

Official Journal of the European Union

L 327



English edition

Legislation

Volume 62

17 December 2019

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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2019/2152 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 27 November 2019****on European business statistics, repealing 10 legal acts in the field of business statistics****(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 338(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 European Central Bank ⁽¹⁾,

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

Whereas:

- (1) The development, production and dissemination of statistical information on the economic activities of Member States' businesses has so far been based on a number of individual legal acts. Those legal acts cover short-term and structural business statistics, statistics on production, intra-Union and extra-Union trade (international trade) in goods and services, foreign affiliates, research and development (R&D), innovation and information and communication technologies (ICT) usage and e-commerce. Moreover, a common framework for business registers for statistical purposes in the Union was established by Regulation (EC) No 177/2008 of the European Parliament and of the Council ⁽³⁾.
- (2) This structure based on individual legal acts does not provide the necessary consistency across the individual statistical domains, nor does it promote an integrated approach towards the development, production and dissemination of business statistics. For the purpose of this Regulation, European business statistics should also cover R&D statistics in the higher education, government and private non-profit sectors. A common legal framework should be established to ensure consistency across European business statistics and facilitate the integration of the corresponding statistical processes.
- (3) Better integrated statistical processes based on common methodological principles, definitions and quality criteria should lead to harmonised statistics on the structure, the economic activities, the transactions and the performance of the business sector in the Union which meet the level of relevance and detail required to fulfil user needs.

⁽¹⁾ OJ C 77, 1.3.2018, p. 2.

⁽²⁾ Position of the European Parliament of 16 April 2019 (not yet published in the Official Journal) and decision of the Council of 19 November 2019.

⁽³⁾ Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93 (OJ L 61, 5.3.2008, p. 6).

- (4) The EuroGroups Register is intended to ensure that Union guidance, such as Commission Recommendation 2003/361/EC ⁽⁴⁾, which is of relevance for European business statistics, can be more effectively followed, in particular with respect to the identification of autonomous enterprises as defined in Article 3 of that Recommendation. Such Union guidance is needed to foster legal certainty and business predictability and to create a level playing field for Union-based small and medium-sized enterprises (SMEs).
- (5) International guidance, such as the Frascati Manual, which concerns R&D statistics, and the Oslo Manual, which concerns innovation data, and international agreements adopted by the United Nations, the Organisation for Economic Cooperation and Development, the International Monetary Fund and other international and supranational organisations, are of relevance for European business statistics. Such guidance should, to the extent possible, be followed in the development, production and dissemination of Union statistics and within the European framework for statistical business registers, in order to ensure that the Union statistics are comparable with those compiled by the Union's main international partners. However, Union standards, agreements and guidelines should be applied consistently when collecting data for European business statistics on the R&D inputs and innovation topics.
- (6) The administrative burden on businesses, in particular on SMEs, should be as limited as possible taking into account to the extent possible other data sources than surveys. For the purpose of alleviating the burden on enterprises it should be possible to establish different data requirements depending on the size and importance of the business economies of Member States.
- (7) The European Statistical System (ESS) Vision 2020 stated that data should be used across statistical domains for better analysing emerging phenomena (e.g. globalisation) and for better serving Union policies of high impact. The data output should be based on efficient and robust statistical processes of the ESS. The broader scope of the common legal framework for business statistics should enable the integration of interdependent production processes drawing upon multiple sources.
- (8) The Programme for the Modernisation of European Enterprise and Trade Statistics adopted pursuant to Decision No 1297/2008/EC of the European Parliament and of the Council ⁽⁵⁾, which ran from 2009 to 2013, aimed at helping to adapt the business and trade-related statistics to new data needs and adjust the system for the production of business statistics. The conclusions and recommendations resulting from that programme regarding the priorities and new sets of indicators, the streamlining of the framework for business-related statistics, the more efficient production of statistics on enterprise and trade and the modernisation of intra-Union trade in goods statistics should be translated into legally binding provisions.
- (9) There is a need for a more flexible approach within the framework for European business statistics to allow adaptations to methodological developments and a timely response to emerging and duly justified data-user needs resulting from the changing economic environment and the increasing globalisation and complexity of the business landscape. Such future adaptations should be supported by adequate cost-benefit analyses and resulting new data requirements should not impose a significant additional cost or burden on the Member States or on the respondents.
- (10) The role of national statistical business registers and the EuroGroups register as basic infrastructure for the collection and compilation of data for European business statistics should be enhanced. National statistical business registers should be used as the main source of information for statistical analysis of the business population and its demography, for the definition of the survey population and for establishing the link to administrative data sources.
- (11) To ensure the role of the national statistical business registers and the EuroGroups register, a unique identifier for all relevant units should be established and implemented.
- (12) The proper delineation of enterprise groups in the EuroGroups register with timely and reliable data should be achieved by the use of harmonised criteria and regular updating of the information on links of control between the legal units being part of the enterprise groups.

⁽⁴⁾ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

⁽⁵⁾ Decision No 1297/2008/EC of the European Parliament and of the Council of 16 December 2008 on a Programme for the Modernisation of European Enterprise and Trade Statistics (MEETS) (OJ L 340, 19.12.2008, p. 76).

- (13) In order to improve the efficiency of the statistical production processes of the ESS and to reduce the statistical burden on respondents, national statistical authorities (NSAs) should have the right to access and use, promptly and free of charge, all national administrative records and to integrate those administrative records with statistics, to the extent necessary for the development, production and dissemination of European business statistics, in accordance with Article 17a of Regulation (EC) No 223/2009 of the European Parliament and of the Council ⁽⁶⁾.
- (14) Regulation (EC) No 223/2009 provides a reference framework for European statistics. In particular, it requires compliance with the principles of professional independence, impartiality, objectivity, reliability, statistical confidentiality and cost-effectiveness.
- (15) The exchange of and access to microdata by the NSAs producing business statistics and maintaining the European framework for statistical business registers should be introduced, for the development, production and dissemination of national or European business statistics or for increasing the quality of European business statistics. The exchange of microdata should be limited to duly justified cases.
- (16) The creation of an additional data source based on the exchange of microdata on intra-Union exports of goods, together with the possibility to use innovative methodologies increases the flexibility for the Member States in their compilation of intra-Union trade in goods statistics, thereby enabling the Member States to reduce the response burden on businesses. The purpose of the exchange is the efficient development, production and dissemination of statistics on international trade in goods and the improvement of the quality of such statistics.
- (17) The negotiation, implementation and review of trade and investment agreements between the Union and third countries or multilaterally requires that the necessary statistical information on Member States' trade flows with third countries be made available to the Commission.
- (18) A close link should be maintained between the system for collecting statistical information and the fiscal formalities related to the value added tax which exist in the context of trade in goods between Member States. That link makes it possible, in particular, for the purpose of intra-Union trade in goods statistics, to identify exporters and importers and to check the quality of the information collected.
- (19) The cross-border movement of goods, in particular from or to third countries, is subject to customs supervision as provided for under Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽⁷⁾. Customs authorities keep or have access to information or records concerning such movement. The information or records, which are related to or based on customs declarations, should be used for the production of statistics on Union trade in goods.
- (20) In order to produce statistics on international trade in goods and to improve the quality of those statistics, the NSAs in the Member States should exchange data on imports and exports of goods which involve the customs authorities of more than one Member State. To ensure harmonised compilation of the statistics, the exchange of those microdata between the NSAs should be mandatory.
- (21) To safeguard the quality and comparability of European business statistics or national accounts in line with the concepts and methodology of Regulation (EU) No 549/2013 of the European Parliament and of the Council ⁽⁸⁾, the exchange of confidential data should be allowed between the NSAs of Member States concerned, their respective national central banks, the European Central Bank (ECB) and the Commission (Eurostat) only for statistical purposes.

⁽⁶⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

⁽⁷⁾ 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).

⁽⁸⁾ Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (OJ L 174, 26.6.2013, p. 1).

- (22) In order to carry out its tasks under the Treaties, especially tasks related to the functioning of the internal market, the Commission should have full, up-to-date and reliable information on the production of goods and services in the Union and on international trade flows. Enterprises also need such information in order to monitor their markets and the international dimension of those markets.
- (23) Member States or national competent authorities should endeavour to simplify the collection of data from European businesses to the extent possible. The NSAs should take account of the latest digital developments at the time when the instruments and methods for collecting data for statistics are being established and should be encouraged to implement innovative approaches.
- (24) There is a need to provide business statistics by sector of activity, in order to measure the productivity of businesses in the Union. In particular, there is an increasing demand for statistics on the services sector, which is the most dynamic sector of modern economies, especially in terms of that sector's potential for growth and employment creation and taking into account the relations with the manufacturing sector. This trend is further enhanced by the development of new digital services. The increasing demand for statistics is also the case for creative and cultural industries, as stated in the resolution of the European Parliament of 13 December 2016 on a coherent EU policy for cultural and creative industries ⁽⁹⁾. Statistics on trade in services are essential for monitoring the functioning of the internal market for services and the digital single market and assessing the impact of barriers on trade in services.
- (25) Regulation (EC) No 223/2009 constitutes the reference framework for this Regulation, including as regards the protection of confidential data. However, the very detailed level of information in the field of statistics on international trade in goods requires specific rules with regard to confidentiality. An importer or exporter of goods needs to submit a request to the NSA that statistical results allowing the indirect identification of such an importer or exporter are not disclosed. The NSA should consider the request to be justified where the statistical results allow the indirect identification of the importer or exporter. Otherwise, the NSA should be able to disseminate the statistical results in a form that make it possible for the importer or exporter to be identified indirectly.
- (26) The monitoring of the progress towards the goals set by the Europe 2020 strategy at Member State and Union level requires harmonised statistics on the Union economy regarding climate change and resource efficiency, R&D, innovation, the information society covering both market and non-market activities and on the business landscape as a whole, in particular on business demography and employment related to market activities. Such information allows decision makers to take informed policy decisions in order to develop an economy based on knowledge and innovation, improve access to the internal market for SMEs, develop entrepreneurship and improve sustainability and competitiveness.
- (27) Statistics on innovation and R&D activities are needed for the development and monitoring of policies that aim to strengthen the competitiveness of Member States and increase their medium and long-term potential for smart growth and employment. An expanding digital economy and the increased use of ICT are also among the important drivers of competitiveness and growth in the Union, and statistics are needed to support the related strategies and policies, including the completion of the digital single market.
- (28) Business statistics are also needed for the compilation of national and regional accounts in accordance with Regulation (EU) No 549/2013.
- (29) Reliable and timely statistics are necessary in order to report on the economic development in each Member State within the framework of the economic policy of the Union. The ECB needs quickly available short-term statistics in order to assess economic developments in the Member States in the context of the single monetary policy.
- (30) While maintaining the principle of providing business statistics on the entire economy, the data requirements should take into account, to the extent possible, simplifying measures for the purpose of alleviating the burden on the business economies of relatively small Member States, in accordance with the principle of proportionality. Additional requirements should not place a disproportionate administrative burden on respondents.

⁽⁹⁾ OJ C 238, 6.7.2018, p. 28.

- (31) International standards, such as the Statistical Data and Metadata Exchange (SDMX) initiative, and statistical or technical standards elaborated within the ESS, such as metadata and validation standards, should be used to the extent relevant also for European business statistics. The ESS Committee (ESSC) has endorsed an ESS Standard for Quality Reports, in accordance with Article 12 of Regulation (EC) No 223/2009. Those standards should contribute to the harmonisation of quality assurance and reporting under this Regulation.
- (32) In order to take account of economic and technical developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in order to amend the types of statistical information, to further specify the details of the statistical information to be provided by the tax and customs authorities in accordance with Annexes V and VI, respectively, and to amend the detailed topics set out in Annex I and this Regulation by reducing the coverage rate for intra-Union exports of goods. 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⁽¹⁰⁾. 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.
- (33) In order to ensure uniform conditions for the implementation of this Regulation with regard to the details of the variables as well as the format, security and confidentiality measures and the procedure for the exchange of confidential data for the purpose of the European framework for statistical business registers, the arrangements for, content of and deadlines for transmission of quality and metadata reports, the standards for data and metadata transmission, and derogations from the requirements of this Regulation or from the delegated or implementing acts adopted pursuant thereto, implementing powers should be conferred on the Commission. For the same purpose, implementing powers should be conferred on the Commission with regard to specifying the arrangements for the provision and exchange of certain administrative records as well as the format, security and confidentiality measures and the procedure for the exchange of confidential data for the purpose of the intra-Union trade in goods statistics, the specifications of the relevant metadata, the timetable, the arrangements for the collection and compilation of the statistical information on intra-Union exports of goods provided to the Member State of import, the arrangements for the application of the coverage rate of the total intra-Union exports of goods with regard to the reference period, setting out the technical specifications related to the statistical data elements for the statistical information on intra-Union trade in goods to be provided to the Member State of import and the related simplifications. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council⁽¹¹⁾.
- (34) Where appropriate the Commission should conduct cost-benefit analyses and ensure that any action it puts forward does not impose a significant additional cost or burden on Member States or respondents, in particular on SMEs, taking into account the expected user benefits and that it leads to an increase in the quality of the statistics.
- (35) The Commission should be able to grant derogations from the application of this Regulation, or from delegated and implementing acts adopted pursuant thereto, where such application results in major adaptations to a national statistical system of a Member State in terms of organising additional surveys or making major adaptations to its statistical production system to accommodate new data sources or to allow for a combination of different sources.
- (36) Where new data requirements or improvements to data sets covered by this Regulation are needed, the Commission should be able to launch pilot studies to be carried out by the Member States on a voluntary basis. As a priority, the Commission should be able to launch pilot studies that cover international trade in services, real estate, financial indicators and environment and climate.
- (37) Since the objective of this Regulation, namely the establishment of a common framework for European business statistics cannot be sufficiently achieved by the Member States but can rather, for reasons of harmonisation and comparability, 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.

⁽¹⁰⁾ OJ L 123, 12.5.2016, p. 1.

⁽¹¹⁾ 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).

- (38) The measures set out in this Regulation should replace those of Regulations (EC) No 48/2004 ⁽¹²⁾, (EC) No 638/2004 ⁽¹³⁾, (EC) No 808/2004 ⁽¹⁴⁾, (EC) No 716/2007 ⁽¹⁵⁾, (EC) No 177/2008, (EC) No 295/2008 ⁽¹⁶⁾ and (EC) No 471/2009 ⁽¹⁷⁾ of the European Parliament and of the Council, Decision No 1608/2003/EC of the European Parliament and of the Council ⁽¹⁸⁾ and Council Regulations (EEC) No 3924/91 ⁽¹⁹⁾ and (EC) No 1165/98 ⁽²⁰⁾. Those acts should therefore be repealed.
- (39) The European Data Protection Supervisor has been consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽²¹⁾.
- (40) The ESSC has been consulted,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

General provisions

Article 1

Subject-matter

This Regulation establishes a common legal framework for:

- (a) the development, production and dissemination of European business statistics as referred to in Article 2(1);
- (b) the European framework for statistical business registers.

Article 2

Scope

1. European business statistics shall cover:
 - (a) the structure, economic activities and performance of the statistical units, their R&D and innovation activities, their information and communication technologies (ICT) usage and e-commerce, as well as global value chains. For the purpose of this Regulation, European business statistics shall also cover R&D statistics in the higher education, government and private non-profit sectors;
 - (b) the production of manufactured goods and services and the international trade in goods and services.
2. The European framework for statistical business registers shall cover the national statistical business registers and the EuroGroups Register, as well as the data exchanges between them in accordance with Article 10.

⁽¹²⁾ Regulation (EC) No 48/2004 of the European Parliament and of the Council of 5 December 2003 on the production of annual Community statistics on the steel industry for the reference years 2003-2009 (OJ L 7, 13.1.2004, p. 1).

⁽¹³⁾ Regulation (EC) No 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No 3330/91 (OJ L 102, 7.4.2004, p. 1).

⁽¹⁴⁾ Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society (OJ L 143, 30.4.2004, p. 49).

⁽¹⁵⁾ Regulation (EC) No 716/2007 of the European Parliament and of the Council of 20 June 2007 on Community statistics on the structure and activity of foreign affiliates (OJ L 171, 29.6.2007, p. 17).

⁽¹⁶⁾ Regulation (EC) No 295/2008 of the European Parliament and of the Council of 11 March 2008 concerning structural business statistics (OJ L 97, 9.4.2008, p. 13).

⁽¹⁷⁾ Regulation (EC) No 471/2009 of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95 (OJ L 152, 16.6.2009, p. 23).

⁽¹⁸⁾ Decision No 1608/2003/EC of the European Parliament and of the Council of 22 July 2003 concerning the production and development of Community statistics on science and technology (OJ L 230, 16.9.2003, p. 1).

⁽¹⁹⁾ Council Regulation (EEC) No 3924/91 of 19 December 1991 on the establishment of a Community survey of industrial production (OJ L 374, 31.12.1991, p. 1).

⁽²⁰⁾ Council Regulation (EC) No 1165/98 of 19 May 1998 concerning short-term statistics (OJ L 162, 5.6.1998, p. 1).

⁽²¹⁾ Regulation (EC) No 45/2001 of the European Parliament and 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).

3. The national statistical business registers referred to in paragraph 2 shall comprise:
 - (a) all enterprises carrying out economic activities contributing to the gross domestic product (GDP), and their local units;
 - (b) the legal units of which those enterprises consist;
 - (c) for those enterprises which due to their size have a significant influence and whose kind-of-activity units (KAUs) have a significant influence on the aggregated (national) data either:
 - (i) the KAU and size of each KAU of which those enterprises consist; or
 - (ii) the NACE code of the secondary activities of those enterprises as laid down in Regulation (EC) No 1893/2006 of the European Parliament and of the Council ⁽²²⁾ and the size of each of those secondary activities;
 - (d) enterprise groups to which those enterprises belong.
4. The EuroGroups Register shall comprise the following units defined in Council Regulation (EEC) No 696/93 ⁽²³⁾:
 - (a) all enterprises carrying out economic activities contributing to the GDP which form part of a multinational enterprise group;
 - (b) the legal units of which those enterprises consist;
 - (c) multinational enterprise groups to which those enterprises belong.
5. Households shall not fall within the scope of the European framework for statistical business registers insofar as the goods and services they produce are destined to their own consumption, or involve letting out of own property.
6. Local units of foreign enterprises not constituting separate legal entities (branches), and classified as quasi-corporations in accordance with Regulation (EU) No 549/2013, shall be deemed to be enterprises for the purposes of the national statistical business registers and the EuroGroups Register.
7. Enterprise groups shall be identified through the links of control between their legal units in accordance with Regulation (EU) No 549/2013.
8. When referring to national statistical business registers and the EuroGroups Register, this Regulation shall apply only to units which, wholly or partially, exercise an economic activity and economically inactive legal units, which are part of an enterprise in combination with economically active legal units.
9. For the purposes of the European framework for statistical business registers, the following shall be considered to be an economic activity:
 - (a) any activity comprising the offer of goods and services on a given market;
 - (b) non-market services contributing to the GDP;
 - (c) direct and indirect holdings of active legal units.Holding assets and/or liabilities may also be considered to be an economic activity.
10. Statistical units within the European framework for statistical business registers shall be defined in accordance with Regulation (EEC) No 696/93, subject to the limitations specified in this Article.

Article 3

Definitions

1. For the purposes of this Regulation, the following definitions apply:
 - (a) 'statistical unit' means statistical units within the meaning of Regulation (EEC) No 696/93;
 - (b) 'reporting unit' means the unit that supplies the data;

⁽²²⁾ Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).

⁽²³⁾ Council Regulation (EEC) No 696/93 of 15 March 1993 on the statistical units for the observation and analysis of the production system in the Community (OJ L 76, 30.3.1993, p. 1).

- (c) 'domain' means one or several data sets that cover particular topics;
 - (d) 'topic' means the content of the information to be compiled, each topic covering one or more detailed topics;
 - (e) 'detailed topic' means the detailed content of the information to be compiled related to a topic, each detailed topic covering one or more variables;
 - (f) 'variable' means a characteristic of a unit that may assume more than one of a set of values;
 - (g) 'market activity' means market activity within the meaning of point 1.37 of Chapter 1 of Annex A to Regulation (EU) No 549/2013;
 - (h) 'non-market activity' means non-market activity within the meaning of point 1.34 of Chapter 1 of Annex A to Regulation (EU) No 549/2013;
 - (i) 'market producers' means market producers as defined in point 3.24 of Chapter 3 of Annex A to Regulation (EU) No 549/2013;
 - (j) 'non-market producers' means non-market producers as defined in point 3.26 of Chapter 3 of Annex A to Regulation (EU) No 549/2013;
 - (k) 'national statistical authorities' or 'NSAs' means the national statistical institutes and other national authorities responsible for the development, production and dissemination of European statistics designated by each Member State in accordance with Article 5(1) of Regulation (EC) No 223/2009;
 - (l) 'authoritative source' means the sole provider of data records containing national statistical business register and EuroGroups register data in accordance with quality standards referred to in Article 17;
 - (m) 'microdata' means individual observations or measurements of characteristics of identifiable reporting units or statistical units;
 - (n) 'use for statistical purposes' means use for statistical purposes as defined in point (8) of Article 3 of Regulation (EC) No 223/2009;
 - (o) 'confidential data' means confidential data as defined in point (7) of Article 3 of Regulation (EC) No 223/2009;
 - (p) 'tax authorities' means the national authorities in the Member State responsible for applying Council Directive 2006/112/EC ⁽²⁴⁾;
 - (q) 'customs authorities' means customs authorities as defined in point (1) of Article 5 of Regulation (EU) No 952/2013;
 - (r) 'multinational enterprise group' means an enterprise group within the meaning of Section III C. of the Annex to Regulation (EEC) No 696/93, with at least two enterprises or legal units each of which is located in a different country.
2. For the purposes of Articles 11 to 15, the following definitions apply:
- (a) 'Member State of export' means the Member State from the statistical territory of which goods are exported to their destination in a Member State of import;
 - (b) 'Member State of import' means the Member State into the statistical territory of which goods are imported from a Member State of export;
 - (c) 'goods' means movable property, including electrical energy and natural gas.

CHAPTER II

Data sources

Article 4

Data sources and methods

Member States shall produce the statistics referred to in Articles 6 and 7 as well as set up their national statistical business registers in accordance with Article 9, using any relevant data sources while avoiding excessive burden on respondents and taking due account of the cost effectiveness of the NSAs.

⁽²⁴⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

For the production of the statistics and the national statistical business registers required under this Regulation, and provided that the results comply with the quality criteria referred to in Article 17, NSAs may use the following data sources, including a combination thereof:

- (a) surveys;
- (b) administrative records, including information from tax and customs authorities such as annual financial statements;
- (c) exchanged microdata;
- (d) any other relevant sources, methods or innovative approaches insofar as they allow for the production of data that are comparable and compliant with the applicable specific quality requirements.

For surveys, as referred to in point (a) of the second paragraph, reporting units called upon by the Member States shall provide timely, accurate and complete information needed for the production of the statistics and the national statistical business registers required under this Regulation.

The methods and approaches referred to in point (d) of the second paragraph shall be scientifically based and well documented.

Article 5

Access to administrative records and provision of information

1. In accordance with Article 17a of Regulation (EC) No 223/2009, the NSAs and the Commission (Eurostat) shall have the right to access and use, promptly and free of charge, all administrative records and to integrate those records with other data sources to meet the statistical requirements under this Regulation and update the national statistical business registers and the EuroGroups Register. Access to those records by the NSAs and the Commission (Eurostat) shall be limited to administrative records within their own respective public administrative systems.

2. Without prejudice to paragraph 1, the tax authorities in each Member State shall provide the competent NSAs with information for statistical purposes related to exports and imports of goods as specified in Annex V.

The Commission is empowered to adopt delegated acts in accordance with Article 22 in order to:

- (a) amend Annex V by defining the types of statistical information to be provided by the tax authorities; and
- (b) supplement this Regulation by further specifying the details for the statistical information to be provided by the tax authorities in accordance with Annex V.

3. Without prejudice to paragraph 1, the customs authority in each Member State shall provide the competent NSAs with information for statistical purposes related to exports and imports of goods as specified in Annex VI.

The Commission is empowered to adopt delegated acts in accordance with Article 22 in order to:

- (a) amend Annex VI by defining the types of statistical information to be provided by the customs authorities; and
- (b) supplement this Regulation by further specifying the details for the statistical information to be provided by the customs authorities in accordance with Annex VI.

