Committee. The Secretariat of the Supervisory Committee shall provide the Controller with all necessary administrative and legal support.

3. The Commission shall, from within its approved budget, allocate to the Supervisory Committee the personnel and financial means necessary for the Controller.

4. Following a call for applications in the *Official Journal of the European Union*, the Commission shall draw up a list of suitably qualified candidates for the position of the Controller. After consulting the European Parliament and the Council, the Commission shall appoint the Controller.
5. The Controller shall have the necessary qualifications and experience in the field of procedural guarantees.
6. The Controller shall exercise his or her functions in complete independence, including from the Office and from the Supervisory Committee, and shall neither seek nor take instructions from anyone in the performance of his or her duties.
7. If the Controller ceases to fulfil the conditions required for the performance of his or her duties, or if the Controller is found guilty of serious misconduct, the European Parliament, the Council and the Commission may, by common accord, relieve the Controller of his or her duties.
8. Pursuant to the mechanism referred to in Article 9b, the Controller shall monitor the Office's compliance with procedural guarantees referred to in Article 9, as well as the rules applicable to investigations by the Office. The Controller shall be responsible for handling complaints referred to in Article 9b.
9. The Controller shall report on the exercise of this function on an annual basis to the European Parliament, the Council, the Commission, the Supervisory Committee and the Office. He or she shall not refer to individual cases under investigation and shall ensure the confidentiality of investigations even after their closure. The Controller shall report to the Supervisory Committee on any systemic issue arising out of his or her recommendations.

Article 9b

Complaints mechanism

1. A person concerned shall be entitled to lodge a complaint with the Controller regarding the Office's compliance with the procedural guarantees referred to in Article 9, as well as on the grounds of an infringement of the rules applicable to investigations by the Office, in particular infringements of procedural requirements and fundamental rights. The lodging of a complaint shall have no suspensive effect on the conduct of the investigation that is the subject of the complaint.
2. Complaints shall be lodged within one month of the complainant becoming aware of the relevant facts that constitute an alleged infringement of the procedural guarantees or rules referred to in paragraph 1 of this Article. In any event, they shall be lodged no more than one month after the closure of the investigation.

Complaints related to the notice period referred to in Article 9(2) and (4) shall, however, be lodged before the expiry of the 10-day notice period referred to in those provisions.

3. The Controller shall inform the Director-General immediately upon receipt of a complaint.

Within 10 working days of the date of receipt, the Controller shall determine whether paragraphs 1 and 2 are complied with.

In the event of compliance with paragraphs 1 and 2, the Controller shall invite the Office to take action to resolve the complaint and inform the Controller accordingly within 15 working days.

In the event of non-compliance with paragraph 1 or 2, the Controller shall close the file and inform the complainant without delay.

4. Without prejudice to Article 10, the Office shall transmit to the Controller all information necessary for the Controller to assess whether the complaint is justified as well as information for the purpose of resolving the complaint and enabling the Controller to issue a recommendation.

5. The Controller shall issue a recommendation on how to resolve the complaint without delay and in any event within two months of the Office informing the Controller of the action it has taken to resolve the complaint. In the absence of receipt of information within the 15-day time limit referred to in the third subparagraph of paragraph 3, the Controller shall issue a recommendation within two-months of the expiry of that time limit.

In exceptional cases the Controller may decide to extend the period for issuing a recommendation by a further 15 calendar days. The Controller shall inform the Director-General of the reasons for such an extension in writing.

The Controller may recommend that the Office amend or repeal its recommendations or reports, on the grounds of an infringement of the procedural guarantees referred to in Article 9 or of the rules applicable to investigations by the Office, in particular infringements of procedural requirements and fundamental rights.

Before issuing a recommendation the Controller shall consult the Supervisory Committee for its opinion.

The Controller shall submit the recommendation to the Office and notify the complainant accordingly.

In the absence of a recommendation by the Controller within the time limits set out in this paragraph, the Controller shall be deemed to have dismissed the complaint without a recommendation.

6. The Controller shall examine the complaint in an adversarial procedure without interfering with the conduct of the investigation under way.

The Controller may also ask witnesses to provide written or oral explanations that the Controller considers relevant to ascertaining the facts. Witnesses may refuse to provide such explanations.

7. The Director-General shall take appropriate action as warranted by the recommendation. If the Director-General decides not to follow the Controller's recommendation, the Director-General shall communicate to the complainant and to the Controller the main reasons for that decision, unless such a communication would affect the on-going investigation. The Director-General shall state the reasons for not following the Controller's recommendation in a note attached to the final investigation report.

8. The complaint mechanism under this Article is without prejudice to the means of redress available under the Treaties, including actions relating to compensation for damage.

9. The Director-General may request the opinion of the Controller on any matter related to procedural guarantees or fundamental rights that falls within the Controller's mandate, including on a decision to defer informing the person concerned under Article 9(3). The Director-General shall indicate in any such request the time limit within which the Controller shall respond.

10. Without prejudice to the time limits provided for in Article 90 of the Staff Regulations, where a complaint has been lodged with the Director-General by an official or other servant of the Union in accordance with Article 90a of the Staff Regulations and the official or other servant has lodged a complaint with the Controller related to the same issue, the Director-General shall await the recommendation of the Controller before replying to the complaint.

11. The Controller shall, after consulting the Supervisory Committee, adopt implementing provisions for the handling of complaints.

Those implementing provisions shall cover, in particular, detailed rules regarding:

- (a) the lodging of a complaint;
- (b) the exchange of information between the Supervisory Committee, the Controller and the Director-General;
- (c) the process for addressing the issues raised in a complaint by the Office;

- (d) the examination of a complaint in an adversarial procedure in accordance with the first subparagraph of paragraph 6;
- (e) the issuing and communication of the Controller's recommendation;
- (f) duly justified cases in which the Director-General may deviate from the Controller's recommendation and the procedure to be followed in such cases.;

(10) Article 10 is amended as follows:

- (a) the following paragraphs are inserted:

'3a. Directive (EU) 2019/1937 of the European Parliament and of the Council * shall apply to the reporting of fraud, corruption and any other illegal activity affecting the financial interests of the Union and the protection of persons reporting such breaches.

3b. Where the Office recommends a judicial follow-up, without prejudice to the confidentiality rights of whistle-blowers and informants, and in accordance with the applicable confidentiality and data protection rules, the person concerned may request the Office to provide the report drawn up under Article 11 to the extent that it relates to the person concerned. The Office shall communicate that request without delay to all recipients of that report and shall grant access only with the explicit consent of the recipients. The recipients shall reply within a period of 12 months of receipt of the request. In the absence of an objection within that period, the Office shall grant access.

The competent authority may also authorise the Office to grant access before this period has expired.

* Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).;

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

'4. The Office shall designate a Data Protection Officer in accordance with Article 43 of Regulation (EU) 2018/1725.;

(11) Article 11 is amended as follows:

- (a) in paragraph 1, the second subparagraph is replaced by the following:

'The report shall, where appropriate, be accompanied by recommendations of the Director-General on action to be taken. Those recommendations shall, where appropriate, indicate any disciplinary, administrative, financial or judicial action to be taken by the institutions, bodies, offices and agencies and by the competent authorities of the Member States concerned, and shall specify in particular the estimated amounts to be recovered, as well as the preliminary classification in law of the facts established.;

- (b) paragraphs 2 and 3 are replaced by the following:

'2. In drawing up the reports and recommendations referred to in paragraph 1, account shall be taken of the relevant provisions of Union law and, in so far as it is applicable, of the national law of the Member State concerned.

Reports drawn up on the basis of the first subparagraph, together with all evidence in support and annexed thereto, shall constitute admissible evidence:

- (a) in judicial proceedings of a non-criminal nature before national courts and in administrative proceedings in the Member States;
- (b) in criminal proceedings of the Member State in which their use proves necessary in the same way and under the same conditions as administrative reports drawn up by national administrative inspectors and shall be subject to the same evaluation rules as those applicable to administrative reports drawn up by national administrative inspectors and shall have the same evidentiary value as such reports;
- (c) in judicial proceedings before the CJEU and in administrative proceedings in the institutions, bodies, offices and agencies.

Member States shall notify to the Office any rules of national law relevant for the purposes of point (b) of the second subparagraph.

With regard to point (b) of the second subparagraph, Member States shall, upon request of the Office, send to the Office the final decision of the national courts once the relevant judicial proceedings have been finally determined and the final court decision has become public.

The power of the CJEU and national courts and competent bodies in administrative and criminal proceedings to freely assess the evidential value of the reports drawn up by the Office shall not be affected by this Regulation.

2a. The Office shall take appropriate measures to ensure the consistent quality of reports and recommendations referred to in paragraph 1.

3. Reports and recommendations drawn up following an external investigation and any relevant related documents shall be sent to the competent authorities of the Member States concerned in accordance with the rules relating to external investigations and, if necessary, to the institution, body, office or agency concerned. The competent authorities of the Member State concerned and, if applicable, the institution, body, office or agency shall take such action as the results of the external investigation warrant and shall report thereon to the Office within a time limit laid down in the recommendations accompanying the report and, in addition, at the request of the Office. Member States may notify to the Office the relevant national authorities competent to deal with such reports, recommendations and documents.;

(c) paragraph 5 is replaced by the following:

‘5. Where the report drawn up following an internal investigation reveals the existence of facts which could give rise to criminal proceedings, that information, together with the recommendations, shall be transmitted without delay to the judicial authorities of the Member State concerned, without prejudice to Articles 12c and 12d.

At the request of the Office, the competent authorities of the Member States concerned shall, within a time limit laid down in the recommendations, send to the Office information on the action taken, if any, and the reasons for non-implementation of the recommendations, where applicable, following the transmission by the Office of any information in accordance with the first subparagraph of this paragraph.;

(d) paragraph 6 is deleted;

(e) paragraph 8 is replaced by the following:

‘8. Where an informant provided the Office with information which led to the investigation, the Office shall notify that informant that the investigation has been closed, unless it considers that this information is such as to prejudice the legitimate interests of the person concerned and the effectiveness of the investigation and of the action to be taken subsequent thereto, or any confidentiality requirements.;

(12) Article 12 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Without prejudice to Articles 10 and 11 of this Regulation and to the provisions of Regulation (Euratom, EC) No 2185/96, the Office may transmit to the competent authorities of the Member States concerned information obtained in the course of external investigations in due time to enable them to take appropriate action in accordance with their national law. It may also transmit such information to the institution, body, office or agency concerned.;

(b) paragraph 3 is replaced by the following:

‘3. The competent authorities of the Member State concerned shall, unless prevented by national law, inform the Office without delay, and in any event within 12 months of receipt of the information transmitted to them in accordance with this Article, of the action taken on the basis of that information.;

(c) the following paragraph is added:

‘5. The Office may provide relevant information to the Eurofisc network established by Regulation (EU) No 904/2010. Eurofisc working field coordinators may transmit relevant information from the Eurofisc network to the Office under the conditions laid down in Regulation (EU) No 904/2010.;

(13) the following articles are inserted:

'Article 12a

Anti-fraud coordination services

1. Each Member State shall, for the purposes of this Regulation, designate a service (the "anti-fraud coordination service") to facilitate effective cooperation and exchange of information, including information of an operational nature, with the Office. Where appropriate, in accordance with national law, the anti-fraud coordination service may be regarded as a competent authority for the purposes of this Regulation.
2. Upon request of the Office, before a decision has been taken as to whether or not to open an investigation, as well as during or after an investigation, the anti-fraud coordination services shall provide or coordinate the necessary assistance for the Office to carry out its tasks effectively. Such assistance shall include in particular assistance from the competent authorities of Member States provided in accordance with Article 3(5) and (6), Article 7(3) and Article 8(2) and (3).
3. The anti-fraud coordination services may provide assistance to the Office upon request so that the Office may conduct coordination activities in accordance with Article 12b, including, where appropriate, horizontal cooperation and exchange of information between anti-fraud coordination services.

Article 12b

Coordination activities

1. Pursuant to Article 1(2), the Office may organise and facilitate cooperation between the competent authorities of Member States, institutions, bodies, offices and agencies as well as, in accordance with the cooperation and mutual assistance agreements and any other legal instrument in force, third-country authorities and international organisations. For the purpose of protecting the financial interests of the Union, the participating authorities and the Office may collect, analyse and exchange information, including operational information. The staff of the Office may accompany competent authorities carrying out investigative activities upon request of those authorities. Article 6, Article 7(6) and (7), Article 8(3) and Article 10 shall apply.
2. The Office shall, where appropriate, draw up a report on the coordination activities conducted and transmit it to the competent authorities of Member States and institutions, bodies, offices and agencies concerned.
3. This Article shall apply without prejudice to the exercise by the Office of powers conferred on the Commission in specific provisions governing mutual assistance between Member States' administrative authorities and cooperation between those authorities and the Commission.
4. The Office may participate in joint investigation teams established in accordance with applicable Union law and in that framework exchange operational information acquired pursuant to this Regulation.

Article 12c

Reporting criminal conduct to the EPPO

1. The Office shall submit a report to the EPPO without undue delay on any criminal conduct in respect of which the EPPO could exercise its competence in accordance with Chapter IV of Regulation (EU) 2017/1939. The report shall be sent without undue delay before or during an investigation of the Office.
2. The report referred to in paragraph 1 shall contain, as a minimum, a description of the facts, including an assessment of the damage caused or likely to be caused, the possible legal qualification and any available information about potential victims, suspects or other persons involved.
3. The Office shall not be bound to report to the EPPO manifestly unsubstantiated allegations.

4. Where the information received by the Office does not include the elements set out in paragraph 2 of this Article, and there is no ongoing investigation of the Office, the Office may conduct a preliminary evaluation of the allegations. The evaluation shall be carried out without delay and in any case within two months of receipt of the information. In the course of that evaluation, Article 6 and Article 8(2) shall apply. Following this preliminary evaluation, the Office shall report to the EPPO any criminal conduct as referred to in paragraph 1 of this Article.

5. Where the criminal conduct referred to in paragraph 1 of this Article comes to light during an investigation by the Office, and the EPPO opens an investigation following the report referred to in that paragraph, the Office shall not continue its investigation into the same facts other than in accordance with Article 12e or 12f.

For the purpose of applying the first subparagraph of this paragraph, the Office shall verify in accordance with Article 12g(2), via the EPPO's case management system, whether the EPPO is conducting an investigation. The Office may request further information from the EPPO. The EPPO shall reply to such a request within a time limit to be set in accordance with Article 12g.

6. The institutions, bodies, offices and agencies may request the Office to conduct a preliminary evaluation of allegations reported to them. For the purposes of those requests, paragraphs 1 to 4 shall apply *mutatis mutandis*. The Office shall inform the institution, body, office or agency concerned of the results of the preliminary evaluation, unless providing such information could jeopardise an investigation conducted by the Office or by the EPPO.

7. Where, following the report to the EPPO in accordance with this Article, the Office closes its investigation, Article 9(4) and Article 11 shall not apply.

Article 12d

Non-duplication of investigations

1. Without prejudice to Articles 12e and 12f, the Director-General shall discontinue an ongoing investigation and shall not open a new investigation under Article 5 where the EPPO is conducting an investigation into the same facts. The Director-General shall inform the EPPO about each decision to discontinue taken on such grounds.

For the purpose of applying the first subparagraph of this paragraph, the Office shall verify in accordance with Article 12g(2), via the EPPO's case management system, whether the EPPO is conducting an investigation. The Office may request further information from the EPPO. The EPPO shall reply to such a request within a time limit to be set in accordance with Article 12g.

Where the Office discontinues its investigation in accordance with the first subparagraph of this paragraph, Article 9(4) and Article 11 shall not apply.

2. The EPPO may, with a view to enabling the Office to consider appropriate administrative action in accordance with its mandate, provide relevant information to the Office about cases where the EPPO has decided not to conduct an investigation or has dismissed a case. Where new facts which were not known to the EPPO at the time of the decision to dismiss as referred to in Article 39(1) of the Regulation (EU) 2017/1939 become known to the Office, the Director General may ask the EPPO to reopen an investigation, in accordance with Article 39(2) of that Regulation.

Article 12e

The Office's support to the EPPO

1. In the course of an investigation by the EPPO, and at the request of the EPPO in accordance with Article 101(3) of Regulation (EU) 2017/1939, the Office shall, in accordance with its mandate, support or complement the EPPO's activity, in particular by:

- (a) providing information, analyses (including forensic analyses), expertise and operational support;
- (b) facilitating coordination of specific actions of the competent national administrative authorities and bodies of the Union;
- (c) conducting administrative investigations.

When providing support to the EPPO, the Office shall refrain from performing acts or measures which could jeopardise the investigation or prosecution.

2. A request referred to in paragraph 1 shall be transmitted in writing and shall specify at least:
 - (a) the information relating to the EPPO investigation in so far as relevant for the purpose of the request;
 - (b) the measures which the EPPO requests the Office to perform;
 - (c) where appropriate, the envisaged timing for carrying out the request.

Where necessary, the Office may request additional information.

3. In order to protect the admissibility of evidence as well as fundamental rights and procedural guarantees, where the Office performs, within its mandate, supporting measures requested by the EPPO pursuant to this Article, the EPPO and the Office, acting in close cooperation, shall ensure that the applicable procedural safeguards of Chapter VI of Regulation (EU) 2017/1939 are observed.

Article 12f

Complementary investigations

1. Where the EPPO is conducting an investigation and the Director-General, in duly justified cases, considers that an investigation by the Office should also be opened in accordance with the mandate of the Office with a view to facilitating the adoption of precautionary measures or of financial, disciplinary or administrative action, the Office shall inform the EPPO in writing, specifying the nature and purpose of the investigation.

After receipt of such information and within a time limit to be set in accordance with Article 12g, the EPPO may object to the opening of an investigation or to the performance of certain acts pertaining to the investigation. Where the EPPO objects to the opening of an investigation or to the performance of certain acts pertaining to an investigation, it shall notify the Office without undue delay when the grounds for the objection cease to apply.

In the event that the EPPO does not object within the time limit to be set in accordance with Article 12g, the Office may open an investigation, which it shall conduct in consultation with the EPPO on an ongoing basis. If the EPPO subsequently objects, the Office shall suspend or discontinue its investigation, or refrain from performing certain acts pertaining to the investigation.

2. Where the EPPO informs the Office that it is not conducting an investigation in reply to a request for information submitted in accordance with Article 12d and subsequently opens an investigation into the same facts, it shall inform the Office without delay. If, following receipt of such information, the Director-General considers that the investigation opened by the Office should be continued with a view to facilitating the adoption of precautionary measures or of financial, disciplinary or administrative action, paragraph 1 of this Article shall apply.

Article 12g

Working arrangements and exchange of information with the EPPO

1. The Office shall agree on working arrangements with the EPPO. Such working arrangements shall establish, inter alia, practical arrangements for the exchange of information, including personal data, operational, strategic or technical information and classified information, and complementary investigations.

The working arrangements shall include detailed arrangements on the continuous exchange of information during the receipt and verification of allegations for the purpose of determining the competence over investigations. They shall also include arrangements on the transfer of information between the Office and the EPPO, when the Office acts in support or in a complementary manner to the EPPO. They shall provide for time limits for answering each others requests.

The Office and the EPPO shall agree on the time limits and the detailed arrangements with regard to Article 12c(5), Article 12d(1) and Article 12f(1). Until such agreement is reached, the EPPO shall reply to the Office's requests without delay, and in any case within 10 working days of a request as referred to in Article 12c(5) and Article 12d(1) and 20 working days of a request for information as referred to in the first subparagraph of Article 12f(1).

Prior to the adoption of the working arrangements with the EPPO, the Director-General shall send the draft to the Supervisory Committee, and to the European Parliament and to the Council for information. The Supervisory Committee shall deliver an opinion without delay.

2. The Office shall have indirect access to information in the EPPO's case management system on the basis of a hit/no-hit system.

Whenever a match is found between data entered into the case management system by the Office and data held by the EPPO, the fact that there is a match shall be communicated to both the Office and the EPPO. The Office shall take appropriate measures to enable the EPPO to have access to information in its case management system on the basis of a hit/no-hit system.

The technical and security aspects of the reciprocal access to the case management systems, including internal procedures to ensure that each access is duly justified for the performance of their functions and is documented, shall be established in the working arrangements.

3. The Director-General and the European Chief Prosecutor shall meet at least annually to discuss matters of common interest.;

(14) in Article 13(1), the first subparagraph is replaced by the following:

'1. Within its mandate to protect the financial interests of the Union, the Office shall cooperate, as appropriate, with the European Union Agency for Criminal Justice Cooperation (Eurojust) and with the European Union Agency for Law Enforcement Cooperation (Europol). Where necessary in order to facilitate that cooperation, the Office shall agree with Eurojust and Europol on administrative arrangements. Such working arrangements may concern exchange of operational, strategic or technical information, including personal data and classified information and, on request, progress reports.;

(15) Article 15 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. The Supervisory Committee shall regularly monitor the implementation by the Office of its investigative function, in order to reinforce the Office's independence in the proper exercise of the competences conferred upon it by this Regulation.

The Supervisory Committee shall in particular monitor developments concerning the application of procedural guarantees and the duration of investigations.

The Supervisory Committee shall address to the Director-General opinions, including where appropriate, recommendations on, inter alia, the resources needed to carry out the investigative function of the Office, on the investigative priorities of the Office and on the duration of investigations. Those opinions may be delivered on its own initiative, at the request of the Director-General or at the request of an institution, body, office or agency, without however interfering with the conduct of investigations in progress.

The Office shall publish on its website its replies to the opinions delivered by the Supervisory Committee.

The institutions, bodies, offices or agencies shall be provided with a copy of opinions delivered pursuant to the third subparagraph.

The Supervisory Committee shall be granted access to all the information and documents it considers necessary for the performance of its tasks, including reports and recommendations on closed investigations and cases dismissed, without however interfering with the conduct of investigations in progress and with due regard to the requirements of confidentiality and data protection.;

- (b) in paragraph 8, the first subparagraph is replaced by the following:

‘8. The Supervisory Committee shall appoint its chair. It shall adopt its own rules of procedure, which shall, before adoption, be submitted to the European Parliament, the Council, the Commission and the European Data Protection Supervisor for information. Meetings of the Supervisory Committee shall be convened on the initiative of its chair or the Director-General. It shall hold at least 10 meetings per year. The Supervisory Committee shall take its decisions by a majority of its component members. Its secretariat shall be provided by the Commission and in close cooperation with the Supervisory Committee. Before the appointment of any staff to the secretariat, the Supervisory Committee shall be consulted and its views shall be taken into account. The secretariat shall act on the instructions of the Supervisory Committee and independently from the Commission. Without prejudice to its control over the budget of the Supervisory Committee and its secretariat, the Commission shall not interfere with the monitoring functions of the Supervisory Committee.’;

- (16) in Article 16, paragraphs 1 and 2 are replaced by the following:

‘1. The European Parliament, the Council and the Commission shall once a year meet the Director-General for an exchange of views at political level to discuss the Office’s policy relating to methods of preventing and combating fraud, corruption or any other illegal activity affecting the financial interests of the Union. The Supervisory Committee shall participate in the exchange of views. The European Chief Prosecutor shall be invited to attend the exchange of views. Representatives of the Court of Auditors, the EPPO, Eurojust and Europol may be invited to attend on an ad hoc basis upon request of the European Parliament, of the Council, of the Commission, of the Director-General or of the Supervisory Committee.

2. Within the objective of paragraph 1, the exchange of views may relate to any subject the European Parliament, the Council and the Commission agree on. In particular, the exchange of views may relate to:

- (a) the strategic priorities for the Office’s investigation policies;
- (b) the opinions and activity reports of the Supervisory Committee provided for under Article 15;
- (c) the reports of the Director-General under Article 17(4) and, as appropriate, any other reports by the institutions relating to the mandate of the Office;
- (d) the framework of the relations between the Office and the institutions, bodies, offices and agencies, in particular the EPPO, including any horizontal and systemic issues encountered in the follow-up to the Office’s final investigation reports;
- (e) the framework of the relations between the Office and the competent authorities of Member States, including any horizontal and systemic issues encountered in the follow-up to the Office’s final investigation reports;
- (f) the relations between the Office and the competent authorities in third countries as well as international organisations in the framework of the arrangements referred to in this Regulation;
- (g) the effectiveness of the work of the Office with regard to the performance of its mandate.’;

- (17) Article 17 is amended as follows:

- (a) paragraphs 2 to 5 are replaced by the following:

‘2. In order to appoint a new Director-General, the Commission shall publish a call for applications in the *Official Journal of the European Union*. Such publication shall take place at the latest six months before the end of the term of office of the Director-General in office. The Commission shall draw up a list of suitably qualified candidates. After a favourable opinion has been given by the Supervisory Committee on the selection procedure applied by the Commission, the European Parliament and the Council shall in due time agree on a shortlist of three candidates from the list of suitable candidates drawn up by the Commission. The Commission shall appoint the Director-General from that shortlist.

3. The Director-General shall neither seek nor take instructions from any government or any institution, body, office or agency in the performance of his or her duties with regard to the opening and carrying-out of external and internal investigations or coordination activities, or to the drafting of reports following such investigations or coordination activities. If the Director-General considers that a measure taken by the Commission calls his or her independence into question, he or she shall immediately inform the Supervisory Committee and shall decide whether to bring an action against the Commission before the CJEU.

4. The Director-General shall report regularly, and at least annually, to the European Parliament, to the Council, to the Commission and to the Court of Auditors on the findings of investigations carried out by the Office, the action taken and the problems encountered, whilst respecting the confidentiality of the investigations, the legitimate rights of the persons concerned and of informants, and, where appropriate, national law applicable to judicial proceedings. Those reports shall also include an assessment of the actions taken by the competent authorities of Member States and the institutions, bodies, offices and agencies, following reports and recommendations drawn up by the Office.

4a. At the request of the European Parliament or of the Council, in the context of their budgetary control rights, the Director-General may provide information about the Office's activities, respecting the confidentiality of investigations and follow-up proceedings. The European Parliament and the Council shall ensure the confidentiality of information provided in accordance with this paragraph.

5. The Director-General shall keep the Supervisory Committee periodically informed of the Office's activities, the implementation of its investigative function and the action taken by way of follow-up to investigations.

The Director-General shall inform the Supervisory Committee periodically:

- (a) of cases in which the recommendations made by the Director-General have not been followed;
 - (b) of cases in which information has been transmitted to judicial authorities of the Member States or to the EPPO;
 - (c) of cases in which no investigation has been opened and of cases dismissed;
 - (d) on the duration of investigations in accordance with Article 7(8).;
- (b) paragraph 7 is replaced by the following:
- ‘7. The Director-General shall put in place an internal advisory and control procedure, including a legality check, relating, inter alia, to the respect of procedural guarantees and fundamental rights of the persons concerned and of the national law of the Member States concerned, with particular reference to Article 11(2). The legality check shall be carried out by Office staff who are experts in law and investigative procedures. Their opinion shall be annexed to the final investigation report.’;
- (c) in paragraph 8, the first subparagraph is replaced by the following:
- ‘8. The Director-General shall adopt guidelines on investigation procedures for the staff of the Office. Those guidelines shall be in accordance with this Regulation and shall cover, inter alia:
- (a) the practices to be observed in implementing the mandate of the Office;
 - (b) detailed rules governing investigations procedures;
 - (c) the procedural guarantees;
 - (d) details on the internal advisory and control procedures, including the legality check;
 - (e) data protection and policies on communication and access to documents as laid down in Article 10(3b);
 - (f) relations with the EPPO.’;
- (d) in paragraph 9, the first subparagraph is replaced by the following:
- ‘9. Before imposing any disciplinary penalty on the Director-General or waiving his or her immunity, the Commission shall consult the Supervisory Committee.’;

(18) Article 19 is replaced by the following:

'Article 19

Evaluation report and possible revision

1. No later than five years after the date determined in accordance with the second subparagraph of Article 120(2) of Regulation (EU) 2017/1939, the Commission shall submit to the European Parliament and to the Council an evaluation report on the application and impact of this Regulation, in particular as regards the effectiveness and efficiency of the cooperation between the Office and the EPPO. That report shall be accompanied by an opinion of the Supervisory Committee.

2. No later than two years after the submission of the evaluation report pursuant to the first paragraph, the Commission shall, where appropriate, submit a legislative proposal to the European Parliament and to the Council to modernise the Office's framework, including additional or more detailed rules on the setting up of the Office, its functions or the procedures applicable to its activities, with particular regard to its cooperation with the EPPO, cross-border investigations and investigations in Member States not participating in the EPPO.'

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*.

However, Articles 12c to 12f of Regulation (EU, Euratom) No 883/2013, as inserted by point (13) of Article 1 of this Regulation, shall apply from a date to be determined in accordance with the second subparagraph of Article 120(2) of Regulation (EU) 2017/1939.

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

Done at Brussels, 23 December 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
M. ROTH

REGULATION (EU) 2020/2224 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 23 December 2020****on common rules ensuring basic road freight and road passenger connectivity following the end of the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

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

After consulting the European Economic and Social Committee,

After consulting the Committee of the Regions,

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

Whereas:

- (1) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽²⁾ (the 'Withdrawal Agreement') was concluded by the Union by means of Council Decision (EU) 2020/135 ⁽³⁾ and entered into force on 1 February 2020. The transition period referred to in Article 126 of the Withdrawal Agreement, during which Union law continues to apply to and in the United Kingdom of Great Britain and Northern Ireland (United Kingdom) in accordance with Article 127 of the Withdrawal Agreement, ends on 31 December 2020. On 25 February 2020, the Council adopted Decision (EU, Euratom) 2020/266 ⁽⁴⁾ authorising the opening of negotiations with the United Kingdom for a new partnership agreement. As implied by the negotiation directives, the authorisation covers inter alia the elements needed to address comprehensively the road transport relationship with the United Kingdom after the end of the transition period. However, it is uncertain whether an agreement between the Union and the United Kingdom governing their future relationship in the area of the transport of goods and passengers by road will have entered into force by the end of that period.
- (2) At the end of the transition period, and in the absence of any special provision, all rights and obligations ensuing from Union law in respect of market access, as established by Regulations (EC) No 1072/2009 ⁽⁵⁾ and (EC) No 1073/2009 ⁽⁶⁾ of the European Parliament and of the Council will end, insofar as the relationship between the United Kingdom and the Union and its Member States is concerned.
- (3) In such a situation, the international transport of goods and passengers by road between the Union and the United Kingdom would be severely disrupted.

⁽¹⁾ Position of the European Parliament of 18 December 2020 (not yet published in the Official Journal) and decision of the Council of 22 December 2020.

⁽²⁾ OJ L 29, 31.1.2020, p. 7.

⁽³⁾ Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 1).

⁽⁴⁾ Council Decision (EU, Euratom) 2020/266 of 25 February 2020 authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for a new partnership agreement (OJ L 58, 27.2.2020, p. 53).

⁽⁵⁾ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

⁽⁶⁾ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88).

- (4) Gibraltar is not included in the territorial scope of this Regulation and any reference to the United Kingdom therein does not include Gibraltar.
- (5) The multilateral quota system of the European Conference of Ministers of Transport (ECMT) is the only other available legal framework that could provide a basis for the carriage of goods by road between the Union and the United Kingdom. However, due to the limited number of permits currently available under the ECMT system and its limited scope as regards the types of road transport operations covered, the system is currently inadequate to fully address the road freight transport needs between the Union and the United Kingdom.
- (6) Serious disruptions are also expected to occur, including in respect of public order, in the context of road passenger transport services. The Agreement on the international, occasional carriage of passengers by coach and bus ⁽⁷⁾ (the 'Interbus Agreement') is the only available legal framework that could provide a basis for the carriage of passengers by bus and coach between the Union and the United Kingdom after the end of the transition period. The United Kingdom will become a Contracting Party in its own right to the Interbus Agreement on 1 January 2021. However, the Interbus Agreement covers only occasional services and is, therefore, inadequate to address the disruptions related to international coach and bus services between the United Kingdom and the Union resulting from the end of the transition period. A Protocol to the Interbus Agreement regarding the international regular and special regular carriage of passengers by coach and bus was negotiated and the United Kingdom is expected to ratify it as soon as possible. However, it is not expected that the Protocol will enter into force in time to offer a viable alternative solution for the period immediately after the end of the transition period. Therefore, the available instruments do not meet the needs of regular and special regular passenger transport services by bus and coach between the Union and the United Kingdom.
- (7) In order to prevent ensuing serious disruptions, including in respect of public order, it is therefore necessary to establish a temporary set of measures enabling road haulage operators and coach and bus service operators licensed in the United Kingdom to carry goods and passengers by road between the United Kingdom and the Union, or from the territory of the United Kingdom to the territory of the United Kingdom transiting one or more Member States. In order to ensure a proper equilibrium between the United Kingdom and the Union, the rights thus conferred should be conditional upon the conferral of equivalent rights and be subject to certain conditions ensuring fair competition.
- (8) The right to carry out transport operations within the territory of a Member State and between Member States is a fundamental achievement of the internal market and should, after the end of the transition period and in the absence of any special provision to the contrary, no longer be available to United Kingdom road haulage operators. However, in the immediate aftermath of the transition period and in the absence of a future agreement governing the carriage of goods by road between the Union and the United Kingdom, disruptions to traffic flows and ensuing threats to public order are likely to occur in particular at the border crossing points which are few in number and where additional controls of vehicles and their cargo are to be carried out. Increased congestion at border crossing points with the United Kingdom already occurred before the end of the transition period. The crisis linked to the COVID-19 pandemic also had negative effects on road transport, with an increase of empty loads, a trend which might be exacerbated if there is no flexibility allowing United Kingdom road haulage operators to carry out, even to a very limited extent, operations within the Union for a strictly limited period of time. Such disruptions could lead to situations with a negative impact on critical supply chains which are deemed to be necessary to manage the ongoing COVID-19 pandemic. To reduce the extent of such disruptions, United Kingdom road haulage operators should temporarily be allowed to perform a limited number of additional operations within the territory of the Union in the context of operations between the United Kingdom and the Union. Their vehicles would then not have to return to the United Kingdom immediately and would be less likely to be empty when returning to the United Kingdom, which would reduce the overall number of vehicles and hence the pressure at the border crossing points. The right to perform such additional operations should be proportionate, should not replicate the same level of rights as those enjoyed by Union road haulage operators under the rules of the internal market and should be progressively phased out.

⁽⁷⁾ OJ L 321, 26.11.2002, p. 13.

- (9) Cross-border coach and bus services between Ireland and Northern Ireland are of particular importance for the communities living in the border regions, with a view to ensuring basic connectivity between communities inter alia as part of the Common Travel Area. Therefore, the picking up and setting down of passengers by United Kingdom coach and bus service operators should continue to be authorised in the border regions of Ireland in the course of international passenger transport services by coach and bus between Ireland and Northern Ireland.
- (10) In order to reflect their temporary character, while not setting a precedent, the set of measures provided for in this Regulation should apply for a short period. In respect of road haulage operations, that short period is designed to enable possible arrangements for basic connectivity to be made in the ECMT system, and is without prejudice to the entry into force of a future agreement governing the carriage of goods by road between the Union and the United Kingdom and future Union rules on transport. As far as passenger transport by bus and coach is concerned, that short period is designed to enable the Protocol to the Interbus Agreement regarding the international regular and special regular carriage of passengers by coach and bus to enter into force and to apply to the United Kingdom, either by the United Kingdom's ratification of or accession to that Protocol, and is without prejudice to a possible future agreement on the matter between the Union and the United Kingdom.
- (11) Since the objective of this Regulation, namely to lay down provisional measures governing road freight and passenger transport between the Union and the United Kingdom in the event of the absence of an agreement governing their future relationship in the field of road transport at the end of the transition period, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (12) In view of the urgency entailed by the end of the transition period, it is considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the Treaty on the Functioning of the European Union (TFEU) and the Treaty establishing the European Atomic Energy Community.
- (13) This Regulation should enter into force as a matter of urgency and should apply from the day following the end of the transition period established by the Withdrawal Agreement unless an agreement governing road transport concluded with the United Kingdom has entered into force, or as the case may be, provisionally applies by that date. This Regulation should apply until the day before the entry into force or until the day before the provisional application of an international agreement governing road transport for both Parties. With the exception of the specific provisions applying in the border region of Ireland in the course of international regular and special regular services between Ireland and Northern Ireland, the right to conduct regular and special regular coach and bus services should cease to apply on the date of entry into force for the Union and for the United Kingdom of the Protocol to the Interbus agreement regarding the international regular and special regular carriage of passengers by coach and bus. This Regulation should in any event cease to apply on 30 June 2021.
- (14) Where necessary to address market needs, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of restoring the equivalence of rights granted by the Union to United Kingdom road haulage operators and to United Kingdom coach and bus service operators with those granted by the United Kingdom to Union road haulage operators and to Union coach and bus service operators, including where the rights granted by the United Kingdom are granted on the basis of the Member State of origin or otherwise are not equally available to all Union operators, and in respect of remedying occurrences of unfair competition that are to the detriment of Union road haulage operators and Union coach and bus service operators.