4. In order to produce harmonised statistics on international trade in goods and to improve the quality of those statistics, the NSAs of the Member States concerned shall exchange microdata for statistical purposes received from their customs authorities related to exports and imports of goods, for the estimation of quasi-transit exports and imports of their Member State.

For other trade flows that involve the customs authorities of more than one Member State, the NSAs shall exchange the corresponding microdata related to the exports or imports of goods to improve the quality of the statistics concerned.

5. The Commission may adopt implementing acts specifying the arrangements for the data exchanges in accordance with this Article.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

*CHAPTER III***Business statistics***Article 6***Data requirements**

1. The European business statistics shall cover the following domains:
 - (a) short-term business statistics;
 - (b) country-level business statistics;
 - (c) regional business statistics;
 - (d) statistics on international activities.
2. The domains shall include one or more of the following topics as further detailed in Annex I:
 - (a) business population;
 - (b) global value chains;
 - (c) ICT usage and e-commerce;
 - (d) innovation;
 - (e) international trade in goods;
 - (f) international trade in services;
 - (g) investments;
 - (h) labour inputs;
 - (i) outputs and performance;
 - (j) prices;
 - (k) purchases;
 - (l) real estate;
 - (m) R&D inputs.
3. The periodicity, reference period and statistical unit of each topic shall be as specified in Annex II.
4. The Commission is empowered to adopt delegated acts in accordance with Article 22 in order to amend the detailed topics specified in Annex I.
5. When exercising its power to adopt delegated acts pursuant to paragraph 4, the Commission shall ensure that the following conditions are fulfilled:
 - (a) the delegated acts aim to achieve cost and burden neutrality or reduction and do not, in any case, impose a significant additional cost or burden on the Member States or on the respondents;
 - (b) a maximum of one detailed topic for the domain short-term business statistics, three detailed topics for the domain country-level business statistics, two detailed topics for the domain regional business statistics and two detailed topics for the domain statistics on international activities listed in Annex I are replaced by another detailed topic and a maximum of one detailed topic in total for all domains is added over a period of five consecutive years;
 - (c) the delegated acts are adopted at least 18 months before the end of the reference period of the data, except for the topics of innovation and ICT usage and e-commerce for which the delegated acts shall be adopted at least six and fifteen months respectively before the end of the reference period of the data;
 - (d) any new detailed topic is assessed in respect of its feasibility by means of pilot studies carried out by the Member States in accordance with Article 20.
6. Point (b) of paragraph 5 shall not apply to:
 - (a) the detailed topics within the topics of innovation, ICT usage and e-commerce and global value chains;

- (b) amendments that result from the changes to accounting frameworks of national and regional accounts in accordance with Regulation (EU) No 549/2013 and of balance of payments statistics in accordance with Regulation (EC) No 184/2005 of the European Parliament and of the Council ⁽²⁵⁾.

Article 7

Technical specifications of data requirements

1. For the detailed topics listed in Annex I, Member States shall compile data relevant to each detailed topic. The Commission may adopt implementing acts further specifying the following elements of the data to be transmitted under this Regulation, their technical definitions and simplifications:

- (a) variables;
- (b) measurement unit;
- (c) statistical population (including the requirements in terms of market/non-market activities or producers);
- (d) classifications (including the product, countries and territories as well as nature of transaction lists) and breakdowns;
- (e) transmission of individual records of data on a voluntary basis;
- (f) use of approximations and quality requirements;
- (g) data transmission deadline;
- (h) first reference period;
- (i) weighting and change of base year for the domain short-term business statistics;
- (j) further specifications, including the reference period, related to the topic of international trade in goods.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

2. When exercising the powers referred to in paragraph 1 with regard to the simplifications, the Commission shall take into account the size and importance of the business economies, in accordance with the principle of proportionality, in order to alleviate the burden on enterprises. In addition, the Commission shall ensure that the input needed for compiling the accounting frameworks of national and regional accounts in accordance with Regulation (EU) No 549/2013 and of balance of payments statistics in accordance with Regulation (EC) No 184/2005 is maintained. Implementing acts, except for the first implementing acts to be adopted pursuant to this Regulation, shall be adopted at least 18 months before the end of the reference period of the data for the topics listed in Annex I. For the topics of innovation and ICT usage and e-commerce the implementing acts shall be adopted, respectively, at least six and fifteen months before the end of the reference period of the data.

3. When adopting implementing acts in accordance with point (a) of paragraph 1, except for the topics listed in points (b), (c) and (d) of Article 6(2), the Commission shall ensure that the number of variables in each domain listed in Article 6 (1) does not exceed:

- (a) 22 variables for the domain short-term business statistics;
- (b) 93 variables for the domain country-level business statistics;
- (c) 31 variables for the domain regional business statistics; and
- (d) 26 variables for the domain statistics on international activities.

4. When adopting implementing acts in accordance with point (a) of paragraph 1, for the topics listed in points (b), (c) and (d) of Article 6 (2), the Commission shall ensure that the number of variables in each topic does not exceed:

- (a) 20 variables for the topic of global value chains;
- (b) 73 variables for the topic of ICT usage and e-commerce; and
- (c) 57 variables for the topic of innovation.

⁽²⁵⁾ Regulation (EC) No 184/2005 of the European Parliament and of the Council of 12 January 2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment (OJ L 35, 8.2.2005, p. 23).

5. Where new data are required in order to respond to user needs and to provide for a certain degree of flexibility, the Commission may change not more than five variables for each of the domains short-term business statistics, regional business statistics and statistics on international activities and not more than 20 variables for the domain country-level business statistics in any period of five consecutive calendar years, in accordance with paragraph 3. Those maxima shall not apply to the topics of global value chains, innovation or ICT usage and e-commerce.

6. Notwithstanding paragraph 3 of this Article, where new data are required in order to respond to user needs, to provide for a certain degree of flexibility following the pilot studies referred to in Article 20, the overall number of variables for the domains referred to in paragraph 3 of this Article shall not be increased by more than 10 variables.

7. When preparing the implementing acts referred to in paragraph 1, any potential additional cost or administrative burden on Member States or on the respondents shall be taken into account together with an assessment of the envisaged improvement of the quality of the statistics and any other direct or indirect benefit resulting from the additional proposed action.

The first subparagraph of this paragraph shall not apply to changes resulting from modifications in classifications and nomenclatures or changes to accounting frameworks of national and regional accounts in accordance with Regulation (EU) No 549/2013 and of balance of payments statistics in accordance with Regulation (EC) No 184/2005.

CHAPTER IV

Business registers

Article 8

European framework for statistical business registers

1. The Commission (Eurostat) shall set up the EuroGroups Register of multinational enterprise groups for statistical purposes at Union level.
2. Member States shall set up at national level one or more national statistical business registers, of which a common core is harmonised pursuant to this Regulation, as a basis for the preparation and coordination of surveys and as a source of information for the statistical analysis of the business population and its demography, for the use of administrative data, and for the identification and construction of statistical units.
3. The Member States and the Commission (Eurostat) shall exchange data for the purposes of the European framework for statistical business registers as set out in Article 10.
4. National statistical business registers and the EuroGroups Register shall be the authoritative source for deriving high quality and harmonised statistical business register populations in accordance with Article 17, for the production of European statistics.

National statistical business registers shall be the authoritative source for national statistical business register populations. The EuroGroups Register shall be the authoritative source for the ESS as a register population for business statistics requiring the coordination of cross-border information related to multinational enterprise groups.

Article 9

Requirements for the European framework for statistical business registers

1. The statistical and legal units covered in the European framework for statistical business registers in accordance with Article 8 shall be characterised by the elements set out in both of the following points, which are further specified in Annex III:
 - (a) the register detailed topics and unique identifier;
 - (b) the time reference and periodicity.
2. The Commission may adopt implementing acts specifying the variables related to the register detailed topics listed in Annex III.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

3. When adopting implementing acts pursuant to paragraph 2, the Commission shall ensure that no significant additional cost or burden is imposed on the Member States or on the respondents.

Article 10

Exchange of and access to confidential data for the purpose of the European framework for statistical business registers

1. Member States shall exchange confidential data.

For that purpose, the exchange of confidential data on multinational enterprise groups and on the units belonging to those groups, comprising the variables listed in Annex IV, shall take place, exclusively for statistical purposes, between the NSAs of different Member States, where the exchange is to ensure the quality of the multinational enterprise groups information in the Union. Such exchanges may also take place with the purpose of reducing response burden.

Where such exchange of confidential data is carried out to ensure the quality of the multinational enterprise groups information in the Union and the exchange is explicitly authorised by the competent NSA which provides the data, national central banks may be party to the exchange of confidential data, exclusively for statistical purposes.

2. The Commission (Eurostat) and Member States shall exchange confidential data.

For that purpose, NSAs shall transmit data on multinational enterprise groups and on the units belonging to those groups, comprising the variables listed in Annex IV, to the Commission (Eurostat), to provide information, exclusively for statistical purposes, on multinational enterprise groups in the Union.

In order to ensure a consistent record of data and to use them exclusively for statistical purposes, the Commission (Eurostat) shall transmit to the competent NSAs of each Member State data on multinational enterprise groups, including the units belonging to those groups, comprising the variables listed in Annex IV, where at least one legal unit of the group is located in the territory of that Member State.

In order to ensure efficiency and high quality in the production of the EuroGroups Register, exclusively for statistical purposes, the Commission (Eurostat) shall transmit to the NSAs data on all multinational enterprise groups recorded in the EuroGroups Register, including the units belonging to those groups, comprising the variables listed in Annex IV.

3. The Commission (Eurostat) and the Member States shall exchange confidential data for the identification of legal units.

For that purpose, NSAs shall transmit data on incorporated legal units, limited to the identification and demographic variables and the stratification parameters listed in Annex IV, to the Commission (Eurostat), exclusively for the purpose of unique identification of legal units in the Union.

In order to ensure efficiency and high quality in the production of the EuroGroups Register, the Commission (Eurostat) shall transmit to the NSAs of each Member State data on legal units, limited to the identification and demographic variables and the stratification parameters listed in Annex IV, exclusively for the purpose of identification of legal units in the Union.

4. The exchange of confidential data between the Commission (Eurostat) and central banks may take place, exclusively for statistical purposes, between the Commission (Eurostat) and national central banks, and between the Commission (Eurostat) and the ECB, where the exchange is to ensure the quality of multinational enterprise groups information in the Union, and the exchange is explicitly authorised by the competent NSAs.

5. The Commission may adopt implementing acts specifying technical details of the variables listed in Annex IV.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

6. In order to ensure that the data exchanged under this Article are used exclusively for statistical purposes, the Commission may adopt implementing acts setting out the format, security and confidentiality measures for such data, as well as the procedure for the data exchange.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

7. When the Commission (Eurostat), NSAs, national central banks and the ECB receive confidential data on units located inside or located outside the national territory pursuant to this Article, they shall treat that information confidentially in accordance with Regulation (EC) No 223/2009.

Transmission of confidential data between NSAs and the Commission (Eurostat) shall take place to the extent that such transmission is necessary exclusively for statistical purposes for the production of European statistics. Any further transmission must be explicitly authorised by the national authority that collected the data.

8. Member States and the Commission shall take appropriate measures to prevent and penalise any violations of statistical confidentiality of the data exchanged. The penalties provided for shall be effective, proportionate and dissuasive.

CHAPTER V

Exchange of confidential data for the purpose of intra-Union trade in goods statistics

Article 11

Exchange of confidential data

1. The exchange of confidential data between Member States on intra-Union exports of goods shall take place, exclusively for statistical purposes, between the NSAs contributing to the development, production and dissemination of intra-Union trade in goods statistics.

The technical specifications for data requirements as referred to in the Article 7(1) and (2) shall also apply to the exchange of confidential data in accordance with this Chapter.

2. The NSAs of the Member State of export shall provide to the NSAs of the Member State of import the statistical information on its intra-Union exports of goods to that Member State as set out in Article 12.

3. The NSAs of Member States of export shall provide to the NSAs of the Member State of import, metadata relevant for the use of the data exchanged in the compilation of statistics.

4. The Commission may adopt implementing acts specifying the information to be considered as relevant metadata as referred to in paragraph 3 as well as the timetable for providing this information and the statistical information referred to in paragraph 2.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

5. Without prejudice to paragraph 1 of this Article, the Member State providing the confidential data exchanged shall authorise its use for the production of other statistics by NSAs of the Member State of import, provided that those data are used exclusively for statistical purposes in accordance with Articles 20 to 26 of Regulation (EC) No 223/2009.

6. At the request of the NSAs of the Member State of export, the Member State of import may provide to the NSAs of the Member State of export the microdata collected on its intra-Union imports of goods from that Member State of export.

Article 12

Statistical information to be exchanged

1. The statistical information referred to in Article 11(2) shall consist of:

(a) microdata collected for the purpose of intra-Union trade in goods statistics;

- (b) data compiled on specific goods or movements; and
- (c) data compiled by using the particulars of customs declarations.

2. The statistical information actually collected through business surveys or from administrative data referred to in Article 11(2) shall cover at least 95 % of the value of the total intra-Union exports of goods of each Member State to all other Member States together.

The Commission is empowered to adopt delegated acts in accordance with Article 22 in order to amend this Regulation by reducing the coverage rate for intra-Union exports of goods in light of technical and economic developments, while maintaining statistics which meet the quality standards in force.

3. The Commission may adopt implementing acts setting out the technical specifications related to the collection and compilation of the information referred to in paragraph 1 and further specifying the application of the coverage rate referred to in paragraph 2 with regard to the reference period.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

Article 13

Statistical data elements

1. The microdata referred to in point (a) of Article 12(1) shall contain the following statistical data elements:
- (a) the individual identification number allocated to the partner operator in the Member State of import, in accordance with Article 214 of Directive 2006/112/EC;
 - (b) the reference period;
 - (c) the trade flow;
 - (d) the commodity;
 - (e) the partner Member State;
 - (f) the country of origin;
 - (g) the value of the goods;
 - (h) the quantity of the goods;
 - (i) the nature of the transaction.

The microdata referred to in point (a) of Article 12(1) may contain the mode of transport and the delivery terms, provided that Member State of export collects those statistical data elements.

The Commission may adopt implementing acts specifying the statistical data elements referred to in points (a) to (i) of the first subparagraph of this paragraph, and specifying the list of statistical data elements applicable for the specific goods or movements and the data compiled by using the particulars of customs declarations referred to in points (b) and (c) of Article 12(1).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

2. Member States may, under certain conditions that comply with quality requirements, simplify the information to be provided, provided that such simplification has no detrimental effects on the quality of the statistics.

In specific cases, Member States may collect a reduced set of statistical data elements as referred to in paragraph 1 or collect the information related to certain of those data elements at a less detailed level.

The Commission may adopt implementing acts specifying the arrangements of the simplification referred to in the first subparagraph and the maximum value of the intra-Union exports benefitting from such simplification.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

*Article 14***Protection of exchanged confidential data**

1. Microdata records related to an exporter whose request for statistical confidentiality, in accordance with Article 19, was accepted by the NSAs of the Member State of export shall be provided by the NSAs of the Member State of export, to the NSAs of the Member State of import, with the true value and all statistical data elements referred to in Article 13(1), and with a flag indicating that that microdata record is subject to confidentiality.
2. The NSAs of the Member State of import may make use of microdata records on exports which are subject to confidentiality in the compilation of statistical results of intra-Union imports. If the NSAs of the Member State of import make use of microdata records on exports which are subject to confidentiality, they shall ensure that the dissemination of statistical results on intra-Union imports, by the NSAs of the Member State of import, respects the statistical confidentiality granted by the NSAs of the Member State of export.
3. In order to ensure the protection of the confidential data exchanged under this Chapter, the Commission may adopt implementing acts specifying the format, security and confidentiality measures for such data, including the arrangements for the application of paragraphs 1 and 2, as well as the procedure for the exchange of data.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

4. Member States and the Commission shall take appropriate measures to prevent and penalise any violations of statistical confidentiality of the data exchanged. The penalties provided for shall be effective, proportionate and dissuasive.

*Article 15***Access to exchanged confidential data for scientific purposes**

Access to the exchanged confidential data may be granted to researchers carrying out statistical analyses for scientific purposes, in accordance with Article 23 of Regulation (EC) No 223/2009, subject to the approval of the competent NSA of the Member State of export which provided the data.

*CHAPTER VI****Exchange of confidential data for the purpose of European business statistics and national accounts****Article 16***Exchange of confidential data - enabling clause**

1. The exchange of confidential data, which are collected or compiled pursuant to this Regulation, shall be allowed between the NSAs of Member States concerned, their respective national central banks, the ECB and the Commission (Eurostat) for statistical purposes only, where the exchange is necessary to safeguard the quality and comparability of European business statistics or national accounts in line with the concepts and methodology of Regulation (EU) No 549/2013.
2. NSAs, the national central banks, the Commission (Eurostat) and the ECB that have obtained confidential data shall treat that information confidentially and shall use it exclusively for statistical purposes in accordance with Articles 20 to 26 of Regulation (EC) No 223/2009.

CHAPTER VII

Quality, transmission and dissemination

Article 17

Quality

1. Member States shall take all necessary measures to ensure the quality of the European business statistics transmitted and of the national statistical business registers and the EuroGroups Register.
2. For the purposes of this Regulation, the quality criteria set out in Article 12(1) of Regulation (EC) No 223/2009 shall apply.
3. The Commission (Eurostat) shall assess the quality of the data and metadata transmitted in a transparent and verifiable manner.
4. For the purpose of paragraph 3, Member States shall transmit annually the following to the Commission (Eurostat):
 - (a) quality and metadata reports for the data transmitted under this Regulation;
 - (b) quality and metadata reports related to the national statistical business registers.

In the case of multiannual statistics, the periodicity of the quality and metadata reports referred to in point (a) of the first subparagraph shall be the same as for the statistics concerned.

5. The Commission (Eurostat) shall provide annual quality and metadata reports related to the EuroGroups Register to Member States.
6. The Commission may adopt implementing acts specifying the arrangements for, content of and deadlines for the transmission of the quality and metadata reports.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2). They shall not impose a significant additional cost or burden on the Member States or on the respondents.

The content of the reporting shall be limited to the most important and essential aspects of quality.

7. Member States shall inform the Commission (Eurostat) as soon as possible of any relevant information or change with regard to the implementation of this Regulation that would influence the quality of the data transmitted. Member States shall inform the Commission (Eurostat) of major methodological or other changes impacting the quality of the national statistical business registers. The information shall be given as soon as possible and not later than six months after any such change enters into force.
8. Following a duly reasoned request from the Commission (Eurostat), Member States shall provide the additional information necessary to evaluate the quality of the statistical information, which shall not impose a significant additional cost or burden on the Member States or on the respondents.

Article 18

Data and metadata transmission

1. Member States shall provide the Commission (Eurostat) with the data and metadata required by this Regulation in accordance with data and metadata exchange standards. Where the data transmitted is confidential, the true value will be sent with a flag indicating that it is the subject to confidentiality and cannot be disseminated.

The Commission may adopt implementing acts establishing such standards as well as a procedure for the transmission of the data and metadata. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

2. Following a duly reasoned request from the Commission (Eurostat) Member States shall carry out statistical analyses of the national statistical business registers and transmit the results to the Commission (Eurostat).

The Commission (Eurostat) may adopt implementing acts specifying the format and the procedure for the transmission of the results of such statistical analyses.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

The Commission (Eurostat) shall ensure that such implementing acts do not impose a significant additional cost or burden on the Member States or on the respondents.

3. Following a duly reasoned request from the Commission (Eurostat), Member States shall provide any relevant information with regard to the implementation of this Regulation in the Member States. Such Commission requests shall not impose a significant additional administrative or financial burden on the Member States.

Article 19

Confidentiality regarding the dissemination of statistics on international trade in goods

Only upon request of an importer or exporter of goods, the NSA shall decide whether to disseminate statistical results relating to the respective imports or exports without any amendment or, following a reasoned request by that importer or exporter, to amend the statistical results so as to make it impossible to identify that importer or exporter in order to comply with the principle of statistical confidentiality, in accordance with point (a) of Article 20(3) of Regulation (EC) No 223/2009.

CHAPTER VIII

Pilot studies and financing

Article 20

Pilot studies

1. Where the Commission (Eurostat) identifies a need for significant new data requirements or improvements to the data sets covered by this Regulation, it may launch pilot studies to be carried out by the Member States on a voluntary basis before any new data collection. Those pilot studies include pilot studies on international trade in services, real estate, financial indicators and environment and climate.

2. Such pilot studies shall be carried out in order to assess the relevance and feasibility of obtaining data. The results of those studies shall be evaluated by the Commission (Eurostat) in cooperation with Member States and the main stakeholders. The evaluation of the results shall take into account the benefits and the additional costs and burden for businesses and for NSAs of having the improvements.

3. Following the evaluation referred to in paragraph 2, the Commission shall prepare in cooperation with the Member States a report on the findings of the studies referred to in paragraph 1. That report shall be made public.

4. The Commission shall report by 7 January 2022 and every two years thereafter on the overall progress made regarding the pilot studies referred to in paragraph 1. Those reports shall be made public.

The Commission shall, if appropriate and taking into account the evaluation of the results referred to in paragraph 2, accompany those reports by proposals for introducing new data requirements.

Article 21

Financing

1. For the implementation of this Regulation, the Union may provide financial support to the national statistical institutes and other national authorities referred to in the list established pursuant to Article 5(2) of Regulation (EC) No 223/2009, towards the cost of:

(a) the development or implementation of data requirements and data processing in the field of business statistics;

- (b) the development of methodologies that aim to increase the quality or reduce the costs and administrative burden of collecting and producing business statistics and to improve the European framework for statistical business registers;
 - (c) the development of methodologies that aim to reduce the administrative and financial burden of providing the required information by reporting units, in particular SMEs;
 - (d) participation in the pilot studies referred to in Article 20;
 - (e) the development or enhancement of processes, IT systems and similar support functions that aim to produce statistics of a higher quality or to reduce the administrative and financial burden.
2. The Union financial contribution shall be provided in accordance with Article 7 of Regulation (EU) No 99/2013 of the European Parliament and of the Council ⁽²⁶⁾, and Article 6 of Regulation (EU) No 1291/2013 of the European Parliament and of the Council ⁽²⁷⁾.
3. This Union financial contribution shall not exceed 95 % of the eligible costs.

CHAPTER IX

Final provisions

Article 22

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 5(2) and (3), Article 6(4) and Article 12(2) shall be conferred on the Commission for a period of five years from 6 January 2020. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 5(2) and (3), Article 6(4) and Article 12(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 5(2) or (3), Article 6(4) or Article 12(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

⁽²⁶⁾ Regulation (EU) No 99/2013 of the European Parliament and of the Council of 15 January 2013 on the European statistical programme 2013-17 (OJ L 39, 9.2.2013, p. 12).

⁽²⁷⁾ Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).

*Article 23***Committee**

1. The Commission shall be assisted by the ESSC established by Regulation (EC) No 223/2009. 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.

*Article 24***Derogations**

1. Where the application of this Regulation or the implementing measures and delegated acts adopted pursuant thereto in a national statistical system of a Member State necessitates major adaptations, the Commission may adopt implementing acts granting derogations therefrom for a maximum duration of three years.

The relevant Member State shall submit a duly reasoned request for such a derogation to the Commission within three months of the date of the entry into force of the act concerned.

The impact by such derogations on comparability of Member States' data or on the calculation of the required timely and representative European aggregates shall be kept to a minimum. The burden on respondents shall be taken into account when granting the derogation.

2. Where a derogation concerning the areas in which pilot studies as referred to in Article 20 have been carried out remains justified at the end of the period for which it was granted, the Commission may adopt an implementing act granting a further derogation for a maximum period of one year.

The relevant Member State shall submit a request setting out the reasons and detailed grounds in support of such an extension to the Commission not later than six months before the end of the period of validity of the derogation granted pursuant to paragraph 1.

3. The implementing acts referred to in paragraphs 1 and 2 of this Article shall be adopted in accordance with the examination procedure referred to in Article 23(2).

*Article 25***Repeal**

1. Regulations (EC) No 48/2004, (EC) No 808/2004, (EC) No 716/2007, (EC) No 177/2008 and (EC) No 295/2008, Decision No 1608/2003/EC and Regulation (EEC) No 3924/91 are repealed with effect from 1 January 2021.
2. Regulations (EC) No 638/2004 and (EC) No 471/2009 are repealed with effect from 1 January 2022.
3. Regulation (EC) No 1165/98 is repealed with effect from 1 January 2024.
4. Paragraphs 1, 2 and 3 are without prejudice to the obligations set out in those legal acts concerning the transmission of data and metadata, including quality reports, with regard to reference periods that fall, in whole or in part, before the respective dates set out in those paragraphs.
5. References to the repealed acts shall be construed as references to this Regulation.

*Article 26***Entry into force and application**

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. It shall apply from 1 January 2021.

3. However, Article 5(2), (3) and (4), and Articles 11 to 15 shall apply from 1 January 2022.

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

Done at Strasbourg, 27 November 2019.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
T. TUPPURAINEN

ANNEX I

TOPICS TO BE COVERED

Domain 1. Short-term business statistics

Topics	Detailed topics
Business population	Business demographic events
Labour inputs	Employment
	Hours worked
	Labour costs
Prices	Import prices
	Producer prices
Outputs and performance	Production
	Volume of sales
	Net turnover
Real estate	Real estate

Domain 2. Country-level business statistics

Topics	Detailed topics
Business population	Population of active enterprises
	Business demographic events (births, deaths, survivals)
	Foreign-controlled enterprises
	Foreign-controlling enterprises and domestic affiliates
	Population of enterprises engaged in international trade
Labour inputs	Employment
	Employment linked to business demographic events (births, deaths, survivals)
	Employment in foreign-controlled enterprises
	Employment in foreign-controlling enterprises and domestic affiliates
	Hours worked
	Labour costs
	Labour costs in foreign-controlled enterprises
R&D inputs	R&D expenditure
	R&D employment
	R&D expenditure in foreign-controlled enterprises
	R&D employment in foreign-controlled enterprises
	Publicly funded R&D

Topics	Detailed topics
Purchases	Purchases of goods and services
	Change in stock of goods
	Purchases of goods and services of foreign- controlled enterprises
	Imports by enterprises
Outputs and performance	Net turnover
	Gross margin on goods for resale
	Value of output
	Value added
	Gross operating surplus
	Net turnover of foreign-controlled enterprises
	Value of output of foreign-controlled enterprises
	Value added of foreign-controlled enterprises
	Net turnover of foreign-controlling enterprises and domestic affiliates
	Industrial production
	Exports by enterprises
Investments	Gross investment
	Gross investment by foreign-controlled enterprises
Innovation	Innovation
ICT usage and e-commerce	ICT usage and e-commerce

Domain 3. Regional business statistics

Topics	Detailed topics
Business population	Population by region
	Business demographic events by region (births, deaths, survivals)
Labour inputs	Employment by region
	Employment linked to business demographic events by region (births, deaths, survivals)
	Labour costs by region
R&D inputs	R&D expenditure by region
	R&D employment by region

Domain 4. Statistics on international activities

Topics	Detailed topics
Business population	Population of enterprises abroad controlled by resident institutional units of the reporting country
Labour input	Employment in enterprises abroad controlled by resident institutional units of the reporting country
	Labour costs in enterprises abroad controlled by resident institutional units of the reporting country
Investments	Gross investment by enterprises abroad controlled by resident institutional units of the reporting country
Outputs and performance	Net turnover of enterprises abroad controlled by resident institutional units of the reporting country
International trade in goods	Intra-Union trade in goods
	Extra-Union trade in goods
International trade in services	Imports of services
	Exports of services
	Net services
Global value chains	Global value chains

PERIODICITY, REFERENCE PERIOD AND STATISTICAL UNIT OF TOPICS

Domain 1. Short-term business statistics

Topics	Periodicity	Reference period	Statistical unit
Business population	quarterly	quarter	legal unit
Labour inputs	quarterly (monthly optional)	quarter (month optional)	KAU
Prices	monthly with the following exceptions – services producer prices and producer prices for new residential buildings: quarterly	month with the following exceptions – services producer prices and producer prices for new residential buildings: quarter (month optional)	KAU with the following exception – import prices: not applicable
Outputs and performance	monthly with the following exception – small countries for NACE Section F: quar- terly (monthly optional)	month with the following exception – small countries for NACE Section F: quarter (month optional)	KAU
	monthly; quarterly for small* countries for NACE Section F * As specified in implementing acts referred to in Article 7(1).		
Real estate	quarterly (monthly optional)	quarter (monthly optional)	not applicable

Domain 2. Country-level business statistics

Topics	Periodicity	Reference period	Statistical unit
Business population	annually	calendar year	enterprise
Labour inputs	annually	calendar year	enterprise
R&D inputs	biennially with the following exceptions – sector of performance breakdown of intra- mural R&D expenditure, R&D personnel and number of researchers as well as for Govern- ment Budget Allocations for R&D (GBARD) and national public funding to transnationally coordinated R&D: annually	calendar year	enterprise for the business enterprise sector institutional unit for the other sectors

Topics	Periodicity	Reference period	Statistical unit
Purchases	annually with the following exception – payments to subcontractors: every three years	calendar year	enterprise
Outputs and performance	annually with the following exceptions – product and residence of client breakdown of net turnover for NACE 69.1, 69.2, 70.2, 71.1, 71.2 and 73.2: biennially – Net turnover from agriculture, forestry, fishing and industrial activities, Net turnover from industrial activities, Net turnover from industrial activities excluding construction, Net turnover from construction, Net turnover from service activities, Net turnover from trading activities of purchase and resale and from intermediary activities, Net turnover from building and Net turnover from civil engineering: every five years – income from subcontracting: every three years	calendar year	enterprise with the following exceptions – sold production, production under sub-contracted operations and actual production: KAU
Investments	annually with the following exception – investment in intangible assets: every three years	calendar year	enterprise
Innovation	biennially	reference period is three-year period before the end of every even calendar year	enterprise
ICT usage and e- commerce	annually	calendar year of the adoption of the implementing act laying down the variables; calendar year following the year of adoption of the implementing act laying down the variables for the other variables	enterprise

Domain 3. Regional business statistics

Topics	Periodicity	Reference period	Statistical unit
Business population	annually	calendar year	enterprise with the following exception – number of local units (optional for NACE Section K); local unit
Labour inputs	annually	calendar year	enterprise with the following exceptions – number of employees and self-employed persons in local units, wages and salaries in local units; local unit
R&D inputs	biennially	calendar year	enterprise for business enterprise sector; institutional unit for the other sectors

Domain 4. Statistics on international activities

Topics	Periodicity	Reference period	Statistical unit
Business population	annually	calendar year	enterprise
Labour inputs	annually	calendar year	enterprise
Investments	annually	calendar year	enterprise
Outputs and performance	annually	calendar year	enterprise
International trade in goods	monthly with the following exception – biennially for combined product and invoicing currency breakdown for extra-Union imports and exports of goods	to be specified in implementing acts pursuant to point (j) of Article 7(1)	not applicable
International trade in services	annually with the following exception – first level service breakdowns: quarterly	calendar year with the following exception – first level service breakdowns: quarter	not applicable
Global value chains	every three years	three calendar years; reference year t and the reference period t-2 to t	enterprise

ANNEX III

ELEMENTS OF THE EUROPEAN FRAMEWORK FOR STATISTICAL BUSINESS REGISTERS

Part A: Register detailed topics and unique identifier

1. The units listed in the national statistical business registers and in the EuroGroups Register as referred to in Article 2 of this Regulation shall be characterised by an identity number and by register detailed topics specified in Part C.
2. The units listed in the national statistical business registers and in the EuroGroups Register shall be uniquely identified by an identity number to facilitate the infrastructure role of the European framework for statistical business registers. Those identity numbers will be provided by the NSAs. The identity numbers for legal units and multinational enterprise groups relevant for the EuroGroups Register will be provided by the Commission (Eurostat). For national purposes NSAs can maintain additional identity number in the national statistical business registers.

Part B: Time reference and periodicity

3. The national statistical business registers and the EuroGroups Register shall be updated by means of entries and removals at least annually.
4. The frequency of updating shall depend on the kind of unit, the variable considered, the size of the unit and the source generally used for the update.
5. Member States shall make annually a copy that reflects the state of the national statistical business registers at the end of the year and keep that copy for at least 30 years for the purpose of analysis. The Commission (Eurostat) shall make annually a copy that reflects the state of the EuroGroups Register at the end of the year and keep that copy for at least 30 years for the purpose of analysis.

Part C: Detailed topics for business registers

The national statistical business registers and the EuroGroups Register shall, for the respective units defined in Article 2 of this Regulation, contain the following detailed topics by unit.

UNITS	DETAILED TOPICS
1. LEGAL UNITS	Identification
	Demographic events
	Stratification parameters
	Links with enterprise
	Links with other registers
	Link with enterprise group
	Control of units
	Ownership of units
2. ENTERPRISE GROUP	Identification
	Demographic events
	Stratification parameters and economic variables
3. ENTERPRISE	Identification
	Link to other units
	Demographic events
	Stratification parameters and economic variables

UNITS	DETAILED TOPICS
4. LOCAL UNIT	Identification
	Demographic events
	Stratification parameters and economic variables
	Links to other units and registers
5. KIND OF ACTIVITY UNIT if covered as statistical unit in accordance with point (c) of Article 2(3)	Identification
	Demographic events
	Stratification parameters and economic variables
	Links to other units and registers

ANNEX IV

**DETAILED TOPICS AND VARIABLES FOR THE EXCHANGE OF CONFIDENTIAL DATA FOR THE PURPOSE OF
THE EUROPEAN FRAMEWORK FOR STATISTICAL BUSINESS REGISTERS**

Items marked 'conditional' are mandatory if available in the Member States and items marked 'optional' are recommended.

1. Data to be transmitted by the competent NSAs to the Commission (Eurostat) and allowed to be exchanged between the competent NSAs (Article 10(1) and (2))

Units	Detailed topics	Variables
Legal unit	Identification	Identification variables
	Demographic events	Date of incorporation for legal persons or date of official recognition as an economic operator for natural persons Date of which the legal unit ceased
	Stratification parameters	Legal form Legal activity status Flag for branches within the meaning of point 18.12 of Chapter 18 of Annex A to Regulation (EU) No 549/2013 (conditional) Flag for special purpose entities within the meaning of points 2.17 to 2.20 of Chapter 2 of Annex A to Regulation (EU) No 549/2013 (optional)
	Control of units	Identification variables of the legal unit which is either controlled or controls
	Ownership of units	Identification variables of unit which is either owned or owns Shares (%) of resident legal unit(s) owned by the legal unit (conditional) Shares (%) of resident legal unit(s), which own(s) the legal unit (conditional) Shares (%) of non-resident legal unit(s) owned by the legal unit (conditional) Shares (%) of non-resident legal unit(s), which own(s) the legal unit (conditional) Date of start-end of shares (conditional)
Enterprise group	Identification	Identification variables
	Stratification parameters and economic variables	Principal activity code of the enterprise group at NACE 2-digit level Secondary activities of the enterprise group at NACE 2-digit level (optional) Number of employees and self-employed persons (conditional) Net turnover (conditional) Total assets of the enterprise group (conditional) Countries where non-resident enterprises or local units are located (optional)

Enterprise	Identification	Identification variables
	Link to other units	Identity number(s) of the legal unit(s) of which the enterprise consists Identity number of the enterprise group to which the enterprise belongs
	Demographic events	Date of commencement of activities Date of final cessation of activities
	Stratification parameters and economic variables	Principal activity code of the enterprise at NACE 4-digit level Number of employees and self-employed persons Number of employees Net turnover Institutional sector and subsector within the meaning of Regulation (EU) No 549/2013

2. Data to be transmitted by the Commission (Eurostat) to the competent NSAs and allowed to be exchanged between the Commission (Eurostat) and the competent central banks in the case of authorisation (Article 10(2) and (4))

Units	Detailed topics	Variables
Legal unit	Identification	Identification variables
	Demographic events	Date of incorporation for legal persons or date of official recognition as an economic operator for natural persons Date of which the legal unit ceased
	Stratification parameters	Legal form Legal activity status Flag for branches within the meaning of point 18.12 of Chapter 18 of Annex A to Regulation (EU) No 549/2013 (conditional) Flag for special purpose entities within the meaning of points 2.17 to 2.20 of Chapter 2 of Annex A to Regulation (EU) No 549/2013 (optional)
	Links with enterprise	Identification variables of the enterprise(s) to which the unit belongs Date of association to the enterprise(s) (conditional) Date of separation from the enterprise(s) (conditional)
	Links with other registers	Links with other registers
	Link with enterprise group	Identification variables of the enterprise group to which the unit belongs Date of association to the enterprise group Date of separation from the enterprise group
	Control of units	Identification variables of the legal unit which is either controlled or controls
	Ownership of units	Identification variables of unit which is either owned or owns Shares (%) of resident legal unit(s) owned by the legal unit (conditional) Shares (%) of resident legal unit(s), which own(s) the legal unit (conditional) Shares (%) of non-resident legal unit(s) owned by the legal unit (conditional) Shares (%) of non-resident legal unit(s), which own(s) the legal unit (conditional) Date of start-end of shares (conditional)

Enterprise group	Identification	Identification variables
	Demographic events	Date of commencement of the enterprise group Date of cessation of the enterprise group
	Stratification parameters and economic variables	Principal activity code of the enterprise group at NACE 2-digit level Secondary activities of the enterprise group at NACE 2-digit level (optional) Number of employees and self-employed persons (conditional) Net turnover (conditional) Total assets of the enterprise group (conditional) Countries where non-resident enterprises or local units are located (optional)
Enterprise	Identification	Identification variables
	Link to other units	Identity number(s) of the legal unit(s) of which the enterprise consists Identity number of the multinational or national enterprise group, to which the enterprise belongs
	Demographic events	Date of commencement of activities Date of final cessation of activities
	Stratification parameters and economic variables	Principal activity code of the enterprise group at NACE 4-digit level Secondary activities of the enterprise group at NACE 4-digit level (conditional) Number of employees and self-employed persons Number of employees Number of employees in full-time equivalents (optional) Net turnover Institutional sector and subsector within the meaning of Regulation (EU) No 549/2013

3. Data exchanges on incorporated legal units for identification purposes (Article 10(3))

3.1. Data to be transmitted by the competent NSAs to the Commission (Eurostat) on resident incorporated legal units

Units	Detailed topics	Variables
Legal unit	Identification	Identification variables
	Demographic events	Date of incorporation for legal persons or date of official recognition as an economic operator for natural persons Date of which the legal unit ceased
	Stratification parameters	Legal form Legal activity status Flag for branches within the meaning of point 18.12 of Chapter 18 of Annex A to Regulation (EU) No 549/2013 (conditional)

3.2. Data to be transmitted by the competent NSAs to the Commission (Eurostat) on foreign incorporated legal units

Units	Detailed topics	Variables
Legal unit	Identification	Identification variables
	Demographic events	Date of incorporation for legal persons or date of official recognition as an economic operator for natural persons Date of which the legal unit ceased
	Stratification parameters	Legal form (optional) Legal activity status Flag for branches within the meaning of point 18.12 of Chapter 18 of Annex A to Regulation (EU) No 549/2013 (conditional)

3.3. Data to be transmitted by the Commission (Eurostat) to the competent NSAs on incorporated legal units

Units	Detailed topics	Variables
Legal unit	Identification	Identification variables
	Demographic events	Date of incorporation for legal persons or date of official recognition as an economic operator for natural persons Date of which the legal unit ceased
	Stratification parameters	Legal form Legal activity status Flag for branches within the meaning of point 18.12 of Chapter 18 of Annex A to Regulation (EU) No 549/2013 (conditional)

ANNEX V

Information to be provided by the tax authorities responsible in each Member State to the NSA referred to in Article 5(2):

- (a) information from VAT returns on taxable persons or non-taxable legal persons who have declared, for the period in question, intra-Union supplies of goods in accordance with point (a) of Article 251 of Council Directive 2006/112/EC or intra-Union acquisition of goods in accordance with point (c) of Article 251 of that Directive;
- (b) information from recapitulative statements on intra-Union supplies collected from the recapitulative VAT statements in accordance with Articles 264 and 265 of Directive 2006/112/EC;
- (c) information on intra-Union acquisitions communicated by all other Member States in accordance with Article 21(2) of Council Regulation (EU) No 904/2010 ⁽¹⁾.

⁽¹⁾ 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).

ANNEX VI

Information to be provided by the customs authorities responsible in each Member State to the NSA referred to in Article 5(3):

- (a) information identifying the person who carries out intra-Union exports and intra-Union imports of goods covered by the customs procedures of inward processing;
- (b) the registration and identification data of economic operators provided for under Union customs provisions available in the electronic system relating to EORI number as referred to in Article 7 of Commission Implementing Regulation (EU) 2015/2447 ⁽¹⁾;
- (c) the records on imports and exports from customs declarations which were accepted or were subject to decisions by the national customs authorities and:
 - (i) which were lodged with them; or
 - (ii) for which the supplementary declaration is, in accordance with Article 225 of Implementing Regulation (EU) 2015/2447, available to them through direct electronic access in the authorisation holder's system.

⁽¹⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2153

of 16 December 2019

on the fees and charges levied by the European Union Aviation Safety Agency, and repealing Regulation (EU) No 319/2014

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ⁽¹⁾, and in particular Article 126(4) thereof,

After consulting the Management Board of the European Union Aviation Safety Agency,

Whereas:

- (1) In accordance with Regulation (EU) 2018/1139, the revenues of the European Union Aviation Safety Agency (the Agency), include, among other items, the fees paid by applicants for, and holders of, certificates issued by the Agency, and by persons who have registered declarations with the Agency, and charges for publications, handling of appeals, training and any other service provided by the Agency.
- (2) Commission Regulation (EU) No 319/2014 ⁽²⁾ established the fees and charges to be levied by the Agency. However, the tariffs need to be adjusted in order to achieve recovery of cost while avoiding significant accumulation of surplus, in accordance with the provisions set out in Article 126(2) of Regulation (EU) 2018/1139.
- (3) In this respect, the Agency's forecasts as regards its workload, related costs and other relevant factors should be taken into account.
- (4) Fees and charges provided for in this Regulation should be set in a transparent, fair, non-discriminatory and uniform manner.
- (5) Without prejudice to the principle of cost coverage established in Article 126 of Regulation (EU) 2018/1139, fees and charges levied by the Agency should not jeopardise the competitiveness of the Union industry concerned. Likewise, they should be established on a basis which takes due account of the ability of the legal or natural persons concerned to pay, in particular small and medium-sized enterprises.
- (6) While civil aviation safety should be the prime concern, the Agency should nevertheless take full account of cost efficiency when conducting the tasks incumbent on it, having regard to the scope of those tasks, as they stand following the entry into force of Regulation (EU) 2018/1139, and the resources available to it.
- (7) The Agency should be enabled to levy fees and charges for certification tasks or the provision of other services, which are not specifically mentioned in the Annex to this Regulation, but which are within the remit of Regulation (EU) 2018/1139.

⁽¹⁾ OJ L 212, 22.8.2018, p. 1.

⁽²⁾ Commission Regulation (EU) No 319/2014 of 27 March 2014 on the fees and charges levied by the European Aviation Safety Agency, and repealing Regulation (EC) No 593/2007 (OJ L 93, 28.3.2014, p. 58).

- (8) Agreements referred to in Article 68(1) of Regulation (EU) 2018/1139 should provide a basis for the evaluation of the actual workload involved in the certification of third countries' products. In principle, the process for validation by the Agency of certificates issued by a third country with which the Union has an appropriate agreement is described in such agreement and should result in workload that differs from the workload required for certification activities by the Agency.
- (9) Time limits for the payment of fees and charges levied under this Regulation should be fixed.
- (10) In order to contribute to fees and charges being recovered to the fullest extent possible, appropriate remedies in cases of non-payment and risk of non-payment should be laid down.
- (11) The geographical location of undertakings in the territories of the Member States should not be a discriminatory factor. Consequently, the travel costs related to the certification tasks carried out on behalf of [such] undertakings should be aggregated and divided among the applicants.
- (12) Applicants should be able to request an estimate of the amount to be paid for the certification tasks and services, so as to increase predictability. In certain cases, the preparation of the estimate may require the Agency to perform a prior technical analysis. Given the cost of such analysis, it is justified for the Agency to be remunerated accordingly.
- (13) It is reasonable that the full payment of the charges for an appeal against decisions of the Agency is a prerequisite for an appeal to be admissible.
- (14) While this Regulation should enable industry to anticipate the level of the fees and charges it will be required to pay, it is necessary to regularly examine whether its terms need to be revised, in accordance with Article 126(3) of Regulation (EU) 2018/1139.
- (15) Interested parties should be consulted prior to any change of fees, and should be given information as to how the fees are calculated. Such information should provide interested parties with an insight into the costs incurred by the Agency and its productivity.
- (16) The revision of the tariffs should follow a procedure that permits amendment without undue delay based on the Agency's experience gained from the application of this Regulation, continuous resource and working methodology monitoring, and the continuous assessment of the financial needs.
- (17) Regulation (EU) No 319/2014 should be repealed, without prejudice to transitional provisions.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 127(1) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation determines the matters for which fees and charges are due to the Agency, and establishes the amount of the fees and charges and the way in which they are to be paid.

Article 2

Definitions

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

- (a) 'fees' means the amounts levied by the Agency and payable by applicants for certification tasks;

- (b) 'charges' means the amounts levied by the Agency for services provided other than certification tasks;
- (c) 'certification task' means any activity carried out by the Agency directly or indirectly for the purposes of issuing, maintaining or amending certificates pursuant to Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis of that Regulation;
- (d) 'service' means any activity carried out by the Agency other than certification tasks, including the supply of goods;
- (e) 'applicant' means any natural or legal person that requests a certification task or a service provided by the Agency;
- (f) 'billing cycle' means the recurring 12-month period applied to multiannual projects and to surveillance tasks. The period starts:
 - (1) for fees and charges listed in tables 1 to 6 of Part I of the Annex, on the date on which the application is received;
 - (2) for fees listed in table 8 of Part I of the Annex, on 1 June following the issuance of the certificate;
 - (3) for approval fees listed in tables 9 to 15 of Part I of the Annex, on the date on which the application is received;
 - (4) for surveillance fees listed in tables 9 to 15 of Part I of the Annex, on the date on which the certificate is issued.

Article 3

Determination of fees and charges

1. The fees and charges shall be demanded and levied by the Agency only in accordance with this Regulation.
2. In those cases for which this Regulation does not provide for otherwise, fees and charges shall be calculated at the hourly rate indicated in Part II of the Annex.
3. Member States shall not levy fees for tasks that fall within the remit of the Agency, even if they carry out those tasks on behalf of the Agency. The Agency shall reimburse Member States for the tasks they carry out on its behalf.
4. Fees and charges shall be denominated and payable in euros.
5. The amounts referred to in Parts I, II and IIa of the Annex shall be indexed, with effect of 1 January each year, to the inflation rate in accordance with the method set out in Part IV of the Annex.
6. By way of derogation from the fees referred to in the Annex, fees for certification tasks performed in the context of a bilateral agreement between the Union and a third country may be subject to dedicated provisions stipulated in the respective bilateral agreement.

Article 4

Payment of fees or charges

1. The Agency shall establish the terms of payment of fees and charges, outlining under which conditions the Agency charges for certification tasks and services. The Agency shall publish the terms on its website.
2. The applicant shall pay the amount due in full, within 30 calendar days from the date on which the invoice is notified to the applicant.
3. Where payment of an invoice has not been received by the Agency after the time period referred to in paragraph 2, the Agency may charge interest for each calendar day of delay.

4. The interest rate shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the due date falls, increased by eight percentage points.

Article 5

Rejection or termination for financial reasons

1. Without prejudice to the Agency's rules of procedure, the Agency may:
 - (a) reject an application if the fees or charges due have not been received upon the expiry of the time period provided for in Article 4(2);
 - (b) reject or terminate an application where there is evidence that the applicant's financial ability is at risk, unless the applicant provides a bank guarantee or secured deposit;
 - (c) reject or terminate an application in the cases referred to in the second subparagraph of Article 8(4);
 - (d) reject a request for the transfer of a certificate, where payment obligations arising out of certification tasks performed or services provided by the Agency have not been fulfilled.
2. Before proceeding in accordance with paragraph 1, the Agency shall consult the applicant on the Agency's intended measure.