- (15) Those delegated acts should comply with the principle of proportionality, and their terms should therefore be commensurate with the problems arising as a result of the failure to grant equivalent rights or as a result of unfair conditions of competition. Suspension of the application of this Regulation should be envisaged by the Commission only in the most severe cases, where no equivalent rights are granted to Union road haulage operators or to Union coach and bus service operators by the United Kingdom, or where the rights so granted are minimal, or where the conditions of competition for United Kingdom road haulage operators or United Kingdom coach and bus service operators differ so much from those of Union operators that the provision of the services in question by Union operators is, for them, not economically viable.
- (16) When adopting those delegated acts, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽⁸⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. The Commission should ensure that any such delegated acts adopted do not unduly affect the proper functioning of the internal market.
- (17) To ensure that rights granted by the United Kingdom to Union road haulage operators and to Union coach and bus service operators equivalent to those granted by this Regulation to United Kingdom road haulage operators and United Kingdom coach and bus service operators are equally available to all Union operators, the scope of Regulations (EC) No 1072/2009 and (EC) No 1073/2009 should be temporarily extended. Those Regulations already cover the part of a journey between a Member State and a third country on the territory of any Member State crossed in transit. It is, however, necessary to ensure, in such cases, that Regulation (EC) No 1072/2009 also applies to the part of the journey on the territory of the Member State of loading or unloading, and that Regulation (EC) No 1073/2009 applies to the part of the journey on the territory of the Member State of picking up or setting down passengers. Such an extension aims to ensure that Union operators can perform cross-trade operations to or from the United Kingdom, as well as additional stops in their operation of passenger transport,

HAVE ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down temporary measures governing the carriage of goods by road, as well as the provision of regular and special regular passenger transport services by coach and bus between the Union and the United Kingdom following the end of the transition period referred to in Article 126 of the Withdrawal Agreement.

Article 2

Definitions

For the purposes of this Regulation the following definitions apply:

⁽⁸⁾ OJ L 123, 12.5.2016, p. 1.

- (1) 'vehicle' means:
- (a) in respect of carriage of goods, a motor vehicle registered in the United Kingdom, or a coupled combination of vehicles the motor vehicle of which at least is registered in the United Kingdom, used exclusively for the carriage of goods, either owned by the undertaking, having been bought by it on deferred terms or having been hired, provided that, in the latter case, it meets the conditions set out in Directive 2006/1/EC of the European Parliament and of the Council ⁽⁹⁾;
 - (b) in respect of the transport of passengers, a bus or coach;
- (2) 'permitted carriage of goods' means:
- (a) a laden journey undertaken by a vehicle from the territory of the Union to the territory of the United Kingdom, or vice versa, with or without transit through one or more Member States or third countries;
 - (b) following a laden journey from the territory of the United Kingdom to the territory of the Union, as referred to in point (a) of this point, the performance within seven days of the unloading within the territory of the Union of up to two additional operations of loading and unloading within the territory of the Union for a period of two months from the first day of application of this Regulation as referred to in the first subparagraph of Article 12(2), and one operation within seven days of the unloading within the territory of the Union, during the following three months;
 - (c) a laden journey undertaken by a vehicle from the territory of the United Kingdom to the territory of the United Kingdom with transit through the territory of the Union;
 - (d) an unladen journey in conjunction with the carriage referred to in points (a) and (c);
- (3) 'permitted carriage of passengers by coach and bus' means:
- (a) a journey undertaken by a bus or coach to provide passenger transport from the territory of the Union to the territory of the United Kingdom, or vice versa, with or without transit through one or more Member States or third countries;
 - (b) a journey undertaken by a bus or coach to provide passenger transport from the territory of the United Kingdom to the territory of the United Kingdom with transit through the territory of the Union;
 - (c) a journey without carrying passengers in conjunction with the carriage referred to in points (a) and (b);
 - (d) the picking up and setting down of passengers in the border region of Ireland in the course of international regular and special regular services between Ireland and Northern Ireland;
- (4) 'border region of Ireland' means the counties of Ireland adjoining the land border between Ireland and Northern Ireland;
- (5) 'Union road haulage operator' means an undertaking, engaged in the carriage of goods by road, that holds a valid Community licence, in accordance with Article 4 of Regulation (EC) No 1072/2009;
- (6) 'United Kingdom road haulage operator' means an undertaking established in the United Kingdom which is permitted to engage in the carriage of goods by road and holds a valid licence issued for the purposes of international carriage in respect of permitted carriage of goods;
- (7) 'United Kingdom licence' means, when issued to a United Kingdom road haulage operator, a licence issued by the United Kingdom for the purposes of international carriage in respect of permitted carriage of goods, and, when issued to a United Kingdom coach and bus service operator, a licence issued by the United Kingdom for the purposes of international carriage in respect of a permitted carriage of passengers by coach and bus;
- (8) 'bus or coach' means a vehicle registered in the United Kingdom, which is, by virtue of its construction and equipment, suitable and intended to carry more than nine passengers including the driver;
- (9) 'regular services' means services which provide for the carriage of passengers at specified intervals along specified routes, passengers being picked up and set down at predetermined stopping points;

⁽⁹⁾ Directive 2006/1/EC of the European Parliament and of the Council of 18 January 2006 on the use of vehicles hired without drivers for the carriage of goods by road (OJ L 33, 4.2.2006, p. 82).

- (10) 'special regular services' means regular services, regardless of who organises them, which provide for the carriage of specified categories of passengers, to the exclusion of other passengers;
- (11) 'Union coach and bus service operator' means an undertaking, engaged in the carriage of passengers by coach and bus, which holds a valid Community licence in accordance with Article 4 of Regulation (EC) No 1073/2009;
- (12) 'United Kingdom coach and bus service operator' means an undertaking established in the United Kingdom and which is permitted to engage in the carriage of passengers by coach and bus and holds a valid licence for the purposes of international carriage in respect of a permitted carriage of passengers by coach and bus;
- (13) 'operator' means either a road haulage operator or a coach and bus service operator;
- (14) 'competition law' means any law which addresses the following conduct, where it could affect road freight transport services or coach and bus services:
- (a) conduct that consists in:
 - (i) agreements between road haulage operators or coach and bus service operators, respectively, decisions by associations of road haulage operators or by coach and bus service operators, and concerted practices which have as their object or effect the prevention, restriction or distortion of competition;
 - (ii) abuses by one or more road haulage operators, or coach and bus service operators, of a dominant position;
 - (iii) measures taken or maintained in force by the United Kingdom in the case of public undertakings and undertakings to which the United Kingdom grant special or exclusive rights and which are contrary to point (i) or (ii);
 - (b) concentrations between road haulage operators or coach and bus service operators, respectively, which significantly impede effective competition, in particular as a result of the creation or strengthening of a dominant position;
- (15) 'subsidy' means any financial contribution granted to an operator by the government or any other public body at any level, conferring a benefit, and including:
- (a) the direct transfer of funds, such as grants, loans or equity infusion, the potential direct transfer of funds, and the assumption of liabilities, such as loan guarantees, capital injections, ownership, protection against bankruptcy or insurance;
 - (b) the foregoing or non-collection of revenue that is otherwise due;
 - (c) the provision of goods or services other than general infrastructure, or the purchase of goods or services;
 - (d) the making of payments to a funding mechanism or entrustment or direction to a private body to carry out one or more of the functions referred to in points (a), (b) and (c) which would normally be vested in the government or other public body and the practice in no real sense differs from practices normally followed by governments;
- No benefit is deemed to be conferred by a financial contribution made by a government or other public body if a private market operator solely driven by the prospect of profit, in the same situation as the public body in question, would have made the same financial contribution;
- (16) 'independent competition authority' means an authority which is in charge of the application and enforcement of competition law as well as the control of subsidies, and fulfils the following conditions:
- (a) the authority is operationally independent and is appropriately equipped with the resources necessary to carry out its tasks;
 - (b) in performing its duties and exercising its powers, the authority has the necessary guarantees of independence from political or other external influence and it acts impartially;
 - (c) the decisions of the authority are subject to judicial review;
- (17) 'discrimination' means differentiation of any kind without objective justification in respect of the supply of goods or services, including public services, employed for the operation of road freight transport services or of coach and bus services, or in respect of their treatment by public authorities relevant to such services;

- (18) 'territory of the Union' means the territory of the Member States to which the TEU and the TFEU apply and under the conditions laid down in those Treaties.

Article 3

Right to conduct permitted carriage of goods

1. United Kingdom road haulage operators may, under the conditions laid down in this Regulation, conduct permitted carriage of goods.
2. Permitted carriage of goods of the following kinds may be conducted by natural or legal persons established in the United Kingdom, without a United Kingdom licence being required:
 - (a) carriage of mail as a universal service;
 - (b) carriage of vehicles which have suffered damage or breakdown;
 - (c) carriage of goods in motor vehicles the permissible laden mass of which, including that of trailers, does not exceed 3,5 tonnes;
 - (d) carriage of medicinal products, appliances, equipment and other articles required for medical care in emergency relief, in particular for natural disasters;
 - (e) carriage of goods provided that:
 - (i) the goods carried are the property of the undertaking or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the undertaking;
 - (ii) the purpose of the journey is to carry the goods to or from the undertaking or to move them, either inside or outside the undertaking for its own requirements;
 - (iii) motor vehicles used for such carriage are driven by personnel employed by, or put at the disposal of, the undertaking under a contractual obligation;
 - (iv) the vehicles carrying the goods are owned by the undertaking, have been bought by it on deferred terms or have been hired, provided that, in the last case, they meet the conditions set out in Directive 2006/1/EC; and
 - (v) such carriage is no more than ancillary to the overall activities of the undertaking.

Article 4

Right to conduct regular and special regular coach and bus services

1. United Kingdom coach and bus service operators may, under the conditions laid down in this Regulation, conduct permitted carriage of passengers by coach and bus constituting regular and special regular services.
2. United Kingdom coach and bus service operators shall be in possession of an authorisation issued prior to the date of application of this Regulation in accordance with Articles 6 to 11 of Regulation (EC) No 1073/2009 to conduct permitted regular and special regular coach and bus services for hire and reward.
3. The authorisations that remain valid under paragraph 2 of this Article may continue to be used for the purposes specified in paragraph 1 of this Article if they have been renewed under the same terms and conditions, or altered only in terms of stops, fares or schedule, and subject to the rules and procedures of Articles 6 to 11 of Regulation (EC) No 1073/2009 for a period of validity not extending beyond 30 June 2021.

4. Permitted carriage of passengers by coach and bus carried out by natural or legal persons established in the United Kingdom for non-commercial and non-profit-making purposes may be conducted without a licence being required, where:

- (a) the transport activity is only an ancillary activity for that natural or legal person; and
- (b) the vehicles used are the property of that natural or legal person or have been obtained by that person on deferred terms or have been the subject of a long-term leasing contract, and are driven by a member of the staff of the natural or legal person, by the natural person himself, or by personnel employed by the undertaking or put at its disposal under a contractual obligation.

Those transport operations shall be exempt from any system of authorisation within the Union, provided that the person carrying out the activity is in possession of a national authorisation issued prior to the first day of application of this Regulation as referred to in the first subparagraph of Article 12(2) of this Regulation in accordance with Article 3(2) of Regulation (EC) No 1073/2009.

5. A change of vehicle, or an interruption of carriage to enable part of a journey to be made by another means of transport, shall not affect the application of this Regulation.

Article 5

Bilateral agreements or arrangements

The Member States shall neither negotiate nor enter into any bilateral agreements or arrangements with the United Kingdom on matters falling within the scope of this Regulation.

Without prejudice to existing multilateral arrangements, they shall not otherwise grant United Kingdom road haulage operators or United Kingdom coach and bus service operators any rights other than those granted in this Regulation.

Article 6

Social and technical rules

In the course of a permitted carriage of goods or passengers by coach and bus in accordance with this Regulation, the following rules shall be complied with:

- (a) in respect of mobile workers and self-employed drivers, the requirements laid down by Member States in accordance with Directive 2002/15/EC of the European Parliament and of the Council ⁽¹⁰⁾;
- (b) in respect of certain social legislation relating to road transport, the requirements set out in Regulation (EC) No 561/2006 of the European Parliament and of the Council ⁽¹¹⁾;
- (c) in respect of tachographs in road transport, the requirements set out in Regulation (EU) No 165/2014 of the European Parliament and of the Council ⁽¹²⁾;
- (d) in respect of drivers' initial qualification and periodic training, the requirements laid down by Member States in accordance with Directive 2003/59/EC of the European Parliament and of the Council ⁽¹³⁾;

⁽¹⁰⁾ Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

⁽¹¹⁾ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

⁽¹²⁾ Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

⁽¹³⁾ Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).

- (e) in respect of the maximum authorised dimensions and weights of certain road vehicles, the requirements laid down by Member States in accordance with Council Directive 96/53/EC ⁽¹⁴⁾;
- (f) in respect of the installation and use of speed limitation devices for certain categories of motor vehicles, the requirements laid down by Member States in accordance with Council Directive 92/6/EEC ⁽¹⁵⁾;
- (g) in respect of the compulsory use of safety belts and child restraint systems in vehicles, the requirements laid down by Member States in accordance with Council Directive 91/671/EEC ⁽¹⁶⁾;
- (h) in respect of the posting of workers, the requirements laid down by Member States in accordance with Directive 96/71/EC of the European Parliament and of the Council ⁽¹⁷⁾;
- (i) in respect of passenger rights, the requirements set out in Regulation (EU) No 181/2011 of the European Parliament and of the Council ⁽¹⁸⁾.

Article 7

Equivalence of rights

1. The Commission shall monitor the rights granted by the United Kingdom to Union road haulage operators and to Union coach and bus service operators and the conditions for their exercise.
2. Where the Commission determines that the rights granted by the United Kingdom to Union road haulage operators or to Union coach and bus service operators are not, *de jure* or *de facto*, equivalent to those granted to United Kingdom operators under this Regulation, or that those rights are not equally available to all Union road haulage operators or to all Union coach and bus service operators, it shall, without delay and in order to restore equivalence, adopt delegated acts in accordance with Article 11 to:
 - (a) suspend the application of Article 3 or Article 4(1) to (4) where no equivalent rights are granted to Union operators, or where the rights granted are minimal;
 - (b) establish limits to the allowable capacity available to United Kingdom road haulage operators, or United Kingdom coach and bus service operators, or to the number of journeys, or to both; or
 - (c) adopt operational restrictions related to the types of vehicles or conditions of circulation.

Article 8

Fair competition

1. The Commission shall monitor the conditions under which Union operators compete with United Kingdom operators for the provision of road freight transport services and coach and bus services covered by this Regulation.

⁽¹⁴⁾ Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235, 17.9.1996, p. 59).

⁽¹⁵⁾ Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27).

⁽¹⁶⁾ Council Directive 91/671/EEC of 16 December 1991 relating to the compulsory use of safety belts and child-restraint systems in vehicles (OJ L 373, 31.12.1991, p. 26).

⁽¹⁷⁾ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

⁽¹⁸⁾ Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).

2. Where the Commission determines that, as a result of any of the situations referred to in paragraph 3 of this Article, the conditions referred to in paragraph 1 of this Article are appreciably less favourable than those enjoyed by United Kingdom operators, it shall, without delay and in order to remedy that situation, adopt delegated acts in accordance with Article 11 to:

- (a) suspend the application of Article 3 or Article 4(1) to (4) where the conditions of competition for United Kingdom road haulage operators, or United Kingdom bus and coach service operators, differ so much from those applying to Union operators that the provision of services by the latter is not economically viable for them;
- (b) establish limits to the allowable capacity available to United Kingdom road haulage operators, or United Kingdom bus and coach service operators, or to the number of journeys, or to both; or
- (c) adopt operational restrictions related to the types of vehicles or conditions of circulation.

3. The delegated acts referred to in paragraph 2 shall, under the conditions specified in that paragraph, be adopted to remedy the following situations:

- (a) the granting of subsidies by the United Kingdom;
- (b) failure by the United Kingdom to have in place or to effectively apply competition law;
- (c) failure by the United Kingdom to establish or maintain an independent competition authority;
- (d) the application by the United Kingdom of standards on the protection of workers, safety, security or the environment which are inferior to those laid down in Union law or, in the absence of relevant provisions in Union law, inferior to those applied by all Member States or, in any event, inferior to relevant international standards;
- (e) the application by the United Kingdom of standards relating to the granting of United Kingdom licences to road haulage operators or to coach and bus service operators which are inferior to those laid down in Regulation (EC) No 1071/2009 of the European Parliament and of the Council ⁽¹⁹⁾;
- (f) the application by the United Kingdom of standards relating to the qualification and training of professional drivers which are inferior to those laid down in Directive 2003/59/EC;
- (g) the application by the United Kingdom of road charging and taxation rules that diverge from the rules laid down in Directive 1999/62/EC of the European Parliament and of the Council ⁽²⁰⁾; and
- (h) any form of discrimination against Union operators.

4. For the purposes of paragraph 1, the Commission may request information from the competent authorities of the United Kingdom or from United Kingdom operators. Where they do not provide the information requested within the reasonable period prescribed by the Commission, or provide incomplete information, the Commission may proceed in accordance with paragraph 2.

Article 9

Extension of Regulations (EC) No 1072/2009 and (EC) No 1073/2009

1. In the context of the carriage of goods between the territory of the Union and the territory of the United Kingdom undertaken by a Union road haulage operator that relies on rights granted by the United Kingdom, as referred to in Article 7 of this Regulation, equivalent to those granted under this Regulation, Regulation (EC) No 1072/2009 shall apply to the part of the journey on the territory of the Member State of loading or unloading.

⁽¹⁹⁾ Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

⁽²⁰⁾ Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187, 20.7.1999, p. 42).

2. In the context of the carriage of passengers between the territory of the Union and the territory of the United Kingdom undertaken by a Union coach and bus service operator that relies on rights granted by the United Kingdom, as referred to in Article 7 of this Regulation, equivalent to those granted under this Regulation, Regulation (EC) No 1073/2009 shall apply to the part of the journey on the territory of the Member State of picking up or setting down.

Article 10

Consultation and cooperation

1. The competent authorities of the Member States shall consult and cooperate with the competent authorities of the United Kingdom as necessary in order to ensure the implementation of this Regulation.
2. Member States shall, upon request, provide the Commission, without undue delay, with any information obtained pursuant to paragraph 1 of this Article or with any other information relevant for the implementation of Articles 7 and 8.

Article 11

Exercise of the delegation

1. The power to adopt delegated acts referred to in Articles 7(2) and 8(2) shall be conferred on the Commission until 30 June 2021.
2. Before adopting a delegated act under Article 7(2) or 8(2), the Commission shall consult experts designated by each Member State in line with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
3. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Article 12

Entry into force and application

1. This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.
2. This Regulation shall apply from the day following that on which Union law ceases to apply to and in the United Kingdom pursuant to Articles 126 and 127 of the Withdrawal Agreement.

However, it shall not apply if an international agreement governing road transport, concluded between the Union and the United Kingdom, has entered into force, or as the case may be, provisionally applies by that date.

3. This Regulation shall apply until the day before the entry into force, or as the case may be, until the day before the provisional application, of an international agreement governing road transport, concluded between the Union and the United Kingdom.

With the exception of the carriage of passengers by coach and bus referred to in point (3)(d) of Article 2, the provisions of this Regulation applying to the carriage of passengers by coach and bus shall cease to apply on the date of entry into force for the Union and for the United Kingdom of the Protocol to the Interbus agreement regarding the international regular and special regular carriage of passengers by coach and bus.

4. This Regulation shall in any case cease to apply at the latest on 30 June 2021.

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

Done at Brussels, 23 December 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
M. ROTH

REGULATION (EU) 2020/2225 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 23 December 2020****on common rules ensuring basic air connectivity following the end of the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

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

After consulting the European Economic and Social Committee,

After consulting the Committee of the Regions,

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

Whereas:

- (1) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽²⁾ (the 'Withdrawal Agreement') was concluded by the Union by means of Council Decision (EU) 2020/135 ⁽³⁾ and entered into force on 1 February 2020. The transition period provided for in Article 126 of the Withdrawal Agreement (the 'transition period'), during which Union law continues to apply to and in the United Kingdom of Great Britain and Northern Ireland (United Kingdom) in accordance with Article 127 of the Withdrawal Agreement, ends on 31 December 2020. On 25 February 2020 the Council adopted Decision (EU, Euratom) 2020/266 ⁽⁴⁾, which authorised the opening of negotiations with the United Kingdom for a new partnership agreement. As implied by the negotiation directives, the authorisation covers, inter alia, the elements needed to address comprehensively the aviation relationship with the United Kingdom after the end of the transition period. However, it is uncertain whether an agreement between the Union and the United Kingdom governing their future relationship in this area will have entered into force by the end of that period.
- (2) Regulation (EC) No 1008/2008 of the European Parliament and of the Council ⁽⁵⁾ sets out the conditions for the granting of the Union operating licence to air carriers and establishes the freedom to provide intra-EU air services.
- (3) At the end of the transition period and in the absence of any special provisions, all rights and obligations ensuing from Union law in respect of market access as established by Regulation (EC) No 1008/2008 will end, insofar as the relationship between the United Kingdom and the Member States is concerned.

⁽¹⁾ Position of the European Parliament of 18 December 2020 (not yet published in the Official Journal) and decision of the Council of 22 December 2020.

⁽²⁾ OJ L 29, 31.1.2020, p. 7.

⁽³⁾ Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 1).

⁽⁴⁾ Council Decision (EU, Euratom) 2020/266 of 25 February 2020 authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for a new partnership agreement (OJ L 58, 27.2.2020, p. 53).

⁽⁵⁾ Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3).

- (4) It is therefore necessary to establish a temporary set of measures enabling carriers licensed in the United Kingdom to provide air transport services between the territory of the latter and the territory of the Member States. In order to ensure a proper equilibrium between the United Kingdom and the Member States, the rights thus conferred should be conditional upon the conferral of equivalent rights by the United Kingdom to air carriers licensed in the Union and be subject to certain conditions ensuring fair competition.
- (5) The crisis arising from the COVID-19 pandemic poses significant logistical challenges to the Member States, in particular as regards the capacity to transport significant volumes of medicines, vaccines and medical equipment to and from third countries at short notice and under particularly demanding storage and logistical conditions. It is necessary to ensure that sufficient air transport capacity is made available and additional exceptional flexibility is provided for to the Member States for that purpose, including the possibility to rely on third-country aircraft. Additional elements of all-cargo fifth freedom traffic rights strictly limited to carrying out that kind of operation on an ad hoc basis should therefore be granted so that use can be made of UK air carriers in such exceptional circumstances. Member States should also be able to authorise additional rights for the provision of air ambulance services.
- (6) In order to reflect its temporary character, this Regulation should apply until 30 June 2021, or until the entry into force or, where stipulated, provisional application of a future agreement covering the provision of air services with the United Kingdom to which the Union is a party, negotiated by the Commission in accordance with Article 218 of the Treaty on the Functioning of the European Union (TFEU), whichever is earlier.
- (7) In order to maintain mutually beneficial levels of connectivity, certain cooperative marketing arrangements should be provided for in respect of both UK air carriers and Union air carriers, in line with the principle of reciprocity.
- (8) In view of the exceptional and unique circumstances that necessitate the adoption of this Regulation and in accordance with the Treaties, it is appropriate for the Union to exercise temporarily the relevant shared competence conferred upon it by the Treaties. However, any effect of this Regulation on the division of competences between the Union and the Member States should be strictly limited in time. The competence exercised by the Union should therefore only be exercised with respect to the period of application of this Regulation. Accordingly, the shared competence thus exercised will cease to be exercised by the Union as soon as this Regulation ceases to apply. In accordance with Article 2(2) TFEU, Member States will therefore, as of that moment, be in the same situation with regard to exercising their competence as they would have been had the Regulation not been adopted. Furthermore, it is recalled that, as set out in Protocol No 25 on the exercise of shared competence annexed to the Treaty on European Union (TEU) and the TFEU, the scope of the exercise of the competence of the Union in this Regulation covers only those elements governed by this Regulation and does not cover the whole area. The respective competences of the Union and of the Member States with respect to the conclusion of international agreements in the area of air transport are to be determined in accordance with the Treaties and taking into account relevant Union law, including Decision (EU, Euratom) 2020/266 authorising the opening of negotiations with the United Kingdom.
- (9) This Regulation should not prevent Member States from issuing authorisations for the operation of scheduled air services by Union air carriers in the exercise of rights granted to them by the United Kingdom, similarly to situations occurring in the context of international agreements. In respect of those authorisations, Member States should not discriminate between Union air carriers.
- (10) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the adoption of measures to guarantee a fair degree of reciprocity between the rights unilaterally granted by the Union and the United Kingdom to each other's air carriers, and to ensure that Union air carriers can compete with UK air carriers under fair conditions in the provision of air services. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽⁶⁾. Given their potential impact on the air connectivity of the Member States, the examination

⁽⁶⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

procedure should be used for the adoption of those measures. The Commission should adopt immediately applicable implementing acts where, in duly justified cases, imperative grounds of urgency so require. Such duly justified cases could relate to situations where the United Kingdom fails to grant equivalent rights to Union air carriers and thereby causes a manifest imbalance, or where less favourable conditions of competition than those enjoyed by UK air carriers in the provision of air transport services covered by this Regulation threaten the economic viability of Union air carriers.

- (11) Since the objective of this Regulation, namely to lay down provisional measures governing air transport between the Union and the United Kingdom in the event of the absence of an agreement governing their future relationship in the field of aviation at the end of the transition period, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (12) In view of the urgency entailed by the end of the transition period, it was considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, the TFEU and the Treaty establishing the European Atomic Energy Community.
- (13) The territorial scope of this Regulation and any reference to the United Kingdom therein does not include Gibraltar.
- (14) This Regulation is without prejudice to the legal position of the Kingdom of Spain with regard to the sovereignty over the territory in which the airport of Gibraltar is situated.
- (15) The provisions of this Regulation should enter into force as a matter of urgency and should apply, in principle, from the day following the end of the transition period unless an agreement governing the future relationship between the Union and the United Kingdom in the field of aviation has entered into force, or as the case may be, provisionally applies by that date. However, in order to allow for the necessary administrative procedures to be conducted as early as possible, certain provisions should apply as from the entry into force of this Regulation,

HAVE ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down a temporary set of measures governing air transport between the Union and the United Kingdom following the expiry of the transition period provided for in Article 126 of the Withdrawal Agreement.

Article 2

Exercise of competence

1. The exercise of Union competence pursuant to this Regulation shall be limited to the period of application of this Regulation as defined in Article 15(4). After the end of that period, the Union shall immediately cease to exercise that competence pursuant to this Regulation and the Member States shall be in the same position with regard to the exercise of their competence in accordance with Article 2(2) TFEU as they would have been had the Regulation not been adopted.
2. The exercise of Union competence pursuant to this Regulation shall be without prejudice to the competence of the Member States concerning traffic rights in any ongoing or future negotiations, signature, or conclusion of international agreements related to air services with any other third country, and with the United Kingdom with respect to the period after this Regulation has ceased to apply.

3. The exercise of competence by the Union as referred to in paragraph 1 only covers the elements governed by this Regulation.

4. This Regulation is without prejudice to the respective competences of the Union and the Member States in the area of air transport with regard to elements other than those governed by this Regulation. It is also without prejudice to Decision (EU, Euratom) 2020/266 authorising the opening of negotiations with the United Kingdom for a new partnership agreement.

Article 3

Definitions

For the purposes of this Regulation the following definitions apply:

- (1) 'air transport' means the carriage by aircraft of passengers, baggage, cargo, and mail, separately or in combination, held out to the public for remuneration or hire, including scheduled and non-scheduled air services;
- (2) 'international air transport' means air transport that passes through the airspace over the territory of more than one State;
- (3) 'Union air carrier' means an air carrier with a valid operating licence granted by a competent licensing authority in accordance with Chapter II of Regulation (EC) No 1008/2008;
- (4) 'UK air carrier' means an air carrier which:
 - (a) has its principal place of business in the United Kingdom; and
 - (b) fulfils one of the following two conditions:
 - (i) the United Kingdom and/or nationals of the United Kingdom own more than 50 % of the undertaking and effectively control it, whether directly or indirectly through one or more intermediate undertakings; or
 - (ii) Union Member States and/or nationals of Union Member States and/or other Member States of the European Economic Area and/or nationals of such States, in any combination, whether alone or together with the United Kingdom and/or nationals of the United Kingdom, own more than 50 % of the undertaking and effectively control it, whether directly or indirectly through one or more intermediate undertakings;
 - (c) in the case referred to in point (b)(ii), held a valid operating licence in accordance with Regulation (EC) No 1008/2008 on the day before the first day of application of this Regulation as referred to in the first subparagraph of Article 15(2);
- (5) 'effective control' means a relationship constituted by rights, contracts or any other means which, either separately or jointly and having regard to the considerations of fact or law involved, confer the possibility of directly or indirectly exercising a decisive influence on an undertaking, in particular by:
 - (a) the right to use all or part of the assets of an undertaking;
 - (b) rights or contracts which confer a decisive influence on the composition, voting or decisions of the bodies of an undertaking or otherwise confer a decisive influence on the running of the business of the undertaking;
- (6) 'competition law' means law which addresses the following conduct, where it may affect air transport services:
 - (a) conduct that consists of:
 - (i) agreements between air carriers, decisions by associations of air carriers and concerted practices which have as their object or effect the prevention, restriction or distortion of competition;
 - (ii) abuses by one or more air carriers of a dominant position;
 - (iii) measures taken or maintained in force by the United Kingdom in the case of public undertakings and undertakings to which the United Kingdom grants special or exclusive rights and which are contrary to point (i) or (ii);
 - (b) concentrations between air carriers which significantly impede effective competition, in particular as a result of the creation or strengthening of a dominant position;

- (7) 'subsidy' means any financial contribution granted to an air carrier or an airport by the government or any other public body at any level, conferring a benefit, and including:
- (a) the direct transfer of funds, such as grants, loans or equity infusion, the potential direct transfer of funds, or the assumption of liabilities, such as loan guarantees, capital injections, ownership, protection against bankruptcy or insurance;
 - (b) the foregoing or non-collection of revenue that is otherwise due;
 - (c) the provision of goods or services other than general infrastructure, or the purchase of goods or services;
 - (d) the making of payments to a funding mechanism or entrustment or direction to a private body to carry out one or more of the functions mentioned under points (a), (b) and (c) which would normally be vested in the government or other public body and the practice in no real sense differs from practices normally followed by governments;

No benefit is deemed to be conferred by a financial contribution carried out by a government or other public body if a private market operator solely driven by profitability prospects, in the same situation as the public body in question, would have carried out the same financial contribution;

- (8) 'independent competition authority' means an authority which is in charge of the application and enforcement of competition law, as well as the control of subsidies, and fulfils the following conditions:
- (a) the authority is operationally independent and is appropriately equipped with the resources necessary to carry out its tasks;
 - (b) in performing its duties and exercising its powers, the authority has the necessary guarantees of independence from political or other external influence and acts impartially; and
 - (c) the decisions of the authority are subject to judicial review;
- (9) 'discrimination' means differentiation of any kind without objective justification in respect of the supply of goods or services, including public services, employed for the operation of air transport services, or in respect of their treatment by public authorities relevant to such services;
- (10) 'scheduled air transport service' means a series of flights possessing the following characteristics:
- (a) on each flight seats and/or capacity to transport cargo and/or mail are available for individual purchase by the public (either directly from the air carrier or from its authorised agents);
 - (b) it is operated so as to serve traffic between the same two or more airports, either:
 - (i) according to a published timetable; or
 - (ii) with flights so regular or frequent that they constitute a recognisably systematic series;
- (11) 'non-scheduled air transport service' means a commercial air transport service performed other than as a scheduled air service;
- (12) 'territory of the Union' means the land territory, internal waters and territorial sea of the Member States to which the TEU and the TFEU apply and under the conditions laid down in those Treaties, and the air space above them;
- (13) 'territory of the United Kingdom' means the land territory, internal waters and territorial sea of the United Kingdom and the air space above them;
- (14) 'Chicago Convention' means the Convention on International Civil Aviation, signed in Chicago on 7 December 1944.

*Article 4***Traffic rights**

1. UK air carriers may, under the conditions laid down in this Regulation:
 - (a) fly across the territory of the Union without landing;
 - (b) make stops in the territory of the Union for non-traffic purposes, within the meaning of the Chicago Convention;
 - (c) perform scheduled and non-scheduled international air transport services for passengers, combination of passengers and cargo and all-cargo services between any pair of points of which one is situated in the territory of the United Kingdom and the other one is situated in the territory of the Union.
2. The Member States shall neither negotiate nor enter into any bilateral agreements or arrangements with the United Kingdom on matters falling within the scope of this Regulation with respect to the period during which this Regulation applies. With respect to that period, they shall not otherwise grant UK air carriers, in connection with air transport, any rights other than those granted by this Regulation.
3. Notwithstanding paragraph 2, the Member States may authorise, on an ad hoc basis and in accordance with their national law, the provision of the following in their territory by a UK air carrier:
 - (a) air ambulance services;
 - (b) all-cargo non-scheduled air transport services between points in their territory and points in a third country as part of a service with origin or destination in the United Kingdom to the extent necessary for the transport of medical equipment, vaccines and medicines provided that they do not constitute a disguised form of scheduled air services.

*Article 5***Cooperative marketing arrangements**

1. Air transport services in accordance with Article 4 may be provided by means of blocked-space or code-sharing arrangements, as follows:
 - (a) the UK air carrier may act as the marketing carrier, with any operating carrier that is a Union air carrier or a UK air carrier, or with any operating carrier of a third country which, under Union law or, as applicable, under the law of the Member State or Member States concerned, enjoys the necessary traffic rights as well as the right for its carriers to exercise those rights by means of the arrangement in question;
 - (b) the UK air carrier may act as the operating carrier, with any marketing carrier which is a Union air carrier or a UK air carrier, or with any marketing carrier of a third country which, under Union law or, as applicable, under the law of the Member State or Member States concerned, enjoys the necessary route rights as well as the right for its carriers to exercise those rights by means of the arrangement in question.
2. In no case shall the rights granted to UK air carriers under paragraph 1 be construed as conferring on air carriers of a third country any rights other than those that they enjoy under Union law or under the law of the Member State or Member States concerned.
3. Recourse to blocked-space or code-sharing arrangements, whether as an operating carrier or as a marketing carrier, shall not result in a UK air carrier exercising rights other than those provided for in Article 4(1).