Article 6

Travel expenses

1. Where a certification task or service is conducted, fully or in part, outside the territories of the Member States, the applicant shall pay the travel expenses according to the formula: $d = v + a + h - e$.
2. For the purpose of the formula referred to in paragraph 1 the following shall apply:

d = travel expenses due;

v = transport costs;

a = official Commission standard rates for 'per diems' covering accommodation, meals, local travel within the place of mission and sundry expenses ^(*);

h = travel time (standard number of travel hours per destination, established by the Agency), at the hourly rate set out in Part II of the Annex ^(*); in case of missions relating to several projects, the amount shall be subdivided accordingly;

e (e-component) = average travel costs inside the territories of the Member States, including the average transport costs and average travel time inside the territories of the Member States, multiplied by the hourly rate set out in Part II of the Annex. It is subject to annual review and indexation.
3. Travel expenses incurred in the context of the provision of the services referred to in Article 14(2) shall be charged exclusively in accordance with Part IIa of the Annex.

Article 7

Financial estimate

1. Upon request by an applicant, and subject to paragraph 2, the Agency shall provide a financial estimate.
2. In cases where, due to the expected complexity of the project, the above financial estimate requires a prior technical analysis by the Agency, this analysis shall be charged on an hourly basis, under a contractual agreement to be signed between the applicant and the Agency.

^(*) See 'Current per diems rates' as communicated on the Commission's EuropeAid website (http://ec.europa.eu/europeaid/work/procedures/implementation/per_diems/index_en.htm).

^(*) See 'Standard number of hours' as communicated in the 'Standard travel time list' on the Agency's website (<https://www.easa.europa.eu/>).

3. Activities shall be suspended upon the request made by the applicant until the estimate requested has been provided by the Agency and accepted by the applicant.
4. The financial estimate shall be amended by the Agency if it appears that the task is simpler or can be carried out faster than initially foreseen or, on the contrary, if it is more complex and takes longer to carry out than the Agency could reasonably have foreseen.

CHAPTER II

FEES

Article 8

General provisions as regards payment of fees

1. Performance of certification tasks is subject to prior payment of the full amount of the fee due, unless the Agency decides otherwise after due consideration of the financial risks involved. The Agency may invoice the fee in one instalment after having received the application or at the start of the annual or surveillance period.
2. The fee to be paid by the applicant for a given certification task shall consist of one of the following:
 - (a) a flat fee as set out in Part I of the Annex;
 - (b) a variable fee.
3. The variable fee referred to in point (b) of paragraph 2 shall be established by multiplying the actual number of working hours by the hourly rate set out in Part II of the Annex.
4. Where justified by technical circumstances relevant to the fees set by this Regulation, the Agency may, subject to the agreement of the applicant:
 - (a) reclassify an application within the categories identified in the Annex to this Regulation;
 - (b) reclassify several applications as a single application, provided that those applications concern the same type design and that they pertain to one or more of the following, in any combination:
 - (i) Major Changes,
 - (ii) Major Repairs, or
 - (iii) Supplemental Type Certificates.

Where the applicant does not agree to the reclassification proposed, the Agency may reject or terminate the application or applications concerned.

Article 9

Payment periods

1. Fees referred to in Tables 1, 2 and 3 of Part I of the Annex shall be levied per application and per period of 12 months. For the period after the first 12 months, the fees shall be 1/365th of the relevant annual fee per day.
2. Fees referred to in Table 4 of Part I of the Annex shall be levied per application.
3. Fees referred to in Table 8 of Part I of the Annex shall be levied per period of 12 months.
4. Fees referred to in Tables 9 to 14 of Part I of the Annex shall be levied as follows:
 - (a) approval fees shall be levied per application;
 - (b) surveillance fees shall be levied per period of 12 months;

Any changes to an organisation that affect its approval have the effect of a recalculation of the surveillance fee due as of the next 12-month period following the approval of the change.

5. In the cases referred to in point (f) 2) of Article 2, fees for the period between the date of issuance of the certificate and the start of the first billing cycle thereafter shall be calculated *pro-rata temporis*, on the basis of table 8 of Part I of the Annex.

6. Where the reclassification of an application leads to a change of the applicable fees, the fees shall be recalculated as follows:

- (a) for fees levied per application, the fee shall be recalculated as of the date of receipt of the application;
- (b) for fees levied per application and per period of 12 months, the fee shall be recalculated for the current billing cycle and onwards.
- (c) where the Agency reclassifies several applications as a single application in accordance with Article 8(4), the fee shall be recalculated as of the date considered relevant for the reclassification.

Article 10

Rejection of applications, termination and interruption of the performance of tasks related to applications

1. Where an application is rejected, or the performance of a task related to an application is terminated or interrupted, the applicable fees together with the related travel expenses and any other amounts due shall be payable in full at the time the Agency stops performing the task.

2. Where an application is rejected or the performance of a task related to an application is terminated, the balance of any fees due shall be calculated as follows:

- (a) for fees referred to in Tables 1, 2 and 3 of Part I of the Annex, levied per application and per period of 12 months, the balance of any fees due for the ongoing billing cycle shall be 1/365th of the relevant annual fee per day. For the periods preceding the ongoing 12-month period, the applicable fees remain due;
- (b) for fees referred to in Tables 4 and 15 of Part I of the Annex and for fixed fees referred to in Part II of the Annex, levied per application, the balance of any fees due shall be 50 % of the applicable fee;
- (c) for fees referred to in Tables 9 to 14 of Part I of the Annex, levied per application, the balance of any fees due, shall be calculated on an hourly basis but shall not exceed the applicable flat fee;
- (d) for fees referred to in Part II of the Annex, levied on an hourly basis, the balance of any fees due shall be calculated on an hourly basis;
- (e) for any fees not referred to in points (a) to (d), the balance due shall be calculated on an hourly basis, unless otherwise agreed between the applicant and the Agency.

3. Where an interruption of the performance of a task related to an application takes effect within the first billing cycle, the fees for that billing cycle shall not be reimbursed. Where such interruption takes effect after the first billing cycle, the balance of any fees due shall be calculated in accordance with the criteria set out in point (a) of paragraph 2. Where, following an interruption of performance of a task related to an application, the Agency resumes the performance of that task, automatically after the expiry of the interruption period chosen by the applicant or earlier on demand of the applicant, the Agency shall levy a new fee, irrespective of the fees already paid for the interrupted task.

4. For the purposes of this Regulation,

- (a) termination of performance of a task upon request of the applicant shall be deemed to take effect on the date of receipt of the request;
- (b) termination of performance of a task on initiative of the Agency shall be deemed to take effect on the date the decision on the termination is communicated to the applicant;
- (c) interruption of performance of a task upon request of the applicant shall be deemed to take effect on the date indicated by the applicant but not earlier than the date when the request is received by the Agency.

5. Fees paid for a task related to an application, whose performance has been terminated, shall not be taken into account for any subsequent task, even if of the same nature as the terminated task.

Article 11

Suspension or revocation of certificates

1. If the outstanding fees have not been received upon the expiry of the time period provided for in Article 4(2), the Agency may suspend or revoke the relevant certificate after having consulted the certificate holder.

2. If the Agency suspends a certificate because the certificate holder fails to comply with the applicable requirements or fails to pay the annual fee or surveillance fee, the Agency shall, notwithstanding such suspension, continue to invoice the annual fee or surveillance fee in one instalment at the start of the annual or surveillance period. The Agency may revoke the relevant certificate if the certificate holder fails to comply with its payment obligations within one year from the date of notification of the suspension. The reinstatement of the certificate shall be subject to prior payment of the balance of fees due for the period of suspension together with any other amounts due at that time.

3. If the Agency revokes a certificate because the certificate holder fails to comply with the applicable requirements or fails to pay the annual fee or surveillance fee, the balance of any fees due for the ongoing billing cycle shall be calculated as follows:

- (a) for annual or surveillance flat fees levied per certificate and per period of 12 months, the balance of any fees due shall be 1/365th of the relevant flat fee per day;
- (b) for annual fees or surveillance fees levied on an hourly basis, the balance of any fees due shall be calculated on an hourly basis.

The amounts referred to in points (a) and (b) of the first subparagraph, together with any travel expenses and any other amounts due, shall be payable in full on the date the revocation takes effect.

Article 12

Surrender or transfer of certificates, and deactivation of flight simulation training devices

1. If the certificate holder surrenders a certificate, the balance of any fees due for the ongoing 12-month period shall be calculated as follows:

- (a) for annual or surveillance flat fees levied per certificate and per period of 12 months, the balance of any fees due shall be 1/365th of the relevant annual flat fee per day;
- (b) for annual fees or surveillance fees levied on an hourly basis, the balance of any fees shall be calculated on an hourly basis.

The amounts referred to in points (a) and (b) of the first subparagraph shall be payable in full together with travel expenses and any other amounts due on the date the surrender takes effect.

2. Where a certificate is transferred, the fees referred to in Tables 8 to 15 shall be payable by the new certificate holder as from the billing cycle which follows the date on which the transfer takes effect.

3. In the cases referred to in Table 14 of Part I of the Annex, the device surveillance fee regarding a flight simulation training device shall be reduced *pro-rata temporis* for periods of deactivation intervening upon request of the applicant.

Article 13

Certification tasks on exceptional basis

An exceptional adjustment shall be applied to the fee levied, in order to cover all costs incurred by the Agency for a given certification task, where the performance of that task requires assigning categories and/or number of staff which the Agency would not normally assign under its standard procedures.

CHAPTER III

CHARGES*Article 14***General provisions as regards payment of charges**

1. The amount of the charges levied by the Agency in accordance with Part II of the Annex shall be invoiced at the applicable hourly rate.
2. Charges for the provision of training services including in respect of travel expenses, shall be levied in accordance with Part IIa of the Annex.

*Article 15***Time of levying charges and payment periods**

1. Unless otherwise decided by the Agency, after due consideration of the financial risks involved, the charges shall be levied before the service is provided.
2. Charges referred to in Table 6 (point (1) of Part I of the Annex shall be levied per application and per period of 12 months. For the period after the first 12 months, the charges shall be 1/365th of the relevant annual charge per day.
3. Charges referred to in Tables 5 and 6 (point (2) of Part I of the Annex shall be levied per application.
4. Where the reclassification of an application leads to a change of the applicable charge, charges shall be recalculated accordingly with effect from the date of receipt of the application.

*Article 16***Rejection of applications, termination and interruption of the performance of tasks related to applications**

1. Where an application is rejected, or the performance of a task related to an application is terminated or interrupted, the applicable charges together with the related travel expenses and any other amounts due shall be payable in full at the time the Agency stops performing the task.
2. Where an application is rejected or the performance of a task related to an application is terminated, the balance of any charges due shall be calculated as follows:
 - (a) For charges referred to in Table 6 (point (1) of Part I of the Annex, levied per application and per period of 12 months, the balance of any charges due for the ongoing 12-month period shall be 1/365th of the relevant annual charge per day. For the periods preceding the ongoing 12-month period the applicable charges remain due.
 - (b) For charges referred to in Tables 5 and 6 (point (2) of Part I of the Annex and for fixed charges referred to in Part II of the Annex, levied per application, the balance of any charges due shall be 50 % of the applicable charge.
 - (c) For charges referred to in Part II of the Annex, levied on an hourly basis, the balance of any charges due shall be calculated on an hourly basis.
 - (d) For any charges not referred to in the above paragraphs, the balance due shall be calculated on an hourly basis, unless otherwise agreed between the applicant and the Agency.
3. Where an interruption of the performance of a task related to an application takes effect within the first billing cycle, the charges for that billing cycle shall not be reimbursed. Where such interruption takes effect after the first billing cycle, the balance of any charges due shall be calculated in accordance with the criteria set out in point (a) of paragraph 2. Where, following an interruption of performance of a task related to an application, the Agency resumes the performance of that task, automatically after the expiry of the interruption period chosen by the applicant or earlier on demand of the applicant, the Agency shall levy a new charge, irrespective of the charges already paid for the interrupted task.

4. For the purposes of this Regulation,
- (a) termination of performance of a task upon request of the applicant shall be deemed to take effect on the date of receipt of the request;
 - (b) termination of performance of a task on initiative of the Agency shall be deemed to take effect on the date the decision on the termination is communicated to the applicant;
 - (c) interruption of performance of a task upon request of the applicant shall be deemed to take effect on the date indicated by the applicant but not earlier than the date when the request is received by the Agency.
5. Charges paid for a task related to an application, whose performance has been terminated, shall not be taken into account for any subsequent task, even if of the same nature as the terminated task.

CHAPTER IV

APPEALS

Article 17

Processing of appeals

1. Charges shall be levied for processing appeals lodged pursuant to Article 108 of Regulation (EU) 2018/1139. The amounts of charges shall be calculated in accordance with the method set out in Part III of the Annex. An appeal shall be admissible only when the charge for the appeal has been paid within the time period referred to in paragraph 3.
2. A legal person that lodges an appeal shall submit to the Agency a certificate signed by an authorised officer specifying the turnover of the appellant. That certificate shall be submitted to the Agency together with the appeal.
3. Appeal charges shall be paid according to the applicable procedure established by the Agency within 60 calendar days from the date on which the appeal was filed at the Agency.
4. If the appeal is concluded in favour of the appellant, the appeal charges paid shall be reimbursed by the Agency.

CHAPTER V

PROCEDURES OF THE AGENCY

Article 18

General provisions

The Agency shall distinguish between on the one hand revenue and expenditure attributable to certification tasks performed and services provided, and on the other hand revenue and expenditure attributable to activities funded through other revenue sources.

For that purpose:

- (a) the fees and charges levied by the Agency shall be kept in a separate account and shall be the subject of a separate accounting procedure;
- (b) the Agency shall draw up and use analytical accounting for its revenue and expenditure.

*Article 19***Evaluation and revision**

1. The Agency shall provide the Commission, the Management Board and the Stakeholder Advisory Body established in accordance with Article 98(4) of Regulation (EU) 2018/1139 annually with information on the components serving as a basis for determining the amount of the fees. That information shall notably consist in a cost breakdown related to previous and next years.
2. The Agency shall evaluate periodically the Annex with a view to verifying whether significant information related to the underlying assumptions for the Agency's anticipated revenue and expenditure is duly reflected in the amounts of fees or charges levied by the Agency.
3. This Regulation shall be revised when necessary, in particular taking into account the revenue of the Agency and its related costs.
4. The Agency shall consult the Stakeholder Advisory Body referred to in paragraph 1 in accordance with Article 126(4) of Regulation (EU) 2018/1139 before giving its opinion and shall explain the reasons for any proposed change.

CHAPTER VI

TRANSITIONAL AND FINAL PROVISIONS*Article 20***Repeal**

Regulation (EU) No 319/2014 is repealed, without prejudice to Article 21(5).

*Article 21***Transitional provisions**

1. The annual or surveillance fees set out in Tables 1, 2, 3, 8 to 13, and 15 of Part I of the Annex shall apply to any certification task ongoing at the entry into force of this Regulation as from the next billing cycle starting after the entry into force of this Regulation.
2. The hourly rates set out in Part II of the Annex shall apply as of the entry into force of this Regulation to any tasks ongoing at the entry into force of this Regulation and for which fees or charges are calculated on an hourly basis.
3. In the cases referred to in Table 5 and Table 6 of Part I of the Annex as well as in respect of organisation approval fees and device qualification approval fees referred to in Table 14 of Part I of the Annex, and notwithstanding those provisions, fees and charges relating to applications ongoing at the entry into force of this Regulation shall be calculated according to Part II of the Annex until completion of the tasks resulting from those applications.
4. In the cases referred to in Table 14 of Part I of the Annex, other than those referred to in paragraph 3, the fees referred to in the table shall apply as from the entry into force of this Regulation.
5. Subject to paragraphs 2, 3 and 4, fees and charges for billing cycles ongoing at the entry into force of this Regulation shall be calculated in accordance with Regulation (EU) No 319/2014.

*Article 22***Entry into force**

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

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

Done at Brussels, 16 December 2019.

For the Commission

The President

Ursula VON DER LEYEN

ANNEX

CONTENTS:

Part I: Tasks charged a flat rate

Part II: Certification tasks or services charged on an hourly basis

Part IIa: Charges for the provision of training services

Part III: Charges for appeals

Part IV: Annual inflation rate

Part V: Explanatory Note

PART I

Tasks charged a flat rate

Table 1

Type Certificates, Restricted Type Certificates and European Technical Standard Order Authorisations

(referred to in Subpart B and Subpart O of Section A of Annex I (Part 21) to Commission Regulation (EU) No 748/2012) ⁽¹⁾

	Flat fee (EUR)
Onboard-Piloted Horizontal Take-Off and Landing (HTOL) Aircraft	
Over 150 000 kg	2 055 230
Over 55 000 kg up to 150 000 kg	1 693 040
Over 22 000 kg up to 55 000 kg	564 350
Over 5 700 kg up to 22 000 kg (including HPA over 2 730 kg up to 5 700 kg)	420 700
Over 2 730 kg up to 5 700 kg (including HPA over 1 200 kg up to 2 730 kg)	139 980
Over 1 200 kg up to 2 730 kg (including HPA up to 1 200 kg)	15 890
Up to 1 200 kg	5 300
Onboard-Piloted Vertical Take-Off and Landing (VTOL) Aircraft	
Large	476 100
Medium	190 450
Small	23 850
Very Light	23 850
Balloons	7 380
Airships Large	42 950
Airships Medium	16 360
Airships Small	8 190

Propulsion	
Turbine engines with take-off thrust over 25 kN or take-off power output over 2 000 kW	405 310
Turbine engines with take-off thrust up-to 25 kN or take-off power output up to 2 000 kW	270 170
Non turbine engines	36 920
CS-22.H, CS-VLR App. B engines	18 460
Propeller for use on aircraft over 5 700 kg MTOW	12 610
Propeller for use on aircraft up to 5 700 kg MTOW	3 600
CS-22J Class Propeller	1 800
Parts and Non-installed Equipment	
Value above EUR 20 000	9 300
Value between EUR 2 000 and 20 000	5 320
Value below EUR 2 000	3 090
Auxiliary Power Unit (APU)	221 120

(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).

Table 2

Supplemental Type Certificates

(referred to in Subpart E of Section A of Annex I (Part 21) to Commission Regulation (EU) No 748/2012)

	Flat fee (EUR)			
	Complex	Significant	Standard	Simple
Onboard-Piloted Horizontal Take-Off and Landing (HTOL) Aircraft				
Over 150 000 kg	952 500	76 480	16 330	4 650
Over 55 000 kg up to 150 000 kg	680 880	45 900	13 060	3 660
Over 22 000 kg up to 55 000 kg	378 140	30 600	9 790	3 330
Over 5 700 kg up to 22 000 kg (including HPA over 2 730 kg up to 5 700 kg)	290 420	18 360	6 540	3 330
Over 2 730 kg up to 5 700 kg (including HPA over 1 200 kg up to 2 730 kg)	119 970	5 610	2 580	1 290
Over 1 200 kg up to 2 730 kg (including HPA up to 1 200 kg)	6 140	1 970	1 230	610
Up to 1 200 kg	3 630	310	310	310
Onboard-Piloted Vertical Take-Off and Landing (VTOL) Aircraft				
Large	321 710	58 950	8 840	2 950
Medium	188 500	29 480	5 900	2 360

Small	15 080	11 800	4 420	1 480
Very Light	9 610	1 110	490	310
Other Onboard-Piloted Aircraft				
Balloons	3 630	1 050	490	310
Airships Large	37 700	15 970	12 780	6 390
Airships Medium	15 090	4 910	3 930	1 970
Airships Small	7 520	2 460	1 970	990
Propulsion				
Turbine engines with take-off thrust over 25 kN or take-off power output over 2 000 kW	190 090	14 740	8 840	5 900
Turbine engines with take-off thrust up-to 25 kN or take-off power output up to 2 000 kW	185 830	8 840	6 940	4 630
Non turbine engines	34 710	3 440	1 540	770
CS-22.H, CS-VLR App. B engines	17 410	1 730	770	370
Propeller for use on aircraft over 5 700 kg MTOW	7 020	2 460	1 230	610
Propeller for use on aircraft up to 5 700 kg MTOW	2 140	1 840	920	470
CS-22J Class Propeller	1 080	920	470	230
Parts and Non-installed Equipment				
Value above EUR 20 000	—	—	—	—
Value between EUR 2 000 and 20 000	—	—	—	—
Value below EUR 2 000	—	—	—	—
Auxiliary Power Unit (APU)	136 280	7 370	4 920	2 460

Table 3

Major Changes and Major Repairs

(referred to in Subpart D and Subpart M of Section A of Annex I (Part 21) to Commission Regulation (EU) No 748/2012)

	Flat fee (EUR)				
	Model fee (¹)	Complex Significant	Significant	Standard	Simple
Onboard-Piloted Horizontal Take-Off and Landing (HTOL) Aircraft					
Over 150 000 kg	100 000	800 000	78 010	14 330	5 110
Over 55 000 kg up to 150 000 kg	59 880	479 050	39 030	10 750	3 290
Over 22 000 kg up to 55 000 kg	39 910	319 280	31 230	7 170	2 560
Over 5 700 kg up to 22 000 kg (including HPA over 2 730 kg up to 5 700 kg)	31 930	255 450	19 520	3 580	2 560

Over 2 730 kg up to 5 700 kg (including HPA over 1 200 kg up to 2 730 kg)	15 110	120 900	5 360	2 500	1 240
Over 1 200 kg up to 2 730 kg (including HPA up to 1 200 kg)	530	4 230	1 360	610	310
Up to 1 200 kg	450	3 630	310	310	310

Onboard-Piloted Vertical Take-Off and Landing (VTOL) Aircraft

Large	30 160	241 280	53 440	10 690	3 560
Medium	18 850	150 800	28 500	7 120	2 490
Small	1 890	15 080	11 410	5 340	1 430
Very Light	1 130	9 060	1 050	490	490

Other Onboard-Piloted Aircraft

Balloons	450	3 630	1 050	490	490
Airships Large	3 770	30 160	14 250	10 690	7 120
Airships Medium	1 510	12 060	3 930	2 940	1 970
Airships Small	750	6 030	1 970	1 470	990

Propulsion

Turbine engines with take-off thrust over 25 kN or take-off power output over 2 000 kW	13 130	105 040	9 840	3 620	2 180
Turbine engines with take-off thrust up-to 25 kN or take-off power output up to 2 000 kW	11 310	90 480	5 340	1 810	1 090
Non turbine engines	1 890	15 110	1 600	740	500
CS-22.H, CS-VLR App. B engines	940	7 550	740	370	370
Propeller for use on aircraft over 5 700 kg MTOW	470	3 780	1 320	500	500
Propeller for use on aircraft up to 5 700 kg MTOW	150	1 160	1 000	470	470
CS-22J Class Propeller	70	590	500	160	160

Parts and Non-installed Equipment

Value above EUR 20 000	—	—	—	—	—
Value between EUR 2 000 and 20 000	—	—	—	—	—
Value below EUR 2 000	—	—	—	—	—
Auxiliary Power Unit (APU)	8 760	70 070	3 690	1 230	740

(¹) The model fee covers the addition of a model to the type design and shall be levied per application and model. It must be associated with an application for standard, significant or complex significant change. The applicable fee category per application and model shall be determined by the fee category assigned to the related type design.

Table 4

Minor Changes and Minor Repairs

(referred to in Subpart D and Subpart M of Section A of Annex I (Part 21) to Commission Regulation (EU) No 748/2012)

	Flat fee ⁽¹⁾ (EUR)
Onboard-Piloted Horizontal Take-Off and Landing (HTOL) Aircraft	
Over 150 000 kg	1 890
Over 55 000 kg up to 150 000 kg	1 890
Over 22 000 kg up to 55 000 kg	1 890
Over 5 700 kg up to 22 000 kg (including HPA over 2 730 kg up to 5 700 kg)	1 890
Over 2 730 kg up to 5 700 kg (including HPA over 1 200 kg up to 2 730 kg)	610
Over 1 200 kg up to 2 730 kg (including HPA up to 1 200 kg)	500
Up to 1 200 kg	310
Onboard-Piloted Vertical Take-Off and Landing (VTOL) Aircraft	
Large	970
Medium	970
Small	970
Very Light	490
Other Onboard-Piloted Aircraft	
Balloons	490
Airships Large	1 720
Airships Medium	970
Airships Small	970
Propulsion	
Turbine engines with take-off thrust over 25 kN or take-off power output over 2 000 kW	1 270
Turbine engines with take-off thrust up-to 25 kN or take-off power output up to 2 000 kW	1 270
Non turbine engines	610
CS-22.H, CS-VLR App. B engines	370
Propeller for use on aircraft over 5 700 kg MTOW	500
Propeller for use on aircraft up to 5 700 kg MTOW	470
CS-22J Class Propeller	320
Parts and Non-installed Equipment	
Value above EUR 20 000	1 860
Value between EUR 2 000 and 20 000	1 070
Value below EUR 2 000	620
Auxiliary Power Unit (APU)	490

⁽¹⁾ The fees set out in this Table shall not apply to Minor Changes and Minor Repairs carried out by Design Organisations in accordance with point 21A.263(c)(2) of Subpart J of Section A of Annex I (Part 21) to Commission Regulation (EU) No 748/2012.

Table 5

Certification Support for Validation

Service to provide support related to Third Country Authority validation/acceptance of an EASA certificate and technical assistance related to compliance finding activities

Service Package	Flat charge (EUR)
Large	2 500
Medium	1 000
Small	250

Table 6

Maintenance Review Board (MRB)

Service to provide support related to the approval of Maintenance Review Board report and revisions thereto

Flat charge (EUR)	
1 —Initial MRB report	
CS 25 aircrafts	350 000
CS 27 and CS 29 aircrafts	150 000
Supplemental Type Certificates	50 000
2 —Revision of MRB reports	
CS-25 Over 150 000 kg	120 000
CS-25 Over 55 000 kg up to 150 000 kg	100 000
CS-25 Over 22 000 kg up to 55 000 kg	80 000
CS-25 Over 5 700 kg up to 22 000 kg	40 000
CS 27 and CS 29 aircrafts	30 000
Supplemental Type Certificates	20 000

Table 7

Third-Country Operators

(referred to in Commission Regulation (EU) No 452/2014) ⁽¹⁾

	Flat fee (EUR)
On-site visit ⁽²⁾	19 000
Technical meeting in Cologne	10 000

⁽¹⁾ Commission Regulation (EU) No 452/2014 of 29 April 2014 laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 133, 6.5.2014, p. 1).

⁽²⁾ Excluding travel costs (to be charged in addition to the above flat fee).

Table 8

Annual fee for holders of EASA Type Certificates, EASA Restricted Type Certificates, EASA European Technical Standard Order Authorisations and other Type Certificates or Technical Standard Order Authorisations deemed to be accepted under Regulation (EU) 2018/1139

(referred to in Subpart B and Subpart O of Section A of Annex I (Part 21) to Commission Regulation (EU) No 748/2012)

	Flat fee (EUR)	
	EU Design	Non EU Design
Onboard-Piloted Horizontal Take-Off and Landing (HTOL) Aircraft		
Over 150 000 kg	1 155 160	360 270
Over 55 000 kg up to 150 000 kg	975 480	274 490
Over 22 000 kg up to 55 000 kg	293 940	110 140
Over 5 700 kg up to 22 000 kg (including HPA over 2 730 kg up to 5 700 kg)	48 050	16 320
Over 2 730 kg up to 5 700 kg (including HPA over 1 200 kg up to 2 730 kg)	5 320	1 770
Over 1 200 kg up to 2 730 kg (including HPA up to 1 200 kg)	2 460	830
Up to 1 200 kg	230	70
Onboard-Piloted Vertical Take-Off and Landing (VTOL) Aircraft		
Large	102 930	37 740
Medium	57 190	21 280
Small	23 880	8 670
Very Light	3 700	1 230
Other Onboard-Piloted Aircraft		
Balloons	840	360
Airships Large	4 000	1 330
Airships Medium	2 460	820
Airships Small	1 970	660
Propulsion		
Turbine engines with take-off thrust over 25 kN or take-off power output over 2 000 kW	120 090	32 140
Turbine engines with take-off thrust up-to 25 kN or take-off power output up to 2 000 kW	58 180	27 450
Non turbine engines	1 120	140
CS-22.H, CS-VLR App. B engines	610	310
Propeller for use on aircraft over 5 700 kg MTOW	420	220

Propeller for use on aircraft up to 5 700 kg MTOW	240	50
CS-22J Class Propeller	230	70
Parts and Non-installed Equipment		
Value above EUR 20 000	2 440	680
Value between EUR 2 000 and 20 000	1 290	460
Value below EUR 2 000	520	420
Auxiliary Power Unit (APU)	87 880	10 510

By derogation from the table above, the following shall apply:

- A. For freighter versions of an aircraft that have their own type certificate, a coefficient of 0,85 is applied to the fee for the equivalent passenger version.
- B. For holders of multiple EASA Type Certificates and/or multiple EASA Restricted Type Certificates, EASA European Technical Standard Order Authorisations and/or multiple other Type Certificates or Technical Standard Order Authorisations, a 25 % reduction to the annual fee is applied to the fourth and subsequent certificates subject to the same flat fee in the same fee category identified in the table above.
- C. The hourly rate set out in Part II of the Annex, up to the level of the full fee for the relevant fee category shall be charged in the following cases:
 1. For aircraft
 - a. which are out of production for more than 20 years, or
 - b. of which less than 50 units have been produced worldwide, or
 - c. of which 50 or more units have been produced worldwide, provided that the certificate holder demonstrates that less than 50 units are in service worldwide;
 2. For engines and propellers
 - a. which are out of production for more than 20 years, or
 - b. of which less than 100 units have been produced worldwide
 - c. of which 100 or more units have been produced worldwide, provided that the certificate holder demonstrates that the engine or propeller is installed in less than 50 aircraft in service;
 3. For parts and non-installed equipment
 - a. which are out of production for more than 15 years, or
 - b. of which less than 400 units have been produced worldwide, or
 - c. of which 400 or more units have been produced worldwide, provided that certificate holder demonstrates that the part or non-installed equipment is installed in less than 50 aircraft in service.

The criteria established in point C shall be assessed by reference to the 1st of January of the year in which the respective billing cycle starts.

The period during which an invoice regarding a fee in respect of continuing airworthiness may be retroactively adjusted, having regard to the table and the derogations above, is limited to one year after its issuance.

Table 9A

Design Organisation Approval

(referred to in Subpart J of Section A of Annex I (Part 21) to Commission Regulation (EU) No 748/2012)

Approval fee (EUR)					
	1A	1B 2A	1C 2B 3A	2C 3B	3C
Staff related below 10	14 400	11 330	8 470	5 720	4 430
10 to 49	40 510	28 930	17 360	11 580	—
50 to 399	179 410	134 600	89 620	68 660	—
400 to 999	358 820	269 030	224 220	188 770	—
1 000 to 2 499	717 640	—	—	—	—
2 500 to 4 999	1 076 300	—	—	—	—
5 000 to 7 000	1 152 600	—	—	—	—
Over 7 000	5 979 800	—	—	—	—
Surveillance fee (EUR)					
	1A	1B 2A	1C 2B 3A	2C 3B	3C
Staff related below 10	7 200	5 670	4 240	2 860	2 210
10 to 49	20 260	14 470	8 680	5 780	—
50 to 399	78 060	58 590	38 930	31 250	—
400 to 999	156 260	117 230	97 650	85 920	—
1 000 to 2 499	312 520	—	—	—	—
2 500 to 4 999	468 780	—	—	—	—
5 000 to 7 000	995 500	—	—	—	—
Over 7 000	2 604 820	—	—	—	—

Table 9B

Alternative Procedures to Design Organisation Approval

(referred to in Subpart J of Section A of Annex I (Part 21) to Commission Regulation (EU) No 748/2012)

Category	Description	Fee (EUR)
1A	Type certification	7 940
1B	Type certification — Continued airworthiness only	3 180
2A	Supplemental type certificates (STCs) and/or major repairs	6 350
2B	STCs and/or major repairs — Continued airworthiness only	2 650

3A	ETSOA	6 350
3B	ETSOA — Continued airworthiness only	3 180

Table 10

Production Organisation Approval

(referred to in Subpart G of Section A of Annex I (Part 21) to Commission Regulation (EU) No 748/2012)

Approval fee (EUR)			
	Highest Priced Product below EUR 5 000 ⁽¹⁾	Highest Priced Product between EUR 5 000 and 100 000 ⁽¹⁾	Highest Priced Product above EUR 100 000 ⁽¹⁾
Staff related below 100	20 650	39 710	55 600
Between 100 and 499	31 770	63 540	111 200
Between 500 and 999	59 570	119 140	238 280
Between 1 000 and 4 999	158 850	317 700	794 250
Between 5 000 and 20 000	595 670	1 191 380	2 779 880
Over 20 000	992 810	1 985 630	3 971 250
Surveillance fee (EUR)			
	Highest Priced Product below EUR 5 000 ⁽¹⁾	Highest Priced Product between EUR 5 000 and 100 000 ⁽¹⁾	Highest Priced Product above EUR 100 000 ⁽¹⁾
Staff related below 100	13 770	26 480	37 070
Between 100 and 499	21 180	42 360	74 120
Between 500 and 999	39 710	79 430	158 580
Between 1 000 and 4 999	105 900	211 800	529 500
Between 5 000 and 20 000	397 130	794 290	1 853 250
Over 20 000	625 000	1 323 750	2 647 500

⁽¹⁾ Value (as mentioned in the relevant manufacturer's list prices) of the most expensive product, part or non-installed equipment that is included in the approved POA scope of work (capability list) of the EASA POA holder.

Table 11

Maintenance Organisation Approval(referred to in Annex I (Part-M) Subpart F, and in Annex II (Part-145) to Commission Regulation (EU) No 1321/2014) ⁽¹⁾

	Approval fee ⁽¹⁾ EUR	Surveillance fee ⁽¹⁾ EUR
Staff related below 5	3 700	2 830
Between 5 and 9	6 150	4 920
Between 10 and 49	24 620	15 250
Between 50 and 99	39 400	30 500
Between 100 and 499	52 660	40 770
Between 500 and 999	72 720	56 300
Over 999	102 100	79 000

Technical ratings	Flat fee based on technical rating ⁽¹⁾ EUR	Flat fee based on technical rating ⁽²⁾
A 1	20 980	16 240
A 2	4 780	3 700
A 3	9 540	7 380
A 4	950	740
B 1	9 540	7 380
B 2	4 780	3 700
B 3	950	740
C/D	950	740

⁽¹⁾ Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 362, 17.12.2014, p. 1).

⁽²⁾ The fee to be paid shall be composed of the flat fee based on the number of staff related plus the flat fee(s) based on technical rating.

⁽³⁾ For organisations that hold several A and/or B ratings, only the highest fee shall be charged. For organisations that hold one or several C and/or D ratings, every rating shall be charged the 'C/D rating' fee.

Table 12

Maintenance Training Organisation Approval

(referred to in Annex IV (Part-147) to Commission Regulation (EU) No 1321/2014)

	Approval fee (EUR)	Surveillance fee (EUR)
Staff related below 5	3 700	2 830
Between 5 and 9	10 460	8 120
Between 10 and 49	22 510	20 820
Between 50 and 99	43 750	34 660
Over 99	57 610	52 950
Fee for: — approval of an MTOE 'off-site' procedure ⁽¹⁾ — second and subsequent additional facility ⁽²⁾ ⁽³⁾	3 530 3 530	2 650 2 650
Fee for second and subsequent additional training course ⁽²⁾ ⁽³⁾	3 530	—

⁽¹⁾ As referred to in Subpart B of Section A of Annex IV (Part-147) to Commission Regulation (EU) No 1321/2014.

⁽²⁾ For initial organisations approval, fees applicable per facility and course. The first facility and the first training course are included in the staff related approval fee.

⁽³⁾ For already approved organisations that apply for additional facilities or training courses, each facility or training course shall be charged the applicable fee.

Table 13

Third Country Continuing Airworthiness Management Organisation Approval

(referred to in Subpart G of Annex I (Part-M) to Commission Regulation (EU) No 1321/2014)

	Flat fee ⁽¹⁾ (EUR)	
Approval fee	52 950	
Surveillance fee	52 950	
Technical ratings	Flat fee based on technical rating ⁽²⁾ (EUR) — Initial approval	Flat fee based on technical rating ⁽²⁾ (EUR) — Surveillance
A1 = aeroplanes above 5 700 kg	13 240	13 240
A2 = aeroplanes 5 700 kg and below	6 620	6 620
A3 = helicopters	6 620	6 620
A4: all others	6 620	6 620

⁽¹⁾ The fee to be paid shall be composed of the flat fee plus the flat fee based on technical rating.⁽²⁾ For organisations that hold several A ratings, only the highest fee shall be charged.

Table 14

Flight Simulation Training Devices (FSTDs) and organisations(referred to in Subpart FSTD of Part-ARA and Subpart FSTD of Part-ORA of Commission Regulation (EU) No 1178/2011, as amended) ⁽¹⁾

Organisation approval fee (EUR)			
Flat fee per location	12 350		
Device qualification approval fee (EUR)			
	Single engine and equip- ment fit configuration	Dual engine and/or dual equipment fit configura- tion	3+ engine and/or 3+ equip- ment fit configuration
Full Flight Simulator (FFS)	32 110	39 520	45 940
Flight Training Device (FTD)	13 590	16 070	22 480
	Single engine piston or equivalent	Multi engine piston or equivalent	Single/multi engine turbo- prop or turbofan or equiva- lent
Flight Navigation Procedure Trainer (FNPT)	9 880	13 590	18 530

Organisation surveillance fee (EUR)			
Flat fee per location (complex)	5 560		
Flat fee per location (non-complex)	2 780		
Device surveillance fee (EUR)			
Full Flight Simulator (FFS)	9 130		
Full Flight Simulator (FFS) — Aeroplane only — subject to bilateral agreement ⁽²⁾	2 800		
Flight Training Device (FTD)	5 210		
	Single engine piston or equivalent	Multi engine piston or equivalent	Single/multi engine turbo-prop or turbofan or equivalent
Flight Navigation Procedure Trainer (FNPT)	3 710	4 940	7 410
Extended Evaluation Programme (EEP) — Organisation surveillance fee (EUR)			
Flat fee per location (complex)	11 120		
Flat fee per location (non-complex)	5 560		
Device surveillance fee (EUR)			
	EEP 3 years		
Full Flight Simulator (FFS)	4 090		
Flight Training Device (FTD)	2 440		
	Single engine piston or equivalent	Multi engine piston or equivalent	Single/multi engine turbo-prop or turbofan or equivalent
Flight Navigation Procedure Trainer (FNPT)	1 900	2 310	3 300
	EEP 2 years		
Full Flight Simulator (FFS)	5 310		
Flight Training Device (FTD)	3 170		

	Single engine piston or equivalent	Multi engine piston or equivalent	Single/multi engine turbo-prop or turbofan or equivalent
Flight Navigation Procedure Trainer (FNPT)	2 350	2 970	4 330

(¹) Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1–193).

(²) Only applicable to the flight simulator(s) located in the third country of the bilateral agreement.

Table 15

Acceptance of approvals equivalent to ‘Part-145’ and ‘Part-147’ approvals in accordance with applicable bilateral agreements

	Flat fee (EUR)
New approvals, per application	900
Continuation of existing approvals, per period of 12 months	900

PART II

Certification tasks or services charged on an hourly basis

Hourly rate

Applicable hourly rate (EUR/h)	247
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Hourly basis according to the tasks concerned (¹):

Production without approval	Actual number of hours
Transfer of certificates	Actual number of hours
Approved Training Organisation certificate	Actual number of hours
Aero-Medical Centre certificate	Actual number of hours
ATM/ANS organisation certificate	Actual number of hours
Air Traffic Controller Training Organisation certificate	Actual number of hours
Acceptance of Operational Evaluation Board Reports	Actual number of hours
Certification Support for Validation: Individual service	Actual number of hours
Flight Simulation Training Devices: Other special activities	Actual number of hours
Changes to Alternative Procedures to Design Organisation Approval	Actual number of hours
Export certificate of airworthiness (E-CoA) for CS-25 aircraft	6 hours

Export certificate of airworthiness (E-CoA) for other aircraft	2 hours
Alternative Method of Compliance to AD (AMOC)	4 hours
Approval of flight conditions for Permit to Fly	3 hours
Basic STC one serial number	2 hours
Administrative reissuance of document without technical involvement	1 hour
Capability Check	1 hour

(¹) This is a non-exhaustive list of tasks. The list of tasks in this Part is subject to periodical revision. Non-inclusion of a task to this Part should not be automatically construed as indicating that the task cannot be performed by the European Union Aviation Safety Agency.

PART IIa

Charges for the provision of training services

A. *Training Services subject to charges*

1. Subject to point B, charges for training services delivered by Agency staff within the exercise of their functions, shall be levied as follows:
 - a) for classroom training, either in-house or on-site, and online training, in accordance with the corresponding amounts set out in the Appendix;
 - b) for other types of training services or related requests, in accordance with the hourly rate set out in the Appendix;
2. Classroom training services delivered by contracted training service providers, either in-house or on-site, shall be charged based on the total cost of each course divided by the average class size.
3. For training services outside of EASA premises, where the organisation requesting the training does not provide appropriate training facilities, associated direct costs shall be charged.

B. *Exemption from the charges provided for in the Appendix*

The Agency may grant an exemption from the charges provided for in the Appendix for training services rendered to:

- a) National aviation authorities, international organisations or other key stakeholders in case it is ensured that they provide training services of equivalent benefit to the Agency;
- b) Public or private universities or similar organisations, if all of the following conditions are met:
 - the training services are part of a programme of study leading to an undergraduate or postgraduate qualification in an aviation related discipline;
 - the programme of study has a minimum duration of 1 academic year;
 - the main purpose or effect of the programme is not to provide initial or continuous training for professionals in aviation or related fields;
- c) Persons who support or participate in Agency activities and need the training to ensure knowledge of Agency processes and specialised tools related to those activities.

C. Reimbursement of travel expenses

- Notwithstanding any exemption granted in accordance with point B, and subject to paragraph 3, the recipient of training or training-related services delivered on-site shall reimburse the travel expenses of Agency staff delivering the training, according to the formula $d = v + a + h$.
- For the purpose of the formula referred to in paragraph 1, the following shall apply:
 d = travel expenses due;
 v = transport costs;
 a = official Commission standard rates for 'per diems' covering accommodation, meals, local travel within the place of mission and sundry expenses ⁽¹⁾;
 h = travel time (standard number of travel hours per destination, established by the Agency), at the hourly rate set out in Part II of the Annex ⁽²⁾; in case of missions relating to several projects, the amount shall be subdivided accordingly.
- Authorities, organisations or stakeholders as referred to in point B(a) may be exempted from the reimbursement of travel expenses under paragraph 1 where they provide on-site training or training -related services in the Agency's premises, involving travels equivalent to the travels required by the on-site training or training services provided by the Agency in the premises of those entities.

Appendix to Part IIa

Class-room training	Training duration in days							
	0.5	1	1.5	2	2.5	3	4	5
Individual training charge (EUR/day)	440	710	925	1 088	1 263	1 425	1 725	2 000
Session charge (EUR/day)	3 500	5 700	7 400	8 700	10 100	11 400	13 800	16 000

Online training	Training duration in hours							
	1	2	3	4	5	6	7	8
Individual training charge (EUR/hour)	50	100	150	200	250	300	350	400

Other training services: Hourly rate in accordance with Part II of this Annex.

PART III

Charges for appeals

Charges for appeals shall be calculated as follows: fixed charge shall be multiplied by the coefficient indicated for the corresponding charge category for the person or organisation in question.

Fixed charge	10 000 (EUR)
Charge category for natural persons	Coefficient
	0,10

⁽¹⁾ See 'Current per diems rates' as communicated on the Commission's EuropeAid website (https://ec.europa.eu/europeaid/work/procedures/implementation/per_diems/index_en.htm_en).

⁽²⁾ See 'Standard number of hours' as communicated in the 'Standard travel time list' on the Agency's website (<https://www.easa.europa.eu/>).

Charge category for legal persons, according to financial turnover of the appellant (in EUR)	Coefficient
Less than 100 001	0,25
Between 100 001 and 1 200 000	0,50
Between 1 200 001 and 2 500 000	0,75
Between 2 500 001 and 5 000 000	1,00
Between 5 000 001 and 50 000 000	2,50
Between 50 000 001 and 500 000 000	5,00
Between 500 000 001 and 1 000 000 000	7,50
Over 1 000 000 000	10,00

PART IV

Annual inflation rate

Annual inflation rate to be used:	“Eurostat HICP (All items) — European Union all countries” (2015 = 100) Percentage change/12 months average
Value of the rate to be taken into account:	Value of the rate 3 months prior to the implementation of the indexation

PART V

Explanatory Note

- (1) ‘Certification specifications’ (CSs) referred to in this Annex are those adopted pursuant to Article 76(3) of Regulation (EU) 2018/1139 and published on the Agency’s website (<https://www.easa.europa.eu/document-library/certification-specifications>).
- (2) ‘VTOL’ refers to rotorcraft or any other heavier-than-air aircraft that has the capability of vertical take-off and/or vertical landing. ‘HTOL’ refers to any heavier-than-air aircraft that is not a VTOL.
- (3) ‘VTOL Large Aircraft’ refers to CS-29 and CS-27 CAT A aircraft; ‘VTOL Small Aircraft’ refers to CS-27 aircraft with maximum take-off weight (MTOW) below 3 175 kg and limited to 4 seats, including pilot; ‘VTOL Medium Aircraft’ refers to other CS-27 aircraft.
- (4) High-performance aircraft (HPA) in the weight category up to 5 700 kg are those aeroplanes that have an Mmo greater than 0,6 and/or a maximum operating altitude above 25 000 ft. They shall be charged one category above the category determined by their MTOW, but not exceeding the category ‘over 5 700 kg up to 22 000 kg’.
- (5) ‘Small Airships’ refers to:
 - all Hot-Air Airships independent of their size,
 - Gas Airships up to a volume of 2 000 m³;
 ‘Medium Airships’ refers to Gas Airships with a volume of more than 2 000 m³ up to 15 000 m³;
 ‘Large Airships’ refer to Gas Airships with a volume of more than 15 000 m³.

- (6) In Tables 1, 4 and 8 of Part I of the Annex, the values of the 'Parts and Non-installed equipment' refer to the relevant manufacturer's list prices. In Table 10 of Part I, the highest priced product corresponds to the value (as mentioned in the relevant manufacturer's list prices) of the most expensive product, part or non-installed equipment that is included in the approved POA scope of work (capability list) of the EASA POA holder.
- (7) For fees levied in accordance with Tables 2 to 4 and 8 of Part I of the Annex, the applicable fee category per application shall be determined by the fee category assigned to the related type design. Where multiple models are certified under one type design, the fee category of the majority of these models is applicable. In case of an even distribution of fee category, the higher fee category applies. For applications relating to several type designs (AML), the highest fee category is applicable.
- (8) If an application includes the concept of establishing an Approved Model List, the corresponding fee increased by 20 % shall apply. For the revision of an approved model list, the fees listed in Tables 2, 3, and 4 of Part I of the Annex shall apply.
- (9) In Tables 2 and 3 of Part I of the Annex, 'Simple', 'Standard', 'Significant' and 'Complex Significant' refer to the following:

	Simple	Standard	Significant	Complex Significant
EASA Supplemental Type Certificate (STC)	STC, major design change, or repair, only involving current and well-proven justification methods, for which a complete set of data (description, compliance check-list and compliance documents) can be communicated at the time of application, and for which the applicant has demonstrated experience, and which can be assessed by the project certification manager alone, or with a limited involvement of a single discipline specialist	All other STCs, major design changes or repairs	'Significant' is defined in point 21.A.101(b) of Annex I (Part 21) to Regulation (EU) No 748/2012 (and similarly in FAA 14CFR 21.101 (b)).	'Complex Significant Change' is any significant change (ref. GM 21.A.101 of Annex I (Part 21) to Regulation (EU) No 748/2012) involving at least two reasons justifying its classification as significant (examples of criteria as per this GM 21.A.101 of Annex I (Part 21) to Regulation (EU) No 748/2012: change in the general configuration, change to the principles of construction, assumptions used for certification have been invalidated) or any significant change involving two or more examples described as significant change (column 'Description of change' Tables in Appendix 2 to GM 21.A.101 of Annex I (Part 21) to Regulation (EU) No 748/2012). If justified by exceptional technical circumstances, the Agency may reclassify a complex significant application to significant.
EASA major design changes				
EASA major repairs			n/a	n/a

(10) In Table 5 of Part I of the Annex, 'Small' refers to applications that are handled without technical involvement, 'Large' refers to the validation support applicable to Large Aeroplanes, Large Rotorcraft and Turbine Engines, 'Medium' refers to the validation support applicable to other product categories as well as parts and non-installed equipment. Technical assistance/support related to compliance finding activities and validation support shall be charged as individual service should the Agency confirm that the effort required significantly exceeds the predefined service packages.