However, the first subparagraph of this paragraph shall not be applied in such a way as to prevent UK carriers from providing air transport services between any pair of points of which one is situated in the territory of the Union and the other is situated in a third country, provided that the following conditions are fulfilled:

- (a) the UK carrier is acting as the marketing carrier under a blocked-space or a code-sharing arrangement with an operating carrier benefitting, under Union law or the law of the Member State or Member States concerned, from the necessary traffic rights as well as from the right to exercise those rights by means of the arrangement in question;

- (b) the air transport service in question forms part of a carriage by that UK carrier between a point in the territory of the United Kingdom and the relevant point in the territory of the third country concerned.

4. The Member States concerned shall require the arrangements referred to in this Article to be approved by their competent authorities for the purpose of verifying compliance with the conditions set out in this Article and with the applicable requirements in Union and national law, in particular as regards safety and security.

Article 6

Aircraft leasing

1. In exercising the rights provided for in Article 4(1), a UK air carrier may provide air transport services with its own aircraft and in all the following cases:

- (a) using aircraft leased without crew from any lessor;
- (b) using aircraft leased with crew from any other UK air carrier;
- (c) using aircraft leased with crew from air carriers of any country other than the United Kingdom, provided that the leasing is justified on the basis of exceptional needs, seasonal capacity needs or operational difficulties of the lessee and the leasing does not exceed the duration which is strictly necessary to fulfil those needs or overcome those difficulties.

2. The Member States concerned shall require the arrangements referred to in paragraph 1 to be approved by their competent authorities for the purpose of verifying compliance with the conditions set out therein and with the applicable requirements in Union and national law, in particular as regards safety and security.

Article 7

Equivalence of rights

1. The Commission shall monitor the rights granted by the United Kingdom to Union air carriers and the conditions for their exercise.

2. Where the Commission determines that the rights granted by the United Kingdom to Union air carriers are not, *de jure* or *de facto*, equivalent to those granted to UK air carriers under this Regulation, or that those rights are not equally available to all Union carriers, the Commission shall, without delay and in order to restore equivalence, adopt implementing acts to:

- (a) establish limits to the allowable capacity for scheduled air transport services available to UK air carriers and require the Member States to adapt the operating authorisations of UK air carriers, both existing and newly granted, accordingly;
- (b) require the Member States to refuse, suspend or revoke the said operating authorisations; or
- (c) impose financial duties or operational restrictions.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2). They shall be adopted in accordance with the urgency procedure referred to in Article 14(3) where, in duly justified cases of serious lack of equivalence for the purposes of this paragraph, imperative grounds of urgency so require.

Article 8

Fair competition

1. The Commission shall monitor the conditions under which Union air carriers and Union airports compete with UK air carriers and United Kingdom airports for the provision of air transport services covered by this Regulation.

2. Where it determines that, as a result of any of the situations referred to in paragraph 3, those conditions are appreciably less favourable than those enjoyed by UK air carriers, the Commission shall, without delay and in order to remedy that situation, adopt implementing acts to:

- (a) establish limits to the allowable capacity for scheduled air transport services available to UK air carriers and require the Member States to adapt the operating authorisations of UK air carriers, both existing and newly granted, accordingly;
- (b) require the Member States to refuse, suspend or revoke the said operating authorisations for some or all UK air carriers; or
- (c) impose financial duties or operational restrictions.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2). They shall be adopted in accordance with the urgency procedure referred to in Article 14(3) where, in duly justified cases of threat to the economic viability of one or more operations of Union air carriers, imperative grounds of urgency so require.

3. The implementing acts referred to in paragraph 2 shall, subject to the conditions specified in that paragraph, be adopted to remedy the following situations:

- (a) the granting of subsidies by the United Kingdom;
- (b) failure, by the United Kingdom to have in place or to effectively apply competition law;
- (c) failure by the United Kingdom to establish or maintain an independent competition authority;
- (d) the application by the United Kingdom of standards in the protection of workers, safety, security, the environment, or passenger rights, which are inferior to those laid down in Union law or, in the absence of relevant provisions in Union law, inferior to those applied by all Member States or, in any event, inferior to relevant international standards;
- (e) any form of discrimination against Union air carriers.

4. For the purposes of paragraph 1, the Commission may request information from the competent authorities of the United Kingdom, UK air carriers or United Kingdom airports. Where the competent authorities of the United Kingdom, the UK air carrier or United Kingdom airport do not provide the information requested within the reasonable period prescribed by the Commission, or provide incomplete information, the Commission may proceed in accordance with paragraph 2.

5. Regulation (EU) 2019/712 of the European Parliament and of the Council ⁽⁷⁾ shall not apply to matters falling within the scope of this Regulation.

Article 9

Operating authorisation

1. Without prejudice to Union and national law in the area of aviation safety, in order to exercise the rights granted to them under Article 4, UK air carriers shall be required to obtain an operating authorisation from each Member State in which they wish to operate.

2. On receipt of an application for an operating authorisation from a UK air carrier, the Member State concerned shall grant the appropriate operating authorisation without undue delay, provided that:

- (a) the applicant UK air carrier holds a valid operating licence in accordance with the legislation of the United Kingdom; and
- (b) effective regulatory control over the applicant UK air carrier is exercised and maintained by the United Kingdom, the competent authority is clearly identified and the UK air carrier holds an air operator certificate delivered by the said authority.

⁽⁷⁾ Regulation (EU) 2019/712 of the European Parliament and of the Council of 17 April 2019 on safeguarding competition in air transport, and repealing Regulation (EC) No 868/2004 (OJ L 123, 10.5.2019, p. 4).

3. Without prejudice to the need to allow for sufficient time for the carrying out of the necessary assessments, UK air carriers shall be entitled to submit their applications for operating authorisations from the day of entry into force of this Regulation. The Member States shall have the power to approve those applications as from that day, provided that the conditions for such approval are met. However, any authorisations thus granted shall take effect no earlier than on the first day of application of this Regulation as referred to in the first subparagraph of Article 15(2).

Article 10

Operational plans, programmes and schedules

1. UK air carriers shall submit the operational plans, programmes and schedules for air services to the competent authorities of each Member State concerned, for their approval. Any such submission shall be made at least 30 days prior to the start of the operations. Submissions regarding the provision of air services to take place in January 2021 shall be made at the earliest possible date before the start of the operations.

2. Subject to Article 9, the operational plans, programmes and schedules for the IATA season that is in progress on the first day of application of this Regulation, as referred to in the first subparagraph of Article 15(2), and those for the first season thereafter may be submitted and approved before that date.

3. This Regulation shall not prevent Member States from issuing authorisations for the operation of scheduled air services by Union carriers in the exercise of rights granted to them by the United Kingdom. In respect of those authorisations, Member States shall not discriminate between Union carriers.

Article 11

Refusal, revocation, suspension and limitation of authorisation

1. Member States shall refuse, or as the case may be, revoke or suspend the operating authorisation of a UK air carrier where:

- (a) the air carrier does not qualify as a UK air carrier under this Regulation; or
- (b) the conditions laid down in Article 9(2) are not complied with.

2. The Member States shall refuse, revoke, suspend, limit or impose conditions on the operating authorisation of a UK air carrier, or limit or impose conditions on its operations in any of the following circumstances:

- (a) the applicable safety and security requirements are not complied with;
- (b) the applicable requirements relating to the admission to, the operation within, or the departure from the territory of the Member State concerned of aircraft engaged in air transport are not complied with;
- (c) the applicable requirements relating to the admission to, operation within, or departure from the territory of the Member State concerned of passengers, crew, baggage, cargo, and/or mail on aircraft (including regulations relating to entry, clearance, immigration, passports, customs and quarantine, or in the case of mail, postal regulations) are not complied with.

3. The Member States shall refuse, revoke, suspend, limit or impose conditions on the operating authorisations of UK air carriers, or limit or impose conditions on their operations, where they are required to do so by the Commission in accordance with Article 7 or 8.

4. The Member States shall inform the Commission and the other Member States of any decisions to refuse or revoke the operating authorisation of a UK air carrier pursuant to paragraphs 1 and 2, without undue delay.

*Article 12***Certificates and licences**

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by the United Kingdom and still in force shall be recognised as valid by the Member States for the purpose of the operation of air transport services by UK air carriers under this Regulation, provided that such certificates or licences were issued or rendered valid pursuant to, and in conformity with, as a minimum, the relevant international standards established under the Chicago Convention.

*Article 13***Consultation and cooperation**

1. The Member States' competent authorities shall consult and cooperate with the competent authorities of the United Kingdom as necessary in order to ensure the implementation of this Regulation.
2. Member States shall, upon request, provide the Commission without undue delay with any information obtained pursuant to paragraph 1 of this Article or any other information relevant for the implementation of Articles 7 and 8.

*Article 14***Committee procedure**

1. The Commission shall be assisted by the Committee established by Regulation (EC) No 1008/2008. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

*Article 15***Entry into force and application**

1. This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from the day following that on which Union law ceases to apply to and in the United Kingdom pursuant to Articles 126 and 127 of the Withdrawal Agreement.

However, Articles 9(3) and 10(2) shall apply from the entry into force of this Regulation.

3. This Regulation shall not apply if an agreement governing comprehensively the provision of air transport with the United Kingdom to which the Union is a party has entered into force, or as the case may be, provisionally applies by the date referred to in the first subparagraph of paragraph 2.
4. This Regulation shall cease to apply on the earlier of the following dates:
 - (a) 30 June 2021;
 - (b) the date on which an agreement as referred to in paragraph 3 enters into force, or, as the case may be, the date from which it is provisionally applied.

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

Done at Brussels, 23 December 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
M. ROTH

REGULATION (EU) 2020/2226 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 23 December 2020****on certain aspects of aviation safety with regard to the end of the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

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

After consulting the European Economic and Social Committee,

After consulting the Committee of the Regions,

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

Whereas:

- (1) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽²⁾ (the 'Withdrawal Agreement') was concluded by the Union by means of Council Decision (EU) 2020/135 ⁽³⁾ and entered into force on 1 February 2020. The transition period provided for in Article 126 of the Withdrawal Agreement (the 'transition period'), during which Union law continues to apply to and in the United Kingdom of Great Britain and Northern Ireland (United Kingdom) in accordance with Article 127 of the Withdrawal agreement, ends on 31 December 2020.
- (2) The principal objective of Regulation (EU) 2018/1139 of the European Parliament and of the Council ⁽⁴⁾ is to establish and maintain a high and uniform level of aviation safety in the Union. For that purpose, a system of certificates has been established for various aviation activities, in order to achieve the required safety level and to enable the necessary verifications and the mutual acceptance of certificates issued.
- (3) In the area of aviation safety, the consequences of the end of the transition period for certificates and approvals without an agreement setting out the new aviation safety relationship between the Union and the United Kingdom can be addressed by many stakeholders through various measures. Those measures include the transfer to a civil aviation authority of one of the Member States and the application, before the end of the transition period, for a certificate issued by the European Union Aviation Safety Agency (the 'Agency'), taking effect from the day following the end of the transition period.

⁽¹⁾ Position of the European Parliament of 18 December 2020 (not yet published in the Official Journal) and decision of the Council of 22 December 2020.

⁽²⁾ OJ L 29, 31.1.2020, p. 7.

⁽³⁾ Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 1).

⁽⁴⁾ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).

- (4) However, for some certificates, specific measures need to be put in place to address the consequences of the end of the transition period. This is particularly the case for design certificates issued before the end of the transition period by the Agency to design organisations with their principal place of business in the United Kingdom, or by such design organisations approved by the Agency. Until that date, the Agency was carrying out the functions and tasks of the 'State of design' under the Convention on International Civil Aviation and the Annexes thereto on behalf of the United Kingdom as provided for in Article 77 (1) of Regulation (EU) 2018/1139. After the end of the transition period, the functions and tasks of the 'State of design' regarding the United Kingdom will be assumed by the United Kingdom Civil Aviation Authority. In order to address that change, the United Kingdom has enacted legislation that deems design certificates issued before the transition period to have been issued under the laws of the United Kingdom with effect from the end of the transition period.
- (5) Specific measures on the Union's part are necessary to ensure that, insofar as aircraft registered in the Union are concerned, the designs that were covered by such design certificates continue to be covered by design certificates governed by Regulation (EU) 2018/1139 after the end of the transitional period. The specific measures should allow the aircraft operators concerned to continue using the products in question. It is therefore necessary to provide that the Agency or, as the case may be, design organisations approved by it, are deemed to have issued the design certificates covering those designs with effect from the day following the end of the transition period. Regulation (EU) 2018/1139 and relevant Commission acts envisage such design certificates, issued on the basis that the aircraft in question is registered in a Member State, even though a third country is the State of design.
- (6) It is necessary to clarify that those design certificates are subject to the relevant rules set out in Regulation (EU) 2018/1139 and the relevant implementing and delegated acts adopted by virtue of it or of Regulation (EC) No 216/2008 of the European Parliament and of the Council ⁽ⁱ⁾, in particular those applicable to design certification and mandatory continuing airworthiness information.
- (7) In view of the urgency entailed by the end of the transition period, it is considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community.
- (8) Since the objective of this Regulation, namely, maintaining a high and uniform level of aviation safety in the Union, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (9) This Regulation should enter into force as a matter of urgency and should apply from the day following the end of the transition period, unless an agreement between the European Union and the United Kingdom governing matters of civil aviation safety related to design certificates addressed in this Regulation has entered into force or provisionally applies by that date,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down specific provisions, in view of the end of the transition period, for certain aviation safety certificates issued under Regulation (EC) No 216/2008 or (EU) 2018/1139 to natural and legal persons having their principal place of business in the United Kingdom.

⁽ⁱ⁾ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

2. This Regulation shall apply to the design certificates listed in the Annex which are valid on the day before the date of application of this Regulation and which have been issued by the Agency to natural or legal persons having their principal place of business in the United Kingdom or by a design organisation having its principal place of business in the United Kingdom.
3. This Regulation shall apply only in respect of aircraft registered in the Union.

Article 2

Definitions

For the purposes of this Regulation, the corresponding definitions of Regulation (EU) 2018/1139 and of the delegated and implementing acts adopted under that Regulation and under Regulation (EC) No 216/2008 shall apply.

Article 3

Validity of certificates

The design certificates referred to in Article 1(2) shall be deemed to have been issued with effect from the date referred to in Article 5(2):

- (1) by the Agency, in respect of certificates referred to in Article 1(2) that were issued by the Agency;
- (2) by an organisation approved by the Agency, in respect of certificates referred to in Article 1(2) that were issued by a design organisation approved by the Agency.

Article 4

Rules and obligations regarding certificates governed by Article 3

1. The certificates governed by Article 3 of this Regulation are subject to the rules applicable to them in accordance with Regulation (EU) 2018/1139 and the relevant implementing and delegated acts adopted by virtue of that Regulation or of Regulation (EC) No 216/2008, in particular Commission Regulation (EU) No 748/2012 ⁽⁶⁾.
2. The Agency shall have the powers established in Regulation (EU) 2018/1139 and in the relevant implementing and delegated acts adopted under that Regulation and under Regulation (EC) No 216/2008 with regard to entities having their principal place of business in a third country.

Article 5

Entry into force and application

1. This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.
2. This Regulation shall apply from the day following that on which Union law ceases to apply to and in the United Kingdom pursuant to Articles 126 and 127 of the Withdrawal Agreement.
3. This Regulation shall not apply if an agreement between the Union and the United Kingdom governing matters of civil aviation safety related to the design certificates referred to in Article 1(2) of this Regulation has entered into force or, as the case may be, provisionally applies by the date referred to in paragraph 2 of this Article.

⁽⁶⁾ Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1).

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

Done at Brussels, 23 December 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
M. ROTH

ANNEX

LIST OF CERTIFICATES REFERRED TO IN ARTICLE 1

1. Commission Regulation (EU) No 748/2012 ⁽¹⁾, Annex I, Part 21, Section A, Subpart B (Type-certificates and restricted type-certificates)
 2. Regulation (EU) No 748/2012, Annex I, Part 21, Section A, Subpart D (Changes to type-certificates and restricted type-certificates)
 3. Regulation (EU) No 748/2012, Annex I, Part 21, Section A, Subpart E (Supplemental type-certificates)
 4. Regulation (EU) No 748/2012, Annex I, Part 21, Section A, Subpart M (Repairs)
 5. Regulation (EU) No 748/2012, Annex I, Part 21, Section A, Subpart O (European Technical Standard Order authorisations)
 6. Regulation (EU) No 748/2012, Annex I, Part 21, Section A, Subpart J (Design organisation approvals)
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⁽¹⁾ Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1).

REGULATION (EU) 2020/2227 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 23 December 2020****amending Regulation (EU) 2017/2403 as regards fishing authorisations for Union fishing vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

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

After consulting the European Economic and Social Committee,

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

Whereas:

- (1) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union (TEU).
- (2) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽²⁾ ('Withdrawal Agreement') contains arrangements for the application of provisions of Union law to and in the United Kingdom beyond the date on which the Treaties cease to apply to and in the United Kingdom. The Common Fisheries Policy (CFP) applies to and in the United Kingdom during the transition period in accordance with the Withdrawal Agreement and will cease to apply on 31 December 2020.
- (3) When the CFP ceases to apply to and in the United Kingdom, United Kingdom waters (territorial sea and adjacent exclusive economic zone) will no longer be part of Union waters. Consequently, in the absence of an agreement between the Union and the United Kingdom containing provisions on fisheries, Union and United Kingdom fishing vessels risk not having the possibility to utilise fully the fishing opportunities that might be made available for 2021.
- (4) To ensure the sustainability of fisheries and in view of the importance of fisheries for the economic livelihood of many communities in the Union and in the United Kingdom, the possibility of arrangements for continued reciprocal access by Union and United Kingdom fishing vessels to each other's waters after 31 December 2020 should be maintained. The purpose of this Regulation is to create the appropriate legal framework for such reciprocal access.
- (5) The territorial scope of this Regulation and any reference to the United Kingdom therein does not include Gibraltar.
- (6) The fishing opportunities for the year 2021 are to be established by the Union and the United Kingdom in full compliance with the requirements set out in Articles 61 and 62 of the United Nations Convention on the Law of the Sea ⁽³⁾. To ensure sustainable exploitation of marine living resources and stability within Union waters and United Kingdom waters, the quota allocations and shares for the Member States and the United Kingdom are to be set in accordance with the respective applicable law of the Union and of the United Kingdom.

⁽¹⁾ Position of the European Parliament of 18 December 2020 (not yet published in the Official Journal) and decision of the Council of 22 December 2020.

⁽²⁾ OJ L 29, 31.1.2020, p. 7.

⁽³⁾ United Nations Convention on the Law of the Sea and the Agreement of 28 July 1994 relating to the implementation of Part XI thereof (OJ L 179, 23.6.1998, p. 3).

- (7) In view of the long-standing fishing patterns of United Kingdom fishing vessels in Union waters and vice versa and in order to obtain reciprocal access to waters, the Union should provide for a mechanism for United Kingdom fishing vessels to access Union waters by means of authorisations, in order to be able to fish the quota shares that will be allocated to the United Kingdom, under the same conditions that apply to Union fishing vessels. Such fishing authorisations should only be granted if and to the extent that the United Kingdom continues to provide authorisations for Union fishing vessels to continue fishing within United Kingdom waters.
- (8) Regulation (EU) 2017/2403 of the European Parliament and of the Council (*) sets out the rules for issuing and managing fishing authorisations for fishing vessels in waters under the sovereignty or jurisdiction of a third country and for third country fishing vessels conducting fishing operations in Union waters.
- (9) Regulation (EU) 2017/2403 lays down rules for fishing operations carried out by Union fishing vessels in the waters of a third country outside the framework of an agreement and provides that a flag Member State may grant direct authorisations and establishes the conditions and procedures for the granting of such authorisations. Given the number of Union fishing vessels that carry out fishing activities in United Kingdom waters, those conditions and procedures would lead to considerable delays and an increased administrative burden in the absence of an agreement between the Union and the United Kingdom containing provisions on fisheries. It is therefore necessary to provide for specific conditions and procedures to facilitate the issuing of authorisations to Union fishing vessels by the United Kingdom for the operation of fishing activities in United Kingdom waters.
- (10) It is necessary to derogate from the rules that apply to third country fishing vessels and provide for specific conditions and procedures allowing for the issuing of authorisations to United Kingdom fishing vessels by the Union for the operation of fishing activities in Union waters.
- (11) Regulation (EU) 2017/2403 should therefore be amended accordingly.
- (12) The transition period provided for in the Withdrawal Agreement ends on 31 December 2020. In the absence of the conclusion of an agreement between the Union and the United Kingdom containing provisions on fisheries, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union* and should apply from the day following that on which Union law ceases to apply to and in the United Kingdom pursuant to Articles 126 and 127 of the Withdrawal Agreement. As a contingency measure, it should apply until the earliest of the following dates: 31 December 2021 or the date on which an agreement between the Union and the United Kingdom containing provisions on fisheries enters into force or provisionally applies.
- (13) In view of the need to adopt this Regulation before the day on which Union law ceases to apply to and in the United Kingdom pursuant to Articles 126 and 127 of the Withdrawal Agreement, and the need to provide for procedures for authorising sustainable fishing operations in United Kingdom and Union waters on the basis of reciprocity at the latest by that day, to avoid an abrupt discontinuation of fishing operations, it was considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the Union, annexed to the TEU, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (14) In order to enable both Union and United Kingdom operators to continue to fish, fishing authorisations for fishing activities in Union waters should only be granted to United Kingdom fishing vessels if and in so far as the Commission satisfies itself that the United Kingdom grants access rights to Union fishing vessels to conduct fishing operations in United Kingdom waters on the basis of reciprocity,

(*) Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) 2017/2403

Regulation (EU) 2017/2403 is amended as follows:

(1) in Chapter II of Title II, the following Section is added:

‘Section 4

Fishing operations by Union fishing vessels in United Kingdom waters

Article 18a

Scope

By way of derogation from Section 3, this Section shall apply to fishing operations carried out by Union fishing vessels in United Kingdom waters.

Article 18b

Definition

For the purposes of this Section, ‘United Kingdom waters’ means the waters under the sovereignty or jurisdiction of the United Kingdom established in accordance with international law.

Article 18c

Procedure for obtaining a fishing authorisation from the United Kingdom

1. A flag Member State that has verified that the conditions set out in Article 5 are complied with shall send the Commission the corresponding application or list of applications for a fishing authorisation by the United Kingdom.
2. Each application or list of applications shall contain the information requested by the United Kingdom for the issuing of a fishing authorisation, in the required format, as communicated by the United Kingdom to the Commission.
3. The Commission shall provide the Member States with the information and format referred to in paragraph 2. The Commission may send a request to the flag Member State for any additional information necessary for verifying compliance with the conditions referred to in paragraphs 1 and 2.
4. If, upon receipt of the application or any additional information requested pursuant to paragraph 3, the Commission finds that the conditions set out in paragraph 1 and 2 are met, it shall forward the application to the United Kingdom without delay.
5. As soon as the United Kingdom informs the Commission that it has decided to issue or refuse a fishing authorisation to a Union fishing vessel, the Commission shall immediately inform the flag Member State accordingly.
6. A flag Member State may only issue a fishing authorisation for fishing operations in United Kingdom waters after having been informed that the United Kingdom has decided to issue an authorisation to the relevant Union fishing vessel.
7. Fishing operations shall not commence until both the flag Member State and the United Kingdom have issued a fishing authorisation.
8. Where the United Kingdom informs the Commission that it has decided to suspend or withdraw a fishing authorisation for a Union fishing vessel, the Commission shall immediately inform the flag Member State accordingly. That Member State shall suspend or withdraw its fishing authorisation for fishing operations in United Kingdom waters accordingly.

9. Where the United Kingdom informs the flag Member State directly that it has decided to issue, refuse, suspend or withdraw a fishing authorisation for a Union fishing vessel, the flag Member State shall immediately inform the Commission accordingly. That Member State shall suspend or withdraw its fishing authorisation for fishing operations in United Kingdom waters accordingly.

Article 18d

Monitoring

The Commission shall monitor the issuing of fishing authorisations by the United Kingdom for fishing operations carried out by Union fishing vessels in United Kingdom waters.’;

(2) the following Title is inserted:

‘TITLE IIIa

FISHING OPERATIONS BY UNITED KINGDOM FISHING VESSELS IN UNION WATERS

Article 38a

Scope

By way of derogation from Title III, this Title shall apply to fishing operations carried out by United Kingdom fishing vessels in Union waters.

Article 38b

Fishing operations by United Kingdom fishing vessels

United Kingdom fishing vessels may carry out fishing operations in Union waters, in accordance with the conditions set out in applicable Union legislation, provided that Union vessels are granted access to carry out fishing operations in the United Kingdom waters on the basis of reciprocity.

Article 38c

General principles

1. A United Kingdom fishing vessel shall not engage in fishing operations in Union waters unless it has been issued with a fishing authorisation by the Commission. It shall only be issued with such an authorisation if it fulfils the eligibility criteria set out in paragraph 2.

2. The Commission may issue a fishing authorisation to a United Kingdom fishing vessel if:

- (a) the fishing vessel has a valid fishing licence issued by the United Kingdom competent authority;
- (b) the fishing vessel is listed by the United Kingdom in a fleet register accessible to the Commission;
- (c) the fishing vessel and any associated support vessel apply the relevant IMO ship identification number scheme insofar as is required under Union law;
- (d) the fishing vessel is not included in an IUU vessel list adopted by an RFMO and/or by the Union pursuant to the IUU Regulation;
- (e) the United Kingdom is not listed as non-cooperating pursuant to the IUU Regulation or as allowing non-sustainable fishing opportunities pursuant to Regulation (EU) No 1026/2012; and
- (f) fishing opportunities are available to the United Kingdom.

3. A United Kingdom fishing vessel authorised to carry out fishing operations in Union waters shall comply with the rules governing the fishing operations of Union fishing vessels in the fishing area in which it operates.

*Article 38d***Procedure for obtaining fishing authorisations**

1. The United Kingdom shall send to the Commission the application or list of applications for authorisations for its fishing vessels.
2. The Commission may ask the United Kingdom for additional information necessary for verifying that the conditions set out in Article 38c(2) are met.
3. When it is established that the conditions provided for in Article 38b and Article 38c(2) are met, the Commission may issue a fishing authorisation and inform the United Kingdom and the Member States concerned accordingly without delay.

*Article 38e***Management of fishing authorisations**

1. If any of the conditions set out in Article 38b and Article 38c(2) are no longer met, the Commission shall take appropriate action, including amending or withdrawing the authorisation, and inform the United Kingdom and the Member States concerned accordingly.
2. The Commission may refuse to issue authorisations or suspend or withdraw any authorisation issued to a United Kingdom fishing vessel in any of the following cases:
 - (a) where a fundamental change of circumstances has occurred, in particular concerning reciprocal access for Union fishing vessels to the United Kingdom waters;
 - (b) in the event of a serious threat to the sustainable exploitation, management and conservation of marine biological resources;
 - (c) where it is essential in order to prevent or suppress IUU fishing;
 - (d) where the Commission deems it appropriate on the basis of its findings resulting from its monitoring activities pursuant to Article 18d;
 - (e) where the United Kingdom unduly refuses, suspends or withdraws the authorisation of Union fishing vessels to carry out fishing operations in United Kingdom waters.
3. The Commission shall immediately inform the United Kingdom in the event that it refuses, suspends or withdraws the authorisation in accordance with paragraph 2.

*Article 38f***Closure of fishing operations**

1. Where fishing opportunities granted to the United Kingdom are deemed to have been exhausted, the Commission shall immediately notify the United Kingdom and the competent inspection authorities of the Member States thereof. With a view to ensuring the continuation of fishing operations of non-exhausted fishing opportunities, which may also affect the exhausted fishing opportunities, the Commission shall request the United Kingdom to communicate to it technical measures preventing any negative impact on the exhausted fishing opportunities.
2. From the date of the notification referred to in paragraph 1, the fishing authorisations issued to fishing vessels flying the flag of the United Kingdom shall be considered to be suspended for the fishing operations concerned and the fishing vessels shall no longer be authorised to engage in those fishing operations.
3. Fishing authorisations shall be considered to be withdrawn where a suspension of fishing authorisations in accordance with paragraph 2 concerns all the fishing operations for which they have been granted.

*Article 38g***Overfishing of quotas in Union waters**

When the Commission establishes that the United Kingdom has exceeded the quotas it has been allocated for a stock or group of stocks, the Commission shall operate deductions from other quotas allocated to the United Kingdom. The Commission shall endeavour to ensure that the amount of the deduction is consistent with deductions imposed on Member States in similar circumstances.

*Article 38h***Control and enforcement**

1. A United Kingdom fishing vessel authorised to carry out fishing operations in Union waters shall comply with the control rules governing the fishing operations by Union fishing vessels in the fishing area in which it operates.
2. A United Kingdom fishing vessel authorised to carry out fishing operations in Union waters shall provide to the Commission or the body designated by it and, where relevant, to the coastal Member State, the data which Union fishing vessels are required to send to the flag Member State under the Control Regulation.
3. The Commission or the body designated by it shall send the data received in accordance with paragraph 2 to the coastal Member State.
4. A United Kingdom fishing vessel authorised to carry out fishing operations in Union waters shall, upon request, provide to the Commission or the body designated by it the observer reports produced under applicable observer programmes.
5. A coastal Member State shall record any infringements committed by United Kingdom fishing vessels, including the related sanctions, in the national register provided for in Article 93 of the Control Regulation.’.

*Article 2***Entry into force and application**

1. This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from the day following that on which Union law ceases to apply to and in the United Kingdom pursuant to Articles 126 and 127 of the Withdrawal Agreement, until the earliest of the following dates:
 - (a) 31 December 2021;
 - (b) the date on which an agreement between the Union and the United Kingdom containing provisions on fisheries enters into force or provisionally applies.
3. However, this Regulation shall not apply if the agreement referred to in point (b) of paragraph 2 enters into force or provisionally applies by the date of entry into force of this Regulation.

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

Done at Brussels, 23 December 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
M. ROTH

DECISIONS

DECISION (EU) 2020/2228 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 December 2020 on a European Year of Rail (2021)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

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

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

Whereas:

- (1) In its communication of 11 December 2019, entitled 'The European Green Deal' (the 'communication on the European Green Deal'), the Commission set out a European Green Deal for the Union and its citizens. The European Green Deal is a new growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse gases in 2050 and where economic growth is decoupled from resource use.
- (2) In its conclusions of 12 December 2019, the European Council endorsed the objective of achieving a climate-neutral Union by 2050.
- (3) In its resolution of 15 January 2020, the European Parliament welcomed the communication on the European Green Deal and called for the necessary transition to a climate-neutral society by 2050.
- (4) In line with the objectives set out in the communication on the European Green Deal, there is a need to transform the Union economy and to rethink policies, in particular in the field of transport and mobility. Transport accounts for a quarter of the Union's greenhouse gas emissions, a share that is still growing. To achieve climate neutrality, a 90 % reduction in transport emissions is needed by 2050. Achieving sustainable intermodal transport requires putting users first and providing them with more affordable, accessible, healthier, cleaner and more energy-efficient alternatives to their current mobility habits, while encouraging those who are already using sustainable transport modes, such as walking, cycling and public transport.
- (5) The European Green Deal implies accelerating the shift to sustainable and smart mobility in order to address those challenges. In particular, a substantial part of the 75 % of inland freight carried today by road should be shifted onto rail and inland waterways. For that shift to take place, significant investments are needed, including investments made in the context of the recovery, and an essential part of them will relate to the implementation of the Trans-European Transport Network (TEN-T) and efforts to increase the efficiency of the rail freight corridors.

⁽¹⁾ OJ C 364, 28.10.2020, p. 149.

⁽²⁾ Opinion of 14 October 2020 (not yet published in the Official Journal).

⁽³⁾ Position of the European Parliament of 15 December 2020 (not yet published in the Official Journal) and decision of the Council of 17 December 2020.

- (6) Rail has a significant role to play as a game changer in achieving the climate neutrality objective by 2050. It is one of the most environmentally friendly and energy-efficient transport modes. Rail is largely electrified and emits far less CO₂ than equivalent travel by road or air. It is the only transport mode that has consistently reduced its greenhouse gas emissions and CO₂ emissions since 1990. In addition, rail has decreased its energy consumption between 1990 and 2016 and increasingly uses renewable energy sources.
- (7) The COVID-19 crisis has hit the transport sector exceptionally hard. Despite operational and financial constraints, the sector has maintained crucial connections both for the transport of people and of essential goods. This has been possible mainly thanks to the employees who have continued working under difficult and uncertain conditions. The strategic role played by rail during the COVID-19 crisis has highlighted that achieving the single European railway area, established by Directive 2012/34/EU of the European Parliament and of the Council ^(*), is necessary both for facilitating the supply of essential goods, such as food, medicines and fuel, particularly in exceptional circumstances, and for achieving wider transport policy objectives.
- (8) By connecting the Union's main transport routes with its peripheral, mountainous and remote regions and territories, including at regional and local level, and by establishing and reinstating missing regional cross-border rail links, the rail sector contributes to social, economic and territorial cohesion on continental, national, regional and local level. Furthermore, in remote and rural areas, the networks that guarantee the provision of basic services to the population are often fewer in number and less well-developed. Peripheral regions are often faced with the doubly difficult situation of being rural in character and at the periphery of national networks.
- (9) While the share of rail passengers in Union land transport has only slightly increased since 2007, the share of rail freight has decreased. Many obstacles remain to achieving a true single European railway area. The rail sector is sometimes hampered inter alia by outdated business and operational practices, by ageing infrastructure and rolling stock and by noisy wagons. Overcoming those obstacles together with reducing costs, studying Union schemes to supplement national mechanisms for non-discriminatory support for rail operators, and accelerating innovation will allow rail to realise its full potential, while ensuring the functioning of the internal market, increasing rail traffic and further improving the already high safety levels. The rail sector therefore needs a further boost to become more attractive to travellers, employees and businesses alike.
- (10) Transport ministers from a majority of Member States expressed their commitment to supporting a European agenda for international passenger rail, through a political statement presented at the informal video conference of EU transport ministers on 4 June 2020.
- (11) In order to promote rail transport in line with the objectives set out in the communication on the European Green Deal, including with regard to sustainable and smart mobility, the year 2021 should be designated as the European Year of Rail (the 'European Year'). The year 2021 will be important for the Union rail policy, since it will represent the first full year where the rules agreed under the Fourth Railway Package will be implemented throughout the Union, namely on the opening of the market of domestic passenger services, on reducing costs and administrative burden for railway undertakings operating across the Union and on providing the European Union Agency for Railways (ERA) with additional tasks that aim to lower technical barriers. There is a growing public interest in railways, including in night trains, in a number of Member States, as illustrated by the popularity of DiscoverEU. Moreover, the international arts festival Europalia will dedicate its 2021 edition to the influence of railways on the arts and highlight the role of rail as a powerful promotor of social, economic, industrial and ecological change. The European Year should contribute to a pan-European debate on the future of railways.

^(*) Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32).

- (12) At Union level, the necessary financial allocation for the implementation of this Decision will involve appropriate funding to be determined in the context of the budgetary procedure for 2021 in accordance with the 2021 to 2027 multiannual financial framework. Without prejudice to the powers of the budgetary authority, the aim should be to provide funding for the implementation of this Decision from 1 January 2021 to 31 December 2022 of at least EUR 8 million.
- (13) Commuters account for 80 % to 90 % of all rail passengers. This means that urban agglomerations are significant contributors to the overall performance of passenger rail transport. Smart urban mobility depends on modernising and renovating under-used suburban and regional lines to deliver low ecological impact and social and economic cohesion.
- (14) During the European Year, the Commission should consider initiating a study on the feasibility of creating a European label to promote goods and products transported by rail so as to encourage businesses to switch their transport to rail. Likewise, the Commission should consider initiating a feasibility study with a view to introducing a rail connectivity index, with the aim of categorising the level of integration achieved through the use of services on the rail network.
- (15) The role of motivated staff cannot be overestimated, since they guarantee the smooth running of operations. In order to reach its full potential, the rail sector needs to diversify its workforce and, in particular, to attract women and young workers. That policy should be promoted at all institutional levels.
- (16) Enhancing the attractiveness of rail requires services to be user-centred and to be organised and designed in a way that delivers good value, consistent dependability, excellent quality of service and attractive pricing.
- (17) Since the objectives of this Decision, namely to promote rail transport as a sustainable, innovative, interconnected and intermodal, safe and affordable mode of transport and as an important element in maintaining and developing good relations between the Union and its neighbouring countries, as well as to highlight the European, cross-border dimension of rail and to enhance the contribution of rail to the Union economy, industry and society, cannot be sufficiently achieved by the Member States but can rather, by reason of the need for transnational exchange of information and Union-wide dissemination of best practices, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS DECISION:

Article 1

Subject matter

The year 2021 shall be designated as the 'European Year of Rail' (the 'European Year').