(11) In Table 9A of Part I of the Annex, Design Organisations are categorised as follows:

Design Organisation Agreement Scope	Group A	Group B	Group C
DOA 1 Type certificates holders ETSOA-APU	Highly complex/Large	Complex/Small-Medium	Less complex/Very small
DOA 2 STC/Changes/Repairs/ ETSOA (excluding APU)	Unrestricted	Restricted (technical fields)	Restricted (aircraft size)
	Highly complex/Large	Complex/Small-Medium	Less complex/Very small
DOA 3 Minor Changes/Repairs	Unrestricted	Restricted (technical fields)	Restricted (aircraft size)

(12) In Tables 9A, 10, 11 and 12 of Part I of the Annex, the number of staff taken into account is the number of staff related to activities under the scope of the agreement.

(13) Table 14, 'location' is the place (or places) where the activities of the organisation are managed or conducted.

For this purpose:

- the principal place of business (PPoB) is considered as a location, regardless of any FSTD operation;
- any address, different from the PPoB where FSTDs are operated is considered as additional location if a compliance officer is appointed at this location.

For an extension to a location, i.e. when a location is at a suitable distance from a location that allows the management to ensure compliance without the need to nominate additional persons, no additional surveillance fee is charged.

As every organisation is unique, a tailored analysis shall be performed to assess the complexity of the organisation considering the number of employees, the size and scope including the number of FSTDs, their levels and the number of aircraft type simulated.

EEP2: The period of 12 months extended up to a maximum of 24 months according to point ORA.FSTD.225.

EEP3: The period of 12 months is extended up to a maximum of 36 months according to point ORA.FSTD.225.

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2154**of 16 December 2019****opening a tariff quota for the year 2020 for the import into the Union of certain goods originating in Norway resulting from the processing of agricultural products covered by Regulation (EU) No 510/2014 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ⁽¹⁾, and in particular Article 16(1)(a) thereof,

Having regard to Council Decision 2004/859/EC of 25 October 2004 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway on Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway ⁽²⁾, and in particular Article 3 thereof,

Whereas:

- (1) The Decision of the EEA joint committee No 140/2001 of 23 November 2001 amending Protocols 2 and 3 to the EEA Agreement, concerning processed and other agricultural products ⁽³⁾ determines the trade arrangements between the Union and the Kingdom of Norway for certain agricultural and processed agricultural products between the Contracting Parties.
- (2) The Decision of the EEA joint committee No 140/2001 provides for a zero rate of duty for waters containing added sugar or other sweetening matter or flavoured, classified under CN code 2202 10 00, and other non-alcoholic beverages not containing products of headings 0401 to 0404 or fat obtained from products of headings 0401 to 0404, classified under CN codes 2202 91 00 and 2202 99.
- (3) The Union zero rate of duty for those waters and those other beverages has temporarily been suspended for Norway, for an undetermined period of time, by the Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway ⁽⁴⁾ ('the Agreement in the form of an Exchange of Letters'). In accordance with the Agreement in the form of an Exchange of Letters, duty-free imports of goods with CN codes 2202 10 00, ex 2202 91 00 and ex 2202 99 that originate in Norway are to be allowed only within the limits of a duty-free quota. A duty is to be paid for imports that exceed that duty-free quota.

⁽¹⁾ OJ L 150, 20.5.2014, p. 1.

⁽²⁾ OJ L 370, 17.12.2004, p. 70.

⁽³⁾ OJ L 22, 24.1.2002, p. 34.

⁽⁴⁾ OJ L 370, 17.12.2004, p. 72.

- (4) Commission Implementing Regulation (EU) 2018/1968 ⁽⁵⁾ opening a tariff quota for the year 2019 for the import into the Union of certain goods originating in Norway resulting from the processing of agricultural products covered by Regulation (EU) No 510/2014 opened a tariff quota for the year 2019 for the import into the Union of goods originating in Norway and classified under CN codes 2202 10 00, ex 2202 91 00 and ex 2202 99.
- (5) The Agreement in the form of an Exchange of Letters requires that if the tariff quota laid down in Implementing Regulation (EU) 2018/1968 has been exhausted by 31 October 2019, the tariff quota applicable from 1 January of the following year is to be increased by 10 %.
- (6) The annual tariff quota for 2019 for the waters and beverages in question, opened by Implementing Regulation (EU) 2018/1968, and which was of a volume of 20,936 million litres, was exhausted on 4 September 2019. Therefore, an increased annual tariff quota should be opened for the waters and beverages in question for the period from 1 January to 31 December 2020. In line with the Agreement in the form of an Exchange of Letters, the quota for 2020 should therefore be opened for a 10 % higher volume, which is 23,029 million litres.
- (7) The tariff quota opened by this Regulation should be managed in accordance with the relevant rules laid down in Commission Implementing Regulation (EU) 2015/2447 ⁽⁶⁾.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 2020, the duty free tariff quota set out in the Annex is opened for goods originating in Norway which are listed in that Annex, under the conditions specified therein.
2. The rules of origin laid down in Protocol 3 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway shall apply to the goods listed in the Annex to this Regulation.
3. For quantities imported above the quota volume set out in the Annex, a preferential duty of 0,047 EUR/litre shall apply.

Article 2

The duty free tariff quota referred to in Article 1(1) shall be managed by the Commission in accordance with Articles 49 to 54 of Implementing Regulation (EU) 2015/2447.

Article 3

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

⁽⁵⁾ Commission Implementing Regulation (EU) 2018/1968 of 12 December 2018 opening a tariff quota for the year 2019 for the import into the Union of certain goods originating in Norway resulting from the processing of agricultural products covered by Regulation (EU) No 510/2014 of the European Parliament and of the Council (OJ L 316, 13.12.2018, p. 9).

⁽⁶⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

It shall apply from 1 January 2020.

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

Done at Brussels, 16 December 2019.

For the Commission
The President
Ursula VON DER LEYEN

Duty free tariff quota for 2020 applicable to imports into the Union of certain goods originating in Norway

Order No	CN code	TARIC code	Description of goods	Quota Volume
09.0709	2202 10 00		— Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured	23,029 million litres
	ex 2202 91 00	10	— Non-alcoholic beer containing sugar	
	ex 2202 99 11	11 19	— Soya-based beverages with a protein content of 2,8 % or more by weight containing sugar (sucrose or invert sugar)	
	ex 2202 99 15	11 19	— Soya-based beverages with a protein content of less than 2,8 % by weight; beverages based on nuts of Chapter 8 of the Union Customs Code, cereals of Chapter 10 of the Union Customs Code or seeds of Chapter 12 of the Union Customs Code containing sugar (sucrose or invert sugar)	
	ex 2202 99 19	11 19	— Other non-alcoholic beverages containing sugar (sucrose or invert sugar)	

REGULATION (EU) 2019/2155 OF THE EUROPEAN CENTRAL BANK
of 5 December 2019
amending Regulation (EU) No 1163/2014 on supervisory fees (ECB/2019/37)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

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

Having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ⁽¹⁾, and in particular the second subparagraph of Article 4(3), Article 30 and the second subparagraph of Article 33(2) thereof,

Having regard to the public consultation and to the analysis carried out in accordance with Article 30(2) of Regulation (EU) No 1024/2013,

Whereas:

- (1) Regulation (EU) No 1163/2014 of the European Central Bank (ECB/2014/41) ⁽²⁾ lays down the arrangements for calculating the total amount of the annual supervisory fees to be levied in respect of supervised entities and supervised groups; the methodology and criteria for calculating the annual supervisory fee to be borne by each supervised entity and each supervised group; and the procedure for the collection by the ECB of the annual supervisory fees.
- (2) Article 17(2) of Regulation (EU) No 1163/2014 (ECB/2014/41) requires the ECB to conduct a review of that Regulation, in particular regarding the methodology and criteria for calculating the annual supervisory fees to be levied on each supervised entity and supervised group, by 2017.
- (3) On 2 June 2017 the ECB launched an open public consultation aimed at collecting comments from interested parties with a view to assessing possible improvements to Regulation (EU) No 1163/2014 (ECB/2014/41). The public consultation ended on 20 July 2017.
- (4) Taking into account the responses received, the ECB reviewed Regulation (EU) No 1163/2014 (ECB/2014/41) and concluded that the Regulation should be amended.
- (5) In particular, the ECB has decided to no longer require advance payment of the annual supervisory fees. The fees should be levied only after the end of the relevant fee period when the actual annual costs have been determined. The reference date for the fee factors should, as a general rule, remain 31 December of the preceding fee period to allow sufficient time for fee factor validation.
- (6) For the vast majority of fee debtors, the ECB already receives the information on total assets and total risk exposures pursuant to Commission Implementing Regulation (EU) No 680/2014 ⁽³⁾ and Regulation (EU) 2015/534 of the European Central Bank (ECB/2015/13) ⁽⁴⁾. This information is readily available for use in the calculation of their annual supervisory fee. The dedicated collection of the fee factors for such fee debtors should therefore cease.
- (7) Furthermore, the ECB has decided to reduce the supervisory fees to be paid by less significant supervised entities and less significant supervised groups with total assets of EUR 1 billion or less. To this end, the minimum fee component for these supervised entities and supervised groups should be halved.
- (8) Moreover, experience gained with the application of Regulation (EU) No 1163/2014 (ECB/2014/41) since 2014 has shown that some clarifications and technical amendments to that Regulation are appropriate.

⁽¹⁾ OJ L 287, 29.10.2013, p. 63.

⁽²⁾ Regulation (EU) No 1163/2014 of the European Central Bank of 22 October 2014 on supervisory fees (ECB/2014/41) (OJ L 311, 31.10.2014, p. 23).

⁽³⁾ Commission Implementing Regulation (EU) No 680/2014 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 191, 28.6.2014, p. 1).

⁽⁴⁾ Regulation (EU) 2015/534 of the European Central Bank of 17 March 2015 on reporting of supervisory financial information (ECB/2015/13) (OJ L 86, 31.3.2015, p. 13).

- (9) It is necessary to provide for transitional arrangements in respect of the 2020 fee period, since that year will be the first fee period for which the ECB no longer requires advance payment of the annual supervisory fee. This Regulation should therefore enter into force at the beginning of 2020.
- (10) Therefore, Regulation (EU) No 1163/2014 (ECB/2014/41) should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments

Regulation (EU) No 1163/2014 (ECB/2014/41) is amended as follows:

- (1) Article 2 is amended as follows:

- (a) point 9 is deleted;
- (b) points 12 and 13 are replaced by the following:

‘12. “total assets” means:

- (a) for a supervised group, the total value of assets as determined in accordance with Article 51 of Regulation (EU) No 468/2014 (ECB/2014/17), excluding assets of subsidiaries established in non-participating Member States and third countries unless otherwise decided by a supervised group pursuant to Article 10(3)(c);
- (b) for a fee-paying branch, the total value of assets as reported for prudential purposes. Where the total value of assets is not required to be reported for prudential purposes, total assets means the total value of assets as determined on the basis of the most recent audited annual accounts prepared in accordance with International Financial Reporting Standards (IFRS) as applicable within the Union in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council (*) and, if those annual accounts are not available, the annual accounts prepared in accordance with applicable national accounting laws. For fee-paying branches that do not prepare annual accounts, total assets means the total value of assets as determined in accordance with Article 51(5) of Regulation (EU) No 468/2014 (ECB/2014/17);
- (c) for two or more fee-paying branches that are deemed to be one branch in accordance with Article 3(3), the sum of the total value of assets as determined for each fee-paying branch respectively;
- (d) in all other cases, the total value of assets as determined in accordance with Article 51 of Regulation (EU) No 468/2014 (ECB/2014/17);

13. “total risk exposure” means:

- (a) for a supervised group, the amount as determined at the highest level of consolidation within the participating Member States and calculated in accordance with Article 92(3) of Regulation (EU) No 575/2013 of the European Parliament and of the Council (**), excluding the risk exposure amount of subsidiaries established in non-participating Member States and third countries unless otherwise decided by a supervised group pursuant to Article 10(3)(c);
- (b) for a fee-paying branch and two or more fee-paying branches that are deemed to be one branch in accordance with Article 3(3), zero;
- (c) in all other cases, the amount as calculated in accordance with Article 92(3) of Regulation (EU) No 575/2013.

(*) Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards (OJ L 243, 11.9.2002, p. 1).

(**) Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).;

- (2) Article 4 is amended as follows:

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

‘(c) determined in accordance with the provisions of paragraph 2, in the case of a group of fee-paying entities.’;

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

‘2. Without prejudice to the arrangements within a group of fee-paying entities with respect to the allocation of costs, a group of fee-paying entities shall be treated as one unit. Each group of fee-paying entities shall nominate the fee debtor for the whole group and shall notify the identity of the fee debtor to the ECB. The fee debtor shall be established in a participating Member State. Such notification shall be considered valid only if:

- (a) it states the name of the group covered by the notification;
- (b) it is signed by the fee debtor on behalf of all supervised entities of the group;
- (c) it reaches the ECB by 30 September of each year at the latest, in order to be taken into account for the issuance of the fee notice in respect of that fee period.

If more than one notification per group of fee-paying entities reaches the ECB in time, the latest notification received by the ECB by 30 September shall prevail. If a supervised entity becomes part of the supervised group after the ECB has received a valid fee debtor notification, unless the ECB is otherwise informed in writing, that notification shall be deemed to be signed also on its behalf.’;

- (3) Article 5 is amended as follows:

- (a) in paragraph 2, the second sentence is deleted;
- (b) the following paragraph 4 is added:

‘4. Within four months after the end of each fee period, the total amount of the annual supervisory fees for each category of supervised entities and supervised groups for that fee period shall be published on the ECB’s website.’;

- (4) Article 6 is deleted;

- (5) Article 7 is amended as follows:

- (a) the heading is replaced by the following:

‘New supervised entities, entities that are no longer supervised or change of status’;

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

‘2. Where, following an ECB decision to such effect, the ECB assumes direct supervision of a supervised entity or a supervised group pursuant to Article 45 of Regulation (EU) No 468/2014 (ECB/2014/17), or direct supervision of a supervised entity or a supervised group by the ECB ends pursuant to Article 46 of Regulation (EU) No 468/2014 (ECB/2014/17), the annual supervisory fee shall be calculated on the basis of the number of months for which the supervised entity or the supervised group was directly or indirectly supervised by the ECB at the last day of the month.’;

- (6) Article 9 is deleted;

- (7) Article 10 is amended as follows:

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

‘(a) The fee factors used to determine the annual supervisory fee payable in respect of each supervised entity or supervised group shall be the amount at the reference date of:

- (i) total assets; and
- (ii) total risk exposure.’;

- (b) in paragraph 3, point (b) is deleted and the following points (ba), (bb), (bc) and (bd) are inserted:

‘(ba) The fee factors shall be determined for each fee period on the basis of data reported by supervised entities for prudential purposes with a reference date of 31 December of the preceding fee period.

(bb) Where a supervised entity prepares annual accounts, including consolidated annual accounts, based on an accounting year which deviates from the calendar year, the reference date for the total assets shall be the accounting year-end corresponding to the preceding fee period.

(bc) Where a supervised entity or a supervised group is established after the relevant reference date specified in point (ba) or (bb) but before 1 October of the fee period for which the fee is determined and consequently no fee factors with that reference date exist, the reference date for the fee factors shall be the end of the quarter closest to the relevant reference date specified in point (ba) or (bb).

- (bd) For supervised entities and supervised groups which are not subject to mandatory reporting for prudential purposes or supervised groups which exclude assets and/or the risk exposure amount of subsidiaries established in non-participating Member States and third countries in accordance with point (c), the fee factors shall be determined on the basis of information reported by them separately for the purpose of calculating the supervisory fee. The fee factors shall be submitted to the NCA concerned, with the relevant reference date as determined under point (ba), (bb) or (bc), in accordance with an ECB decision.;
- (c) in paragraph 3, point (c) is replaced by the following:
- ‘(c) For the purpose of the calculation of fee factors, supervised groups should — as a rule — exclude assets and the risk exposure amount of subsidiaries established in non-participating Member States and third countries. Supervised groups may decide not to exclude such assets and/or the risk exposure amount for the determination of fee factors.’;
- (d) paragraph 4 is replaced by the following:
- ‘4. The sum of all fee debtors’ total assets and the sum of all fee debtors’ total risk exposure shall be published on the ECB’s website.’;
- (e) paragraph 5 is replaced by the following:
- ‘5. In the event that a fee debtor fails to provide the fee factors, the ECB shall determine the fee factors in accordance with an ECB decision.’;
- (f) in paragraph 6, point (b) is replaced by the following:
- ‘(b) The minimum fee component is calculated as a fixed percentage of the total amount of the annual supervisory fees for each category of supervised entities and supervised groups, as determined in accordance with Article 8.
- (i) For the category of significant supervised entities and significant supervised groups, the fixed percentage is 10 %. This amount is split equally among all fee debtors. For significant supervised entities and significant supervised groups with total assets of EUR 10 billion or less, the minimum fee component is halved.
- (ii) For the category of less significant supervised entities and less significant supervised groups, the fixed percentage is 10 %. This amount is split equally among all fee debtors. For less significant supervised entities and less significant supervised groups with total assets of EUR 1 billion or less, the minimum fee component is halved.’;
- (g) in paragraph 6, point (c), the words ‘Articles 8 and 9’ are replaced by ‘Article 8’;
- (h) in paragraph 6, the last subparagraph is replaced by the following:
- ‘On the basis of the calculation performed in accordance with this paragraph and of the fee factors determined in accordance with this Article, the ECB shall decide on the annual supervisory fee to be paid by each fee debtor. The annual supervisory fee to be paid will be communicated to the fee debtor via the fee notice.’;
- (8) Article 12(1) is replaced by the following:
- ‘1. A fee notice shall be issued annually by the ECB to each fee debtor within six months after the start of the following fee period.’;
- (9) in Article 13(1), the second sentence is deleted;
- (10) Article 16 is deleted;
- (11) Article 17 is amended as follows:
- (a) the heading is replaced by the following:
- ‘Reporting’;
- (b) paragraph 2 is replaced by the following:
- ‘2. Within four months of the beginning of each fee period, the estimated amount of the annual costs for that fee period shall be published on the ECB’s website.’;

(12) the following Article 17a is inserted:

'Article 17a

Transitional arrangements for the 2020 fee period

1. The annual supervisory fee payable in respect of each supervised entity and each supervised group for the fee period of 2020 shall be specified in the fee notice issued to the relevant fee debtor in 2021.
2. Any surplus or deficit from the fee period of 2019, determined by deducting the actual annual costs incurred in respect of that fee period from estimated annual costs levied for that fee period, shall be taken into account in determining the annual costs for the fee period of 2020.'

Article 2

Entry into force

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Frankfurt am Main, 5 December 2019.

For the Governing Council of the ECB
The President of the ECB
Christine LAGARDE

DECISIONS

COUNCIL DECISION (EU) 2019/2156

of 7 October 2019

on the position to be taken on behalf of the European Union within the Association Council set up by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, as regards the adoption of a recommendation on the extension of the EU-Morocco Action Plan implementing the advanced status (2013-2017)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part ⁽¹⁾ (the 'Agreement') entered into force on 1 March 2000.
- (2) Pursuant to Article 80 of the Euro-Mediterranean Agreement, the Association Council may issue recommendations.
- (3) The Association Council is to adopt, by means of an Exchange of Letters, a recommendation for a further extension of the EU-Morocco Action Plan implementing the advanced status (2013-2017) ('Action Plan') of two years.
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the Association Council with regard to the adoption of a recommendation approving the Action Plan, as the recommendation is binding on the Union.
- (5) The extension of the Action Plan will constitute the basis of EU-Morocco relations for 2019 and 2020 and will enable new priority areas for EU-Morocco relations to be established for the years ahead,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union within the Association Council set up by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, with regard to the adoption of a recommendation approving the extension of the EU-Morocco Action Plan implementing the advanced status (2013-2017) by two years (2019 and 2020) shall be based on the attached draft recommendation.

Article 2

This Decision is addressed to the Commission and the High Representative of the Union for Foreign Affairs and Security Policy.

⁽¹⁾ OJ L 70, 18.3.2000, p. 2.

Done at Luxembourg, 7 October 2019.

For the Council
The President
A.-M. HENRIKSSON

DRAFT

RECOMMENDATION No 1/2019 OF THE EU-MOROCCO ASSOCIATION COUNCIL

of ...

approving the extension of the EU-Morocco Action Plan implementing the advanced status (2013-2017) by two years

THE EU-MOROCCO ASSOCIATION COUNCIL,

having regard to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part ⁽¹⁾,

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part (the 'Agreement') entered into force on 1 March 2000.
- (2) Pursuant to Article 80 of the Agreement, the Association Council may issue any recommendation which it considers appropriate for the purposes of attaining the objectives of the Agreement.
- (3) In accordance with Article 90 of the Agreement, the Parties are to take any general or specific measures required to fulfil their obligations under the Agreement and to ensure that the objectives set out in the Agreement are achieved.
- (4) Article 10 of the rules of procedure of the Association Council provides for the possibility of issuing recommendations between sessions by written procedure.
- (5) The Action Plan implementing the advanced status (2013-2017) ('Action Plan') was extended by one year in 2018. The further extension of the Action Plan by two years will constitute the basis of EU-Morocco relations for 2019 and 2020 and will enable new priority areas for EU-Morocco relations to be established for the years ahead,

RECOMMENDS:

Sole Article

The Association Council, acting by written procedure, recommends the extension of the EU-Morocco Action Plan implementing the advanced status (2013-2017) by two years.

Done at ...,

*For the EU-Morocco Association Council
The President*

⁽¹⁾ OJ L 70, 18.3.2000, p. 2.

COUNCIL DECISION (EU) 2019/2157**of 10 December 2019****appointing the members and alternate members of the Committee of the Regions for the period
from 26 January 2020 to 25 January 2025**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 300(3) and 305 thereof,

Having regard to Council Decision (EU) 2019/852 of 21 May 2019 determining the composition of the Committee of the Regions ⁽¹⁾,

Having regard to the proposals made by each Member State,

Whereas:

- (1) Article 300(3) of the Treaty provides that the Committee of the Regions is to consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.
- (2) Article 305 of the Treaty provides for the members of the Committee of the Regions and an equal number of alternate members to be appointed by the Council for a term of five years in accordance with the proposals made by each Member State.
- (3) As the term of office of the members and alternate members of the Committee of the Regions is due to expire on 25 January 2020, new members and alternate members should be appointed.
- (4) That appointment will be followed at a later date by the appointment of the other members and alternate members whose nominations have not been communicated to the Council before 15 November 2019,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the period from 26 January 2020 to 25 January 2025:

- as members, the persons listed by Member State in Annex I,
- as alternate members, the persons listed by Member State in Annex II.

Article 2

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

Done at Brussels, 10 December 2019.

For the Council
The President
T. TUPPURAINEN

⁽¹⁾ OJ L 139, 27.5.2019, p. 13.

ANNEX I

ПРИЛОЖЕНИЕ I - ANEXO I — PŘÍLOHA I — BILAG I — ANHANG I — I LISA - ΠΑΡΑΡΤΗΜΑ I - ANNEX I — ANNEXE I — PRILOG I — ALLEGATO I - I PIELIKUMS — I PRIEDAS — I. MELLÉKLET — ANNESS I — BIJLAGE I - ZAŁĄCZNIK I — ANEXO I — ANEXA I — PRÍLOHA I — PRILOGA I — LIITE I — BILAGA I

ЧЛЕНОВЕ/MIEMBROS/ČLENOVÉ/MEDLEMMER/MITGLIEDER/LIIKMED/ΜΕΛΗ/MEMBERS/MEMBRES/
ČLANOVI/MEMBRI/LOCEKLI/NARIAI/TAGOK/MEMBRI/LEDEN/CZŁONKOWIE/MEMBROS/MEMBRI/
ČLENOVIA/ČLANI/JÄSENET/LEDAMÖTER

BELGIË/BELGIQUE/BELGIEN

Mr Karl-Heinz LAMBERTZ

Member of a Regional Assembly: *Parlament der Deutschsprachigen Gemeinschaft*

Mr Pascal SMET

Staatssecretaris van het Brussels Hoofdstedelijk Gewest belast met Europese en Internationale Betrekkingen

Mr Rudi VERVOORT

Ministre-Président du Gouvernement de la Région de Bruxelles-Capitale

ČESKO

Mr Josef BERNARD

Member of a Regional Assembly: *zastupitel Plzeňského kraje*

Mr Pavel BRANDA

Member of a Local Assembly: *zastupitel obce Rádlo*

Mr Jiří ČUNEK

Member of a Regional Assembly: *zastupitel Zlínského kraje*

Mr Zdeněk HRIB

Member of a Local Assembly: *zastupitel hlavního města Praha*

Mr Dan JIRÁNEK

Member of a Local Assembly: *zastupitel statutárního města Kladno*

Mr Roman LÍNEK

Member of a Regional Assembly: *zastupitel Pardubického kraje*

Mr Tomáš MACURA

Member of a Local Assembly: *zastupitel statutárního města Ostrava*

Ms Jana MRAČKOVÁ VILDUMETZOVÁ

Member of a Regional Assembly: *zastupitelka Karlovarského kraje*

Ms Jaroslava POKORNÁ JERMANOVÁ

Member of a Regional Assembly: *zastupitelka Středočeského kraje*

Mr Martin PŮTA

Member of a Regional Assembly: *zastupitel Libereckého kraje*

Mr Radim SRŠEŇ

Member of a Local Assembly: *zastupitel obce Dolní Studénky*

Mr Oldřich VLASÁK

Member of a Local Assembly: *zastupitel statutárního města Hradec Králové*

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Member of a Local Assembly: *Kolding kommunalbestyrelse*

Ms Kirstine Helene BILLE

Member of a Local Assembly: *Syddjurs kommunalbestyrelse*

Mr Erik FLYVHOLM

Member of a Local Assembly: *Lemvig kommunalbestyrelse*

Mr Jens Christian GJESING

Member of a Local Assembly: *Haderslev kommunalbestyrelse*

Mr Jens Bo IVE

Member of a Local Assembly: *Rudersdal kommunalbestyrelse*

Mr Jess V. LAURSEN

Member of a Regional Assembly: *Regionsrådet, Region Nordjylland*

Mr Arne LÆGAARD

Member of a Regional Assembly: *Regionsrådet, Region Midtjylland*

Mr Per NØRHAVE

Member of a Local Assembly: *Ringsted kommunalbestyrelse*

Mr Karsten Uno PETERSEN

Member of a Regional Assembly: *Regionsrådet, Region Syddanmark*

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Ms Muhterem ARAS

Member of a Regional Assembly: *Landtag Baden-Württemberg*

Mr Dietmar BROCKES

Member of a Regional Assembly: *Landtag Nordrhein-Westfalen*

Ms Barbara DUDEN

Member of a Regional Assembly: *Hamburgische Bürgerschaft*

Ms Antje GROTHEER

Member of a Regional Assembly: *Bremische Bürgerschaft*

Mr Tilo GUNDLACK

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Ms Isolde RIES

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Mr Kieran MCCARTHY

Member of a Local Executive: *Cork City Council*

Mr Declan MCDONNELL

Member of a Local Executive: *Galway City Council*

Mr Michael MURPHY

Member of a Local Executive: *Tipperary County Council*

Mr Malcolm NOONAN

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Mr Vincenzo BIANCO

Consigliere comunale del Comune di Catania

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Ms Arianna Maria CENSI

Consigliere comunale del Comune di Milano

Ms Michela LEONI

Consigliere della Provincia di Novara

Mr Giorgio MAGLIOCCA

Presidente della Provincia di Caserta

Mr Luca MENESINI

Presidente della Provincia di Lucca

Mr Virginio MEROLA

Sindaco del Comune di Bologna

Mr Salvatore Domenico Antonio POGLIESE

Sindaco del Comune di Catania

Ms Virginia RAGGI

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Mayor of Kato Polemidia Municipality

Mr Andros KARAYIANNIS

Mayor of Deryneia Municipality

Mr Louis KOUMENIDES

President of the Community Council of Kato Lefkara

Ms Eleni LOUCAIDES

Municipal Councilor of Nicosia Municipality

Mr Stavros STAVRINIDES

Municipal Councilor of Strovolos Municipality

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Mr Aivars OKMANIS

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Mr Christian ILLEDITS

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Mr Peter KAISER

Member of a Regional Executive: *State Government of Carinthia*

Mr Markus LINHART

Member of a Local Executive: *City Council of the regional capital Bregenz*

Mr Michael LUDWIG

Member of a Regional Executive: *State Government of Vienna*

Ms Johanna MIKL-LEITNER

Member of a Regional Executive: *State Government of Lower Austria*

Mr Günther PLATTER

Member of a Regional Executive: *State Government of Tyrol*

Mr Franz SCHAUSBERGER

Representative of a regional body with political accountability to an elected Assembly: *State Parliament of Salzburg*

Mr Matthias STADLER

Member of a Local Executive: *City Council of the regional capital of St. Pölten*

Mr Hanspeter WAGNER

Member of a Local Executive: *Local Council of the municipality of Breitenwang in Tyrol*

Mr Markus WALLNER

Member of a Regional Executive: *State Government of Vorarlberg*

ROMÂNIA

Mr Ionel ARSENE

President of Neamț County Council

Mr Emil BOC

Mayor of Cluj-Napoca Municipality, Cluj County

Mr Csaba BORBOLY

President of Harghita County Council

Ms Daniela CÎMPEAN

President of Sibiu County Council

Mr Emil DRĂGHICI

Mayor of Vulcana-Băi Commune, Dâmbovița County

Mr Decebal FĂGĂDĂU

Mayor of Constanța Municipality, Constanța County

Ms Mariana GÂJU

Mayor of Cumpăna Commune, Constanța County

Mr Victor MORARU

President of Ialomița County Council

Mr Robert Sorin NEGOIȚĂ

Mayor of District 3, Bucharest Municipality

Mr Alin - Adrian NICA

Mayor of Dudeștii Noi Commune, Timiș County

Mr Ion PRIOTEASA

President of Dolj County Council

Mr Adrian Ovidiu TEBAN

Mayor of Cugir City, Alba County

Ms Gabriela Florica TULBURE

Mayor of Sein City, Maramureș County

Mr Marius Horia ȚUȚUIANU

President of Constanța County Council

Mr Marius Ioan URSĂCIUC

Mayor of Gura Humorului City, Suceava County

SLOVENIJA

Mr Uroš BREŽAN

župan Občine Tolmin

Ms Jasna GABRIČ

županja Občine Trbovlje

Ms Nuška GAJŠEK

županja Mestne občine Ptuj

Mr Aleksander JEVŠEK

župan Mestne občine Murska Sobota

Mr Gregor MACEDONI

župan Mestne občine Novo mesto

Mr Robert SMRDELJ

župan Občine Pivka

Mr Ivan ŽAGAR

župan Občine Slovenska Bistrica

SLOVENSKO

Mr Milan BELICA

Chairman of Nitra Self-Governing Region

Mr József BERÉNYI

Vice-Chairman of Trnava Self-Governing Region

Mr Juraj DROBA

Chairman of Bratislava Self-Governing Region

Mr Ján FERENČÁK

Mayor of Kežmarok

Mr Jaroslav HLINKA

Mayor of Košice - South

Mr Miloslav REPASKÝ

Member of the Regional Parliament of the Prešov Self-Governing Region

Mr Rastislav TRNKA

Chairman of Košice Self-Governing Region

Ms Andrea TURČANOVÁ

Mayor of Prešov

Mr Matúš VALLO

Mayor of Bratislava

SUOMI

Mr Mikko AALTONEN

Member of a Local Assembly: Tampere City Council

Ms Satu HAAPANEN

Member of a Local Assembly: Oulu City Council

Mr Ilpo HELTIMOINEN

Member of a Local Assembly: Lappeenranta City Council

Ms Anne KARJALAINEN

Member of a Local Assembly: Kerava City Council

Mr Markku MARKKULA

Member of a Local Assembly: Espoo City Council

Mr Mikkel NÄKKÄLÄJÄRVI

Member of a Local Assembly: Rovaniemi City Council

Ms Sari RAUTIO

Member of a Local Assembly: Hämeenlinna City Council

Ms Mirja VEHKAPERÄ

Member of a Local Assembly: Oulu City Council

SVERIGE

Ms Jelena DRENJANIN

Member of a Local Assembly: Huddinge kommun

Mr Samuel GONZALES WESTLING

Member of a Local Assembly: Hofors kommun

Mr Pehr GRANFALK

Member of a Local Assembly: Solna kommun

Ms Marie JOHANSSON

Member of a Local Assembly: Gislaveds kommun

Mr Anders KNAPE

Member of a Local Assembly: Karlstads kommun

Ms Ulrika LANDERGREN

Member of a Local Assembly: *Kungsbacka kommun*

Mr Jonny LUNDIN

Member of a Regional Assembly: *Västernorrlands läns landsting*

Mr Ilmar REEPALU

Member of a Regional Assembly: *Skåne läns landsting*

Mr Tomas RISTE

Member of a Regional Assembly: *Vämlands läns landsting*

Ms Marie-Louise RÖNNMARK

Member of a Local Assembly: *Umeå kommun*

Ms Birgitta SACRÈDEUS

Member of a Regional Assembly: *Dalarnas läns landsting*

Ms Karin WANNGÅRD

Member of a Local Assembly: *Stockholms kommun*

ANNEX II

ПРИЛОЖЕНИЕ II — ANEXO II — PRÍLOHA II — BILAG II — ANHANG II — II LISA - ΠΑΡΑΡΤΗΜΑ II - ANNEX II — ANNEXE II — PRILOG II — ALLEGATO II - II PIELIKUMS — II PRIEDAS — II. MELLÉKLET — ANNESS II — BIJLAGE II - ZAŁĄCZNIK II — ANEXO II — ANEXA II — PRÍLOHA II — PRILOGA II — LIITE II — BILAGA II

ЗАМЕСТИНИК-ЧЛЕНОВЕ/SUPLENTE/SUPLENTE/NÁHRADNÍCI/SUPPLEANTER/STELLVERTRETER/ASENDUSLIKMED/
ΑΝΑΠΛΗΡΩΤΕΣ/ALTERNATE MEMBERS/SUPPLÉANTS/ZAMJENICI ČLANOVA/SUPPLANTI/AIZSTĀJĒJI/
PAKAITINIAI NARIAI/PÓTTAGOK/MEMBRI SUPPLANTI/PLAATSVERVANGERS/ZASTĘPCY CZŁONKÓW/
SUPLENTE/SUPLEANTI/NÁHRADNÍCI/NADOMESTNI ČLANI/VARAJÄSENET/SUPPLEANTER

ČESKO

Mr Tomáš CHMELA

Member of a Local Assembly: *zastupitel města Slavičín*

Mr Martin DLOUHÝ

Member of a Local Assembly: *zastupitel hlavního města Praha*

Mr Pavel HEČKO

Member of a Regional Assembly: *zastupitel Královéhradeckého kraje*

Mr Petr HÝBLER

Member of a Regional Assembly: *zastupitel Jihomoravského kraje*

Mr Zdeněk KARÁSEK

Member of a Regional Assembly: *zastupitel Moravskoslezského kraje*

Mr Martin KLIKA

Member of a Regional Assembly: *zastupitel Ústeckého kraje*

Ms Sylva KOVÁČIKOVÁ

Member of a Local Assembly: *zastupitelka města Bílovec*

Mr Jan MAREŠ

Member of a Local Assembly: *zastupitel statutárního města Chomutov*

Mr Jaromír NOVÁK

Member of a Regional Assembly: *zastupitel Jihočeského kraje*

Mr Pavel PACAL

Member of a Regional Assembly: *zastupitel Kraje Vysočina*

Mr Patrik PIZINGER

Member of a Local Assembly: *zastupitel města Chodov*

Mr Robert ZEMAN

Member of a Local Assembly: *zastupitel města Prachatice*

DANMARK

Mr Steen Bording ANDERSEN

Member of a Local Assembly: *Aarhus kommunalbestyrelse*

Ms Ursula Beate DIETERICH-PEDERSEN

Member of a Regional Assembly: *Regionsrådet, Region Sjælland*

Mr Erik HØEG-SØRENSEN

Member of a Regional Assembly: *Regionsrådet, Region Nordjylland*

Ms Kirsten Maria Meyer JENSEN

Member of a Local Assembly: *Hillerød kommunalbestyrelse*

Mr Anders Rosenstand LAUGESSEN

Member of a Local Assembly: *Skanderborg kommunalbestyrelse*

Mr Evan LYNNERUP

Member of a Regional Assembly: *Regionsrådet, Region Sjælland*

Ms Eva Borchorst MEJNERTZ

Member of a Local Assembly: *Aarhus kommunalbestyrelse*

Mr Karsten Søndergaard NIELSEN

Member of a Local Assembly: *Egedal kommunalbestyrelse*

Mr Søren WINDELL

Member of a Local Assembly: *Odense kommunalbestyrelse*

DEUTSCHLAND

Mr Josef FREY

Member of a Regional Assembly: *Landtag Baden-Württemberg*

Mr René GÖGGE

Member of a Regional Assembly: *Hamburgische Bürgerschaft*

Mr Tobias GOTTHARDT

Member of a Regional Assembly: *Bayerischer Landtag*

Ms Susanne GROBIEN

Member of a Regional Assembly: *Bremische Bürgerschaft*

Mr Thomas HABERMANN

Member of a Local Executive: *Landkreis Rhön-Grabfeld*

Ms Karin HALSCH

Member of a Regional Assembly: *Abgeordnetenhaus von Berlin*

Mr Heinz-Joachim HÖFER

Member of a Local Assembly: *Stadtrat Altenkirchen*

Ms Katy HOFFMEISTER

Representative of a regional body with political accountability to an elected Assembly: *Landtag Mecklenburg-Vorpommern*

Mr Peter KURZ

Member of a Local Executive: *Stadt Mannheim*

Mr Clemens LAMMERSKITTEN

Member of a Regional Assembly: *Niedersächsischer Landtag*

Mr Marcus OPTENDRENK

Member of a Regional Assembly: *Landtag Nordrhein-Westfalen*

Mr Wolfgang REINHART

Member of a Regional Assembly: *Landtag Baden-Württemberg*

Mr Boris RHEIN

Member of a Regional Assembly: *Hessischer Landtag*

Ms Heike SCHARFENBERGER

Member of a Regional Assembly: *Landtag Rheinland-Pfalz*

Mr Florian SIEKMANN

Member of a Regional Assembly: *Bayerischer Landtag*

Ms Sabine SÜTTERLIN-WAACK

Representative of a regional body with political accountability to an elected Assembly: *Landtag Schleswig-Holstein*

Mr Roland THEIS

Representative of a regional body with political accountability to an elected Assembly: *Saarländischer Landtag*

Mr Cindi TUNCEL

Member of a Regional Assembly: *Bremische Bürgerschaft*

Mr Dirk WEDEL

Representative of a regional body with political accountability to an elected Assembly: *Landtag Nordrhein-Westfalen*

Mr Reiner ZIMMER

Member of a Regional Assembly: *Saarländischer Landtag*

EESTI

Mr Aivar ARU

Member of a Local Assembly: *Saaremaa Rural Municipality Council*

Mr Margus LEPIK

Representative of a local body with political accountability to an elected Assembly: *Valga Rural Municipality Council*

Mr Rait PIHELGAS

Representative of a local body with political accountability to an elected Assembly: *Järva Rural Municipality Council*

Ms Marika SAAR

Representative of a local body with political accountability to an elected Assembly: *Elva Rural Municipality Council*

Mr Urmas SUKLES

Representative of a local body with political accountability to an elected Assembly: *Haapsalu City Council*

Mr Jan TREI

Member of a Local Assembly: *Viimsi Rural Municipality Council*

ESPAÑA

Mr Ignacio Jesús AGUADO CRESPO

Member of a Regional Executive: *Gobierno de la Comunidad de Madrid*

Mr Carlos AGUILAR VÁZQUEZ

Representative of a regional body with political accountability to an elected Assembly: *Cortes de Castilla y León*

Ms Rosa María BALAS TORRES

Representative of a regional body with political accountability to an elected Assembly: *Asamblea de Extremadura*

Ms Mireia BORRELL PORTA

Representative of a regional body with political accountability to an elected Assembly: *Parlamento de Cataluña*

Mr Joan CALABUIG RULL

Representative of a regional body with political accountability to an elected Assembly: *Les Corts Valencianes*

Mr Manuel Alejandro CARDENETE FLORES

Representative of a regional body with political accountability to an elected Assembly: *Parlamento de Andalucía*

Ms María Ángeles ELORZA ZUBIRÍA

Representative of a regional body with political accountability to an elected Assembly: *Parlamento Vasco*

Mr Jesús María GAMALLO ALLER

Representative of a regional body with political accountability to an elected Assembly: *Parlamento de Galicia*

Mr Francisco Celso GONZÁLEZ GONZÁLEZ

Member of a Regional Executive: *Gobierno de La Rioja*

Mr Mikel IRUJO AMEZAGA

Representative of a regional body with political accountability to an elected Assembly: *Parlamento de Navarra*

Ms Virginia MARCO CÁRCEL

Representative of a regional body with political accountability to an elected Assembly: *Cortes de Castilla-La Mancha*

Ms María Teresa PÉREZ ESTEBAN

Member of a Regional Executive: *Gobierno de Aragón*

Ms María SÁNCHEZ RUIZ

Member of a Regional Executive: *Gobierno de Cantabria*

Mr Antonio VICENS VICENS

Representative of a regional body with political accountability to an elected Assembly: *Parlamento de las Illes Balears*

Mr Javier VILA FERRERO

Representative of a regional body with political accountability to an elected Assembly: *Junta General del Principado de Asturias*

Mr Julián José ZAFRA DÍAZ

Representative of a regional body with political accountability to an elected Assembly: *Parlamento de Canarias*

IRELAND

Ms Emma BLAIN

Member of a Local Executive: *Dun Laoghaire Rathdown County Council*

Ms Gillian COUGHLAN

Member of a Local Executive: *Cork County Council*

Ms Alison GILLILAND

Member of a Local Executive: *Dublin City Council*

Mr Jimmy MCCLEARN

Member of a Local Executive: *Galway County Council*

Mr Patrick MCEVOY

Member of a Local Executive: *Kildare County Council*

Ms Erin MCGREEHAN

Member of a Local Executive: *Louth County Council*

Ms Una POWER

Member of a Local Executive: *Dun Laoghaire Rathdown County Council*

Mr Enda STENSON

Member of a Local Executive: *Leitrim County Council*

ITALIA

Mr Alberto ANCARANI

Consigliere comunale del Comune di Ravenna

Ms Daniela BALLICO

Sindaco del Comune di Ciampino (RM)

Mr Federico BORGNA

Presidente della Provincia di Cuneo

Ms Mariadele GIROLAMI

Consigliere della Provincia di Ascoli Piceno

Mr Mario GUARENTE

Sindaco del Comune di Potenza

Mr Alessio MARSILI

Consigliere municipale di Roma Capitale

Ms Monica MARINI

Sindaco del Comune di Pontassieve (FI)

Mr Nicola MARINI

Sindaco del Comune di Albano Laziale (RM)

Mr Federico Carlo MARTEGANI

Consigliere comunale del Comune di Tradate (VA)

Mr Guido MILANA

Consigliere comunale del Comune di Olevano Romano (RM)

Mr Roberto PELLA

Sindaco del Comune di Valdengo (BI)

Mr Carmine PACENTE

Consigliere comunale del Comune di Milano

Mr Alessandro ROMOLI

Consigliere della Provincia di Viterbo

Mr Giuseppe VARACALLI

Consigliere comunale del Comune di Gerace (RC)

KYTIPOΣ

Mr Theodoros ANTONIOU AVVAS

Mayor of Mesa Yitonia Municipality

Mr Christodoulos IOANNOU

Municipal Councilor of Larnaka Municipality

Mr Christakis MELETIES

President of the Community Council of Kokkinotrimithia

Mr Kyriacos XYDIAS

Mayor of Yermasoyia Municipality

Ms Areti PIERIDOU

President of the Community Council of Tala, Paphos

LATVIJA

Mr Gunārs ANSINŠ

Member of a Local Assembly: Liepāja city council

Mr Jānis BAIKS

Member of a Local Assembly: Valmiera city council

Mr Raimonds ČUDARS

Member of a Local Assembly: Salaspils municipal council

Mr Sergejs MAKSIMOVŠ

Member of a Local Assembly: Viļaka municipal council

Mr Māris SPRINDŽUKS

Member of a Local Assembly: Ādaži municipal council

Ms Olga VEIDIŅA

Member of a Local Assembly: Rīga city council

Mr Māris ZUSTS

Member of a Local Assembly: Saldus municipal council

LUXEMBOURG

Ms Liane FELTEN

Member of a Local Assembly: Conseil communal de la ville de Grevenmacher

Ms Linda GAASCH

Member of a Local Assembly: Conseil communal de la ville de Luxembourg

Mr Gusty GRAAS

Member of a Local Assembly: *Conseil communal de la commune de Bettembourg*

Ms Carole HARTMANN

Member of a Local Assembly: *Conseil communal de la ville d'Echternach*

Ms Cécile HEMMEN

Member of a Local Assembly: *Conseil communal de la commune de Weiler-la-Tour*

MALTA

Mr Jesmond AQUILINA

Member of a Regional Executive: *South Region*

Mr Keven CAUCHI

Member of a Local Executive: *Għajnsielem Local Council*

Mr Fredrick CUTAJAR

Member of a Local Executive: *Santa Luċija Local Council*

Ms Graziella GALEA

Member of a Local Executive: *San Pawl il-Baħar Local Council*

NEDERLAND

Mr Ahmed ABOUTALEB

Representative of a local body with political accountability to an elected Assembly: *de Gemeenteraad van de gemeente Rotterdam*

Ms Jeannette Nicole BALJEU

Representative of a regional body with political accountability to an elected Assembly: *Provinciale Staten van de provincie Zuid-Holland*

Ms Wilhelmina Johanna Gerarda DELISSEN – VAN TONGERLO

Representative of a local body with political accountability to an elected Assembly: *de Gemeenteraad van de gemeente Peel en Maas*

Ms Marcelle Theodora Maria HENDRICKX

Representative of a local body with political accountability to an elected Assembly: *de Gemeenteraad van de gemeente Tilburg*

Mr Johannes Gerrit KRAMER

Representative of a regional body with political accountability to an elected Assembly: *Provinciale Staten van de provincie Fryslân*

Ms Anna PIJPELINK

Representative of a regional body with political accountability to an elected Assembly: *Provinciale Staten van de provincie Zeeland*

Mr Guido Pascal RINK

Representative of a local body with political accountability to an elected Assembly: *de Gemeenteraad van de gemeente Emmen*

Mr Henk STAGHOUWER

Representative of a regional body with political accountability to an elected Assembly: *Provinciale Staten van de provincie Groningen*

Mr Ben VAN ASSCHE

Representative of a local body with political accountability to an elected Assembly: *de Gemeenteraad van de gemeente Terneuzen*

Mr Robert Jacobus VAN ASTEN

Representative of a local body with political accountability to an elected Assembly: *de Gemeenteraad van de gemeente 's-Gravenhage*

Mr Johannes Christoffel VAN DER HOEK

Representative of a regional body with political accountability to an elected Assembly: *Provinciale Staten van de provincie Noord-Holland*

Ms Christianne VAN DER WAL – ZEGGELINK

Representative of a regional body with political accountability to an elected Assembly: *Provinciale Staten van de provincie Gelderland*

ÖSTERREICH

Mr Hans Peter DOSKOZIL

Member of a Regional Executive: *State Government of Burgenland*

Mr Martin EICHTINGER

Member of a Regional Executive: *State Government of Lower Austria*

Mr Peter FLORIAN SCHÜTZ

Member of a Local Assembly: *Vienna City Council*

Mr Peter HANKE

Member of a Regional Executive: *State Government of Vienna*

Ms Doris KAMPUS

Member of a Regional Executive: *State Government of Styria*

Ms Carmen KIEFER

Member of a Local Executive: *Local Council of the municipality of Kuchl in Salzburg*