Article 2

Objectives

The general objective of the European Year shall be to encourage and support the efforts of the Union, Member States, regional and local authorities, and other organisations to increase the share of passengers and freight moving by rail. The specific objectives of the European Year shall be to:

- (a) promote rail as a sustainable, innovative, interconnected and intermodal, safe and affordable mode of transport, in particular by highlighting the role of rail:
 - (i) as a game changer helping to achieve the Union's climate neutrality objective by 2050;
 - (ii) as a pillar of an efficient logistic network, capable of guaranteeing essential services, even during unexpected crises; and
 - (iii) as a transport mode that reaches out to the wider public, especially the young, inter alia presenting rail as an attractive career opportunity;
- (b) highlight the European, cross-border dimension of rail, that brings citizens closer together, allows them to explore the Union in all its diversity, fosters socio-economic and territorial cohesion and contributes to integrating the Union internal market, in particular by ensuring better connectivity within and with its geographical periphery, including through regional cross-border connections;
- (c) enhance the contribution of rail to the Union's economy, to its industry, including to its global competitiveness, to its commerce and to its society, in particular those aspects related to regional and local development, sustainable tourism, education, youth and culture, and to improving accessibility for persons with disabilities or persons with reduced mobility, and in particular paying attention to the needs of elderly people;
- (d) contribute to promoting rail as an important element in relations between the Union and its neighbouring countries, building on interests and needs in partner countries and on expertise in rail transport, both within and beyond the Union;
- (e) build on rail's power to stimulate the collective imagination, particularly through rail's history and its cultural heritage, recalling the contribution that rail has made to the creation of European prosperity and the role of the rail in developing cutting-edge technologies;
- (f) promote the attractiveness of the railway professions, in particular by highlighting the demand for new skills and the importance of fair and safe working conditions and of addressing the need to increase diversity in the workforce;
- (g) promote the key role of railways in international passenger transport within the Union;
- (h) promote a Union night train network and encourage initiatives that underline its cross-border nature by using symbols that represent the Union;
- (i) create public awareness of rail's potential role in the development of sustainable tourism in Europe;
- (j) promote the key role of railways in sustainable end-to-end mobility, connecting hubs and allowing attractive and smart transfer between modes of transport;
- (k) contribute to the implementation of the Fourth Railway Package and to raising awareness of the measures required to establish the single European railway area, based on a well-functioning TEN-T;
- (l) stimulate discussion on how to modernise rolling stock and on how to further develop and increase the capacity of railway infrastructure in order to facilitate the broader use of passenger and freight transport by rail, underlining in that context the importance of the cooperation among infrastructure managers, research and innovation and the role of the Shift2Rail Joint Undertaking established by Council Regulation (EU) No 642/2014 ^(?);
- (m) promote events and initiatives to disseminate information on the rights of rail passengers and to stimulate cooperation among all actors in order to improve customer information and ticketing, including the offer of through-tickets and developing innovative digital multi-modal tickets, as well as to provide information about current challenges in that respect, such as the need for data sharing among actors.

^(?) Council Regulation (EU) No 642/2014 of 16 June 2014 establishing the Shift2Rail Joint Undertaking (OJ L 177, 17.6.2014, p. 9).

*Article 3***Content of measures**

1. The measures to be taken to achieve the objectives set out in Article 2 shall be closely coordinated with on-going activities promoting rail transport. Those measures shall include the following activities at Union, national, regional or local level, organised in partnerships or individually, and linked to the objectives of the European Year:

- (a) initiatives and events to promote debate, build a positive image, raise awareness and facilitate the engagement of citizens, businesses and public authorities in order to increase trust in rail, particularly in the aftermath of the COVID-19 crisis, and to promote the attractiveness of rail for the transport of more people and goods as a means of combating climate change, through multiple channels and tools, including events in Member States, while also highlighting the safety and comfort of travelling by rail;
- (b) initiatives in Member States to encourage, in both the public and private sector, business-travel and commuting patterns by rail;
- (c) informative exhibitions, inspirational, educational and awareness-raising campaigns, as well as the use of demonstration and information trains to encourage changes in passenger, consumer and business behaviour and to stimulate the general public to actively contribute to achieving the objectives of more sustainable transport;
- (d) sharing the experience and best practices of national, regional and local authorities, civil society, businesses and schools as regards promoting the use of rail and on how to implement behavioural change at all levels;
- (e) undertaking studies and innovative activities, and disseminating their results on a European or national scale;
- (f) promoting projects and networks related to the European Year, including via the media, social networks and other online communities;
- (g) partnerships and events such as those set out in the Annex;
- (h) identifying and promoting best practices to create a level-playing field for different modes of transport;
- (i) promoting projects and activities to raise awareness of sustainable end-to-end mobility that delivers seamless 'door-to-door' travel solutions in combination with other modes of transport, including active travel, and sustainable and smart logistics;
- (j) promoting projects and activities fostering awareness of the importance of the single European railway area, in particular as regards its on-going implementation, actions facilitating international railway journeys and actions for digital passenger information, such as those providing real-time information about journey offers, fares and timetables, including from independent providers, facilitating comparison; and
- (k) promoting projects and activities with a view to the realisation of an extended, modernised and interoperable railway infrastructure, including a European Rail Traffic Management System (ERTMS), terminals offering modal shift options, as well as modernised rolling stock.

2. The Commission shall consider initiating, during the European Year:

- (a) a study on the feasibility of creating a European label to promote goods and products transported by rail so as to encourage businesses to switch their transport to rail; and
- (b) a feasibility study with a view to introducing a rail connectivity index, with the aim of categorising the level of integration achieved through the use of services on the rail network and showing the potential of rail to compete with other modes of transport.

By 31 March 2021, the Commission shall inform the European Parliament and the Council of its plans.

3. The Union institutions and bodies, as well as Member States, at Union and national level respectively, may refer to the European Year and make use of its visual identity in promoting the activities referred to in paragraph 1.

*Article 4***Coordination at Member State level**

The organisation of participation in the European Year at national level is a responsibility of Member States. They shall ensure the coordination of relevant activities at national level and shall appoint national contact persons to ensure coordination at Union level.

*Article 5***Coordination at Union level**

1. The Commission shall regularly convene meetings of the national contact persons in order to coordinate the running of the European Year. Those meetings shall also serve as opportunities to exchange information regarding the implementation of the European Year at Union and national level. Representatives of the European Parliament may participate in those meetings as observers.
2. The coordination of the European Year at Union level shall be transversal in approach with a view to creating synergies between the various Union programmes and initiatives that fund projects in the field of rail transport or that have a rail dimension.
3. The Commission shall convene regular meetings of stakeholders and representatives of organisations or bodies active in the field of rail transport, including existing transnational networks, relevant non-governmental organisations, universities and technology centres, as well as representatives of youth organisations and communities, organisations representing persons with disabilities and persons with reduced mobility, to assist it in implementing the European Year at Union level.
4. The Commission may, if the budget allows, organise calls for proposals and projects that can receive support for their outstanding contribution to the objectives of the European Year.

*Article 6***International cooperation**

For the purpose of the European Year, the Commission shall, where necessary, cooperate with competent international organisations, while ensuring the visibility of the Union's participation.

*Article 7***Monitoring and evaluation**

By 31 December 2022, the Commission shall submit a report to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions on the implementation, results and overall assessment of the initiatives provided for in this Decision. For the evaluation of the initiatives, the Commission shall establish key performance indicators. Those key performance indicators shall be set out in the Commission's report. For the purpose of that report, Member States shall provide information to the Commission on the activities for which they have been responsible.

*Article 8***Entry into force**

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

Done at Brussels, 23 December 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
M. ROTH

ANNEX

PARTNERSHIPS AND EVENTS

This Annex sets out the following indicative list of partnerships and events linked to the European Year:

- (1) partnerships with film festivals throughout Europe to highlight the prominent place of rail in cinema production;
 - (2) cooperation with European railway museums and existing cultural events such as film festivals and art exhibitions;
 - (3) partnerships with ERA to emphasise:
 - (a) the performance of the rail sector in Europe;
 - (b) the know-how of actors in the rail sector, in particular of rail workers;
 - (c) the advantages of rail in terms of safety and environmental protection; and
 - (d) career opportunities in the rail sector for pupils, students and apprentices;
 - (4) mobile exhibition trains in the Union to inform the public about the objectives of the European Year and to highlight the attractiveness of its many messages;
 - (5) provision of Interrail passes for young people in connection with Erasmus studies or competitions to extend the reach of the European Year;
 - (6) the use of stations as places of art, urban meeting places and economic, cultural and civic hub, and the use of railway museums to relay the messages of the European Year.
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DECISION (EU) 2020/2229 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 23 December 2020
amending Decision No 445/2014/EU establishing a Union action for the European Capitals of Culture
for the years 2020 to 2033
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 167(5) thereof,

Having regard to the proposal from the European Commission,

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

After consulting the Committee of the Regions,

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

Whereas:

- (1) The objectives of the Union action entitled 'European Capitals of Culture' (the 'action') are, according to Decision No 445/2014/EU of the European Parliament and of the Council ⁽²⁾, to safeguard and promote the diversity of cultures in Europe and to highlight the common features they share as well as to increase citizens' sense of belonging to a common cultural area, to foster the contribution of culture to the long-term development of cities, to enhance the range, diversity and European dimension of the cultural offering in cities, including through transnational cooperation, to widen access to and participation in culture, to strengthen the capacity of the cultural sector and its links with other sectors and to raise the international profile of cities through culture.
- (2) The attainment of the action's objectives presupposes mobility, tourism, organisation of events and public participation, which are extremely difficult if not virtually impossible in the time of the COVID-19 pandemic.
- (3) As a direct consequence of lockdown measures taken across Europe, cultural venues have been closed down and cultural events have been cancelled or postponed for an undetermined period of time. European and international cultural cooperation projects have been radically slowed down because the physical crossing of borders has been limited. Finally, due to rapidly decreasing revenues and emerging public health-related needs, local, regional and national governments are under increased budgetary pressure. At present, private sponsoring for culture is also becoming more challenging because there are no public events to sponsor or because companies give priority to public health-related sponsoring activities.
- (4) The cities which currently hold and will hold the title of 'European Capital of Culture' (the 'title') are impacted to various degrees, primarily depending on the year for which they hold the title. It appears that the impact is strongest on the two cities holding the title in 2020 and the three cities preparing to hold the title in 2021, though the future impact on cities that will subsequently hold the title remains undefined.
- (5) The two cities holding the title in 2020 had to postpone or cancel events from March 2020 without any clarity as to when or even if the situation will return to normality, while still incurring costs. In practice, they are prevented from fully implementing their cultural programmes in 2020 and capitalising on the huge human and financial investment made.

⁽¹⁾ Position of the European Parliament of 17 December 2020 (not yet published in the Official Journal) and decision of the Council of 22 December 2020.

⁽²⁾ Decision No 445/2014/EU of the European Parliament and of the Council of 16 April 2014 establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 and repealing Decision No 1622/2006/EC (OJ L 132, 3.5.2014, p. 1).

- (6) In the three cities that will hold the title in 2021, the COVID-19 pandemic has resulted in a very high level of uncertainty in nearly all areas associated with their preparation: insecure financing perspectives from public and private partners, unknown future safety regulations affecting both participatory work and event types to be authorised, and travel restrictions reducing tourism flows and the possibility of European partnerships. The preventive measures introduced to counter the spread of COVID-19, resulting in delivery teams being in lockdown, have slowed down the preparatory work of those three cities to a critical point when they should be, under normal circumstances, doubling their efforts. The preparatory work has also been slowed down due to the fact that the economic survival of potential contracting partners is uncertain.
- (7) Decision No 445/2014/EU does not provide for the necessary flexibility to take into account such extraordinary circumstances and, more specifically, it does not include any provision on the prolongation or postponement of the year when a particular city holds the title.
- (8) Decision No 445/2014/EU should therefore be amended in a way that is strictly tailored to the need to address the exceptional situation in order to allow the cities holding the title that are the most severely impacted by the COVID-19 pandemic to implement their cultural programmes in a way that allows the delivery of the objectives of the action.
- (9) Following a consultation process that involved the cities and Member States concerned, it was concluded that it would be appropriate to provide the cities designated by Croatia and Ireland to hold the title in 2020 with the possibility to continue implementing their cultural programmes until 30 April 2021, without changing the year of designation.
- (10) Following a consultation process that involved the cities and Member States concerned, it was concluded that the year in which Romania and Greece are entitled to host the title should be postponed from 2021 to 2023 and the year in which a candidate country or potential candidate is entitled to host the title should be postponed from 2021 to 2022.
- (11) For the sake of legal certainty, in particular for the cities holding the title in 2020 and 2021, and in order to avoid any disruption to the application of Decision No 445/2014/EU, this Decision should enter into force as a matter of urgency and should apply from 1 January 2021.
- (12) Decision No 445/2014/EU should therefore be amended accordingly,

HAVE ADOPTED THIS DECISION:

Article 1

Decision No 445/2014/EU is amended as follows:

(1) Article 3 is amended as follows:

(a) the second subparagraph of paragraph 2 is replaced by the following:

‘The title shall be awarded each year to a maximum of one city in each of the two Member States appearing in the calendar set out in the Annex (“the calendar”) and, in the relevant years, to one city from a European Free Trade Association country which is party to the Agreement on the European Economic Area (“EFTA/EEA country”), a candidate country or a potential candidate, or to one city from a country that accedes to the Union in the circumstances set out in paragraph 5. However, a maximum of one city in each of the three Member States appearing in the calendar shall hold the title in 2023.’;

(b) paragraph 3 is replaced by the following:

‘3. Cities in Member States shall be entitled to hold the title for one year in accordance with the order of the Member States appearing in the calendar. The cities holding the title in 2020 may continue to hold the title until 30 April 2021, without the year of designation being changed.’;

(2) the second subparagraph of Article 4(2) is replaced by the following:

‘The cultural programme shall cover the year of the title and shall be created specifically for the title, in accordance with the criteria laid down in Article 5. However, the cities holding the title in 2020 may continue to implement their cultural programme until 30 April 2021.’;

(3) in Article 16(1), the third subparagraph is replaced by the following:

‘The cities concerned shall draw up their evaluation reports and transmit them to the Commission by 31 December of the year following the year of the title. However, the cities holding the title in 2020 shall draw up their evaluation reports and transmit them to the Commission by 30 April 2022.’;

(4) the Annex is replaced by the text set out in the Annex to this Decision.

Article 2

The procedures referred to in Articles 7 to 11 and Article 13(2), point (a), of Decision No 445/2014/EU that have already been concluded for the 2021 title shall remain valid. The year of the title shall be changed in accordance with the Annex to this Decision.

Article 3

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

It shall apply from 1 January 2021.

Done at Brussels, 23 December 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
M. ROTH

ANNEX

'CALENDAR

2020	Croatia	Ireland	
2021			
2022	Lithuania	Luxembourg	Candidate country or potential candidate
2023	Hungary	Romania	Greece
2024	Estonia	Austria	EFTA/EEA country, candidate country or potential candidate
2025	Slovenia	Germany	
2026	Slovakia	Finland	
2027	Latvia	Portugal	
2028	Czechia	France	EFTA/EEA country, candidate country or potential candidate
2029	Poland	Sweden	
2030	Cyprus	Belgium	EFTA/EEA country, candidate country or potential candidate
2031	Malta	Spain	
2032	Bulgaria	Denmark	
2033	Netherlands	Italy	EFTA/EEA country, candidate country or potential candidate'

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2020/2230

of 18 December 2020

amending Regulation (EU) No 1388/2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In order to ensure a sufficient and uninterrupted supply of certain agricultural and industrial products which are produced in insufficient quantities in the Union and thereby avoid any disturbances in the market for those products, autonomous tariff quotas were opened by Council Regulation (EU) No 1388/2013 ⁽¹⁾. Within those tariff quotas, products can be imported into the Union at reduced or zero duty rates.
- (2) As it is in the Union's interest to ensure an adequate supply of certain industrial products and having regard to the fact that identical, equivalent or substitute products are not produced in sufficient quantities within the Union, it is necessary to open new tariff quotas with order numbers 09.2574, 09.2575, 09.2576, 09.2577, 09.2578, 09.2579, 09.2584 and 09.2585 at zero or reduced duty rates for appropriate quantities of those products.
- (3) In relation to tariff quotas with order numbers 09.2684 and 09.2854, the quota volumes should be increased, as an increase is in the interest of the Union.
- (4) As the Union production capacity for certain industrial products has been increased, the volumes of tariff quotas with order numbers 09.2591 and 09.2888 should be decreased.
- (5) For the tariff quotas with order numbers 09.2580, 09.2582, 09.2583, 09.2648 and 09.2730, the quota period should be extended until 31 December 2021 and the quota volume should be adapted on a yearly basis as the tariff quotas were opened for a period of six months only and it is still in the Union's interest to maintain them.
- (6) As it is no longer in the Union's interest to maintain the tariff quotas with order numbers 09.2587, 09.2594, 09.2674, 09.2834, 09.2955, 09.2972 and 09.2588, those tariff quotas should be closed with effect from 1 January 2021.
- (7) Taking into account the amendments to be made and for the sake of clarity, the Annex to Regulation (EU) No 1388/2013 should be replaced.

⁽¹⁾ Council Regulation (EU) No 1388/2013 of 17 December 2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products, and repealing Regulation (EU) No 7/2010 (OJ L 354, 28.12.2013, p. 319).

- (8) In order to avoid any interruption in the application of the tariff quota scheme and to comply with the guidelines set out in the communication from the Commission of 13 December 2011 concerning autonomous tariff suspensions and quotas, the changes provided for in this Regulation regarding the tariff quotas for the products concerned should apply from 1 January 2021. This Regulation should therefore enter into force as a matter of urgency,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 1388/2013 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2021.

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

Done at Brussels, 18 December 2020.

For the Council
The President
M. ROTH

ANNEX

‘ANNEX

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2637	ex 0710 40 00 ex 2005 80 00	20 30	Corn cobs (<i>Zea mays</i> var. <i>saccharata</i>) whether or not cut, with a diameter of 10 mm or more, but not more than 20 mm, for use in the manufacture of products of the food industry for treatment other than simple repacking ⁽¹⁾ ⁽²⁾ ⁽³⁾	1.1.-31.12.	550 tonnes	0 % ⁽³⁾
09.2849	ex 0710 80 69	10	Mushrooms of the species <i>Auricularia polytricha</i> (uncooked or cooked by steaming or boiling), frozen, for the manufacture of prepared meals ⁽¹⁾ ⁽²⁾	1.1.-31.12.	700 tonnes	0 %
09.2664	ex 2008 60 39	30	Sweet cherries containing added spirit, with a sugar content of not more than 9 % by weight, of a diameter of not more than 19,9 mm, with stones, for use in chocolate products ⁽²⁾	1.1.-31.12.	1 000 tonnes	10 %
09.2740	ex 2309 90 31	87	Soya bean protein concentrate containing by weight: — 60 % (± 10 %) of crude protein, — 5 % (± 3 %) of crude fibre, — 5 % (± 3 %) of crude ash, and — 3 % or more but not more than 6,9 % of starch, for use in the manufacture of animal feed products ⁽²⁾	1.1.-31.12.	30 000 tonnes	0 %
09.2913	ex 2401 10 35 ex 2401 10 70 ex 2401 10 95 ex 2401 10 95 ex 2401 10 95 ex 2401 20 35 ex 2401 20 70 ex 2401 20 95 ex 2401 20 95 ex 2401 20 95	91 10 11 21 91 91 10 11 21 91	Natural unmanufactured tobacco, whether or not cut in regular size, having a custom value of not less than EUR 450 per 100 kg net weight, for use as binder or wrapper for the manufacture of goods falling within subheading 2402 10 00 ⁽²⁾	1.1.-31.12.	6 000 tonnes	0 %
09.2586	ex 2710 19 81 ex 2710 19 99	20 40	Catalytically hydroisomerized and dewaxed base oil of hydrogenated, highly isoparaffinic hydrocarbons, containing: — 90 % or more by weight of saturates, and — not more than 0,03 % by weight of sulphur, and with: — a viscosity index of 80 or more, but less than 120, and — a kinematic viscosity of 5,0 cSt at 100 °C or more, but not more than 13,0 cSt at 100 °C	1.1.-30.6.	200 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2828	2712 20 90		Paraffin wax containing by weight less than 0,75 % of oil	1.4.-31.10.	60 000 tonnes	0 %
09.2600	ex 2712 90 39	10	Slack wax (CAS RN 64742-61-6)	1.1.-31.12.	100 000 tonnes	0 %
09.2578	ex 2811 19 80	50	Sulphamidic acid (CAS RN 5329-14-6) with a purity by weight of 95 % or more, whether or not with not more than 5 % addition of the anti-caking agent silicon dioxide (CAS RN 112926-00-8)	1.1.-31.12.	27 000 tonnes	0 %
09.2928	ex 2811 22 00	40	Silica filler in the form of granules, with a purity by weight of 97 % or more of silicon dioxide	1.1.-31.12.	1 700 tonnes	0 %
09.2806	ex 2825 90 40	30	Tungsten trioxide, including blue tungsten oxide (CAS RN 1314-35-8 or CAS RN 39318-18-8)	1.1.-31.12.	12 000 tonnes	0 %
09.2872	ex 2833 29 80	40	Caesium sulphate (CAS RN 10294-54-9) in solid form or as aqueous solution containing by weight 48 % or more but not more than 52 % of caesium sulphate	1.1.-31.12.	200 tonnes	0 %
09.2837	ex 2903 79 30	20	Bromochloromethane (CAS RN 74-97-5)	1.1.-31.12.	600 tonnes	0 %
09.2933	ex 2903 99 80	30	1,3-Dichlorobenzene (CAS RN 541-73-1)	1.1.-31.12.	2 600 tonnes	0 %
09.2700	ex 2905 12 00	10	Propan-1-ol (propyl alcohol) (CAS RN 71-23-8)	1.1.-31.12.	15 000 tonnes	0 %
09.2830	ex 2906 19 00	40	Cyclopropylmethanol (CAS RN 2516-33-8)	1.1.-31.12.	20 tonnes	0 %
09.2851	ex 2907 12 00	10	O-cresol (CAS RN 95-48-7) having a purity of not less than 98,5 % by weight	1.1.-31.12.	20 000 tonnes	0 %
09.2704	ex 2909 49 80	20	2,2,2',2'-Tetrakis(hydroxymethyl)-3,3'-oxydipropan-1-ol (CAS RN 126-58-9)	1.1.-31.12.	500 tonnes	0 %
09.2624	2912 42 00		Ethylvanillin (3-ethoxy-4-hydroxybenzaldehyde) (CAS RN 121-32-4)	1.1.-31.12.	1 950 tonnes	0 %
09.2683	ex 2914 19 90	50	Calcium acetylacetonate (CAS RN 19372-44-2) for use in the manufacture of stabilisator systems in tablet form (?)	1.1.-31.12.	200 tonnes	0 %
09.2852	ex 2914 29 00	60	Cyclopropyl methyl ketone (CAS RN 765-43-5)	1.1.-31.12.	300 tonnes	0 %
09.2638	ex 2915 21 00	10	Acetic acid (CAS RN 64-19-7) of a purity by weight of 99 % or more	1.1.-31.12.	1 000 000 tonnes	0 %
09.2679	2915 32 00		Vinyl acetate (CAS RN 108-05-4)	1.1.-31.12.	400 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2728	ex 2915 90 70	85	Ethyl trifluoroacetate (CAS RN 383-63-1)	1.1.-31.12.	400 tonnes	0 %
09.2665	ex 2916 19 95	30	Potassium (E,E)-hexa-2,4-dienoate (CAS RN 24634-61-5)	1.1.-31.12.	8 250 tonnes	0 %
09.2684	ex 2916 39 90	28	2,5-dimethylphenylacetyl chloride (CAS RN 55312-97-5)	1.1.-31.12.	700 tonnes	0 %
09.2599	ex 2917 11 00	40	Diethyl oxalate (CAS RN 95-92-1)	1.1.-31.12.	500 tonnes	0 %
09.2769	ex 2917 13 90	10	Dimethyl sebacate (CAS RN 106-79-6)	1.1.-31.12.	1 000 tonnes	0 %
09.2634	ex 2917 19 80	40	Dodecanedioic acid (CAS RN 693-23-2), of a purity by weight of more than 98,5 %	1.1.-31.12.	8 000 tonnes	0 %
09.2808	ex 2918 22 00	10	O-acetylsalicylic acid (CAS RN 50-78-2)	1.1.-31.12.	120 tonnes	0 %
09.2646	ex 2918 29 00	75	Octadecyl 3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate (CAS RN 2082-79-3) with: — a sieve passing fraction at a mesh width of 500 µm of more than 99 % by weight, and — a melting point of 49 °C or more, but not more than 54 °C, for use in the manufacture of PVC processing stabilizer-one packs based on powder mixtures (powders or press granulates) ⁽²⁾	1.1.-31.12.	380 tonnes	0 %
09.2647	ex 2918 29 00	80	Pentaerythritol tetrakis(3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate) (CAS RN 6683-19-8) with: — a sieve passing fraction at a mesh width of 250 µm of more than 75 % by weight and at a mesh width of 500 µm of more than 99 % by weight, and — a melting point of 110 °C or more, but not more than 125 °C, for use in the manufacture of PVC processing stabilizer-one packs based on powder mixtures (powders or press granulates) ⁽²⁾	1.1.-31.12.	140 tonnes	0 %
09.2975	ex 2918 30 00	10	Benzophenone-3,3',4,4'-tetracarboxylic dianhydride (CAS RN 2421-28-5)	1.1.-31.12.	1 000 tonnes	0 %
09.2688	ex 2920 29 00	70	Tris (2,4-di-tert-butylphenyl)phosphite (CAS RN 31570-04-4)	1.1.-31.12.	6 000 tonnes	0 %
09.2648	ex 2920 90 10	75	Dimethyl Sulphate (CAS RN 77-78-1) with a purity of at least 99 %	1.1.-31.12.	18 000 tonnes	2 %
09.2598	ex 2921 19 99	75	Octadecylamine (CAS RN 124-30-1)	1.1.-31.12.	400 tonnes	0 %
09.2649	ex 2921 29 00	60	Bis(2-dimethylaminoethyl)(methyl)amine (CAS RN 3030-47-5)	1.1.-31.12.	1 700 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2682	ex 2921 41 00	10	Aniline (CAS RN 62-53-3) with a purity by weight of 99 % or more	1.1.-31.12.	150 000 tonnes	0 %
09.2617	ex 2921 42 00	89	4-Fluoro-N-(1-methylethyl)benzeneamine (CAS RN 70441-63-3)	1.1.-31.12.	500 tonnes	0 %
09.2582	ex 2921 43 00	80	2-Methylaniline (CAS RN 95-53-4) with a purity by weight of at least 99 %	1.1.-31.12.	2 000 tonnes	2 %
09.2602	ex 2921 51 19	10	o-phenylenediamine (CAS RN 95-54-5)	1.1.-31.12.	1 800 tonnes	0 %
09.2730	ex 2921 59 90	85	4,4'-Methanediyl dianiline (CAS RN 101-77-9) with a purity by weight of at least 97 %, in the form of granules, for use in the manufacture of prepolymers ⁽²⁾	1.1.-31.12.	200 tonnes	2 %
09.2591	ex 2922 41 00	10	L-Lysine hydrochloride (CAS RN 657-27-2)	1.1.-31.12.	245 000 tonnes	0 %
09.2592	ex 2922 50 00	25	L-Threonine (CAS RN 72-19-5)	1.1.-31.12.	166 000 tonnes	0 %
09.2575	ex 2923 90 00	87	3-Chloro-2-hydroxypropyl)trimethylammonium chloride (CAS RN 3327-22-8), in the form of an aqueous solution containing by weight 65 % or more but not more than 71 % 3-chloro-2-hydroxypropyl)trimethylammonium chloride	1.1.-31.12.	19 000 tonnes	0 %
09.2854	ex 2924 19 00	85	3-iodoprop-2-yn-1-yl butylcarbamate (CAS RN 55406-53-6)	1.1.-31.12.	400 tonnes	0 %
09.2874	ex 2924 29 70	87	Paracetamol (INN) (CAS RN 103-90-2)	1.1.-31.12.	20 000 tonnes	0 %
09.2742	ex 2926 10 00	10	Acrylonitrile (CAS RN 107-13-1), for use in the manufacture of goods of chapter 55 and heading 6815 ⁽²⁾	1.1.-31.12.	60 000 tonnes	0 %
09.2583	ex 2926 10 00	20	Acrylonitrile (CAS RN 107-13-1), for use in the manufacture of goods of headings 2921, 2924, 3906 and 4002 ⁽²⁾	1.1.-31.12.	40 000 tonnes	0 %
09.2856	ex 2926 90 70	84	2-Nitro-4(trifluoromethyl)benzonitrile (CAS RN 778-94-9)	1.1.-31.12.	900 tonnes	0 %
09.2708	ex 2928 00 90	15	Monomethylhydrazine (CAS RN 60-34-4) in the form of an aqueous solution with a content by weight of monomethylhydrazine of 40 (± 5) %	1.1.-31.12.	900 tonnes	0 %
09.2581	ex 2929 10 00	25	1,5-Naphthylene diisocyanate (CAS RN 3173-72-6) with a purity by weight of 90 % or more	1.1.-30.6	205 tonnes	0 %
09.2685	ex 2929 90 00	30	Nitroguanidine (CAS RN 556-88-7)	1.1.-31.12.	6 500 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2597	ex 2930 90 98	94	Bis[3-(triethoxysilyl)propyl]disulphide (CAS RN 56706-10-6)	1.1.-31.12.	6 000 tonnes	0 %
09.2596	ex 2930 90 98	96	2-Chloro-4-(methylsulphonyl)-3-((2,2,2-trifluoroethoxy)methyl) benzoic acid (CAS RN 120100-77-8)	1.1.-31.12.	300 tonnes	0 %
09.2580	ex 2931 90 00	75	Hexadecyltrimethoxysilane (CAS RN 16415-12-6) with a purity by weight of at least 95 %, for use in the manufacture of polyethylene (?)	1.1.-31.12.	165 tonnes	0 %
09.2842	2932 12 00		2-Furaldehyde (furfuraldehyde)	1.1.-31.12.	10 000 tonnes	0 %
09.2696	ex 2932 20 90	25	Decan-5-olide (CAS RN 705-86-2)	1.1.-31.12.	6 000 kilograms	0 %
09.2697	ex 2932 20 90	30	Dodecan-5-olide (CAS RN 713-95-1)	1.1.-31.12.	6 000 kilograms	0 %
09.2812	ex 2932 20 90	77	Hexan-6-olide (CAS RN 502-44-3)	1.1.-31.12.	4 000 tonnes	0 %
09.2858	2932 93 00		Piperonal (CAS RN 120-57-0)	1.1.-31.12.	220 tonnes	0 %
09.2673	ex 2933 39 99	43	2,2,6,6-Tetramethylpiperidin-4-ol (CAS RN 2403-88-5)	1.1.-31.12.	1 000 tonnes	0 %
09.2880	ex 2933 59 95	39	Ibrutinib (INN) (CAS RN 936563-96-1)	1.1.-31.12.	5 tonnes	0 %
09.2860	ex 2933 69 80	30	1,3,5-Tris[3-(dimethylamino)propyl]hexahydro-1,3,5-triazine (CAS RN 15875-13-5)	1.1.-31.12.	600 tonnes	0 %
09.2595	ex 2933 99 80	49	1,4,7,10-Tetraazacyclododecane (CAS RN 294-90-6)	1.1.-31.12.	40 tonnes	0 %
09.2658	ex 2933 99 80	73	5-(Acetoacetyl amino)benzimidazolone (CAS RN 26576-46-5)	1.1.-31.12.	400 tonnes	0 %
09.2593	ex 2934 99 90	67	5-Chlorothiophene-2-carboxylic acid (CAS RN 24065-33-6)	1.1.-31.12.	45 000 kilograms	0 %
09.2675	ex 2935 90 90	79	4-[[2-Methoxybenzoyl]amino]sulfonyl]benzoyl chloride (CAS RN 816431-72-8)	1.1.-31.12.	1 000 tonnes	0 %
09.2710	ex 2935 90 90	91	2,4,4-trimethylpentan-2-aminium (3R,5S,6E)-7-{2-[(ethylsulfonyl)amino]- 4-(4-fluorophenyl)-6-(propan-2-yl)pyrimidin-5-yl}-3,5-dihydroxyhept-6- enoate (CAS RN 917805-85-7)	1.1.-31.12.	5 000 kilograms	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2945	ex 2940 00 00	20	D-Xylose (CAS RN 58-86-6)	1.1.-31.12.	400 tonnes	0 %
09.2686	ex 3204 11 00	75	Colourant C.I. Disperse Yellow 54 (CAS RN 7576-65-0) and preparations based thereon with a colourant C.I. Disperse Yellow 54 content of 99 % or more by weight	1.1.-31.12.	250 tonnes	0 %
09.2676	ex 3204 17 00	14	Preparations based on Colourant C.I. Pigment Red 48:2 (CAS RN 7023-61-2) with a content thereof of 60 % or more but less than 85 % by weight	1.1.-31.12.	50 tonnes	0 %
09.2698	ex 3204 17 00	30	Colourant C.I. Pigment Red 4 (CAS RN 2814-77-9) and preparations based thereon with a colourant C.I. Pigment Red 4 content of 60 % or more by weight	1.1.-31.12.	150 tonnes	0 %
09.2659	ex 3802 90 00	19	Soda flux calcinated diatomaceous earth	1.1.-31.12.	35 000 tonnes	0 %
09.2908	ex 3804 00 00	10	Sodium lignosulphonate (CAS RN 8061-51-6)	1.1.-31.12.	40 000 tonnes	0 %
09.2889	3805 10 90		Sulphate turpentine	1.1.-31.12.	25 000 tonnes	0 %
09.2935	ex 3806 10 00	10	Rosin and resin acids obtained from fresh oleoresins	1.1.-31.12.	280 000 tonnes	0 %
09.2832	ex 3808 92 90	40	Preparation containing 38 % or more but not more than 50 % by weight of pyrrithione zinc (INN) (CAS RN 13463-41-7) in an aqueous dispersion	1.1.-31.12.	500 tonnes	0 %
09.2876	ex 3811 29 00	55	Additives consisting of reaction products of diphenylamine and branched nonenes containing by weight: — 28 % or more, but not more than 55 % of 4-monononyldiphenylamine, — 45 % or more but not more than 65 % of 4,4'-dinonyldiphenylamine, and — not more than 5 % of 2, 4-dinonyldiphenylamine and 2,4'-dinonyldiphenylamine, used for the manufacture of lubricating oils ⁽²⁾	1.1.-31.12.	900 tonnes	0 %
09.2814	ex 3815 90 90	76	Catalyst consisting of titanium dioxide and tungsten trioxide	1.1.-31.12.	3 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2820	ex 3824 79 00	10	Mixtures containing by weight: — 60 % or more but not more than 90 % of 2-chloropropene (CAS RN 557-98-2), — 8 % or more but not more than 14 % of (Z)-1-chloropropene (CAS RN 16136-84-8), — 5 % or more but not more than 23 % of 2-chloropropane (CAS RN 75-29-6), — not more than 6 % of 3-chloropropene (CAS RN 107-05-1), and — not more than 1 % of ethyl chloride (CAS RN 75-00-3)	1.1.-31.12.	6 000 tonnes	0 %
09.2644	ex 3824 99 92	77	Preparation containing by weight: — 55 % or more but not more than 78 % of dimethyl glutarate (CAS RN 1119-40-0), — 10 % or more but not more than 30 % of dimethyl adipate (CAS RN 627-93-0), and — not more than 35 % of dimethyl succinate (CAS RN 106-65-0)	1.1.-31.12.	10 000 tonnes	0 %
09.2681	ex 3824 99 92	85	Mixture of bis [3-(triethoxysilyl)propyl]sulphides (CAS RN 211519-85-6)	1.1.-31.12.	9 000 tonnes	0 %
09.2650	ex 3824 99 92	87	Acetophenone (CAS RN 98-86-2), with a purity by weight of 60 % or more but not more than 90 %	1.1.-31.12.	2 000 tonnes	0 %
09.2888	ex 3824 99 92	89	Mixture of tertiary alkyl dimethyl amines containing by weight: — 60 % or more but not more than 80 % of dodecyldimethylamine (CAS RN 112-18-5), and — 20 % or more but not more than 30 % of dimethyl(tetradecyl)amine (CAS RN 112-75-4)	1.1.-31.12.	20 000 tonnes	0 %
09.2829	ex 3824 99 93	43	Solid extract of the residual, insoluble in aliphatic solvents, obtained during the extraction of rosin from wood, having the following characteristics: — a resin acid content not exceeding 30 % by weight, — an acid number not exceeding 110, and — a melting point of 100 °C or more	1.1.-31.12.	1 600 tonnes	0 %
09.2907	ex 3824 99 93	67	Mixture of phytosterols, in the form of powder, containing by weight: — 75 % or more of sterols, — not more than 25 % of stanols, for use in the manufacture of stanols/sterols or stanol/sterol esters (?)	1.1.-31.12.	2 500 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2639	3905 30 00		Poly(vinyl alcohol), whether or not containing unhydrolysed acetate groups	1.1.-31.12.	15 000 tonnes	0 %
09.2671	ex 3905 99 90	81	Poly(vinyl butyral)(CAS RN 63148-65-2): — containing by weight 17,5 % or more, but not more than 20 % of hydroxyl groups, and — with a median particle size (D50) of more than 0,6 mm	1.1.-31.12.	12 500 tonnes	0 %
09.2846	ex 3907 40 00	25	Polymer blend of polycarbonate and poly(methyl methacrylate) with a polycarbonate content of not less than 98,5 % by weight, in the form of pellets or granules, with a luminous transmittance of not less than 88,5 %, measured using a test sample with a thickness of 4 mm at a wavelength of $\lambda = 400$ nm (according to ISO 13468-2)	1.1.-31.12.	2 000 tonnes	0 %
09.2585	ex 3907 99 80	70	Copolymer of poly(ethylene terephthalate) and cyclohexane dimethanol, containing more than 10 % by weight of cyclohexane dimethanol	1.1.-31.12.	60 000 tonnes	2 %
09.2723	ex 3911 90 19	10	Poly(oxy-1,4-phenylenesulphonyl-1,4-phenyleneoxy-4,4'-biphenylene)	1.1.-31.12.	5 000 tonnes	0 %
09.2816	ex 3912 11 00	20	Cellulose acetate flakes	1.1.-31.12.	75 000 tonnes	0 %
09.2864	ex 3913 10 00	10	Sodium alginate, extracted from brown seaweed (CAS RN 9005-38-3)	1.1.-31.12.	10 000 tonnes	0 %
09.2641	ex 3913 90 00	87	Sodium hyaluronate, non sterile, with: — a weight average molecular weight (M_w) of not more than 900 000, — an endotoxin level of not more than 0,008 Endotoxin units (EU)/mg, — an ethanol content of not more than 1 % by weight, — an isopropanol content of not more than 0,5 % by weight	1.1.-31.12.	200 kilograms	0 %
09.2661	ex 3920 51 00	50	Sheets of polymethylmethacrylate conforming to standards: — EN 4364 (MIL-P-5425E) and DTD5592A, or — EN 4365 (MIL-P-8184) and DTD5592A	1.1.-31.12.	100 tonnes	0 %
09.2645	ex 3921 14 00	20	Cellular block of regenerated cellulose, impregnated with water containing magnesium chloride and quaternary ammonium compounds, measuring 100 cm (\pm 10 cm) x 100 cm (\pm 10 cm) x 40 cm (\pm 5 cm)	1.1.-31.12.	1 700 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2576	ex 5208 12 16	20	Unbleached woven fabric in plain weave, with: — a width of not more than 145 cm, — a weight of 120 g/m ² or more, but not more than 130 g/m ² , — 30 or more, but not more than 45 wefts per cm, — a tuck-in selvedge on both sides, where from the inside out, the 15 mm (± 2mm) wide tuck-in selvedge consists of a 6 mm or more but not more than 9 mm wide strip of plain weave and a 6 mm or more but not more than 9 mm wide strip of panama weave	1.1.-31.12.	1 500 000 square meters	0 %
09.2577	ex 5208 12 96	20	Unbleached woven fabric in plain weave, with: — a width of not more than 145 cm, — a weight of more than 130 g/m ² , but not more than 145 g/m ² — 30 or more, but not more than 45 wefts per cm, — a tuck-in selvedge on both sides, where from the inside out, the 15mm (± 2mm wide) tuck-in selvedge consists of a 6 mm or more but not more than 9 mm wide strip of plain weave and a 6 mm or more but not more than 9 mm wide strip of panama weave	1.1.-31.12.	2 300 000 square meters	0 %
09.2848	ex 5505 10 10	10	Waste of synthetic fibres (including noils, yarn waste, and garnetted stock) of nylon or other polyamides (PA6 and PA66)	1.1.-31.12.	10 000 tonnes	0 %
09.2721	ex 5906 99 90	20	Woven and laminated rubberised textile fabric with the following characteristics: — with three layers, — one outer layer consists of acrylic fabric, — the other outer layer consists of polyester fabric, — the middle layer consists of chlorobutyl rubber, — the middle layer has a weight of 452 g/m ² or more but not more than 569 g/m ² , — the textile fabric has a total weight of 952 g/m ² or more but not more than 1159 g/m ² , and — the textile fabric has a total thickness of 0,8 mm or more but not more than 4 mm, used for the manufacture of the retractable roof of motor vehicles (?)	1.1.-31.12.	375 000 square meters	0 %
09.2866	ex 7019 12 00 ex 7019 12 00	06 26	S glass stratifils (rovings): — composed of continuous glass filaments of 9 µm (±0,5 µm), — measuring 200 tex or more but not more than 680 tex, — not containing any calcium oxide, and — with a breaking strength of more than 3 550 MPa determined by ASTM D2343-09, for use in the manufacture of aeronautics (?)	1.1.-31.12.	1 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2628	ex 7019 52 00	10	Glass web woven from glass fibre coated in plastic, of a weight of 120 g/m ² (± 10 g/m ²), of a type used in rolling insect screens with fixed frames	1.1.-31.12.	3 000 000 square meters	0 %
09.2799	ex 7202 49 90	10	Ferro-chromium containing 1,5 % or more but not more than 4 % by weight of carbon and not more than 70 % of chromium	1.1.-31.12.	50 000 tonnes	0 %
09.2652	ex 7409 11 00 ex 7410 11 00	30 40	Refined copper foil and strips, electrolytically manufactured, with a thickness of 0,015 mm or more	1.1.-31.12.	1 020 tonnes	0 %
09.2734	ex 7409 19 00	20	Plates or sheets consisting of: — a layer of a silicon nitride ceramic with a thickness of 0,32 mm (± 0,1 mm) or more but not more than 1,0 mm (± 0,1 mm), — covered on both sides with a foil of refined copper with a thickness of 0,8 mm (± 0,1 mm), and — on one side partially covered with a coating of silver	1.1.-31.12.	7 000 000 pieces	0 %
09.2662	ex 7410 21 00	55	Plates: — consisting of at least one layer of fibreglass fabric impregnated with epoxide resin, — covered on one or both sides with copper foil with a thickness of not more than 0,15 mm, — with a dielectric constant (DK) of less than 5,4 at 1 MHz, as measured according to IPC-TM-650 2.5.5.2, — with a loss tangent of less than 0,035 at 1 MHz, as measured according to IPC-TM-650 2.5.5.2, — with a comparative tracking index (CTI) of 600 or more	1.1.-31.12.	80 000 square meters	0 %
09.2835	ex 7604 29 10	30	Aluminium alloy rods with a diameter of 300,1 mm or more, but not more than 533,4 mm	1.1.-31.12.	1 000 tonnes	0 %
09.2736	ex 7607 11 90 ex 7607 11 90	75 77	Aluminium and magnesium alloy strip or foil: — of an alloy conforming to standards 5182-H19 or 5052-H19, — in rolls with an outside diameter of minimum 1 250 mm but not more than 1 350 mm, — of a thickness (tolerance - 0,006 mm) of 0,15 mm, 0,16 mm, 0,18 mm or 0,20 mm, — of a width (tolerance ± 0,3 mm) of 12,5 mm, 15,0 mm, 16,0 mm, 25,0 mm, 35,0 mm, 50,0 mm or 356 mm, — having a camber tolerance of not more than 0,4 mm/750 mm, — of a flatness measurement: I-unit ±4, — having a tensile strength of more than (5182-H19) 365 MPa or (5052-H19) 320 MPa, and — of an elongation A50 of more than (5182-H19) 3 % or (5052-H19) 2,5 %, for use in the manufacture of slats for blinds (?)	1.1.-31.12.	600 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2722	8104 11 00		Unwrought magnesium, containing at least 99,8 % by weight of magnesium	1.1.-31.12.	120 000 tonnes	0 %
09.2840	ex 8104 30 00	20	Magnesium powder: — of purity by weight of 98 % or more, but not more than 99,5 %, and — with a particle size of 0,2 mm or more but not more than 0,8 mm	1.1.-31.12.	2 000 tonnes	0 %
09.2629	ex 8302 49 00	91	Aluminium telescopic handle for use in the manufacture of luggage ⁽²⁾	1.1.-31.12.	1 500 000 pieces	0 %
09.2720	ex 8413 91 00	50	Pump head for two cylinder high pressure pump made of forged steel, with: — milled threaded fittings with a diameter of 10 mm or more but not more than 36,8 mm, and — drilled fuel channels with a diameter of 3,5 mm or more but not more than 10 mm, of a kind used in diesel injection systems	1.1.-31.12.	65 000 pieces	0 %
09.2738	ex 8482 99 00	30	Brass cages with the following characteristics: — continuously or centrifugally cast, — turned, — containing by weight 35 % or more, but not more than 38 % of zinc, — containing by weight 0,75 % or more, but not more than 1,25 % of lead, — containing by weight 1,0 % or more, but not more than 1,4 % of aluminium, and — with a tensile strength of 415 Pa or more, of a kind used for the manufacture of ball bearings	1.1.-31.12.	50 000 pieces	0 %
09.2763	ex 8501 40 20 ex 8501 40 80	40 30	Electric AC commutator motor, single-phase, with an output of 250 W or more, an input power of 700 W or more but not more than 2 700 W, an external diameter of more than 120 mm (± 0,2 mm) but not more than 135 mm (± 0,2 mm), a rated speed of more than 30 000 rpm but not more than 50 000 rpm, equipped with air-inducting ventilator, for use in the manufacture of vacuum cleaners ⁽²⁾	1.1.-31.12.	2 000 000 pieces	0 %
09.2584	ex 8528 59 00	40	Electronic device with LCD touch screen display powered by a voltage of 12 V or more but not more than 14,4 V: — with LCD control processor, — with GPS module, — with Bluetooth module, — with USB port, — with radio signal tuner, — with functions for cooperation with E-CALL, — with connectors, — without integrated control panel, for use in the manufacture of goods of Chapter 87 ⁽²⁾	1.1.-30.6	60 000 pieces	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2672	ex 8529 90 92 ex 9405 40 39	75 70	Printed circuit board with LED diodes: — whether or not equipped with prisms/lens, and — whether or not fitted with connector(s) for the manufacture of backlight units for goods of heading 8528 ⁽²⁾	1.1.-31.12.	115 000 000 pieces	0 %
09.2574	ex 8537 10 91	73	Multifunctional device (instrument cluster) with: — curved TFT-LCD display (radius 750 mm) with touch-sensitive surfaces, — microprocessors and memory chips, — acoustic module and loudspeaker, — connections for CAN, 3 x LIN bus, LVDS and Ethernet, — for operating various functions (e.g. chassis, lighting) and — for situation-related display of vehicle and navigation data (e.g. speed, odometer, charge level of the drive battery), for use in the manufacture of passenger cars powered solely by an electric motor covered by HS subheading 8703 80 ⁽²⁾	1.1.-31.12.	66 900 pieces	0 %
09.2003	ex 8543 70 90	63	Voltage controlled frequency generator, consisting of active and passive elements mounted on a printed circuit, contained in a housing with dimensions of not more than 30 mm x 30 mm	1.1.-31.12.	1 400 000 pieces	0 %
09.2910	ex 8708 99 97	75	Aluminium alloy support bracket, with mounting holes, whether or not with fixation nuts, for indirect connection of the gearbox to the car body for use in the manufacture of goods of Chapter 87 ⁽²⁾	1.1.-31.12.	200 000 pieces	0 %
09.2694	ex 8714 10 90	30	Axle clamps, housings, fork bridges and clamping pieces, of aluminium alloy of a kind used for motor bikes	1.1.-31.12.	1 000 000 pieces	0 %
09.2668	ex 8714 91 10 ex 8714 91 10 ex 8714 91 10	21 31 75	Bicycle frame, constructed from carbon fibres and artificial resin, for use in the manufacture of bicycles (including electric bicycles) ⁽²⁾	1.1.-31.12.	500 000 pieces	0 %
09.2589	ex 8714 91 10 ex 8714 91 10 ex 8714 91 10	23 33 70	Frame, constructed from aluminium or aluminium and carbon fibres, for the use in the manufacture of bicycles (including electric bicycles) ⁽²⁾	1.1.-31.12.	8 000 000 pieces	0 %
09.2631	ex 9001 90 00	80	Unmounted glass lenses, prisms and cemented elements for use in the manufacture or repair of goods of CN codes 9002, 9005, 9013 10 and 9015 ⁽²⁾	1.1.-31.12.	5 000 000 pieces	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2579	ex 9029 20 31 ex 9029 90 00	40 40	Clustered instrument panel with: — stepping motors, — analog pointers and dials, — or without microprocessor control board, — or without LED indicators or LCD display, — showing at least: — speed, — engine revolutions, — engine temperature, — the fuel level, — communicating via CAN-BUS and/or K-LINE protocols, for use in the manufacture of goods of Chapter 87 ⁽²⁾	1.1.-31.12.	160 000 pieces	0 % ¹

⁽¹⁾ However, the suspension of tariff duties does not apply where the processing is carried out by retail or catering undertakings.

⁽²⁾ Suspension of duties is subject to end-use customs supervision in accordance with Article 254 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

⁽³⁾ Only the *ad valorem* duty is suspended. The specific duty shall continue to apply.

COUNCIL REGULATION (EU) 2020/2231**of 18 December 2020****amending Regulation (EU) No 1387/2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In order to ensure a sufficient and uninterrupted supply of certain agricultural and industrial products which are not produced in the Union and thereby avoid any disturbances in the market for those products, Common Customs Tariff duties of the type referred to in Article 56(2)(c) of Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽¹⁾ ('CCT duties') on those products have been suspended by Council Regulation (EU) No 1387/2013 ⁽²⁾. Those products can be imported into the Union at reduced or zero duty rates.
- (2) The Union production of certain products that are not listed in the Annex to Regulation (EU) No 1387/2013 is inadequate or non-existent. It is therefore in the interest of the Union to grant a complete suspension of the CCT duties on those products.
- (3) With a view to promoting integrated battery production in the Union in accordance with the communication from the Commission of 17 May 2018 entitled 'Europe on the Move – Sustainable Mobility for Europe: safe, connected, and clean', a partial suspension of the CCT duties should be granted in respect of certain products that are not listed in the Annex to Regulation (EU) No 1387/2013. In addition, only a partial suspension of the CCT duties should be granted in respect of certain products that are currently subject to complete suspensions. The date for the mandatory review of those suspensions should be 31 December 2021, in order for that review to take into account the evolution of the battery sector in the Union.
- (4) It is necessary to amend the product description, classification and end-use requirement for certain CCT duty suspensions listed in the Annex to Regulation (EU) No 1387/2013 in order to take into account technical product developments and economic trends in the market.
- (5) A review has been undertaken of certain CCT duty suspensions listed in the Annex to Regulation (EU) No 1387/2013. New dates should therefore be set for their next mandatory review.
- (6) It is no longer in the interest of the Union to maintain the suspension of CCT duties for certain products listed in the Annex to Regulation (EU) No 1387/2013. The suspensions for those products should therefore be deleted. Moreover, according to the communication from the Commission of 13 December 2011 concerning autonomous tariff suspensions and quotas, for practical reasons requests for tariff suspensions or quotas where the amount of uncollected customs duty is estimated to be less than EUR 15 000 per year cannot be taken into consideration. The suspensions for products which do not reach that threshold, as indicated by the mandatory review, should therefore be deleted from the Annex to Regulation (EU) No 1387/2013.
- (7) Regulation (EU) No 1387/2013 should therefore be amended accordingly.

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

⁽²⁾ Council Regulation (EU) No 1387/2013 of 17 December 2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products and repealing Regulation (EU) No 1344/2011 (OJ L 354, 28.12.2013, p. 201).

- (8) In order to avoid any interruption in the application of the autonomous tariff suspension scheme and to comply with the guidelines set out in the communication from the Commission of 13 December 2011 concerning autonomous tariff suspensions and quotas, the changes provided for in this Regulation regarding the tariff suspensions for the products concerned should apply from 1 January 2021. This Regulation should therefore enter into force as a matter of urgency,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 1387/2013 is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2021.

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

Done at Brussels, 18 December 2020.

For the Council
The President
M. ROTH

ANNEX

The Annex to Regulation (EU) No 1387/2013 is amended as follows:

(1) the entries with the following serial numbers are deleted:

0.3338, 0.3662, 0.4675, 0.4795, 0.4856, 0.4891, 0.4902, 0.4903, 0.4905, 0.4908, 0.4911, 0.4920, 0.4926, 0.4935, 0.4939, 0.4943, 0.4973, 0.4995, 0.5012, 0.5022, 0.5039, 0.5043, 0.5052, 0.5053, 0.5067, 0.5092, 0.5103, 0.5123, 0.5125, 0.5126, 0.5311, 0.5498, 0.5953, 0.6036, 0.6068, 0.6087, 0.6450, 0.6527, 0.6591, 0.6592, 0.6595, 0.6596, 0.6597, 0.6606, 0.6607, 0.6608, 0.6610, 0.6615, 0.6616, 0.6619, 0.6626, 0.6636, 0.6639, 0.6651, 0.6653, 0.6665, 0.6676, 0.6694, 0.6697, 0.6704, 0.6705, 0.6715, 0.6724, 0.6727, 0.6731, 0.6733, 0.6735, 0.6743, 0.6744, 0.6755, 0.6756, 0.6758, 0.6760, 0.6768, 0.6775, 0.6776, 0.6778, 0.6780, 0.6785, 0.6786, 0.6787, 0.6788, 0.6795, 0.6798, 0.6803, 0.6807, 0.6811, 0.6832, 0.6833, 0.6834, 0.6838, 0.6841, 0.6883, 0.6890, 0.6895, 0.6900, 0.6902, 0.6909, 0.6914, 0.6916, 0.6918, 0.6928, 0.6941, 0.6942, 0.6943, 0.6944, 0.6953, 0.6954, 0.7040, 0.7222, 0.7293, 0.7558, 0.7560, 0.7697, 0.7715 and 0.7855;

(2) the following entries replace those entries that have the same serial numbers:

Serial Number	CN code	TARIC	Description	Rate of autonomous duty	Supplementary Unit	Date foreseen for mandatory review
'0.6748	ex 0709 59 10	10	Fresh or chilled chanterelles for treatment other than simple repacking for retail sale ⁽¹⁾ ⁽²⁾	0 %	-	31.12.2025
0.2864	ex 1511 90 19 ex 1511 90 91 ex 1513 11 10 ex 1513 19 30 ex 1513 21 10 ex 1513 29 30	20 20 20 20 20 20	Palm oil, coconut (copra) oil, palm kernel oil, for the manufacture of: — industrial monocarboxylic fatty acids of subheading 3823 19 10, — methyl esters of fatty acids of heading 2915 or 2916, — fatty alcohols of subheadings 2905 17, 2905 19 and 3823 70 used for the manufacture of cosmetics, washing products or pharmaceutical products, — fatty alcohols of subheading 2905 16, pure or mixed, used for the manufacture of cosmetics, washing products or pharmaceutical products, — stearic acid of subheading 3823 11 00, — goods of heading 3401, or — fatty acids with high purity of heading 2915 ⁽²⁾	0 %	-	31.12.2021
0.6789	ex 1512 19 10	10	Refined safflower oil (CAS RN 8001-23-8) for use in the manufacture of — conjugated linoleic acid of heading 3823 or — ethyl- or methyl esters of linoleic acid of heading 2916 ⁽²⁾	0 %	-	31.12.2022
0.5004	ex 2008 99 48	94	Mango puree: — not from concentrate, — of the genus <i>Mangifera</i> , — of a Brix value of 14 or more, but not more than 20, used in the manufacture of products of drink industry ⁽²⁾	6 %	-	31.12.2022
0.4709	ex 2008 99 49 ex 2008 99 99	30 40	Seedless boysenberry puree not containing added spirit, whether or not containing added sugar	0 %	-	31.12.2025
0.6723	ex 2008 99 91	20	Chinese water chestnuts (<i>Eleocharis dulcis</i> or <i>Eleocharis tuberosa</i>) peeled, washed, blanched, chilled and individually quick-frozen for use in the manufacture of products of food industry for treatment other than simple repacking ⁽¹⁾ ⁽²⁾	0 % ⁽³⁾	-	31.12.2025

0.4992	ex 2009 41 92 ex 2009 41 99	20 70	Pineapple juice: — not from concentrate, — of the genus <i>Ananas</i> , — of a Brix value of 11 or more but not more than 16, used in the manufacture of products of drink industry ⁽²⁾	8 %	-	31.12.2025
0.7393	ex 2712 90 99	10	Blend of 1-alkenes containing by weight 90 % or more 1-alkenes of a chain length of 24 carbon atoms or more but not more than 1 % 1-alkenes of a chain length of more than 70 carbon atoms	0 %	-	31.12.2022
0.6658	ex 2805 12 00	10	Calcium with a purity of 98 % or more by weight, in powder or wire form (CAS RN 7440-70-2)	0 %	-	31.12.2025
0.4979	2805 30 20 2805 30 30 2805 30 40		Rare-earth metals, scandium and yttrium, of a purity by weight of 95 % or more	0 %	-	31.12.2025
0.6836	ex 2811 22 00	15	Amorphous silicon dioxide (CAS RN 60676-86-0) — in the form of powder — of a purity by weight of 99,0 % or more — with a median grain size of 0,7 µm or more, but not more than 2,1 µm — where 70 % of the particles have a diameter of not more than 3 µm	0 %	-	31.12.2022
0.5110	ex 2818 10 91	20	Sintered corundum with a micro crystalline structure, consisting of aluminium oxide (CAS RN 1344-28-1), magnesium aluminate (CAS RN 12068-51-8) and the rare earth aluminates of yttrium, lanthanum, and neodymium, with a content by weight (calculated as oxides) of: — 94 % or more, but less than 98,5 % of aluminium oxide, — 2 % (± 1,5 %) of magnesium oxide, — 1 % (± 0,6 %) of yttrium oxide, and — either 2 % (± 1,2 %) of lanthanum oxide, or — 2 % (± 1,2 %) of lanthanum oxide and neodymium oxide, with less than 50 % of the total weight having a particle size of more than 10 µm	0 %	-	31.12.2025
0.6837	ex 2818 30 00	20	Aluminium hydroxide (CAS RN 21645-51-2) — in the form of powder, — with a purity by weight of 99,5 % or more, — with a decomposition point of 263°C or more, — with a particle size of 4 µm (± 1 µm), — with a Total-Na ₂ O-content by weight of not more than 0,06 %	0 %	-	31.12.2025

0.7897	ex 2825 20 00	10	Lithium hydroxide monohydrate (CAS RN 1310-66-3)	2.6 %	-	31.12.2021
0.6819	ex 2825 50 00	30	Copper (II) oxide (CAS RN 1317-38-0), with a particle size of not more than 100 nm	0 %	-	31.12.2025
0.5055	ex 2826 19 90	10	Tungsten hexafluoride (CAS RN 7783-82-6) with a purity by weight of 99,9 % or more	0 %	-	31.12.2025
0.5090	ex 2833 29 80	30	Zirconium sulphate (CAS RN 14644-61-2)	0 %	-	31.12.2021
0.6632	ex 2840 20 90	10	Zinc borate (CAS RN 12767-90-7)	0 %	-	31.12.2025
0.7288	ex 2841 50 00	11	Potassium dichromate (CAS RN 7778-50-9) with a purity by weight of 99 % or more	2 %	-	31.12.2021
0.4222	ex 2841 90 85	10	Lithium cobalt(III) oxide (CAS RN 12190-79-3) with a cobalt content of at least 59 %	2.7 %	-	31.12.2021
0.3419	ex 2850 00 20	80	Arsine (CAS RN 7784-42-1) with a purity by volume of 99,999 % or more	0 %	-	31.12.2024
0.6633	2903 39 21		Difluoromethane (CAS RN 75-10-5)	0 %	-	31.12.2025
0.2583	ex 2903 89 80	45	1,6,7,8,9,14,15,16,17,17,18,18-Dodecachloropentacyclo [12.2.1.1 ^{6,9} .0 ^{2,13} .0 ^{5,10}] octadeca-7,15-diene (CAS RN 13560-89-9) with a purity by weight of 99 % or more	2 %	-	31.12.2021
0.6611	ex 2903 99 80	15	4-Bromo-2-chloro-1-fluorobenzene (CAS RN 60811-21-4)	0 %	-	31.12.2025
0.3409	ex 2904 20 00	10	Nitromethane (CAS RN 75-52-5)	0 %	-	31.12.2025
0.3391	ex 2904 20 00	20	Nitroethane (CAS RN 79-24-3)	0 %	-	31.12.2022
0.3408	ex 2904 20 00	30	1-Nitropropane (CAS RN 108-03-2)	0 %	-	31.12.2025
0.6612	ex 2904 99 00	25	Difluoromethanesulphonyl chloride (CAS RN 1512-30-7)	0 %	-	31.12.2025
0.6613	ex 2904 99 00	35	1-Fluoro-4-nitrobenzene (CAS RN 350-46-9)	0 %	-	31.12.2025
0.4934	ex 2905 39 95	10	Propane-1,3-diol (CAS RN 504-63-2)	0 %	-	31.12.2025
0.6757	ex 2906 29 00	40	2-Bromo-5-iodo-benzenemethanol (CAS RN 946525-30-0)	0 %	-	31.12.2022
0.6782	ex 2908 19 00	40	3,4,5-Trifluorophenol (CAS RN 99627-05-1)	0 %	-	31.12.2025
0.6915	ex 2908 19 00	50	4-Fluorophenol (CAS RN 371-41-5)	0 %	-	31.12.2025
0.6649	ex 2909 30 38	30	1,1'-(1-Methylethylidene)bis[3,5-dibromo-4-(2,3-dibromo-2-methylpropoxy)]-benzene (CAS RN 97416-84-7)	0 %	-	31.12.2025

0.5117	ex 2909 30 90	30	3,4,5-Trimethoxytoluene (CAS RN 6443-69-2)	0 %	-	31.12.2025
0.6614	ex 2909 30 90	40	1-Chloro-2,5-dimethoxybenzene (CAS RN 2100-42-7)	0 %	-	31.12.2025
0.6783	ex 2909 30 90	50	1-Ethoxy-2,3-difluorobenzene (CAS RN 121219-07-6)	0 %	-	31.12.2025
0.6784	ex 2909 30 90	60	1-Butoxy-2,3-difluorobenzene (CAS RN 136239-66-2)	0 %	-	31.12.2025
0.6927	ex 2909 49 80	10	1-Propoxypropan-2-ol (CAS RN 1569-01-3)	0 %	-	31.12.2021
0.6660	ex 2910 90 00	50	2,3-Epoxypropyl phenyl ether (CAS RN 122-60-1)	0 %	-	31.12.2025
0.5135	ex 2912 49 00	30	Salicylaldehyde (CAS RN 90-02-8)	0 %	-	31.12.2025
0.6678	ex 2912 49 00	40	3-Hydroxy-p-anisaldehyde (CAS RN 621-59-0)	0 %	-	31.12.2025
0.4933	ex 2914 29 00	30	(R)-p-Mentha-1(6),8-dien-2-one (CAS RN 6485-40-1)	0 %	-	31.12.2025
0.4932	ex 2914 50 00	20	3'-Hydroxyacetophenone (CAS RN 121-71-1)	0 %	-	31.12.2025
0.6762	ex 2914 50 00	75	7-Hydroxy-3,4-dihydro-1(2H)-naphthalenone (CAS RN 22009-38-7)	0 %	-	31.12.2022
0.4948	ex 2914 79 00	60	4'-tert-Butyl-2',6'-dimethyl-3',5'-dinitroacetophenone (CAS RN 81-14-1)	0 %	-	31.12.2021
0.5119	ex 2915 39 00	60	Dodec-8-enyl acetate (CAS RN 28079-04-1)	0 %	-	31.12.2025
0.5121	ex 2915 39 00	65	Dodeca-7,9-dienyl acetate (CAS RN 54364-62-4)	0 %	-	31.12.2025
0.5120	ex 2915 39 00	70	Dodec-9-enyl acetate (CAS RN 16974-11-1)	0 %	-	31.12.2025
0.7541	ex 2915 90 30	10	Methyl laurate (CAS RN 111-82-0)	0 %	-	31.12.2025
0.4954	ex 2915 90 70	60	Ethyl-6,8-dichlorooctanoate (CAS RN 1070-64-0)	0 %	-	31.12.2025
0.3466	ex 2916 13 00	30	Zinc monomethacrylate powder (CAS RN 63451-47-8) whether or not containing not more than 17 % by weight of manufacturing impurities	0 %	-	31.12.2025
0.4931	ex 2916 20 00	60	3-Cyclohexylpropionic acid (CAS RN 701-97-3)	0 %	-	31.12.2025
0.4930	ex 2916 39 90	30	2,4,6-Trimethylbenzoyl chloride (CAS RN 938-18-1)	0 %	-	31.12.2025
0.6794	ex 2916 39 90	41	4-Bromo-2,6-difluorobenzoyl chloride (CAS RN 497181-19-8)	0 %	-	31.12.2025
0.6661	ex 2916 39 90	53	5-Iodo-2-methylbenzoic acid (CAS RN 54811-38-0)	0 %	-	31.12.2025
0.4918	ex 2917 19 80	50	Tetradecanedioic acid (CAS RN 821-38-5)	0 %	-	31.12.2025
0.4945	ex 2917 39 95	20	Dibutyl-1,4-benzenedicarboxylate (CAS RN 1962-75-0)	0 %	-	31.12.2025

0.6796	ex 2917 39 95	25	Naphthalene-1,8-dicarboxylic anhydride (CAS RN 81-84-5)	0 %	-	31.12.2025
0.3640	ex 2917 39 95	30	Benzene-1,2:4,5-tetracarboxylic dianhydride (CAS RN 89-32-7)	0 %	-	31.12.2025
0.6800	ex 2917 39 95	35	1-Methyl-2-nitroterephthalate (CAS RN 35092-89-8)	0 %	-	31.12.2025
0.6814	ex 2918 99 90	13	3-Methoxy-2-methylbenzoyl chloride (CAS RN 24487-91-0)	0 %	-	31.12.2025
0.6901	ex 2918 99 90	18	Ethyl 2-hydroxy-2-(4-phenoxyphenyl)propanoate (CAS RN 132584-17-9)	0 %	-	31.12.2025
0.6747	ex 2918 99 90	85	Trinexapac-Ethyl (ISO) (CAS RN 95266-40-3) with a purity by weight of 96 % or more	0 %	-	31.12.2025
0.5038	ex 2920 29 00	20	Tris(methylphenyl)phosphite (CAS RN 25586-42-9)	0 %	-	31.12.2025
0.5045	ex 2920 29 00	40	Bis(2,4-dicumylphenyl)pentaerythritol diphosphite (CAS RN 154862-43-8)	0 %	-	31.12.2025
0.7559	ex 2920 90 10	15	Ethyl methyl carbonate (CAS RN 623-53-0)	3.2 %	-	31.12.2021
0.6598	ex 2920 90 70	80	Bis(pinacolato)diboron (CAS RN 73183-34-3)	0 %	-	31.12.2025
0.4917	ex 2921 29 00	40	Decamethylenediamine (CAS RN 646-25-3)	0 %	-	31.12.2025
0.4862	ex 2921 30 99	30	1,3-Cyclohexanedimethanamine (CAS RN 2579-20-6)	0 %	-	31.12.2021
0.5124	ex 2921 43 00	60	3-Aminobenzotrifluoride (CAS RN 98-16-8)	0 %	-	31.12.2025
0.6825	ex 2921 49 00	60	2,6-Diisopropylaniline (CAS RN 24544-04-5)	0 %	-	31.12.2025
0.6947	ex 2922 19 00	35	2-[2-(Dimethylamino)ethoxy] ethanol (CAS RN 1704-62-7)	0 %	-	31.12.2025
0.6624	ex 2922 29 00	30	1,2-Bis(2-aminophenoxy)ethane (CAS RN 52411-34-4)	0 %	-	31.12.2025
0.6634	ex 2922 29 00	63	Acclonifen (ISO) (CAS RN 74070-46-5) with a purity by weight of 97 % or more	0 %	-	31.12.2025
0.4956	ex 2922 29 00	75	4-(2-Aminoethyl)phenol (CAS RN 51-67-2)	0 %	-	31.12.2025
0.4914	ex 2922 39 00	20	2-Amino-5-chlorobenzophenone (CAS RN 719-59-5)	0 %	-	31.12.2025
0.6761	ex 2922 39 00	35	5-Chloro-2-(methylamino)benzophenone (CAS RN 1022-13-5)	0 %	-	31.12.2025
0.7853	ex 2922 49 85	13	Benzyl glycinate—4-methylbenzene-1-sulfonic acid (1/1) (CAS RN 1738-76-7) with a purity by weight of 93 % or more	0 %	-	31.12.2024
0.5037	ex 2922 49 85	17	Glycine (CAS RN 56-40-6) with a purity by weight of 95 % or more, whether or not with not more than 5 % addition of anti-caking agent silicon dioxide (CAS RN 112926-00-8)	0 %	-	31.12.2025
0.6948	ex 2922 49 85	30	Aqueous solution containing 40 % by weight or more of sodium methylaminoacetate (CAS RN 4316-73-8)	0 %	-	31.12.2021

0.6650	ex 2922 49 85	65	Diethyl aminomalonate hydrochloride (CAS RN 13433-00-6)	0 %	-	31.12.2025
0.5063	ex 2923 90 00	75	Tetraethylammonium hydroxide, in the form of an aqueous solution containing: — 35 % (± 0,5 %) by weight of tetraethylammonium hydroxide, — not more than 1 000 mg/kg of chloride, — not more than 2 mg/kg of iron, and — not more than 10 mg/kg of potassium	0 %	-	31.12.2025
0.3689	ex 2924 19 00	23	Acrylamide (CAS RN 79-06-1) with a purity by weight of 97 % or more	2 %	-	31.12.2021
0.5066	ex 2924 29 70	40	N,N'-1,4-Phenylenebis[3-oxobutyramide], (CAS RN 24731-73-5)	0 %	-	31.12.2025
0.5127	ex 2924 29 70	45	Propoxur (ISO) (CAS RN 114-26-1)	0 %	-	31.12.2025
0.5069	ex 2924 29 70	55	N,N'-(2,5-Dimethyl-1,4-phenylene)bis[3-oxobutyramide] (CAS RN 24304-50-5)	0 %	-	31.12.2025
0.6767	ex 2924 29 70	62	2-Chlorobenzamide (CAS RN 609-66-5)	0 %	-	31.12.2025
0.6766	ex 2924 29 70	64	N-(3',4'-dichloro-5-fluoro[1,1'-biphenyl]-2-yl)acetamide (CAS RN 877179-03-8)	0 %	-	31.12.2025
0.6934	ex 2926 90 70	17	Cypermethrin (ISO) with its stereoisomers (CAS RN 52315-07-8) with a purity by weight of 90 % or more	0 %	-	31.12.2025
0.6259	ex 2926 90 70	26	Cyfluthrin (ISO) (CAS RN 68359-37-5) with a purity by weight of 95,5 % or more for the use in the manufacture of biocidal products (?)	0 %	-	31.12.2024
0.6871	ex 2928 00 90	23	Metobromuron (ISO) (CAS RN 3060-89-7) with a purity by weight of 98 % or more	0 %	-	31.12.2025
0.4929	ex 2928 00 90	25	Acetaldehyde oxime (CAS RN 107-29-9) in an aqueous solution	0 %	-	31.12.2025
0.6635	ex 2928 00 90	50	Aqueous solution of 2,2'-(hydroxyimino) bisethanesulphonic acid disodium salt (CAS RN 133986-51-3) with a content by weight of more than 33,5 % but not more than 36,5 %	0 %	-	31.12.2025
0.5035	ex 2930 90 98	10	2,3-Bis((2-mercaptoethyl)thio)-1-propanethiol (CAS RN 131538-00-6)	0 %	-	31.12.2022
0.6769	ex 2930 90 98	22	Tembotrione (ISO) (CAS RN 335104-84-2) with a purity by weight of 94,5 % or more	0 %	-	31.12.2025
0.6873	ex 2930 90 98	26	Folpet (ISO)(CAS RN 133-07-3) with a purity by weight of 97,5 % or more	0 %	-	31.12.2025

0.6617	ex 2930 90 98	53	Bis(4-chlorophenyl) sulphone (CAS RN 80-07-9)	0 %	-	31.12.2025
0.5114	ex 2930 90 98	55	Thiourea (CAS RN 62-56-6)	0 %	-	31.12.2025
0.6917	ex 2931 90 00	63	Chloroethenyldimethylsilane (CAS RN 1719-58-0)	0 %	-	31.12.2021
0.6946	ex 2931 90 00	65	Bis(4-tert-butylphenyl)iodonium hexafluorophosphate (CAS RN 61358-25-6)	0 %	-	31.12.2021
0.6620	ex 2932 20 90	65	Sodium 4-(methoxycarbonyl)-5-oxo-2,5-dihydrofuran-3-olate (CAS RN 1134960-41-0)	0 %	-	31.12.2025
0.7639	ex 2932 99 00	27	(2-Butyl-3-benzofuranyl)(4-hydroxy-3,5-diiodophenyl)methanone (CAS RN 1951-26-4) with a purity by weight of 99 % or more	0 %	-	31.12.2023
0.4907	ex 2932 99 00	50	7-Methyl-3,4-dihydro-2H-1,5-benzodioxepin-3-one (CAS RN 28940-11-6)	0 %	-	31.12.2021
0.6771	ex 2932 99 00	65	4,4-Dimethyl-3,5,8-trioxabicyclo[5,1,0]octane (CAS RN 57280-22-5)	0 %	-	31.12.2025
0.7811	ex 2933 19 90	33	Fipronil (ISO) (CAS RN 120068-37-3) with a purity by weight of 95 % or more for the use in the manufacture of veterinary medicine ⁽²⁾	0 %	-	31.12.2024
0.6835	ex 2933 21 00	55	1-Aminohydantoin hydrochloride (CAS RN 2827-56-7)	0 %	-	31.12.2025
0.5115	ex 2933 21 00	80	5,5-Dimethylhydantoin (CAS RN 77-71-4)	0 %	-	31.12.2025
0.6812	ex 2933 39 99	14	N,4-Dimethyl-1-(phenylmethyl)- 3-piperidinamine hydrochloride (1:2) (CAS RN 1228879-37-5)	0 %	-	31.12.2022
0.4842	ex 2933 39 99	20	Copper pyrithione powder (CAS RN 14915-37-8)	0 %	-	31.12.2021
0.6813	ex 2933 39 99	26	2-[4-(Hydrazinylmethyl)phenyl]-pyridine dihydrochloride (CAS RN 1802485-62-6)	0 %	-	31.12.2022
0.5129	ex 2933 39 99	85	2-Chloro-5-chloromethylpyridine (CAS RN 70258-18-3)	0 %	-	31.12.2025
0.6773	ex 2933 49 10	50	1-Cyclopropyl-6,7,8-trifluoro-1,4-dihydro-4-oxo-3-quinolinecarboxylic acid (CAS RN 94695-52-0)	0 %	-	31.12.2025
0.4927	ex 2933 49 90	30	Quinoline (CAS RN 91-22-5)	0 %	-	31.12.2025
0.6763	ex 2933 59 95	21	N-(2-oxo-1,2-dihydropyrimidin-4-yl)benzamide (CAS RN 26661-13-2)	0 %	-	31.12.2025
0.6677	ex 2933 59 95	47	6-Methyl-2-oxoperhydropyrimidin-4-ylurea (CAS RN 1129-42-6) with a purity of 94 % or more	0 %	-	31.12.2025

0.6774	ex 2933 69 80	13	Metribuzin (ISO) (CAS RN 21087-64-9) with a purity by weight of 93 % or more	0 %	-	31.12.2025
0.6621	ex 2933 69 80	15	2-Chloro-4,6-dimethoxy-1,3,5-triazine (CAS RN 3140-73-6)	0 %	-	31.12.2025
0.6951	ex 2933 69 80	17	Benzoguanamine (CAS RN 91-76-9)	0 %	-	31.12.2021
0.5131	ex 2933 69 80	55	Terbutryn (ISO) (CAS RN 886-50-0)	0 %	-	31.12.2025
0.4957	ex 2933 69 80	60	Cyanuric acid (CAS RN 108-80-5)	0 %	-	31.12.2025
0.4985	ex 2933 79 00	70	(S)-N-[(Diethylamino)methyl]-alpha-ethyl-2-oxo-1-pyrrolidineacetamide L-(+)-tartrate, (CAS RN 754186-36-2)	0 %	-	31.12.2025
0.6872	ex 2933 99 80	16	Pyridate (ISO)(CAS RN 55512-33-9) with a purity by weight of 90 % or more	0 %	-	31.12.2025
0.6829	ex 2933 99 80	21	1-(Bis(dimethylamino)methylene)-1H-[1,2,3]triazolo[4,5-b]pyridinium 3-oxide hexafluorophosphate(V) (CAS RN 148893-10-1)	0 %	-	31.12.2025
0.6599	ex 2933 99 80	54	3-(Salicyloylamino)-1,2,4-triazole (CAS RN 36411-52-6)	0 %	-	31.12.2025
0.6933	ex 2933 99 80	87	Carfentrazone-ethyl (ISOM) (CAS RN 128639-02-1) with a purity by weight of 90 % or more	0 %	-	31.12.2025
0.4955	ex 2934 20 80	60	Benzothiazol-2-yl-(Z)-2-trityloxyimino-2-(2-aminothiazole-4-yl)-thioacetate (CAS RN 143183-03-3)	0 %	-	31.12.2022
0.4910	ex 2934 20 80	70	N,N-Bis(1,3-benzothiazol-2-ylsulphanyl)-2-methylpropan-2-amine (CAS RN 3741-80-8)	0 %	-	31.12.2025
0.4942	ex 2934 99 90	25	2,4-Diethyl-9H-thioxanthen-9-one (CAS RN 82799-44-8)	0 %	-	31.12.2025
0.6824	ex 2934 99 90	39	4-(Oxiran-2-ylmethoxy)-9H-carbazole (CAS RN 51997-51-4)	0 %	-	31.12.2025
0.6823	ex 2934 99 90	41	11-[4-(2-Chloro-ethyl)-1-piperazinyl]dibenzo(b,f)(1,4)thiazepine (CAS RN 352232-17-8)	0 %	-	31.12.2025
0.6893	ex 2934 99 90	44	Propiconazole (ISO) (CAS RN 60207-90-1) with a purity by weight of 92 % or more	0 %	-	31.12.2025
0.5133	ex 2934 99 90	86	Dithianon (ISO) (CAS RN 3347-22-6)	0 %	-	31.12.2025
0.5136	ex 2934 99 90	87	2,2'-(1,4-Phenylene)bis(4H-3,1-benzoxazin-4-one) (CAS RN 18600-59-4)	0 %	-	31.12.2025
0.5036	ex 2935 90 90	42	Penoxsulam (ISO) (CAS RN 219714-96-2)	0 %	-	31.12.2025
0.6777	ex 2935 90 90	54	Propoxycarbazone-sodium (ISO) (CAS RN 181274-15-7) with a purity by weight of 95 % or more	0 %	-	31.12.2025

0.6802	ex 2935 90 90	56	N-(p-Toluenesulphonyl)-N'-(3-(p-toluenesulphonyloxy)phenyl)urea (CAS RN 232938-43-1)	0 %	-	31.12.2025
0.6903	ex 2935 90 90	57	N-{2-[(phenylcarbamoyl)amino]phenyl}benzenesulphonamide (CAS RN 215917-77-4)	0 %	-	31.12.2025
0.6664	ex 2935 90 90	59	Flazasulfuron (ISO) (CAS RN 104040-78-0) with a purity of 94 % by weight or more	0 %	-	31.12.2025
0.4944	ex 2938 90 30	10	Ammonium glycyrrhizate (CAS RN 53956-04-0)	0 %	-	31.12.2025
0.6600	ex 3201 90 90 ex 3202 90 00	40 10	Reaction product of <i>Acacia mearnsii</i> extract, ammonium chloride and formaldehyde (CAS RN 85029-52-3)	0 %	-	31.12.2021
0.5091	ex 3204 11 00	20	Colourant C.I. Disperse Yellow 241 (CAS RN 83249-52-9) and preparations based thereon with a colourant C.I. Disperse Yellow 241 content of 97 % or more by weight	0 %	-	31.12.2021
0.5134	ex 3204 11 00	45	Preparation of dispersion dyes, containing: — C.I. Disperse Orange 61 (CAS RN 12270-45-0) or Disperse Orange 288 (CAS RN 96662-24-7), — C.I. Disperse Blue 291:1 (CAS RN 872142-01-3), — C.I. Disperse Violet 93:1 (CAS RN 122463-28-9), whether or not containing C.I. Disperse Red 54 (CAS RN 6657-37-0)	0 %	-	31.12.2025
0.6652	ex 3204 12 00	70	Colourant C.I. Acid blue 25 (CAS RN 6408-78-2) and preparations based thereon with a colourant C.I. Acid blue 25 content of 80 % or more by weight	0 %	-	31.12.2025
0.6603	ex 3204 17 00	33	Colourant C.I. Pigment Blue 15:1 (CAS RN 147-14-8) and preparations based thereon with a colourant C.I. Pigment Blue 15:1 content of 35 % or more by weight	0 %	-	31.12.2025
0.5100	ex 3204 19 00	73	Colourant C.I. Solvent Blue 104 (CAS RN 116-75-6) and preparations based thereon with a colourant C.I. Solvent Blue 104 content of 97 % or more by weight	0 %	-	31.12.2021
0.6726	ex 3208 90 19	55	Preparation of 5 % or more but not more than 20 % by weight of a copolymer of propylene and maleic anhydride, or a blend of polypropylene and a copolymer of propylene and maleic anhydride, or a blend of polypropylene and a copolymer of propylene, isobutene and maleic anhydride in an organic solvent	0 %	-	31.12.2021
0.5031	ex 3215 90 70	40	Dry ink powder with a base of hybrid resin (made from polystyrene acrylic resin and polyester resin) mixed with: — wax — a vinyl-based polymer and — a colouring agent for use in the manufacture of toner bottles for photocopiers, fax machines, printers and multifunction devices (?)	0 %	-	31.12.2025

0.4863	ex 3402 11 90	10	Sodium lauroyl methyl isethionate	0 %	-	31.12.2021
0.6725	ex 3506 91 90	50	Preparation containing by weight: — 15 % or more but not more than 60 % of styrene butadiene copolymers or styrene isoprene copolymers, and — 10 % or more but not more than 30 % of pinene polymers or pentadiene copolymers, dissolved in: — Methyl ethyl ketone (CAS RN 78-93-3), — Heptane (CAS RN 142-82-5), and — Toluene (CAS RN 108-88-3) or light aliphatic solvent naphtha (CAS RN 64742-89-8)	0 %	-	31.12.2021
0.6759	ex 3802 10 00	10	Mixture of activated carbon and polyethylene, in form of powder	0 %	-	31.12.2025
0.6874	ex 3808 92 30	10	Mancozeb (ISO) (CAS RN 8018-01-7) imported in immediate packings of a content of 500 kg or more ⁽¹⁾	0 %	-	31.12.2025
0.5048	ex 3808 93 90	20	Preparation consisting of benzyl(purin-6-yl)amine in a glycol solution, containing by weight: — 1,88 % or more but not more than 2,00 % of benzyl(purin-6-yl)amine of a kind used in plant growth regulators	0 %	-	31.12.2025
0.5030	ex 3808 93 90	30	Aqueous solution containing by weight: — 1,8 % of sodium para-nitrophenolate, — 1,2 % of sodium ortho-nitrophenolate, — 0,6 % of sodium 5-nitroguaiacolate, for use in the manufacture of a plant growth regulator ⁽²⁾	0 %	-	31.12.2022
0.5088	ex 3808 93 90	50	Preparation in the form of powder, containing by weight: — 55 % or more of Gibberellin A4, — 1 % or more but not more than 35 % of Gibberellin A7, — 90 % or more of Gibberellin A4 and Gibberellin A7 combined, — not more than 10 % of a combination of water and other naturally occurring Gibberellins, of a kind used in plant growth regulators	0 %	-	31.12.2021
0.6532	ex 3808 94 20	30	Bromochloro-5,5-dimethylimidazolidine-2,4-dione (CAS RN 32718-18-6) containing: — 1,3-Dichloro-5,5-dimethylimidazolidine-2,4-dione (CAS RN 118-52-5),	0 %	-	31.12.2024

			<ul style="list-style-type: none"> — 1,3-Dibromo-5,5-dimethylimidazolidine-2,4-dione (CAS RN 77-48-5), — 1-Bromo,3-chloro-5,5-dimethylimidazolidine-2,4-dione (CAS RN 16079-88-2), and/or — 1-Chloro,3-bromo-5,5-dimethylimidazolidine-2,4-dione (CAS RN 126-06-7) 			
0.6904	ex 3811 21 00	12	Dispersing agent containing : <ul style="list-style-type: none"> — esters of polyisobutenyl succinic acid and pentaerythritol (CAS RN 103650-95-9), — 35 % or more but not more than 55 % by weight of mineral oils, and — with a chlorine content of not more than 0,05 % by weight, used in the manufacture of blends of additives for lubricating oils (?)	0 %	-	31.12.2025
0.6906	ex 3811 21 00	14	Dispersing agent : <ul style="list-style-type: none"> — containing polyisobutene succinimide derived from reaction products of polyethylenepolyamines with polyisobutenyl succinic anhydride (CAS RN 147880-09-9), — containing 35 % or more but not more than 55 % by weight of mineral oils, — with a chlorine content by weight of not more than 0,05 %, — having a total base number of less than 15, used in the manufacture of blends of additives for lubricating oils (?)	0 %	-	31.12.2025
0.6907	ex 3811 21 00	16	Detergent containing : <ul style="list-style-type: none"> — Calcium salt of beta-aminocarbonyl alkylphenol (reaction product Mannich base of alkylphenol) — 40 % or more but not more than 60 % by weight of mineral oils and — having a total base number more than 120 used in the manufacture of blends of additives for lubricating oils (?)	0 %	-	31.12.2025
0.6905	ex 3811 21 00	18	Detergent containing : <ul style="list-style-type: none"> — long chain alkyltoluene calcium sulphonates, — more than 30 % but not more than 50 % by weight of mineral oils, and — having a total base number of more than 310 but not more than 340, used in the manufacture of blends of additives for lubricating oils (?)	0 %	-	31.12.2025

0.6671	ex 3811 21 00	75	Additives containing: — Calcium (C10-C14) dialkylbenzenesulfonates, — more than 40 %, but not more than 60 % by weight of mineral oils, with a total base number of not more than 10, for use in the manufacture of blends of additives for lubricating oils ⁽²⁾	0 %	-	31.12.2022
0.6669	ex 3811 21 00	77	Antifoam additives consisting of: — a copolymer of 2-ethylhexyl acrylate and ethyl acrylate, and — more than 50 % but not more than 80 % by weight of mineral oils, for use in the manufacture of additive blends for lubricating oils ⁽²⁾	0 %	-	31.12.2022
0.6666	ex 3811 21 00	80	Additives containing : — polyisobutylene aromatic polyamine succinimide, — more than 40 % but not more than 60 % by weight of mineral oils, with a nitrogen content of more than 0,6 % but not more than 0,9 % by weight, for use in the manufacture of additive blends for lubricating oils ⁽²⁾	0 %	-	31.12.2022
0.6668	ex 3811 29 00	65	Additives consisting of a sulphurised mixture of vegetable oil, long chain α -olefins and tall oil fatty acids, with a sulphur content of 8 % or more but not more than 12 % by weight, for use in the manufacture of blends of additives for lubricating oils ⁽²⁾	0 %	-	31.12.2022
0.5062	ex 3815 90 90	30	Catalyst, consisting of a suspension in mineral oil of: — tetrahydrofuran complexes of magnesium chloride and titanium(III) chloride, and — silicon dioxide, — containing 6,6 % (\pm 0,6 %) by weight of magnesium, and — containing 2,3 % (\pm 0,2 %) by weight of titanium	0 %	-	31.12.2025
0.2783	ex 3815 90 90	80	Catalyst consisting predominantly of dinonylnaphthalenedisulphonic acid in the form of a solution in isobutanol	0 %	-	31.12.2025
0.6810	ex 3824 99 92	23	Butylphosphato complexes of titanium(IV) (CAS RN 109037-78-7), dissolved in ethanol and propan-2-ol	0 %	-	31.12.2025
0.4909	ex 3824 99 92	29	Preparation containing by weight: — 85 % or more but not more than 99 % of polyethylene glycol ether of butyl 2-cyano 3-(4-hydroxy-3-methoxyphenyl) acrylate, and — 1 % or more but not more than 15 % of polyoxyethylene (20) sorbitan trioleate	0 %	-	31.12.2025

0.6779	ex 3824 99 92	40	Solution of 2-chloro-5-(chloromethyl)-pyridine (CAS RN 70258-18-3) in organic diluent	0 %	-	31.12.2025
0.7742	ex 3824 99 92	52	Electrolyte containing: — 5 % or more but not more than 20 % lithium hexafluorophosphate (CAS RN 21324-40-3) or lithium tetrafluoroborate (CAS RN 14283-07-9), — 60 % or more but not more than 90 % of a mixture of ethylene carbonate (CAS RN 96-49-1), dimethyl carbonate (CAS RN 616-38-6) and/or ethyl methyl carbonate (CAS RN 623-53-0), — 0,5 % or more but not more than 20 % 1,3,2-dioxathiolane 2,2-dioxide (CAS RN 1072-53-3), for use in the manufacture of motor vehicle batteries (?)	3.2 %	-	31.12.2021
0.5050	ex 3824 99 92	61	3',4',5'-Trifluorobiphenyl-2-amine, in the form of a solution in toluene containing by weight 80 % or more but not more than 90 % of 3',4',5'-trifluorobiphenyl-2-amine	0 %	-	31.12.2025
0.6720	ex 3824 99 92	68	Preparation containing by weight: — 20 % (± 1 %) ((3-(sec-butyl)-4-(decyloxy)phenyl)methanetriyl) Tribenzene (CAS RN 1404190-37-9) Dissolved in: — 10 % (± 5 %) 2-sec-Butylphenol (CAS RN 89-72-5) — 64 % (± 7 %) Solvent naphtha (petroleum), heavy aromatic (CAS RN 64742-94-5) and — 6 % ($\pm 1,0$ %) Naphthalene (CAS RN 91-20-3)	0 %	-	31.12.2025
0.6719	ex 3824 99 92	69	Preparation containing by weight: — 80 % or more but not more than 92 % of Bisphenol-A bis(diphenyl phosphate) (CAS RN 5945-33-5) — 7 % or more but not more than 20 % oligomers of Bisphenol-A bis(diphenyl phosphate) and — not more than 1 % triphenyl phosphate (CAS RN 115-86-6)	0 %	-	31.12.2021
0.3069	ex 3824 99 92	88	2,4,7,9-Tetramethyldec-5-yne-4,7-diol, hydroxyethylated (CAS RN 9014-85-1)	0 %	-	31.12.2025
0.4719	ex 3824 99 93	35	Paraffin with a level of chlorination of 70 % or more (CAS RN 63449-39-8)	0 %	-	31.12.2024
0.7313	ex 3824 99 96	45	Lithium nickel cobalt aluminium oxide powder (CAS RN 177997-13-6) with: — a particle size of less than 10 μm , — a purity by weight of more than 98 %	3.2 %	-	31.12.2021

0.6628	ex 3824 99 96	46	Manganese zinc ferrite granulate, containing by weight: — 52 % or more but not more than 76 % of iron(III)oxide, — 13 % or more but not more than 42 % of manganese oxide, and — 2 % or more but not more than 22 % of zinc oxide	0 %	-	31.12.2025
0.6749	ex 3824 99 96	48	Zirconium oxide (ZrO ₂), calcium oxide stabilised (CAS RN 68937-53-1) with a zirconium oxide content by weight of 92 % or more but not more than 97 %	0 %	-	31.12.2025
0.6897	ex 3901 40 00	30	Octene linear low-density polyethylene (LLDPE) produced by a Ziegler-Natta catalyst method in the form of pellets with: — more than 10 % but not more than 20 % by weight of copolymer, — a melt flow rate (MFR 190 °C/2,16 kg) of 0,7 g/10 min or more but not more than 0,9 g/10 min, and — a density (ASTM D4703) of 0,911 g/cm ³ or more, but not more than 0,913 g/cm ³ , for use in the co-extrusion processing of films for flexible food packaging (?)	0 %	m ³	31.12.2025
0.6920	ex 3901 90 80	53	Copolymer of ethylene and acrylic acid (CAS RN 9010-77-9) with: — an acrylic acid content of 18,5 % or more, but not more than 49,5 % by weight (ASTM D4094), and — a melt flow rate of 10g/10 min or more (125 °C/2,16 kg, ASTM D1238)	0 %	m ³	31.12.2025
0.6734	ex 3901 90 80	55	Zinc or sodium salt of an ethylene and acrylic acid copolymer, with: — an acrylic acid content of 6 % or more but not more than 50 % by weight, and — a melt flow rate of 1g/10 min or more at 190 °C/2,16 kg (measured using ASTM D1238)	0 %	-	31.12.2025
0.5049	ex 3901 90 80	67	Copolymer made exclusively from ethylene and methacrylic acid monomers in which the methacrylic acid content is 11 % by weight or more	0 %	-	31.12.2025
0.6736	ex 3903 90 90	65	Copolymer of styrene with 2, 5-furandione and (1-methylethyl)benzene in the form of flakes or powder (CAS RN 26762-29-8)	0 %	-	31.12.2025
0.6804	ex 3903 90 90	70	Copolymer in the form of granules containing by weight: — 75 % (± 7 %) styrene and — 25 % (± 7 %) methylmethacrylate	0 %	m ³	31.12.2025

0.4981	ex 3904 69 80	81	Poly(vinylidene fluoride) (CAS RN 24937-79-9)	0 %	-	31.12.2025
0.6672	ex 3906 90 90	33	Core shell copolymer of butyl acrylate and alkyl methacrylate, with a particle size of 5 µm or more but not more than 10 µm	0 %	-	31.12.2025
0.6663	ex 3906 90 90	37	Copolymer of trimethylolpropane trimethacrylate and methyl methacrylate (CAS RN 28931-67-1), in microsphere form with an average diameter of 3 µm	0 %	-	31.12.2025
0.6891	ex 3907 10 00	20	Polyoxymethylene with acetyl endcaps, containing polydimethylsiloxane and fibers of a copolymer of terephthalic acid and 1,4-phenyldiamine	0 %	-	31.12.2022
0.6839	ex 3907 30 00	15	Epoxide resin, halogen-free, — containing by weight more than 2 % phosphorous calculated on the solid content, chemically bound in the epoxide resin, — not containing any hydrolysable chloride or containing less than 300 ppm hydrolysable chloride, and — containing solvents, for use in the manufacture of prepreg sheets or rolls of a kind used for the production of printed circuits (?)	0 %	-	31.12.2025
0.6840	ex 3907 30 00	25	Epoxide resin — containing by weight 21 % or more of brome, — not containing any hydrolysable chloride or containing less than 500 ppm hydrolysable chloride, and — containing solvents	0 %	-	31.12.2025
0.4940	ex 3907 99 80 ex 3913 90 00	30 20	Poly(hydroxyalkanoate), predominantly consisting of poly(3-hydroxybutyrate)	0 %	-	31.12.2025
0.5057	ex 3907 99 80	80	Copolymer, consisting of 72 % by weight or more of terephthalic acid and/ or derivatives thereof and cyclohexanedimethanol, completed with linear and/ or cyclic dioles	0 %	-	31.12.2025
0.5032	ex 3909 40 00	20	Powder of thermosetting resin in which magnetic particles have been evenly distributed, for use in the manufacture of ink for photocopiers, fax machines, printers and multifunction devices (?)	0 %	-	31.12.2025
0.6921	ex 3910 00 00	15	Dimethyl, methyl(propyl(polypropylene oxide)) siloxane (CAS RN 68957-00-6), trimethylsiloxy-terminated	0 %	-	31.12.2021
0.7217	ex 3910 00 00	45	Dimethyl siloxane, hydroxy-terminated polymer with a viscosity of 38-100 mPa·s (CAS RN 70131-67-8)	0 %	-	31.12.2021

0.5109	ex 3911 90 99	35	Alternated copolymer of ethylene and maleic anhydride (EMA)	0 %	-	31.12.2025
0.4953	ex 3912 11 00	40	Cellulose diacetate powder	0 %	-	31.12.2025
0.6718	ex 3912 39 85	50	Polyquaternium 10 (CAS RN 68610-92-4)	0 %	-	31.12.2025
0.4757	ex 3919 10 80	37	Polytetrafluoroethylene film: — with a thickness of 100 µm or more, — an elongation at break of not more than 100 %, — coated on one side with a pressure sensitive silicon adhesive	0 %	-	31.12.2025
0.4761	ex 3919 10 80 ex 3919 90 80	43 26	Ethylene vinyl acetate film: — of a thickness of 100 µm or more, — coated on one side with an acrylic pressure sensitive or UV-sensitive adhesive and a polyester or polypropylene liner	0 %	-	31.12.2022
0.6886	ex 3919 10 80	63	Reflecting film consisting of — a layer of an acrylic resin with imprints against counterfeiting, alteration or substitution of data or duplication, or an official mark for an intended use, — a layer of an acrylic resin having embedded glass beads, — a layer of an acrylic resin hardened by a melamine cross-linking agent, — a metal layer, — an acrylic adhesive, and — a release film	0 %	-	31.12.2025
0.4947	ex 3919 90 80	65	Self-adhesive film with a thickness of 40 µm or more, but not more than 475 µm, consisting of one or more layers of transparent, metallised or dyed poly(ethylene terephthalate), covered on one side with a scratch resistant coating and on the other side with a pressure sensitive adhesive and a release liner	0 %	-	31.12.2025
0.4925	ex 3919 90 80	70	Self-adhesive polishing discs of microporous polyurethane, whether or not coated with a pad	0 %	-	31.12.2025
0.4964	ex 3919 90 80	82	Reflecting film consisting of: — a polyurethane layer, — a glass microspheres layer, — a metallised aluminium layer, and — an adhesive, covered on one or both sides with a release liner, — whether or not a poly(vinyl chloride) layer, — a layer whether or not incorporating security imprints against counterfeiting, alteration or substitution of data or duplication, or an official mark for an intended use	0 %	-	31.12.2025

0.6640	ex 3920 10 40	40	Tubular layered film predominately of polyethylene: — consisting of a tri-layer barrier with a core layer of ethylene vinyl alcohol covered on either side with a layer of polyamide, covered on either side with at least one layer of polyethylene, — having a total thickness of 55 µm or more, — having a diameter of 500 mm or more but not more than 600 mm	0 %	-	31.12.2025
0.3357	ex 3920 62 19	48	Sheets or rolls of poly(ethylene terephthalate): — coated on both sides with a layer of epoxy acrylic resin, — of a total thickness of 37 µm (± 3 µm)	0 %	-	31.12.2025
0.2589	ex 3920 62 19	52	Film of polyethylene terephthalate, polyethylene naphthalate or similar polyester, coated on one side with metal and/or metal oxides, containing by weight less than 0,1 % of aluminium, of a thickness of not more than 300 µm and having a surface resistivity of not more than 10 000 ohms (per square) (as determined by the ASTM D257 method)	0 %	-	31.12.2023
0.6911	ex 3921 19 00	40	Transparent, microporous, acrylic acid grafted polyethylene film, in the form of rolls, with: — a width of 98 mm or more but not more than 170 mm, — a thickness of 15 µm or more but not more than 36 µm, of a kind used for the manufacture of alkaline battery separators	3.2 %	-	31.12.2021
0.7263	ex 3921 19 00	45	Microporous monolayer film of polypropylene or a microporous trilayer film of polypropylene, polyethylene and polypropylene, each film with: — zero transversal production direction (TD) shrinkage, — a total thickness of 8 µm or more, but not more than 50 µm, — a width of 15 mm or more, but not more than 900 mm, — a length of more than 200 m, but not more than 8 000 m, — an average pore size between 0,02 µm and 0,1 µm, — laminated or not with a Polypropylene non-woven mat of 50 to 200 µm thickness, — coated or not with surfactant, — coated or not on 1 or 2 sides with a ceramic layer of min 1 µm thickness or more, but not more than 5 µm, — coated or not on 1 or 2 sides with a sticky binder, PVdF type or similar of min 0,5 µm thickness or more, but not more than 5 µm	3.2 %	-	31.12.2021

0.6742	ex 3921 90 55	40	Three layered fabric sheet, in rolls, — comprising a core layer of 100 % Nylon Taffeta or Nylon/Polyester blended Taffeta, — coated on both sides with polyamide, — of a total thickness not more than 135 µm, — of a total weight not more than 80 g/m ²	0 %	m ²	31.12.2025
0.7335	ex 3926 30 00 ex 3926 90 97	50 48	Coated interior or exterior decorative parts consisting of: — a copolymer of acrylonitrile-butadiene-styrene (ABS), whether or not mixed with polycarbonate, and — a PVC foil, — not containing layers of copper, nickel or chromium, for use in the manufacturing of parts for motor vehicles of heading 8701 to 8705 (?)	0 %	p/st	31.12.2022
0.6717	ex 3926 90 97	23	Plastic cover with clips for the exterior rear-view mirror of motor vehicles	0 %	p/st	31.12.2025
0.3850	ex 3926 90 97	43	Mixture of water and by weight 19 % or more but not more than 35 % of expanded hollow microspheres of a copolymer of acrylonitrile, methacrylonitrile and isobornyl methacrylate or other methacrylate, of a diameter of 3 µm or more but not more than 4,95 µm	0 %	-	31.12.2023
0.6708	ex 4009 42 00	20	Rubber brake hose with: — textile strings, — a wall thickness of 3,2 mm, — a metal hollow terminal pressed on both ends, and — one or more mounting brackets, for use in the manufacture of goods of Chapter 87 (?)	0 %	-	31.12.2025
0.6844	ex 4016 93 00	30	Rectangular ethylene-propylene-diene rubber gasket, with: — a length of 72 mm or more but not more than 825 mm, — a width of 18 mm or more but not more than 155 mm, — a peak temperature of 150°C or more but not more than 240 °C, — a permissible material outflow at the place of the mold split of not more than 0,3 mm	0 %	-	31.12.2025
0.6884	ex 5403 39 00	10	Biodegradable (norm EN 14995) monofilament of not more than 33 dtex, containing at least 98 % by weight polylactide (PLA), for use in the manufacture of filtration fabrics for the food industry (?)	0 %	-	31.12.2022

0.5059	ex 5603 13 10	20	Non-woven of spunbonded polyethylene, with a coating, — of a weight of more than 80 g/m ² but not more than 105 g/m ² and — an air resistance (Gurley) of 8 seconds or more but not more than 75 seconds (as determined by the ISO 5636/5 method)	0 %	m ²	31.12.2025
0.5987	ex 5603 14 90	60	Non-wovens, consisting of poly(ethylene terephthalate) spun bonded media: — of weight of 160 g/m ² or more but not more than 300 g/m ² , — not laminated, — with filtration efficiency according to DIN 60335-2-69:2008 minimum Filter class M, — pleatable	0 %	m ²	31.12.2023
0.4978	ex 6909 19 00	20	Silicon nitride (Si ₃ N ₄) rollers or balls	0 %	-	31.12.2025
0.7619	ex 7006 00 90	40	Plates of sodalime or borosilicate glass of STN (Super Twisted Nematic) or TN (Twisted Nematic) quality having: — a length of 300 mm or more but not more than 1 500 mm, — a width of 300 mm or more but not more than 1 500 mm, — a thickness of 0,5 mm or more but not more than 1,1 mm, — an indium-tin-oxide coating with a resistance of 80 Ω or more, but not more than 160 Ω on one side, — with or without a passivation layer of silicon dioxide (SiO ₂) between indium-tin-oxide layer and glass surface, — with or without a multi layer anti-reflection-coating on the other side, and — machined (chamfered) edges	0 %	-	31.12.2023
0.6870	ex 7009 10 00	40	Electrochromic self-dimming inside rear-view mirror, consisting of: — a mirror support — a plastic casing and — an integrated circuit for use in the manufacture of motor vehicles of Chapter 87 ⁽²⁾	0 %	-	31.12.2025
0.5021	ex 7019 19 10	20	Yarn of 10,3 tex or more but not more than 11,9 tex, obtained from continuous spun-glass filaments, in which filaments of a diameter of 4,83 µm or more but not more than 5,83 µm predominate	0 %	-	31.12.2025
0.5020	ex 7019 19 10	25	Yarn of 5,1 tex or more but not more than 6,0 tex, obtained from continuous spun-glass filaments, in which filaments of a diameter of 4,83 µm or more but not more than 5,83 µm predominate	0 %	-	31.12.2025

0.4853	ex 7202 99 80	10	Ferro-dysprosium, containing by weight: — 78 % or more of dysprosium, and — 18 % or more but not more than 22 % of iron	0 %	-	31.12.2025
0.7502	ex 7318 24 00	40	Tube or pipe restraint joint elements: — of stainless steel according to specification 17-4PH or of steel according to specification tool steel S7, — produced by metal injection moulding, — with a rockwell hardness of 38 HRC (± 1) or 53 HRC ($+ 2/- 1$), — measuring 7 mm x 4 mm x 5 mm or more, but not more than 40 mm x 20 mm x 10 mm	0 %	-	31.12.2023
0.6680	ex 7326 90 98	40	Iron and steel weights — whether or not with parts of other material — whether or not with parts of other metals — whether or not surface treated — whether or not printed of a kind used for the production of remote controls	0 %	-	31.12.2025
0.5029	ex 7604 29 10 ex 7606 12 99 ex 7606 12 99	10 21 25	Sheets and bars of aluminium-lithium alloys	0 %	-	31.12.2022
0.5487	ex 7607 11 90 ex 7607 11 90 ex 7607 11 90 ex 7607 11 90 ex 7607 11 90 ex 7607 11 90	48 49 51 52 53 56	Aluminium foil in rolls: — having a purity of 99,99 % by weight, — of a thickness of 0,021 mm or more but not more than 0,2 mm, — with a width of 500 mm, — with a surface oxide layer by 3 to 4 nm thick, — and with a cubic texture of more than 95 %	0 %	-	31.12.2021
0.4050	ex 7607 11 90	60	Plain aluminium foil with the following parameters: — an aluminium content of 99,98 % or more, — a thickness of 0,070 mm or more but not more than 0,125 mm, — with a cubic texture, of a kind used for high voltage etching	3.7 %	-	31.12.2021
0.7698	ex 7607 20 90	10	Aluminium foil, in rolls: — coated on one side with polypropylene or polypropylene and acid-modified polypropylene and on the other with polyamide and polyethylene terephthalate, with adhesive layers between them,	3.7 %	-	31.12.2021

			<ul style="list-style-type: none"> — with a width of 200 mm or more, but not more than 400 mm, — with a thickness of 0,138 mm or more, but not more than 0,168 mm, for use in the manufacture of lithium-ion battery cell covers ⁽²⁾			
0.6730	ex 8101 96 00	10	Tungsten wire containing by weight 99 % or more of tungsten with: <ul style="list-style-type: none"> — a maximum cross-sectional dimension of not more than 50 µm — a resistance of 40 Ω or more but not more than 300 Ω at length of 1 metre 	0 %	-	31.12.2025
0.5097	ex 8104 30 00	35	Magnesium powder <ul style="list-style-type: none"> — of purity by weight of more than 99,5 % — with a particle size of 0,2 mm or more but not more than 0,8 mm 	0 %	-	31.12.2025
0.4904	ex 8108 90 30	45	Titanium-aluminium-vanadium alloy (TiAl6V4) wire, of a diameter less than 20 mm and complying with AMS standards 4928, 4965 or 4967	0 %	-	31.12.2025
0.6805	ex 8113 00 90	20	Cuboid spacer made of aluminium silicon carbide (AlSiC) composite used for packaging in IGBT-modules	0 %	-	31.12.2025
0.5024	ex 8301 60 00 ex 8419 90 85 ex 8479 90 70 ex 8481 90 00 ex 8503 00 99 ex 8515 90 80 ex 8537 10 98 ex 8538 90 99 ex 8708 99 10 ex 8708 99 97	30 40 30 50 43 40 55 70 55 22	Silicone or plastic keyboards, comprising: <ul style="list-style-type: none"> — parts of common metal, and — whether or not comprising parts of plastic, — epoxy resin reinforced with fiberglass or wood, — whether or not printed or surface-treated, — with or without electrical conductors, — with or without a membrane bonded to the keyboard, — with or without mono or multilayer protective film 	0 %	p/st	31.12.2025
0.4996	ex 8407 90 90	20	Compact Liquid Petroleum Gas (LPG) Engine System, with: <ul style="list-style-type: none"> — 6 cylinders, — an output of 75 kW or more, but not more than 80 kW, — inlet and exhaust valves modified to operate continuously in heavy duty applications, for use in the manufacture of vehicles of heading 8427 ⁽²⁾	0 %	-	31.12.2025

0.6160	ex 8414 30 81 ex 8414 80 73	60 30	Hermetic rotary compressors for either hydrofluorocarbon (HFC) or hydrocarbon refrigerants: — driven by “on-off” single phase alternate current (AC) or “brushless direct current” (BLDC) variable speed motors, — with a nominal power rating of not more than 1,5 kW, — a rated voltage of 100 V or more but not more than 240 V, — with a height of not more than 300 mm, — an external diameter of not more than 150 mm, — with a unit weight of not more than 15 kg, for use in the manufacture of heat pumps for household appliances, including clothes dryers ⁽²⁾	0 %	-	31.12.2023
0.7317	ex 8414 80 22	20	Air membrane compressor with: — a flow of 4,5 l/min or more, but not more than 7 l/min, — power input of not more than 8,1 W, and — a gauge pressure capacity not exceeding 400 hPa (0,4 bar), of a kind used in the production of motor vehicle seats	0 %	-	31.12.2022
0.6842	ex 8415 90 00	60	Flame-soldered aluminium block, for connecting tube with condenser in car air-conditioning systems, with: — extruded, bent connector lines of aluminium with an external diameter of 5 mm or more, but not more than 25 mm, — a weight of 0,02 kg or more but not more than 0,25 kg	0 %	p/st	31.12.2025
0.6860	ex 8415 90 00	65	Aluminium arc-welded removable receiver dryer, with polyamide and ceramic elements with: — a length of 143 mm or more but not more than 292 mm, — a diameter of 31 mm or more but not more than 99 mm, — with a weight of not less than 0,12 kg and not more than 0,9 kg, — a spangle length of not more than 0,2 mm and a thickness of not more than 0,06 mm, and — a solid particle diameter of not more than 0,06 mm, for use in the manufacture of car air-conditioning systems ⁽²⁾	0 %	p/st	31.12.2022
0.6821	ex 8436 99 00	10	Part containing: — a single-phase AC motor, — an epicyclic gearing, — a cutter blade, and whether or not containing: — a capacitor, — a part fitted with a threaded bolt, for use in the manufacture of garden shredders ⁽²⁾	0 %	p/st	31.12.2025

0.7380	ex 8481 80 59	30	Two-way flow control valve with housing, with: — at least 5, but not more than 16 outlet holes with at least 0,05 mm, but not more than 0,5 mm diameter, — at least 330 cm ³ /minute, but not more than 5 000 cm ³ /minute flow rate, — at least 19, but not more than 300 MPa operating pressure	0 %	-	31.12.2022
0.7518	ex 8481 90 00	40	Valve armature: — for the opening and closing of the flow of fuel, — consisting of a shaft and a blade, — with at least 3 but not more than 8 holes on the blade, — made of metal and/or metal alloy(s)	0 %	-	31.12.2023
0.4997	ex 8483 40 90	80	Transmission gearbox, with: — not more than 3 gears, — an automatic deceleration system, and — a power reversal system, for use in the manufacture of goods of heading 8427 ⁽²⁾	0 %	p/st	31.12.2025
0.6854	ex 8501 10 10	20	Synchronous motor for a dishwasher with a water flow control mechanism with — a length without axle of 24 mm ($\pm 0,3$), — a diameter of 49,3 mm ($\pm 0,3$), — a rated voltage of 220 V AC or more but not more than 240 V AC, — a rated frequency of 50 Hz or more but not more than 60 Hz, — an input power of not more than 4 W, — a rotation speed of 4rpm or more but not more than 4,8rpm, — an output torque of not less than 10kgf/cm	0 %	-	31.12.2022
0.6858	ex 8501 10 99	64	DC motor to control angular position of the flap to adjust gas flow in the Air Throttle and EGR valve: — with Ingress Protection (IP) standard of IP69, — with a rotor speed of not more than 6 500 rpm when not loaded, — with a rated voltage of 12,0 V ($\pm 0,1$), — of a specified temperature range of – 40 °C or more, but not more than + 165 °C, — with or without a connecting pinion, — with or without an engine connector, — with or without a flange, — with a diameter of not more than 40 mm (not including the flange), — with an overall height of not more than 90 mm (from the base to the pinion)	0 %	-	30.06.2021

0.6880	ex 8501 10 99	65	Electric turbocharger actuator, with: — a DC motor, — an integrated gear mechanism, — a (pulling) force of 200 N or more at a minimum of 140 °C elevated ambient temperature, — a (pulling) force of 250 N or more in each position of its stroke, — an effective stroke of 15 mm or more but not more than 25 mm, — with or without an on-board diagnostics interface	0 %	-	31.12.2025
0.6627	ex 8501 10 99	75	Permanently excited DC motor with — a multiple-phase winding, — an external diameter of 28 mm or more but not more than 35 mm, — a rated speed of not more than 12 000 rpm, — a power supply voltage of 8 V or more but not more than 27 V	0 %	-	31.12.2025
0.4731	ex 8501 31 00	37	Permanently excited DC motor with — a multiple-phase winding, — an external diameter of 30 mm or more but not more than 90 mm, including mounting flange, — a rated speed of not more than 15 000 rpm, — an output of 45 W or more but not more than 400 W, and — a supply voltage of 9 V or more but not more than 50 V, — whether or not with a drive disc, — whether or not with a crankcase, — whether or not with a fan, — whether or not with a cap assembly, — whether or not with a sun gear, — whether or not with a speed and rotational direction encoder, — whether or not with or without a speed or rotational direction sensor of resolver type or Hall effect type, — whether or not with a mounting flange	0 %	-	31.12.2024
0.5577	ex 8501 31 00	50	DC motors, brushless, with: — an external diameter of 80 mm or more, but not more than 200 mm, — a supply voltage of 9 V or more, but not more than 16 V, — an output at 20 °C of 300 W or more, but not more than 750 W, — a torque at 20 °C of 2,00 Nm or more, but not more than 7,00 Nm,	0 %	-	31.12.2022

			<ul style="list-style-type: none"> — a rated speed at 20 °C of 600 rpm or more, but not more than 3 100 rpm, — with or without a pulley, — with or without an electronic power steering sensor/controller 			
0.6809	ex 8501 31 00 ex 8501 32 00	53 45	Automotive-ready, brushless and permanently excited direct current motor with: <ul style="list-style-type: none"> — a specified speed of not more than 4 100 rpm, — a minimum output of 400 W, but not more than 1,3 kW (at 12 V), — a flange diameter of 85 mm or more, but not more than 200 mm, — a maximum length of 335 mm, measured from the beginning of the shaft to the outer ending, — a housing length of not more than 265 mm, measured from the flange to the outer ending, 	0 %	-	31.12.2025
			<ul style="list-style-type: none"> — a maximum of two-piece (basic housing including electric components and flange with minimum 2 and maximum 11 bore holes) aluminium diecast or sheet steel housing whether or not with a sealing compound (groove with an O-ring and grease), — a stator with single T-tooth design and single coil windings in 9/6 or 12/8 topology, and — surface magnets, — whether or not with electronic power steering controller 			
0.6161	ex 8503 00 99	55	Stator for brushless motor, with: <ul style="list-style-type: none"> — an internal diameter of 206,6 mm ($\pm 0,5$), — an external diameter of 265,0 mm ($\pm 0,2$), and — a width of 37,2 mm or more but not more than 47,8 mm, of a kind used in the manufacture of washing machine, washer-dryer or dryer equipped with direct drive drums	0 %	p/st	31.12.2025
0.7764	ex 8504 31 80	55	Electrical transformer with: <ul style="list-style-type: none"> — a capacity of 0,22 kVA or more, but not more than 0,24 kVA, — an operating temperature range of + 10°C or more, but not more than + 125° C, — four or five inductively coupled copper wire windings, — 11 or 12 connection pins at the bottom, and — dimensions of not more than 32 mm x 37,8 mm x 25,8 mm 	0 %	-	31.12.2024

0.7788	ex 8505 11 00	68	Blocks made of neodymium, iron and boron or an alloy of samarium and cobalt, whether or not covered with zinc, intended to become permanent magnets after magnetisation with: — a length of 13,8 mm or more but not more than 45,2 mm, — a width of 7,8 mm or more but not more than 25,2 mm, — a height of 1,3 mm or more but not more than 4,7 mm	0 %	-	31.12.2024
0.6857	ex 8505 11 00 ex 8505 19 90	73 35	Articles in shape of flat bars, arched bars or quarter sleeves, made of ferrite, or cobalt, or samarium or other rare-earth metals, or their alloy, whether or not overmolded with polymers, intended to become permanent magnets after magnetisation with: — a length of 5 mm or more, but not more than 60 mm, — a width of 5 mm or more, but not more than 40 mm, — a thickness of 3 mm or more, but not more than 15 mm	0 %	p/st	31.12.2022
0.7641	ex 8507 60 00	13	Prismatic lithium-ion electric accumulators with: — a width of 173,0 mm ($\pm 0,3$ mm), — a thickness of 45,0 mm ($\pm 0,3$ mm), — a height 125,0 mm ($\pm 0,3$ mm), — a nominal voltage of 3,67 V ($\pm 0,01$ V), and — a nominal capacity of 94 Ah and/or 120 Ah, for use in the manufacture of rechargeable electric vehicle batteries ⁽²⁾	1.3 %	-	31.12.2021
0.6685	ex 8507 60 00	15	Cylindrical lithium-ion-accumulators or modules with: — a nominal capacity of 8,8 Ah or more, but not more than 18 Ah, — a nominal voltage of 36 V or more, but not more than 48 V, — a power of 300 Wh or more, but not more than 648 Wh, for use in the manufacture of electric bicycles ⁽²⁾	1.3 %	-	31.12.2021
0.6625	ex 8507 60 00	17	Lithium-ion starter accumulator, consisting of four rechargeable lithium-ion secondary cells, with: — a rated voltage of 12 V, — a length of 350 mm or more but not more than 355 mm, — a width of 170 mm or more but not more than 180 mm, — a height of 180 mm or more but not more than 195 mm, — weighing 10 kg or more but not more than 15 kg, — a nominal charge of 60 Ah or more, but not more than 80 Ah	1.3 %	-	31.12.2021
0.7663	ex 8507 60 00	18	Lithium-ion polymer accumulator equipped with a battery management system and can-bus interface with: — a length of not more than 1 600 mm, — a width of not more than 448 mm,	1.3 %	-	31.12.2021

			<ul style="list-style-type: none"> — a height of not more than 395 mm, — a nominal voltage of 280 V or more but not more than 400 V, — a nominal capacity of 9,7 Ah or more but not more than 10,35 Ah, — a charging voltage of 110 V or more but not more than 230 V, and — containing 6 modules with 90 cells or more but not more than 96 cells enclosed in a steel casing, for use in the manufacture of vehicle capable of being charged by plugging to external source of electric power of heading 8703 ⁽²⁾			
0.7717	ex 8507 60 00	22	Integrated battery system in a metal case with holders, consisting of: <ul style="list-style-type: none"> — a lithium-ion battery with voltage of 48 V (\pm 5 V) and capacity of 0,44 kWh (\pm 0,05 kWh), — Battery Management System, — a relay, — a low voltage converter (DC/DC), — at least one connector, for use in the manufacture of hybrid motor vehicles ⁽²⁾	1.3 %	-	31.12.2021
0.2907	ex 8507 60 00	30	Cylindrical lithium-ion accumulator or module, with a length of 63 mm or more and a diameter of 17,2 mm or more, having a nominal capacity of 1 200 mAh or more, for use in the manufacture of rechargeable batteries ⁽²⁾	1.3 %	-	31.12.2021
0.6703	ex 8507 60 00	33	Lithium-ion accumulator, with: <ul style="list-style-type: none"> — a length of 150 mm or more, but not more than 1 000 mm, — a width of 100 mm or more, but not more than 1 000 mm, — a height of 200 mm or more, but not more than 1 500 mm, — a weight of 75 kg or more, but not more than 200 kg, — a nominal capacity not less than 150Ah and not more than 500 Ah, — a nominal output voltage of 230V AC (Line to neutral) or a nominal voltage of 64V (\pm10 %) 	1.3 %	-	31.12.2021
0.6702	ex 8507 60 00	37	Lithium-ion accumulator, with: <ul style="list-style-type: none"> — a length of 1 200 mm or more, but not more than 2 000 mm, — a width of 800 mm or more, but not more than 1 300 mm, — a height of 2 000 mm or more, but not more than 2 800 mm, — a weight of 1 800 kg or more, but not more than 3 000 kg, — a nominal capacity of 2 800 Ah or more but not more than 7 200 Ah 	1.3 %	-	31.12.2021

0.5548	ex 8507 60 00	50	Modules for the assembly of batteries of ion lithium electric accumulators with: — a length of 298 mm or more, but not more than 500 mm, — a width of 33,5 mm or more, but not more than 209 mm, — a height of 75 mm or more, but not more than 228 mm, — a weight of 3,6 kg or more, but not more than 17 kg, and — a nominal energy of 458 Wh or more, but not more than 2 158 Wh	1.3 %	-	31.12.2021
0.5342	ex 8507 60 00	65	Cylindrical lithium ion cell with — 3,5 VDC to 3,8 VDC, — 300 mAh to 900 mAh, and — a diameter of 10,0 mm to 14,5 mm	1.3 %	-	31.12.2021
0.7888	ex 8507 60 00	68	Lithium-ion accumulator in a metal housing, with — a length of 65 mm or more, but not more than 225 mm, — a width of 10 mm or more, but not more than 75 mm, — a height of 60 mm or more, but not more than 285 mm, — a nominal voltage of 2,1 V or more, but not more than 3,8 V, and — a nominal capacity of 2,5 Ah or more, but not more than 325 Ah	1.3 %	-	31.12.2021
0.5356	ex 8507 60 00	75	Rectangular lithium-ion-accumulator, with — a metal casing, — a length of 173 mm ($\pm 0,15$ mm), — a width of 21 mm ($\pm 0,1$ mm), — a height of 91 mm ($\pm 0,15$ mm), — a nominal voltage of 3,3 V, and — a nominal capacity of 21 Ah or more	1.3 %	-	31.12.2021
0.6753	ex 8507 60 00	77	Lithium-ion rechargeable batteries, with: — a length of 700 mm or more, but not more than 2 820 mm, — a width of 935 mm or more, but not more than 1 660 mm, — a height of 85 mm or more, but not more than 700 mm, — a weight of 250 kg or more, but not more than 700 kg, — a power of not more than 175 kWh, — a nominal voltage of 400 V	1.3 %	-	31.12.2021
0.5014	ex 8508 70 00 ex 8537 10 98	20 98	Electronic circuit cards that: — are connected by wire or radio frequency to each other and the motor controller card, and — regulate the functioning (switching on or off and suction capacity) of vacuum cleaners according to a stored program, — whether or not fitted with indicators that display the functioning of the vacuum cleaner (suction capacity and/or dust bag full and/or filter full)	0 %	p/st	31.12.2025

0.6856	ex 8512 20 00	30	Lighting module, containing at least: — two LEDs, — glass or plastic lenses, focusing/scattering the light emitted by the LEDs, — reflectors redirecting the light emitted by the LEDs, in an aluminium housing with a radiator, mounted at a bracket with an actuator	0 %	p/st	31.12.2025
0.6863	ex 8512 30 90	20	Warning buzzer for parking sensor system in a plastic casing operating on the piezo-mechanic principle, containing: — a printed circuit board, — a connector, — whether or not a metal holder, for use in the manufacture of goods of Chapter 87 ⁽²⁾	0 %	p/st	31.12.2022
0.6689	ex 8529 90 65	28	Electronic assembly comprising at least: — a printed circuit board with, — one or more FPGAs (Field Programmable Gate Array) and/or processors for multi-media applications and video signal processing, — flash memory, — operating memory, — with or without one or more USB, HDMI, VGA-, RJ-45 and/or other multi-media interfaces, — sockets and plugs for connecting a LCD-display, a LED lighting and a control panel	0 %	p/st	31.12.2025
0.4893	ex 8529 90 65 ex 8529 90 92	65 53	Printed circuit board for distributing supply voltage and control signals directly to a control circuit on a TFT glass panel of a LCD module	0 %	p/st	31.12.2025
0.4890	ex 8529 90 92	25	LCD modules, not combined with touch screen facilities, solely consisting of: — one or more TFT glass or plastic cells, — a die cast heat sink, — a backlight unit, — one printed circuit board with micro controller, and — LVDS (Low Voltage Differential Signalling) interface, for use in the manufacture of radios for motor vehicles ⁽²⁾	0 %	p/st	31.12.2025
0.6654	ex 8529 90 92	37	Fastening and covering ledges of aluminium alloy containing: — silicon and magnesium, — with a length of 300 mm or more but not more than 2 200 mm, specifically shaped for use in the manufacture of TV sets ⁽²⁾	0 %	-	31.12.2025

0.6629	ex 8529 90 92	63	<p>LCD module</p> <ul style="list-style-type: none"> — with a diagonal measurement of the screen of 14,5 cm or more but not more than 38,5 cm, — with or without a touch screen, — with an LED backlight, — with a printed circuit board with EEPROM, microcontroller, LVDS receiver and other active and passive components, — with a plug for power supply and CAN and LVDS interfaces, — with or without electronic components for dynamic adjustments of colour, — in a housing, with or without mechanical, touch-sensitive or contactless control functions and with or without active cooling system, <p>suitable for installation in motor vehicles of Chapter 87 ⁽²⁾</p>	0 %	p/st	31.12.2025
0.5018	ex 8529 90 92	67	<p>Colour LCD display panel for LCD monitors of heading 8528:</p> <ul style="list-style-type: none"> — with a diagonal measurement of the screen of 14,48 cm or more but not more than 31,24 cm, — with or without a touch screen, — with backlight, micro-controller, — with a CAN (Controller area network)-controller with one or more LVDS (Low-voltage differential signalling) interfaces and one or more CAN/power supply sockets or with an APIX (Automotive Pixel Link) controller with APIX interface, — in a housing with or without a heat sink at the back of the housing, — without a signal-processing module, — whether or not with haptic and acoustical feedback, <p>for use in the manufacture of vehicles of Chapter 87 ⁽²⁾</p>	0 %	p/st	31.12.2025
0.6781	ex 8529 90 92	85	<p>Colour LCD module in a housing:</p> <ul style="list-style-type: none"> — with a diagonal screen measurement of 14,48 cm or more but not more than 26 cm, — without touch screen, — with a backlight and micro-controller, — with a CAN (Controller Area Network) controller, an LVDS (Low-Voltage Differential Signalling) interface and a CAN/power connector, — without a signal processing module, — with control electronics for pixel addressing only, — with a motorised mechanism for moving the display screen, <p>for permanent installation in vehicles of Chapter 87 ⁽²⁾</p>	0 %	p/st	31.12.2025

0.6849	ex 8536 69 90	60	Electrical sockets and plugs with a length of not more than 12,7 mm or a diameter of not more than 10,8 mm, for use in the production of hearing aids and speech processors ⁽²⁾	0 %	p/st	31.12.2022
0.5028	ex 8536 69 90	84	Universal serial bus (USB) socket or plug in a single or multiple form for connecting with other USB devices, for use in the manufacture of goods falling within headings 8521 or 8528 ⁽²⁾	0 %	p/st	31.12.2025
0.6864	ex 8537 10 91	50	Fuse control module in a plastic housing with mounting brackets comprising: — sockets with or without fuses, — connecting ports, — a printed circuit board with embedded microprocessor, micro switch and relay, of a kind used in the manufacture of goods of Chapter 87	0 %	p/st	31.12.2025
0.6889	ex 8537 10 98	35	Electronic control unit without memory, for a voltage of 12 V, for information exchange systems in vehicles (for connection of audio, telephony, navigation, camera and wireless car service) containing: — 2 rotary knobs — 27 or more pushbuttons — LED lights — 2 integrated circuits for receiving and sending of control signals via the LIN-bus	0 %	p/st	31.12.2025
0.6866	ex 8538 90 91 ex 8538 90 99	20 50	Interior antenna for a car door locking system, comprising: — an antenna module in a plastic housing, — a connection cable with a plug, — at least two mounting brackets, whether or not PCB including integrated circuits, diodes and transistors, for use in the manufacture of goods of Chapter 87 ⁽²⁾	0 %	p/st	31.12.2025
0.6710	ex 8544 30 00 ex 8544 42 90	60 50	Four-core connecting cable containing two female connectors for the transmission of digital signals from navigation and audio systems to a USB connector, for use in the manufacture of goods of Chapter 87 ⁽²⁾	0 %	-	31.12.2025
0.6867	ex 8544 30 00	85	Extension two-core cable with two connectors, containing at least: — a rubber grommet, — a metal attachment bracket, of a kind used to connect vehicle speed sensors in the manufacture of vehicles of Chapter 87	0 %	p/st	31.12.2025

0.6853	ex 8544 42 90	70	Electric conductors: — of a voltage of not more than 80 V, — with a length of not more than 120 cm, — fitted with connectors, for use in the manufacture of hearing aids, accessory kits and speech processors ⁽²⁾	0 %	p/st	31.12.2025
0.6861	ex 8544 49 93	30	Electric conductors: — of a voltage of not more than 80 V, — of a platinum-iridium-alloy, — coated with poly(tetrafluoroethylene), — without connectors, for use in the manufacture of hearing aids, implants and speech processors ⁽²⁾	0 %	m	31.12.2025
0.5002	ex 8545 90 90	40	Corrosion resistant, layered technical fibre substrate of a gas diffuser layer with: — controlled fibre length, flex strength, porosity, thermal conductance, electrical resistance, — a thickness of less than 600 µm, — a weight of less than 500 g/m ²	0 %	m ²	31.12.2021
0.6707	ex 8708 30 10 ex 8708 30 91	70 40	Ductile cast iron brake caliper jaw, of a kind used in the manufacture of goods of Chapter 87	0 %	p/st	31.12.2025
0.6869	ex 8708 40 20 ex 8708 40 50	20 10	Automatic hydrodynamic gearbox — with a hydraulic torque converter, — without transfer box and cardan shaft, — whether or not with front differential, for use in the manufacture of motor vehicles of Chapter 87 ⁽²⁾	0 %	p/st	31.12.2025
0.6648	ex 8708 50 20 ex 8708 50 99	20 10	Transmission shaft in carbon fibre reinforced plastics consisting of a unique piece without any joint in the middle — of a length of 1 m or more but not more than 2 m, — of a weight of 6 kg or more but not more than 9 kg	0 %	p/st	31.12.2025
0.6711	ex 8708 80 20 ex 8708 80 35	10 10	Upper strut insulator containing: — a metal holder with three mounting screws, and — a rubber bump, for use in the manufacture of goods of Chapter 87 ⁽²⁾	0 %	p/st	31.12.2025
0.6859	ex 8708 91 20 ex 8708 91 99	30 30	Aluminium alloy inlet or outlet air tank manufactured to standard EN AC 42100 with: — an insulating area flatness of not more than 0,1 mm, — a permissible particle quantity of 0,3 mg per tank, — a distance between pores of 2 mm or more,	0 %	p/st	31.12.2025

			<ul style="list-style-type: none"> — pore sizes of not more than 0,4 mm, and — not more than 3 pores larger than 0,2 mm, of a kind used in heat exchangers for car cooling systems 			
0.7716	ex 8708 91 35	20	Turbocharger cooling duct containing: <ul style="list-style-type: none"> — an aluminium alloy duct with at least one metal holder and at least two mounting holes, — a rubber pipe with clips, — a stainless steel flange highly resistant to corrosion [SUS430JIL], for use in the manufacture of compression ignition engines of motor vehicles ⁽²⁾ 	0 %	-	31.12.2024
0.6687	ex 8708 95 10 ex 8708 95 99	10 20	Inflatable safety cushion of high strength polyamide fibre: <ul style="list-style-type: none"> — sewn, — folded into three-dimensional packing form, fixed by thermal forming, or flat (unfolded) safety cushion with or without thermal forming 	0 %	p/st	31.12.2025
0.6688	ex 8708 95 10 ex 8708 95 99	20 30	Inflatable safety cushion of high strength polyamide fibre: <ul style="list-style-type: none"> — sewn, — folded, — with three-dimensionally applied silicone bonding for air bag cavity forming and load-regulated air bag sealing, — suitable for cool inflator technology 	0 %	p/st	31.12.2025
0.7581	ex 8708 50 20 ex 8708 50 99	60 15	Car transfer case with single input, dual output, to distribute torque between front and rear axles in an aluminium housing, with dimension of not more than 565 × 570 × 510 mm, comprising: <ul style="list-style-type: none"> — at least an actuator, — whether or not an interior distribution by chain 	0 %	-	31.12.2024
0.6686	ex 8714 10 90	10	<ul style="list-style-type: none"> — Motorcycle fork rod inner tubes: — of SAE1541 carbon steel, — with a hard chromium layer of 20 µm (+ 15 µm/ – 5 µm), — having a wall thickness of 1,3 mm or more, but not more than 1,6 mm, — having an elongation at break of 15 %, — perforated 	0 %	p/st	31.12.2025
0.6848	ex 8714 10 90	70	Motor bikes radiators in consignment of 100 pieces or more	0 %	p/st	31.12.2022
0.6879	ex 8714 96 10	10	Pedals, for use in the manufacture of bicycles (including electric bicycles) ⁽²⁾	0 %	-	31.12.2025

0.6878	ex 8714 99 90	30	Seat posts, for use in the manufacture of bicycles (including electric bicycles) ⁽²⁾	0 %	p/st	31.12.2025
0.4883	ex 9001 90 00	85	Light guide panel made of poly(methyl methacrylate): — whether or not cut, — whether or not printed, for use in the manufacture of backlight units for flat screen TVs ⁽²⁾	0 %	-	31.12.2025
0.7590	ex 9002 11 00	18	Lens assembly consisting of a cylinder-shaped cover made of metal or plastic and optical elements with: — a horizontal field of view range to a maximum of 120 deg, — a diagonal field of view range to a maximum of 92 deg, — a focal length to a maximum of 7,50 mm, — a relative aperture of a maximum of F/2,90, — a maximum diameter of 22 mm	0 %	-	31.12.2023
0.5692	ex 9002 11 00	20	Lenses: — measuring not more than 95 mm × 55 mm × 50 mm, — with a resolution of 160 lines/mm or better, and — with a zoom ratio of 3 or more times	0 %	-	31.12.2022
0.5025	ex 9401 90 80	10	Ratchet disk for use in the manufacture of reclining car seats ⁽²⁾	0 %	p/st	31.12.2025
0.4846	ex 9503 00 75 ex 9503 00 95	10 10	Plastic cable car scale models, whether or not with a motor, for printing ⁽²⁾	0 %	p/st	31.12.2025
0.6950	ex 9607 20 10	10	Sliders, narrow tape with mounted zipper teeth, pin/boxes and other parts of slide fasteners, of base metal for use in the manufacture of zippers ⁽²⁾	0 %	-	31.12.2022
0.6949	ex 9607 20 90	10	Narrow strips mounted with plastic chain scoops for use in the manufacture of zippers ⁽²⁾	0 %	-	31.12.2025

⁽¹⁾ However, the suspension of tariff duties does not apply where the processing is carried out by retail or catering undertakings.

⁽²⁾ Suspension of duties is subject to end-use customs supervision in accordance with Article 254 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

⁽³⁾ Only the *ad valorem* duty is suspended. The specific duty shall continue to apply.;

(3) the following entries are added or inserted according to the numerical order of the CN and TARIC codes in the second and third columns:

Serial Number	CN code	TARIC	Description	Rate of autonomous duty	Supplementary Unit	Date foreseen for mandatory review
0.8021	2804 70 10		Red phosphorus	0 %	-	31.12.2022
0.8022	2804 70 90		Phosphorus, other than red phosphorus	0 %	-	31.12.2023
0.7974	ex 2903 39 19	40	3-(Bromomethyl)pentane (CAS RN 3814-34-4) with a purity by weight of 99 % or more	0 %	-	31.12.2025
0.8017	ex 2903 99 80	25	2,2'-Dibromobiphenyl (CAS RN 13029-09-9) with a purity by weight of 95 % or more	0 %	-	31.12.2025
0.8018	ex 2903 99 80	35	2-Bromo-9,9'-spirobi[9H-fluoren] (CAS RN 171408-76-7) with a purity by weight of 95 % or more	0 %	-	31.12.2025
0.7957	ex 2904 99 00	55	2,4-dichloro-1,3-dinitro-5-(trifluoromethyl)benzene (CAS RN 29091-09-6) with a purity by weight of 96 % or more	0 %	-	31.12.2025
0.7963	ex 2906 29 00	70	1,2,3,4-Tetrahydro-1-naphthol (CAS RN 529-33-9) with a purity by weight of 95 % or more	0 %	-	31.12.2025
0.8015	ex 2914 29 00	35	4-(trans-4-Propylcyclohexyl)cyclohexanone (CAS RN 82832-73-3) with a purity by weight of 95 % or more	0 %	-	31.12.2025
0.7955	ex 2915 24 00	10	Acetic anhydride (CAS RN 108-24-7) with a purity by weight of 97 % or more	0 %	-	31.12.2025
0.7980	ex 2916 19 95	60	Methyl 2-fluoroprop-2-enoate (CAS RN 2343-89-7) with a purity by weight of 93 % or more, whether or not with not more than 7 % of the stabiliser 2,6-di-tert-butyl-p-cresol (CAS RN 128-37-0) and Tetrabutylammonium nitrite (CAS RN 26501-54-2)	0 %	-	31.12.2025
0.7940	ex 2916 19 95	70	Methyl 3-methyl-2-butenate (CAS RN 924-50-5) with a purity by weight of 99,0 % or more	0 %	-	31.12.2025
0.7931	ex 2916 20 00	25	Cyclohexanecarbonyl chloride (CAS RN 2719-27-9) with a purity by weight of 99 % or more	0 %	-	31.12.2025
0.7933	ex 2916 20 00	35	2-Cyclopropylacetic acid (CAS RN 5239-82-7) with a purity by weight of 95 % or more	0 %	-	31.12.2025
0.7929	ex 2916 39 90	16	3-Fluoro-5-iodo-4-methylbenzoic acid (CAS RN 861905-94-4) with a purity by weight of 97 % or more	0 %	-	31.12.2025

0.8008	ex 2918 29 00	40	3-Hydroxy-4-nitrobenzoic acid (CAS RN 619-14-7) with a purity by weight of more than 96,5 %	0 %	-	31.12.2025
0.7934	ex 2918 99 90	43	Vanillic acid (CAS RN 121-34-6) with a purity by weight of 98,5 % or more	0 %	-	31.12.2025
0.7947	ex 2921 29 00	70	N,N,N',N'-tetramethylethylenediamine (CAS RN 110-18-9) with a purity by weight of 99 % or more	0 %	-	31.12.2025
0.8019	ex 2921 49 00	45	2-(4-Biphenyl)amino-9,9-dimethylfluoren (CAS RN 897671-69-1) with a purity by weight of 95 % or more	0 %	-	31.12.2025
0.8020	ex 2921 49 00	55	2-(2-Biphenyl)amino-9,9-dimethylfluoren (CAS RN 1198395-24-2) with a purity by weight of 95 % or more	0 %	-	31.12.2025
0.7946	ex 2922 19 00	29	N-Methyl-N-(2-hydroxyethyl)-p-toluidine (CAS RN 2842-44-6) with a purity by weight of 99 % or more	0 %	-	31.12.2025
0.7935	ex 2922 19 00	70	2-Benzylaminoethanol (CAS 104-63-2) with a purity by weight of 98 % or more	0 %	-	31.12.2025
0.8000	ex 2924 19 00	18	2-(((Butylamino)carbonyl)oxy)ethyl acrylate (CAS RN 63225-53-6) with a purity by weight of 97 % or more	0 %	-	31.12.2025
0.8013	ex 2925 19 95	40	N-Iodosuccinimide (CAS RN 516-12-1) with a purity by weight of 98,5 % or more	0 %	-	31.12.2025
0.7985	ex 2930 90 98	88	1-{4-[(4-Benzoylphenyl)sulphonyl]phenyl}-2-methyl-2-[(4-methylphenyl)sulphonyl]propan-1-one (CAS RN 272460-97-6) with a purity by weight of 94 % or more	0 %	-	31.12.2025
0.7951	ex 2931 90 00	25	N-(3-(dimethoxymethylsilyl)propyl)ethylenediamine (CAS RN 3069-29-2) with a purity by weight of 98 % or more	0 %	-	31.12.2025
0.7958	ex 2932 20 90	18	4-Hydroxycoumarin (CAS-RN 1076-38-6) with a purity by weight of 98 % or more	0 %	-	31.12.2025
0.7984	ex 2932 20 90	23	1,4-Dioxane-2,5-dione (CAS RN 502-97-6) with a purity by weight of 99,5 % or more	0 %	-	31.12.2025
0.7978	ex 2932 99 00	68	3,9-Diethylidene-2,4,8,10-tetraoxaspiro[5.5]undecane (CAS RN 65967-52-4) with a purity by weight of 98 % or more	0 %	-	31.12.2025
0.7930	ex 2932 99 00	73	5-Fluoro-3-methylbenzofuran-2-carboxylic acid (CAS RN 81718-76-5) with a purity by weight of 97 % or more	0 %	-	31.12.2025
0.7936	ex 2932 99 00	78	Methyl 2,2-difluoro-1,3-benzodioxole-5-carboxylate (CAS RN 773873-95-3) with a purity by weight of 98 % or more	0 %	-	31.12.2025

0.7954	ex 2932 99 00	83	6,11-Dihydrodibenz[b,e]oxepin-11-one (CAS RN 4504-87-4) with a purity by weight of 98 % or more	0 %	-	31.12.2025
0.7938	ex 2933 19 90	43	tert-Butyl 2-(3,5-dimethyl-1H-pyrazol-4-yl)acetate (CAS RN 1082827-81-3) with a purity by weight of 95 % or more	0 %	-	31.12.2025
0.7937	ex 2933 29 90	23	1,1'-Thiocarbonylbis(imidazole) (CAS RN 6160-65-2) with a purity by weight of 95 % or more	0 %	-	31.12.2025
0.7976	ex 2933 39 99	83	2-Hydroxy-4-azoniaspiro[3,5]nonane chloride (CAS RN 15285-58-2) with a purity by weight of 97 % or more	0 %	-	31.12.2025
0.7925	ex 2933 39 99	84	Diethyl(3-pyridyl)borane (CAS RN 89878-14-8) with a purity by weight of 98 % or more	0 %	-	31.12.2025
0.7981	ex 2933 39 99	86	3-(N-hydroxycarbamimidoyl)pyridine 1-oxide (CAS RN 92757-16-9) with a purity by weight of 97 % or more	0 %	-	31.12.2025
0.7939	ex 2933 39 99	87	6-Chloro-N-(2,2-dimethylpropyl)pyridine-3-carboxamide (CAS RN 585544-20-3) with a purity by weight of 97 % or more	0 %	-	31.12.2025
0.7986	ex 2933 39 99	88	Benzyl 4-amino-3-chloro-6-(4-chloro-2-fluoro-3-methoxyphenyl)-5-fluoropyridine-2-carboxylate (CAS RN 1390661-72-9) with a purity by weight of 92 % or more	0 %	-	31.12.2025
0.7952	ex 2933 69 80	33	2,4,6-Trichloro-1,3,5-triazine (CAS RN 108-77-0) with a purity by weight of 99 % or more	0 %	-	31.12.2025
0.7927	ex 2933 99 80	60	2-[[6,11-Dihydro-5H-dibenz[b,e]azepin-6-yl]-methyl]-1H-isoindole-1,3(2H)-dione (CAS RN 143878-20-0) with a purity by weight of 99 % or more	0 %	-	31.12.2025
0.7971	ex 2933 99 80	70	5-(Bis-(2-hydroxyethyl)-amino)-1-methyl-1H-benzimidazole-2-butanoic acid ethyl ester (CAS RN 3543-74-6) with a purity by weight of 98 % or more	0 %	-	31.12.2025
0.8014	ex 2933 99 80	80	Pyrrole-2-carboxaldehyde (CAS RN 1003-29-8) with a purity by weight of 97 % or more	0 %	-	31.12.2025
0.7926	ex 2934 99 90	65	Benzo[b]thiophen-10-methoxycycloheptanone (CAS RN 59743-84-9) with a purity by weight of 98 % or more	0 %	-	31.12.2025
0.7944	ex 2934 99 90	70	1,3,4-thiadiazolidine-2,5-dithione (CAS RN 1072-71-5) with a purity by weight of 95 % or more	0 %	-	31.12.2025
0.7928	ex 2935 90 90	44	4-[2-(7-Methoxy-4,4-dimethyl-1,3-dioxo-3,4-dihydroisoquinolin-2(1H)-yl)ethyl]bezenesulphonamide (CAS RN 33456-68-7) with a purity by weight of 99,5 % or more	0 %	-	31.12.2025

0.7943	ex 3201 90 20	10	<i>Rhus chinensis</i> gall (<i>Galla chinensis</i>) water-based extract, with a tannin content by weight of 85 % or less	0 %	-	31.12.2025
0.7975	ex 3801 10 00	10	Artificial graphite in powder form, (CAS RN 7782-42-5) with: — a secondary particle structure which is aggregated from smaller primary particles, — without coating on the surface, — particle size represented by d50 value of 13,5 µm (± 0,5), — specific surface area (measured by BET) less than 2,0 m²/g, — tap density: 1,10 ~ 1,70 g/cm³, — specific Discharge Capacity of 351,0 mAh/g (± 3,0), — initial efficiency of 94,0 % (± 1,0)	1.8 %	-	31.12.2021
0.7994	ex 3801 10 00	20	Artificial graphite (CAS RN 7782-42-5) powder form, with: — specific surface area (measured by BET) of 0,8 m²/g (± 0,25), — tap density: 0,85 g/cm³ (± 0,10), — particle size represented by d50 value of 21,0 µm (± 2,0), — specific discharge capacity of 351,0 mAh/g (± 3,0), — initial efficiency of 94,0 % (± 2,0)	1.8 %	-	31.12.2021
0.7998	ex 3815 90 90	38	Photoinitiator, containing by weight: — 80 % or more of polyethylene glycol di[β-4-[4-(2-dimethylamino-2-benzyl)butanoylphenyl]piperazine]propionate (CAS RN 886463-10-1), — not more than 17 % of polyethylene glycol [β-4-[4-(2-dimethylamino-2-benzyl)butanoylphenyl]piperazine]propionate	0 %	-	31.12.2025
0.7999	ex 3815 90 90	48	Photoinitiator containing by weight: — 88 % or more of α-(2-benzoylbenzoyl)-ω-[(2-benzoylbenzoyl)oxy]-poly(oxy-1,2-ethanediyl) (CAS RN 1246194-73-9), — not more than 12 % of α-(2-benzoylbenzoyl)-ω-hydroxy-poly(oxy-1,2-ethanediyl) (CAS RN 1648797-60-7)	0 %	-	31.12.2025
0.7950	ex 3902 90 90	65	Brominated butadiene-styrene copolymer (CAS RN 1195978-93-8) with a bromine content of 60 % by weight or more but not more than 68 %, in forms as defined in Note 6 (b) to Chapter 39	0 %	-	31.12.2025
0.7953	ex 3910 00 00	65	Liquid copolymer based on polydimethylsiloxane with terminal epoxide groups (CAS RN 2102536-93-4)	0 %	-	31.12.2025
0.8009	ex 3911 90 99	38	Mixture containing by weight: — 90 % (± 1 %) of 1,4:5,8- Dimethanonaphthalene, 2-ethylidene-1,2,3,4,4a,5,8,8a-octahydro-,polymer with 3a,4,7,7a- tetrahydro- 4,7-methano-1H-indene, hydrogenated (CAS RN 881025-72-5), and	0 %	-	31.12.2025

			— 10 % (± 1 %) of a hydrogenated styrene butadiene copolymer (CAS RN 66070-58-4)			
0.8010	ex 3911 90 99	48	Mixture containing by weight: — 90 % (± 1 %) of 1,4:5,8-dimethanonaphthalene, 2-ethylidene-1,2,3,4,4a,5,8,8a-octahydro-, polymer with 3a,4,7,7a-tetrahydro-4,7-methano-1H-indene, hydrogenated (CAS RN 881025-72-5), and — 10 % (± 1 %) of an ethylene-propylene copolymer (CAS RN 9010-79-1)	0 %	-	31.12.2025
0.7949	ex 3920 61 00	40	Extruded thermoplastic foils or films of polycarbonate with: — matt surface texture on both sides, — a thickness of more than 50 μm but not more than 200 μm , — a width of 800 mm or more, but not more than 1 500 mm, and — a length of 915 m or more, but not more 2 500 m, for use in the production of retroreflective products ⁽¹⁾	0 %	-	31.12.2025
0.8011	ex 3920 62 19 ex 3920 62 90	68 20	Poly(ethylene terephthalate) film in rolls: — with a thickness of 50 μm or more but not more than 350 μm , and — covered with a layer of sputtered precious metal such as gold or palladium with a thickness of 0,02 μm or more but not more than 0,06 μm	0 %	-	31.12.2025
0.8005	ex 3920 99 28	48	Thermoplastic polyurethane foil in rolls, with: — a width of 900 mm or more but not more than 1 016 mm, — a matt finish, — a thickness of 0,4 mm (± 8 %), — an elongation at break of 480 % or more (ASTM D412 (Die C)), — a tensile strength in machine direction of 470 (± 10) kg/cm ² (ASTM D412 (Die C)), — a Shore A hardness of 90 (± 3) (ASTM D2240), — a tear strength of 100 (± 10) kg/cm ² (ASTM D624 (Die C)), — a melting point of 165°C (± 10 °C)	0 %	-	31.12.2025
0.8024	ex 5603 14 10	20	Non-wovens, consisting of poly(ethylene terephthalate) spun bonded media: — of weight of 160 g/m ² or more but not more than 300 g/m ² — laminated on one side with a membrane or a membrane and aluminium — with filtration efficiency according to DIN 60335-2-69:2008 minimum Filter class M — pleatable	0 %	m ²	31.12.2023

0.8028	ex 6909 19 00	40	Ceramic-carbon absorption cartridges with the following characteristics: — extruded fired ceramic bound multicellular cylindrical structure, — 10 % or more by weight but not more than 35 % by weight of activated carbon, — 65 % or more by weight but not more than 90 % by weight of ceramic binder, — with a diameter of 29 mm or more but not more than 41 mm, — a length of not more than 150 mm, — fired at temperature of 800 °C or more, and — for vapours adsorption, of a kind used for assembly in fuel vapours absorbers in fuel systems of motor vehicles	0 %	p/st	31.12.2025
0.7913	ex 7506 20 00	20	Sheets and strips in coils of nickel alloy to standard ASME SB-582/UNS N06030 with: — a thickness of 0,5 mm or more but not more than 3 mm, — a width of 250 mm or more but not more than 1 219 mm	0 %	-	31.12.2025
0.7997	ex 7616 99 90	35	Aluminium plate with: — a length of 36 mm or more but not more than 49 mm, — a width of 29,8 mm or more but not more than 45,2 mm, — a thickness of 0,18 mm or more but not more than 0,66 mm, equipped with a polypropylene tape with: — a length of 6,5 mm or more but not more than 16,5 mm, — a width of 39 mm or more but not more than 56 mm, — characteristic allowing to create solid joint with Pouch external layer by melting process assuring leak and pressure proof sealing of Cell, — resistance to influence of electrolyte, for use in the manufacture of lithium-ion battery cells for motor vehicle batteries ⁽¹⁾	3 %	-	31.12.2021
0.7966	ex 8104 19 00	10	Unwrought magnesium containing 93 % or more but not more than 99,7 % by weight of magnesium	0 %	-	31.12.2025
0.7942	ex 8108 90 30	35	Bars and wires of titanium with a titanium content of 98,8 % or more but not more than 99,9 % of a diameter less than 20 mm	0 %	-	31.12.2025
0.8012	ex 8406 82 00	10	Industrial steam turbine with: — an output of 5 MW or more but not more than 40 MW, — designed for a pressure of not more than 140 bar and a temperature of not more than 540 °C, — equipped with double seat valves on the live steam side which are operated with a hydraulic servo of not more than 12 bar	0 %	-	31.12.2025

0.7961	ex 8409 91 00 ex 8481 90 00	55 60	Nozzle body for the regulation of angle and distribution of fuel injection: — of a cylindrical shape, — made of stainless steel, — with 4 or more, but not more than 16 holes, — with a flow rate of 100 cm ³ /minute or more, but not more than 500 cm ³ /minute	0 %	-	31.12.2025
0.7965	ex 8409 91 00	75	Housing of fuel injection valve for generating an electromagnetic field to actuate the injection valve with: — an inlet diameter of 2 mm or more, but not more than 10 mm, — an outlet diameter of 2 mm or more, but not more than 10 mm, — an electric coil with a resistance of 10 Ω or more, but not more than 15 Ω, which ends in an electrical connection, — a plastic covering moulded around a stainless steel tube	0 %	-	31.12.2025
0.7967	ex 8409 91 00 ex 8481 90 00	80 70	Nozzle needle for opening and closing the flow of fuel in the engine, with: — 2 holes, — 4 grooves, — a diameter of 3 mm or more, but not more than 6 mm, — a length of 25 mm or more, but not more than 35 mm, — made of stainless steel with hard-chrome plating	0 %	-	31.12.2025
0.7969	ex 8413 30 20	40	High-pressure plunger pump for direct diesel injection, with: — an operating pressure of not more than 275 MPa, — a camshaft, — a fluid discharging of 15 cm ³ per minute or more, but not more than 1 800 cm ³ per minute, — an electric pressure regulating valve	0 %	-	31.12.2025
0.7970	ex 8413 30 20	50	High-pressure plunger pump for direct diesel injection: — with an operating pressure of not more than 275 MPa, — designed to contact the crankshaft, — with an electromagnetic valve	0 %	-	31.12.2025
0.7996	ex 8418 99 90	20	Aluminium connecting block for connecting to a condenser manifold in welding process: — hardened to T6 or T5 temper, — with a weight of not more than 150 g, — with a length of 20 mm or more but not more than 150 mm, — with a fixing rail in one piece	0 %	-	31.12.2025

0.8004	ex 8418 99 90	30	Receiver dryer profile for connecting to a condenser manifold in welding process with: — a braze flatness of not more than 0,2 mm, — a weight of 100 g or more but not more than 600 g, — a fixing rail in one piece	0 %	-	31.12.2025
0.7979	ex 8479 89 97	55	Integrated automated turnkey machinery line for manufacturing jelly rolls of cylindrical lithium ion battery cells by winding, tab assembly and cutting of cathode, separator and anode	0.8 %	-	31.12.2021
0.7982	ex 8479 89 97	65	Integrated automated turnkey machinery line for the assembly of battery cells to cylindrical lithium ion batteries with a speed of 300 parts per minute and production line	0.8 %	-	31.12.2021
0.7964	ex 8479 90 70	40	Housing of the rotor part of the mechanical unit ensuring the adjustment of movement of the camshaft compared to the crankshaft: — of a circular shape, — made of steel alloy with sintering process, — with not more than 8 oil chambers, — with a Rockwell hardness of 55 or more, — with a density of 6,5 g/cm ³ , or more, but not more than 6,7 g/cm ³	0 %	-	31.12.2025
0.7968	ex 8481 30 91 ex 8481 30 99	30 50	Mechanical check (non-return) valve for opening and closing of the flow of fuel: — with an operating pressure of not more than 250 MPa, — with a flow rate of 45 cm ³ /minute or more, but not more than 55 cm ³ /minute, — with 4 input holes, each of them with a diameter of 1,2 mm or more, but not more than 1,6 mm, — made of steel	0 %	-	31.12.2025
0.7960	ex 8481 80 59 ex 8481 90 00	70 80	Flow-control valve — made of steel, — with an outlet hole with a diameter of at least 0,05 mm, but not more than 0,5 mm, — with an inlet hole with a diameter of at least 0,1 mm, but not more than 1,3 mm	0 %	-	31.12.2025
0.7972	ex 8527 29 00 ex 8529 90 65	10 38	Satellite radio receiver module: — with a rectangular shape of dimensions 70,5 x 44,9 x 10,5 mm,	0 %	-	31.12.2025

			<ul style="list-style-type: none"> — comprising of heat sink and a printed circuit board with resistors, capacitors, transistors, coils, diodes and IC, — being able to process radio frequency signals, — with a medium frequency unit, for use in the manufacture of products falling under heading 8527 ⁽¹⁾			
0.7987	ex 8708 50 20 ex 8708 50 55	15 50	Spherical outboard constant velocity joint ball bearing cage, part of the vehicle's drive system, made of material suitable to be carburized with a carbon content of 0,14 % or more but not more than 0,57 %, forged, turned, punched, milled and hardened	0 %	-	31.12.2025
0.7988	ex 8708 50 20 ex 8708 50 99	25 45	Ball-type outboard constant velocity joint housing for transmitting a torque from the engine and transmission to the wheels of motor vehicles, in a form of an outer race, with: <ul style="list-style-type: none"> — 6 ball tracks or more but not more than 8, with — a thread, — an external involute spline with 21 or more but not more than 38 teeth, — for running with bearing balls made of steel with a carbon content of 0,48 % or more but not more than 0,57 %, — forged, turned, milled and hardened 	0 %	-	31.12.2025
0.7989	ex 8708 50 20 ex 8708 50 99	35 50	Inboard constant velocity joint tripod housing, with: <ul style="list-style-type: none"> — an outer diameter of 67,0 mm or more but not more than 99,0 mm, — 3 cold calibrated roller tracks with a diameter of 29,95 mm or more but not more than 49,2 mm, — an external spline with 21 teeth or more but not more than 41, — forged, turned, rolled and hardened 	0 %	-	31.12.2025
0.7990	ex 8708 50 20 ex 8708 50 99	45 55	Outboard constant velocity joint inner race, part of the vehicle's drive system, with: <ul style="list-style-type: none"> — 6 or more but not more than 8 ball tracks, suitable for bearing balls with a diameter of 12,0 mm or more but not more than 24,0 mm, — forged, turned, milled, broached and hardened 	0 %	-	31.12.2025
0.7991	ex 8708 50 20 ex 8708 50 99	55 60	Inboard constant velocity joint tripod spider, part of the vehicle's drive system, with: <ul style="list-style-type: none"> — 3 trunnions with a diameter of 17,128 mm or more but not more than 25,468 mm, — forged, turned, broached and hardened 	0 %	-	31.12.2025

0.7973	ex 9002 11 00	23	Lenses with: <ul style="list-style-type: none"> — motorized focus, zoom, aperture, — electronically switchable infrared cut filter, — an adjustable focal length not less than 2,7 mm and not more than 55 mm, — a weight of not more than 100 g, — a length of less than 70 mm, — a diameter of not more than 60 mm 	0 %	-	31.12.2025
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(¹) Suspension of duties is subject to end-use customs supervision in accordance with Article 254 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).¹

DECISIONS

COUNCIL DECISION (EU) 2020/2232

of 22 December 2020

on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards the adoption of a decision establishing a list of 25 persons who are willing and able to serve as members of an arbitration panel under the Agreement and on a reserve list of persons who are willing and able to serve as Union members of an arbitration panel under the Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 50(2) thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (the 'Withdrawal Agreement') was concluded by means of Council Decision (EU) 2020/135 ⁽¹⁾ on 30 January 2020 and entered into force on 1 February 2020.
- (2) Pursuant to Article 171(1) of the Withdrawal Agreement, the Joint Committee established by Article 164 of the Withdrawal Agreement ('the Joint Committee') is to establish, no later than by the end of the transition period set under the Withdrawal Agreement, a list of 25 persons who are willing and able to serve as members of an arbitration panel. The Joint Committee is to ensure that the list complies with the requirements at any moment in time.
- (3) Pursuant to Article 171(2) of the Withdrawal Agreement, the list is to only comprise persons whose independence is beyond doubt, who possess the qualifications required for appointment to the highest judicial office in their respective countries or who are jurisconsults of recognised competence, and who possess specialised knowledge or experience of Union law and public international law. The list is not to comprise persons who are members, officials or other servants of the Union institutions, of the government of a Member State, or of the government of the United Kingdom.
- (4) The Union and the United Kingdom have jointly proposed five persons for the position of chairperson of the arbitration panel, and have each proposed ten persons for the position of member of the arbitration panel,
- (5) It is appropriate to establish the position to be taken on the Union's behalf in the Joint Committee.
- (6) It is also appropriate to establish a reserve pool of experts who are willing and able to serve as arbitrators under the Withdrawal Agreement and who can be contacted in order to keep the list of 25 persons up to date from the Union side,

⁽¹⁾ Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Text with EEA relevance) (OJ L 29, 31.1.2020, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Joint Committee established by Article 164(1) of the Withdrawal Agreement as regards the establishment of a list of 25 persons who are willing and able to serve as members of an arbitration panel under the Withdrawal Agreement shall be:

- (a) based on the draft Decision of the Joint Committee attached to this Decision; and
- (b) to support the attachment to the minutes of the meeting of the Joint Committee of a note setting out procedures to nominate in the future chairpersons in the list of chairpersons for the Withdrawal Agreement arbitration panel, as attached to this Decision.

Article 2

A reserve list of persons who may be proposed by the Union in the future to fill vacancies in the list of 25 persons referred to in Article 1 is established as set out in the Annex.

Article 3

The Decision of the Joint Committee shall be published in the *Official Journal of the European Union*.

Article 4

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

Done at Brussels, 22 December 2020.

For the Council
The President
M. ROTH

DRAFT

**DECISION No .../2020 OF THE JOINT COMMITTEE ESTABLISHED BY THE AGREEMENT ON THE
WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
FROM THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY****of ...****establishing a list of 25 persons who are willing and able to serve as members of an arbitration panel
under the Agreement**

THE JOINT COMMITTEE,

Having regard to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽¹⁾ (the 'Withdrawal Agreement'), and in particular Article 171(1) thereof,

Whereas:

- (1) Pursuant to Article 171(1) of the Withdrawal Agreement, the Joint Committee shall, no later than by the end of the transition period set under that Agreement, establish a list of 25 persons who are willing and able to serve as members of an arbitration panel,
- (2) Pursuant to Article 171(2) of the Withdrawal Agreement, the list shall only comprise persons whose independence is beyond doubt, who possess the qualifications required for appointment to the highest judicial office in their respective countries or who are jurisconsults of recognised competence, and who possess specialised knowledge or experience of Union law and public international law. These persons shall not be members, officials or other servants of the Union institutions, of the government of a Member State, or of the government of the United Kingdom,
- (3) In view of the joint proposal by the Union and the United Kingdom of five persons for the function of chairperson of the arbitration panel, and the respective proposals by the Union and the United Kingdom of ten persons each for the function of members of the arbitration panel,

HAS ADOPTED THIS DECISION:

Article 1

The list of 25 persons willing and able to serve as arbitrators under the Withdrawal Agreement is set out in Annex I.

Article 2

This Decision shall enter into force on 1 January 2021.

Done at ...,

*For the Joint Committee
The Co-chairs*

⁽¹⁾ OJ L 29, 31.1.2020, p.7.

ANNEX I

to Decision No .../2020 of the Joint Committee

Chairpersons for the Withdrawal Agreement Arbitration Panel

Ms Corinna WISSELS

Ms Angelika Helene Anna NUSSBERGER

Mr Jan KLUCKA

Sir Daniel BETHLEHEM

Ms Gabrielle KAUFMANN-KOHLER

Ordinary members for the Withdrawal Agreement Arbitration Panel

EU:

Mr Hubert LEGAL

Ms Helena JÄDERBLOM

Ms Ursula KRIEBAUM

Mr Jan WOUTERS

Mr Christoph Walter HERRMANN

Mr Javier DIEZ-HOCHLEITNER

Ms Alice GUIMARAES-PUROKOSKI

Mr Barry DOHERTY

Ms Tamara Čapeta

Mr Nico SCHRIJVER

UK:

Sir Gerald BARLING

Sir Christopher BELLAMY

Mr Zachary DOUGLAS

Sir Patrick ELIAS

Dame Elizabeth GLOSTER

Sir Peter GROSS

Mr Toby LANDAU QC

Mr Dan SAROOSHI QC

Ms Jemima STRATFORD QC

Sir Michael WOOD

DRAFT NOTE TO ATTACH TO WAJC MEETING MINUTES, XX DECEMBER 2020, SETTING OUT
PROCEDURES TO NOMINATE IN THE FUTURE CHAIRPERSONS IN THE LIST OF CHAIRPERSONS FOR
THE WITHDRAWAL AGREEMENT ARBITRATION PANEL

The Joint Committee has today adopted the list of 25 persons who are willing and able to serve as members of an arbitration panel in accordance with Article 171 of the Withdrawal Agreement. The Parties recall that the fifth person on the list of chairpersons was selected after a lot drawing that took place on 9 December 2020 in the presence of representatives of both Parties.

In order to ensure balance over time, a rotation should apply whereby when a position held by a chairperson presented by the Party whose candidates occupy three places on the list of five becomes vacant, the other Party will present three candidates from among whom the first Party will select within three working days a chairperson to fill that vacancy.

If a position held by a chairperson presented by the Party whose candidates occupy two places on the list of five becomes vacant, there will be no rotation and that Party will present three candidates from among whom the other Party will select within three working days a chairperson to fill that vacancy.

Accordingly, the list of chairpersons will at no time have fewer than two chairpersons on it that were presented by each Party.

After each replacement as set out above, the Joint Committee should amend the list of 25 persons by decision adopted in accordance with Article 171 of the Withdrawal Agreement.

In any event, the Joint Committee will review the list of 25 persons two years from the entry into force of the Joint Committee Decision adopted today. The Parties will do their utmost to propose jointly a list of five chairpersons during this review, as set out in the Withdrawal Agreement. This list should replace the previous list no later than six months from the start of the review.

If agreement cannot be reached on the fifth chairperson during the review process, the Party whose candidates occupy two places on the list of five at that point in time will present three candidates from among whom the other Party will select within three days a chairperson to fill that place on the list. Following the review process, the Joint Committee should amend the list of 25 persons by Decision adopted in accordance with Article 171 of the Withdrawal Agreement.

All candidates proposed by a Party for selection by the other Party according to the procedure set out in this Note must satisfy the criteria set out in Article 171 of the Withdrawal Agreement, and, where a Party reasonably considers that this is not the case, it reserves the right to object to the inclusion or appointment of such candidate.

ANNEX

Reserve list of candidates who are willing and able to serve as Union members of an arbitration panel under the Withdrawal Agreement

Mr Myron NICOLATOS

Mr Ezio PERILLO

Mr Vilenas VADAPALAS

Mr Andreas MÜLLER

Mr Pierre d'ARGENT

Mr Radostin Georgiev PETROV

Mr Costas CLERIDES

Mr Antonin MOKRY

Mr Carri GINTER

Mr Nikolaos MARKOPOULOS

Mr Jukka SNELL

Mr János MARTONYI

Ms Alessandra PIETROBON

Mr Ignas VEGELE

Ms Anita KOVALEVSKA

Mr Kaj I. HOBER

Mr Matej AVBELJ

COUNCIL DECISION (EU) 2020/2233**of 23 December 2020****concerning the commitment of the funds stemming from reflows under the ACP Investment Facility from operations under the 9th, 10th and 11th European Development Funds**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies ⁽¹⁾ ('the 11th EDF Internal Agreement'), and in particular Article 1(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Funds stemming from reflows under the African, Caribbean and Pacific (ACP) Investment Facility from operations under the 9th, 10th and 11th European Development Funds (EDFs) ('funds stemming from reflows') cannot be committed beyond 31 December 2020 unless the Council, acting unanimously on a proposal of the Commission, decides otherwise.
- (2) There is strong evidence that, while the ACP Investment Facility contributed to the objectives of poverty reduction, integration into the world economy and sustainable development of the ACP countries, as set out in the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part ⁽²⁾ ('the ACP-EU Partnership Agreement'), it did not maximise its contribution in that regard. The continued use of the ACP Investment Facility reflows under a new framework and governance could lead to better development results.
- (3) On 14 June 2018 the Commission adopted a proposal for a regulation of the European Parliament and of the Council establishing the Neighbourhood, Development and International Cooperation Instrument ('the NDICI proposal'), which provides for the establishment of the European Fund for Sustainable Development Plus ('EFSD+') and an External Action Guarantee, to which Member States could make contributions that they could earmark for the initiation of actions in specific regions, countries, sectors or existing investment windows.
- (4) On 4 December 2020 the ACP-EU Committee of Ambassadors adopted Decision No 2/2020 ⁽³⁾, amending Decision No 3/2019 ⁽⁴⁾ to adopt transitional measures pursuant to Article 95(4) of the ACP-EU Partnership Agreement to further extend the application of the provisions of the ACP-EU Partnership Agreement until 30 November 2021, or until the entry into force of a new ACP-EU Agreement ('the new Agreement'), or the provisional application between the Union and the ACP States of the new Agreement, whichever comes first. The period laid down in Article 1(5) of the 11th EDF Internal Agreement, during which the funds stemming from reflows under the ACP Investment Facility from operations under the 9th, 10th, and 11th European Development Funds may be committed, should be extended until 30 June 2021 in order to allow for new commitments of reflows under the ACP Investment Facility and continuous support to ACP countries until an instrument for funding neighbourhood, development and international cooperation to be adopted on the basis of the NDICI proposal ('the external financing instrument') becomes fully operational.

⁽¹⁾ OJ L 210, 6.8.2013, p. 1.

⁽²⁾ OJ L 317, 15.12.2000, p. 3.

⁽³⁾ Decision No 2/2020 of the ACP-EU Committee of Ambassadors of 4 December 2020 to amend Decision No 3/2019 of the ACP-EU Committee of Ambassadors to adopt transitional measures pursuant to Article 95(4) of the ACP-EU Partnership Agreement (OJ L 420, 14.12.2020, p. 32).

⁽⁴⁾ Decision No 3/2019 of the ACP-EU Committee of Ambassadors of 17 December 2019 to adopt transitional measures pursuant to Article 95(4) of the ACP-EU Partnership Agreement (OJ L 1, 3.1.2020, p. 3).

- (5) The European Fund for Sustainable Development established by Regulation (EU) 2017/1601 of the European Parliament and of the Council ⁽⁵⁾ (EFSD) is considered to be highly relevant to the investment needs of the regions covered (Sub-Saharan Africa and the European Neighbourhood), as well as to the Union's priorities and commitments.
- (6) In their joint communication of 9 March 2020 entitled 'Towards a comprehensive Strategy with Africa' ('the joint communication'), the Commission and the High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative') called for the Union to support sustainable growth and jobs throughout the African continent. The Union wants, inter alia, to partner with Africa on the promotion of investments by scaling up the use of innovative financing mechanisms.
- (7) In the joint communication, the Commission and the High Representative underlined that financial instruments are to encourage investments with a high development impact, largely in support of the private sector, in accordance with the criteria established by the Commission communication of 13 May 2014 entitled 'A Stronger Role of the Private Sector in Achieving Inclusive and Sustainable Growth in Developing Countries', namely measurable development impact, additionality, neutrality, shared interest and co-financing, demonstration effect and adherence to social, environmental and fiscal standards.
- (8) It is necessary to allow for the reflows referred to in this Decision to constitute contributions to the external financing instrument ('earmarked external assigned revenue' as referred to in point (a)(ii) of Article 21(2) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽⁶⁾) in order to finance support to ACP countries under a single-package approach, and in accordance with the objectives, principles and governance of the external financing instrument, through financial instruments, blending operations, budgetary guarantees or any other non-repayable form of support, in accordance with Regulation (EU, Euratom) 2018/1046. This will allow for an uninterrupted transition from the ACP Investment Facility and continuity in terms product range.
- (9) The funds stemming from reflows should not be received as external assigned revenue by the external financing instrument beyond 31 December 2027. Without prejudice to the decisions to be taken with respect to the subsequent multiannual financial frameworks, after that date those funds will be received by subsequent financing mechanisms until they are exhausted.
- (10) The ACP Investment Facility reflows, in view of the estimated overall amount expected for the period 2021–2027, should be transferred annually as a top-up to the relevant budget lines of the external financing instrument, in line with the programming documents.
- (11) The Commission should channel the funds stemming from reflows through the European Investment Bank (EIB), including through the EFSD+, with the aim of maximising their development impact and additionality, and also taking into account debt sustainability issues. All operations should be subject to the EFSD+ governance and to the 'policy first' principle.
- (12) In line with the NDICI proposal, the funds stemming from reflows should be primarily directed towards development instruments with high financial risks, in particular impact finance, equity funds and activity in least developed countries (LDCs). The operations should seek to maximise the development impact.

⁽⁵⁾ Regulation (EU) 2017/1601 of the European Parliament and of the Council of 26 September 2017 establishing the European Fund for Sustainable Development (EFSD), the EFSD Guarantee and the EFSD Guarantee Fund (OJ L 249, 27.9.2017, p. 1).

⁽⁶⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

- (13) Pursuant to Article 152(4) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽⁷⁾, the United Kingdom's share of the ACP Investment Facility from the EDF, accumulated through successive EDF periods, is to be reimbursed to the United Kingdom as the investment matures. Unless agreed otherwise, the United Kingdom's capital share should not be recommitted beyond the end of the 11th EDF commitment period or rolled over into subsequent periods,

HAS ADOPTED THIS DECISION:

Article 1

For operations under the ACP Investment Facility, the period laid down in Article 1(5) of the 11th EDF Internal Agreement, during which the funds stemming from reflows under the ACP Investment Facility from operations under the 9th, 10th, and 11th European Development Funds may be committed, is extended until 30 June 2021, or until the entry into force of a regulation establishing the external financing instrument, whichever is the later, and in any case no later than 30 November 2021, to allow for new commitments of reflows under the ACP Investment Facility.

Article 2

1. The funds stemming from reflows under the ACP Investment Facility from operations under the 9th, 10th, and 11th European Development Funds after 30 June 2021 shall constitute contributions to the external financing instrument in the form of external assigned revenues for the purpose of providing funding through the EIB by means of budgetary guarantees and blending operations under the EFSD+, an External Action Guarantee and financial instruments or any other non-repayable form of support in accordance with the principles, objectives and governance of the EFSD+.

2. Without prejudice to the decisions to be taken with respect to the subsequent multiannual financial frameworks, after 31 December 2027, and until the depletion of the reflows, the funds stemming from reflows shall constitute contributions to subsequent Union external financing instruments which replace the external financing instrument.

3. For the purposes of this Decision, 'reflows' means any income, including dividends, capital gains, guarantee fees and interest on loans, on amounts on any account opened for the purpose of recording cash held for the account of the ACP Investment Facility. It also means remuneration from treasury investments, and repayments, including capital repayments, guarantees released and repayment of the principal of loans resulting from operations under the ACP Investment Facility. Funds stemming from the decommitment of reflows shall also be considered to be reflows.

4. Reflows shall be subject to the applicable rules and procedures of the external financing instrument.

Article 3

The contributions shall be earmarked for ACP countries.

Article 4

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

⁽⁷⁾ OJ L 29, 31.1.2020, p. 7.

It shall apply from 1 January 2021, except for Article 2, which shall apply from 1 July 2021 or from the entry into force of a regulation establishing the external financing instrument, whichever is the later.

Done at Brussels, 23 December 2020.

For the Council
The President
M. ROTH

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