Ms Sonja LEDL-ROSSMANN

Member of a Regional Assembly: *State Parliament of Tyrol*

Ms Brigitta PALLAUF

Member of a Regional Assembly: *State Parliament of Salzburg*

Mr Herwig SEISER

Member of a Regional Assembly: *State Parliament of Carinthia*

Mr Viktor SIGL

Member of a Regional Assembly: *State Parliament of Upper Austria*

Mr Harald SONDEREGGER

Member of a Regional Assembly: *State Parliament of Vorarlberg*

Mr Hannes WENINGER

Member of a Local Assembly: *Municipal Council of the municipality of Gießhübl*

ROMÂNIA

Mr Árpád-András ANTAL

Mayor of Sfântu Gheorghe Municipality, Covasna County

Mr Daniel-Ştefan DRĂGULIN

Mayor of Călăraşi Municipality, Călăraşi County

Mr Ştefan ILIE

Mayor of Luncaviţa Commune, Tulcea County

Mr Emil Radu MOLDOVAN

President of Bistriţa-Năsăud County Council

Mr Cornel NANU

Mayor of Cornu Commune, Prahova County

Mr Petre Emanoil NEAGU

President of Buzău County Council

Mr Cosmin NECULA

Mayor of Bacău Municipality, Bacău County

Mr Gheorghe Daniel NICOLAŞ

Mayor of Odobeşti City, Vrancea County

Mr Emilian OPREA

Mayor of Chitila City, Ilfov County

Mr Nicolae PANDEA

Mayor of Ştefan cel Mare Commune, Călăraşi County

Mr Marian PETRACHE

President of Ilfov County Council

Mr Horia TEODORESCU

President of Tulcea County Council

Mr Mădălin – Ady TEODOSESCU

Mayor of Balş City, Olt County

Mr Bogdan Andrei TOADER

President of Prahova County Council

Mr István-Valentin VÁKÁR

Vice-president of Cluj County Council

SLOVENIJA

Ms Breda ARNŠEK

podžupanja Mestne občine Celje

Mr Aleksander Saša ARSENOVIČ

župan Mestne občine Maribor

Mr Damijan JAKLIN

župan Občine Velika Polana

Ms Vlasta KRMELJ

županja Občine Selnica ob Dravi

Mr Vladimir PREBILIČ

župan Občine Kočevje

Mr Tine RADINJA

župan Občine Škofja Loka

Mr Tomaž ROŽEN

župan Občine Ravne na Koroškem

SLOVENSKO

Mr Jaroslav BAŠKA

Chairman of Trenčín Self-Governing Region

Mr Ján BELJAK

Member of the Regional Parliament of Banská Bystrica Self-Governing Region

Mr Ján BLCHÁČ

Mayor of Liptovský Mikuláš

Ms Erika JURINOVÁ

Chairman of Žilina Self-Governing Region

Mr Béla KESZEGH

Mayor of Komárno

Mr Daniel LORINC

Mayor of Kladzany

Mr Peter ŠVARAL

Mayor of Rohožník

Mr Luboš TOMKO

Mayor of Stará Lubovňa

Mr Jozef VISKUPIČ

Chairman of Trnava Self-Governing Region

SUOMI

Mr Jari ANDERSSON

Member of a Local Assembly: *Sastamala City Council*

Ms Pauliina HAIJANEN

Member of a Local Assembly: *Laitila City Council*

Mr Joonas HONKIMAA

Member of a Local Assembly: *Kouvola City Council*

Mr Patrik KARLSSON

Member of a Local Assembly: *Vantaa City Council*

Ms Merja LAHTINEN

Member of a Local Assembly: *Jämsä City Council*

Mr Pekka MYLLYMÄKI

Member of a Local Assembly: *Mynämäki Municipal Council*

Ms Sanna PARKKINEN

Member of a Local Assembly: *Liperi Municipal Council*

Ms Niina RATILAINEN

Member of a Local Assembly: *Turku City Council*

SVERIGE

Ms Linda ALLANSSON WESTER

Member of a Local Assembly: *Svedala kommun*

Ms Suzanne FRANK

Member of a Regional Assembly: *Kronobergs läns landsting*

Ms Sara HEELGE VIKMÅNG

Member of a Local Assembly: *Huddinge kommun*

Ms Carin LIDMAN

Member of a Local Assembly: *Västerås kommun*

Ms Kikki LILJEBLAD

Member of a Local Assembly: *Norrköpings kommun*

Ms Frida NILSSON

Member of a Local Assembly: *Lidköpings kommun*

Ms Emma NOHRÉN

Representative of a local body with political accountability to an elected Assembly: *Lysekils kommun*

Ms Charlotte NORDSTRÖM

Member of a Regional Assembly: *Västra Götalands läns landsting*

Mr Filip REINHAG

Member of a Local Assembly: *Gotlands kommun*

Ms Yoomi RENSTRÖM

Member of a Local Assembly: *Ovanåkers kommun*

Mr Alexander WENDT

Member of a Regional Assembly: *Blekinge läns landsting*

Ms Åsa ÅGREN WIKSTRÖM

Member of a Regional Assembly: *Västerbottens läns landsting*

DECISION (EU) 2019/2158 OF THE EUROPEAN CENTRAL BANK**of 5 December 2019****on the methodology and procedures for the determination and collection of data regarding fee factors used to calculate annual supervisory fees (ECB/2019/38)****(recast)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

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

Having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ⁽¹⁾, and in particular the second subparagraph of Article 4(3) and Article 30 thereof,

Whereas:

- (1) A number of amendments are to be made to Decision (EU) 2015/530 of the European Central Bank (ECB/2015/7) ⁽²⁾. In the interest of clarity, that Decision should be recast.
- (2) In accordance with Article 10(3)(a) of Regulation (EU) No 1163/2014 of the European Central Bank (ECB/2014/41) ⁽³⁾, the fee factors used to determine the individual annual supervisory fee payable in respect of each supervised entity or supervised group will be the amount, as at the relevant reference date, of: (i) total assets; and (ii) total risk exposure.
- (3) Regulation (EU) No 1163/2014 (ECB/2014/41) required the ECB to conduct a review of that Regulation, in particular regarding the methodology and criteria for calculating the annual supervisory fees to be levied on each supervised entity and supervised group, by 2017. The ECB launched a public consultation and, taking into account the responses received, decided to amend Regulation (EU) No 1163/2014 (ECB/2014/41) to introduce a revised framework on supervisory fees. Decision (EU) 2015/530 (ECB/2015/7) lays down more detailed procedures on the methodology and procedures for the determination and collection of data regarding the fee factors used to calculate annual supervisory fees.
- (4) According to the revised framework under Regulation (EU) No 1163/2014 (ECB/2014/41), the reference date for the fee factors should, as a general rule, remain 31 December of the year preceding the fee period for which supervisory fees are calculated. This allows supervisory information already available to the ECB under Decision ECB/2014/29 ⁽⁴⁾ and pursuant to Commission Implementing Regulation (EU) No 680/2014 ⁽⁵⁾ (common reporting (COREP) and financial reporting (FINREP)) and under Regulation (EU) 2015/534 of the European Central Bank (ECB/2015/13) ⁽⁶⁾ (FINREP) to be used in the calculation of the annual supervisory fee for the majority of fee debtors.
- (5) Supervised entities and supervised groups that are not subject to mandatory reporting for prudential purposes or supervised groups which exclude assets and/or the risk exposure amount of subsidiaries established in non-participating Member States and third countries should continue reporting the fee factors separately for the purpose of calculating the supervisory fees. Article 10(3)(bd) of Regulation (EU) No 1163/2014 (ECB/2014/41) provides that those fee factors shall be submitted to the NCA concerned, with the relevant reference date, in accordance with an ECB decision.

⁽¹⁾ OJ L 287, 29.10.2013, p. 63.

⁽²⁾ Decision (EU) 2015/530 of the European Central Bank of 11 February 2015 on the methodology and procedures for the determination and collection of data regarding fee factors used to calculate the annual supervisory fees (ECB/2015/7) (OJ L 84, 28.3.2015, p. 67).

⁽³⁾ Regulation (EU) No 1163/2014 of the European Central Bank of 22 October 2014 on supervisory fees (ECB/2014/41) (OJ L 311, 31.10.2014, p. 23).

⁽⁴⁾ Decision ECB/2014/29 of 2 July 2014 on the provision to the European Central Bank of supervisory data reported to the national competent authorities by the supervised entities pursuant to Commission Implementing Regulations (EU) No 680/2014 and (EU) No 2016/2070 (ECB/2014/29) (OJ L 214, 19.7.2014, p. 34).

⁽⁵⁾ Commission Implementing Regulation (EU) No 680/2014 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 191, 28.6.2014, p. 1).

⁽⁶⁾ Regulation (EU) 2015/534 of the European Central Bank of 17 March 2015 on reporting of supervisory financial information (ECB/2015/13) (OJ L 86, 31.3.2015, p. 13).

- (6) Fee debtors that need to continue reporting separately should submit the fee factors to the relevant national competent authority (NCA) using the templates set out in Annexes I and II. In the case of supervised groups with subsidiaries established in non-participating Member States and third countries, the fee debtors should provide an explanation of the method used for the determination of the fee factors.
- (7) Consistency should be ensured between the determination of fee factors of fee debtors for which the ECB already receives supervisory information through COREP and FINREP and the fee factors of fee debtors which need to report information separately for the purpose of calculating the supervisory fees.
- (8) For the purposes of the calculation of the fee factors, Article 10(3)(c) of Regulation (EU) No 1163/2014 (ECB/2014/41) provides for the possibility to exclude assets and/or the risk exposure amount of subsidiaries established in non-participating Member States and third countries. Those fee debtors should notify the ECB as to whether they intend to exclude the contribution of subsidiaries established in non-participating Member States and third countries to either or both fee factors. The deadline for submitting the notification should be consistent with the revised framework for the calculation of the supervisory fees.
- (9) For the majority of fee-paying branches, the obligation to provide auditor verification as means of certification of the total assets of the branch for the purposes of calculating the supervisory fee was assessed as disproportionate in the review of Regulation (EU) No 1163/2014 (ECB/2014/41). It suffices that fee-paying branches submit to the relevant NCA a management letter certifying the total assets of the branch.
- (10) Article 10(5) of Regulation (EU) No 1163/2014 (ECB/2014/41) provides that, in the event a fee debtor fails to provide the fee factors, the ECB shall determine the fee factors in accordance with an ECB decision.
- (11) This Decision should lay down the methodology and procedures for the determination and collection of data regarding the fee factors, as well as procedures for the submission of fee factors by fee debtors which need to continue reporting separately for the purpose of calculating the supervisory fees and by NCAs to the ECB. In particular, the format, frequency and timing of such submission, as well as the types of quality checks that NCAs should perform before submitting fee factors to the ECB, should be specified.
- (12) It is necessary to set up a procedure to carry out technical amendments to the Annexes to this Decision in an effective manner, provided that such amendments neither change the underlying conceptual framework nor affect the reporting burden. NCAs may propose such technical amendments to the Statistics Committee of the European System of Central Banks (ESCB), whose view will be taken into account when following this procedure.
- (13) To ensure coherence with the revised framework for the calculation of supervisory fees under Regulation (EU) No 1163/2014 (ECB/2014/41), which provides for transitional arrangements in respect of the 2020 fee period, this Decision should enter into force at the beginning of 2020,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

This Decision lays down the methodology and the procedures for the determination and collection of data regarding the fee factors used for the calculation of the annual supervisory fees to be levied in respect of supervised entities and supervised groups under Regulation (EU) No 1163/2014 (ECB/2014/41) and the submission of the fee factors by the fee debtors referred to in Article 10(3)(bd) of that Regulation, as well as procedures for the submission of such data by NCAs to the ECB.

This Decision applies to fee debtors and NCAs.

Article 2

Definitions

For the purposes of this Decision, the definitions contained in Article 2 of Regulation (EU) No 1163/2014 (ECB/2014/41) shall apply, unless otherwise provided for, together with the following definitions:

1. 'working day' means a day which is not a Saturday, Sunday or a public holiday in the Member State where the relevant NCA is established;
2. 'management body' means a management body as defined in point 7 of Article 3(1) of Directive 2013/36/EU of the European Parliament and of the Council ⁽⁷⁾.

Article 3

Methodology for the determination of the fee factors

1. For supervised entities and supervised groups that are subject to mandatory reporting for prudential purposes and supervised groups that did not notify the ECB in accordance with Article 4 of their decision to exclude assets and/or the risk exposure amount of subsidiaries established in non-participating Member States and third countries, the ECB shall determine the respective fee factors in accordance with the following.

- (a) The total risk exposure amount for the relevant reference date specified in Article 10(3)(ba) or (bc) of Regulation (EU) No 1163/2014 (ECB/2014/41) shall be determined by reference to the common reporting (COREP) 'own funds requirements' template set out in Annex I to Implementing Regulation (EU) No 680/2014 (hereinafter the 'own funds requirements template') as submitted by the NCAs to the ECB pursuant to Decision ECB/2014/29. For a fee-paying branch and two or more fee paying branches that are deemed to be one branch in accordance with Article 3(3) of Regulation (EU) No 1163/2014 (ECB/2014/41), the total risk exposure amount shall be zero.
- (b) The total assets for the relevant reference date specified in Article 10(3)(ba), (bb) or (bc) of Regulation (EU) No 1163/2014 (ECB/2014/41) shall be determined by reference to the financial reporting (FINREP) 'balance sheet statement: assets' templates set out in Annexes III and IV to Implementing Regulation (EU) No 680/2014; and the 'balance sheet statement: assets' templates set out in Annexes I, II, IV and V and supervisory financial reporting data points set out in Annex III to Regulation (EU) 2015/534 (ECB/2015/13) as submitted by the NCAs to the ECB pursuant to Decision ECB/2014/29 and Regulation (EU) 2015/534 (ECB/2015/13). In the case of a fee-paying branch, the manager of that branch or, if the manager is unavailable, the management body of the credit institution establishing the fee-paying branch shall certify the fee-paying branch's total assets by means of a management letter submitted to the relevant NCA.

2. For supervised groups that are subject to mandatory reporting for prudential purposes and notify the ECB in accordance with Article 4 of their decision to exclude assets and/or the risk exposure amount of subsidiaries established in non-participating Member States and third countries, the ECB shall determine the respective fee factors on the basis of the data calculated by those supervised groups in accordance with the following points (a) and (b) and submitted by them to the relevant NCA pursuant to Article 5.

- (a) The total risk exposure for the relevant reference date specified in Article 10(3)(ba) or (bc) of Regulation (EU) No 1163/2014 (ECB/2014/41) shall be determined by reference to the own funds requirements template, from which the following shall be deducted:
 - (i) the contribution to the group's total risk exposure of those subsidiaries established in non-participating Member States and third countries as reported in the COREP 'group solvency: information on affiliates' template set out in Annex I to Implementing Regulation (EU) No 680/2014 (hereinafter the 'group solvency: information on affiliates template'); and
 - (ii) the contribution to the group's total risk exposure of those subsidiaries established in non-participating Member States and third countries not included in the group solvency: information on affiliates template and as reported in accordance with Annex I to this Decision.

⁽⁷⁾ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

(b) The total assets for the relevant reference date specified in Article 10(3)(ba), (bb) or (bc) of Regulation (EU) No 1163/2014 (ECB/2014/41) shall be determined by aggregating the total assets disclosed in the statutory financial statements of all the supervised entities established in participating Member States within the supervised group if available, or otherwise by aggregating the total assets stated in the relevant reporting package(s) used by the supervised entities or group of fee-paying credit institutions for preparing consolidated accounts at group level. To avoid double counting, the fee debtor has the option of eliminating intragroup positions among all supervised entities that are established in participating Member States. Any goodwill included in the consolidated financial statements of the parent undertaking of a supervised group shall be included in the aggregation; the exclusion of goodwill allocated to subsidiaries established in non-participating Member States and third countries is optional. Where a fee debtor uses statutory financial statements, an auditor shall certify that the total assets correspond to the total assets disclosed in the audited statutory financial statements of the single supervised entities. Where a fee debtor uses reporting packages, an auditor shall certify the total assets used for the calculation of the annual supervisory fees by carrying out appropriate verification of the reporting packages used. In all cases, the auditor shall confirm that the aggregation process does not deviate from the procedure laid down in this Decision and that the calculation performed by the fee debtor is coherent with the accounting method used to consolidate the accounts of the group of fee-paying entities.

3. For supervised entities and supervised groups which are not subject to mandatory reporting for prudential purposes, the total assets and total risk exposure, as defined pursuant to Article 2, points 12 and 13 of Regulation (EU) No 1163/2014 (ECB/2014/41), for the relevant reference date specified in Article 10(3)(ba), 10(3)(bb) or 10(3)(bc) of Regulation (EU) No 1163/2014 (ECB/2014/41) shall be determined by them and submitted to the relevant NCA pursuant to Article 5. In the case of a fee-paying branch, the manager of that branch or, if the manager is unavailable, the management body of the credit institution establishing the fee-paying branch shall certify the fee-paying branch's total assets by means of a management letter submitted to the relevant NCA.

Article 4

Notification of deduction of assets and/or the risk exposure amount of subsidiaries established in non-participating Member States and third countries

Fee debtors that intend to exclude assets and/or the risk exposure amount of subsidiaries established in non-participating Member States and third countries in accordance with Article 10(3)(c) of Regulation (EU) No 1163/2014 (ECB/2014/41) shall notify the ECB of their decision at the latest by 30 September of the fee period for which the fee is calculated. The notification shall indicate whether the deduction of the contribution of subsidiaries established in non-participating Member States and third countries shall apply to the total risk exposure fee factor, the total assets fee factor or both. If the ECB has received no such notification by 30 September of the fee period for which the fee is calculated, the total risk exposure and the total assets shall be determined in accordance with Article 3(1). If more than one notification reaches the ECB in time, the latest notification received by the ECB by 30 September of the fee period for which the fee is calculated shall prevail.

Article 5

Templates for the reporting of the fee factors to NCAs by the fee debtors

1. Fee debtors whose fee factors are determined in accordance with Article 3(2) or (3) shall submit the fee factors every year to the relevant NCA by the remittance dates specified in Article 6. The fee factors shall be submitted using the templates in Annexes I and II. In the case of a supervised group with subsidiaries established in non-participating Member States and third countries, the fee debtor shall provide an explanation of the method used to comply with Article 3(2) or (3) in the comments column allocated for this purpose in the relevant Annex.

2. Fee debtors shall submit the auditor's statement or management letter in accordance with Article 3(2) and (3) to the relevant NCA by the remittance dates specified in Article 6.

*Article 6***Remittance dates**

1. The fee debtors whose fee factors are determined in accordance with Article 3(2) and (3) shall provide the fee factors to the relevant NCA by close of business on the remittance date for quarterly reporting for the third quarter specified in Article 3(1)(b) of Implementing Regulation (EU) No 680/2014 of the fee period for which the fee is calculated or on the next working day if the remittance date is not a working day.
2. NCAs shall submit to the ECB the fee factors referred to in paragraph 1 at the latest by close of business on the 10th working day following the remittance date specified in paragraph 1. Thereafter, the ECB shall verify the data received within fifteen working days of receipt. If so requested by the ECB, NCAs shall explain or clarify the data.
3. The ECB shall grant each fee debtor access to its fee factors at the latest by 15 January of the year following the fee period. The fee debtors shall be given a period of fifteen working days in which to comment on the fee factors and submit revised data for consideration, in the event that they consider the fee factors to be incorrect. This period shall start on the day on which the fee debtors had the possibility to access the fee factors. Thereafter, the fee factors will be applied for the calculation of the annual supervisory fees. Any changes to the data received after that period will not be taken into consideration and accordingly will not result in a change to the fee factors.

*Article 7***Data quality checks**

NCAs shall monitor and ensure the quality and reliability of the fee factors collected from the fee debtors under Article 3(2) and (3) before submitting them to the ECB. NCAs shall apply quality control checks to assess whether the methodology set out in Article 3 has been followed. The ECB shall not correct or modify data regarding the fee factors provided by the fee debtors. Any corrections or modifications to the data shall be undertaken by the fee debtors and submitted by them to the NCAs. NCAs shall submit to the ECB any corrected or modified data received by them. When submitting data regarding the fee factors, NCAs shall: (a) provide information on any significant developments implied by such data; and (b) communicate to the ECB the reasons for any significant corrections or modifications to it. NCAs shall ensure that the ECB obtains the necessary corrections or modifications to the data.

*Article 8***Determination of fee factors by the ECB in the event of non-availability of the fee factors or non submission of corrections or modifications**

In the event that a fee factor is not available to the ECB or the fee debtor has not submitted timely revised data or modifications or corrections of the data regarding the fee factors in accordance with Articles 6(3) or 7, the ECB shall use information available to it to determine the missing fee factor.

*Article 9***Simplified amendment procedure**

Taking the views of the Statistics Committee into account, the ECB's Executive Board shall be entitled to make technical amendments to the Annexes to this Decision, provided that such amendments neither change the underlying conceptual framework nor affect the reporting burden on the fee debtors. The Executive Board shall inform the Governing Council of any such amendment without undue delay.

*Article 10***Repeal**

1. Decision (EU) 2015/530 (ECB/2015/7) is hereby repealed.

2. References to the repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table in Annex III.

Article 11

Entry into force

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

Done at Frankfurt am Main, 5 December 2019.

The President of the ECB
Christine LAGARDE

CALCULATION OF FEES

TOTAL RISK EXPOSURE

Reference date		NAME	
Submission date		MFI Code	
		LEI code	

Item		Type of institution	Source for risk exposure amount	Risk exposure amount	Comments
		010	020	030	040
010	TOTAL RISK EXPOSURE as calculated in accordance with Article 92 (3) of Regulation (EU) No 575/2013 of the European Parliament and of the Council	(1), (2) or (3)	COREP C 02.00, row 010		
020	CONTRIBUTION OF SUBSIDIARIES in non-participating Member States and third countries		COREP C 06.02, col 250 (SUM)		
1021	Entity 1				
1022	Entity 2				
1023	Entity 3				
1024	Entity 4				
.....	Entity ...				
N	Entity N				
030	TOTAL RISK EXPOSURE AMOUNT of the supervised group deducting the CONTRIBUTION OF SUBSIDIARIES in non-participating Member States and third countries: Item 030 is equal to 010 minus 020 minus sum of items 1021 to N				

Please ensure that this template is completed in accordance with the instructions provided separately.

CALCULATION OF FEES

TOTAL ASSETS

Reference date		NAME	
Submission date		MFI Code	
		LEI code	

Item		Type of institution	Confirmation of auditor's verification or of management letter for fee-paying branches (Yes/No)	Total assets	Comments
		010	020	030	040
010	TOTAL ASSETS in accordance with Article 51(2) or (4) of Regulation (EU) No 468/2014 (ECB/2014/17)	(3)			
020	TOTAL ASSETS in accordance with Article 2, point (12)(b) or (c) of Regulation (EU) No 1163/2014 (ECB/2014/41)	(4)	(Yes)/(No)		
030	TOTAL ASSETS in accordance with Article 3(2)(b) of this Decision: Item 030 is equal to 031 minus 032 plus 033 minus 034	(2) or (5)	(Yes)/(No)		
031	Total assets of all group entities established in participating Member States — obligatory				
032	Intragroup positions among supervised entities established in participating Member States (from reporting packages used for the elimination of balances for group reporting purposes) — optional				
033	Goodwill included in the consolidated financial statements of the parent undertaking of a supervised group — obligatory				
034	Goodwill allocated to subsidiaries established in non-participating Member States and third countries — optional				

Please ensure that this template is completed in accordance with the instructions provided separately.

ANNEX III

CORRELATION TABLE

Decision (EU) 2015/530 (ECB/2015/7)	This Decision
Article 1	Article 1
Article 2	Article 2
—	Article 4
Article 3, first sentence	Article 5(1), second sentence
Article 3, second sentence	Article 5(2)
Article 3, third sentence	Article 5(1), third sentence
Article 4	Article 6
Article 5	Article 7
Article 6	Article 5(1), first sentence
Article 7	Article 3
Article 8	Articles 8
Article 9	Article 9
Article 10	Article 10
—	Article 11
Annexes I – II	Annexes I — II
—	Annex III

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

RECOMMENDATION No 1/2019 OF THE EU-MOROCCO ASSOCIATION COUNCIL

of 4 December 2019

**approving the extension of the EU-Morocco Action Plan implementing the advanced status
(2013-2017) by two years [2019/2159]**

THE EU-MOROCCO ASSOCIATION COUNCIL,

having regard to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part ⁽¹⁾,

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part (the 'Agreement') entered into force on 1 March 2000.
- (2) Pursuant to Article 80 of the Agreement, the Association Council may issue any recommendation which it considers appropriate for the purposes of attaining the objectives of the Agreement.
- (3) In accordance with Article 90 of the Agreement, the Parties are to take any general or specific measures required to fulfil their obligations under the Agreement and to ensure that the objectives set out in the Agreement are achieved.
- (4) Article 10 of the rules of procedure of the Association Council provides for the possibility of issuing recommendations between sessions by written procedure.
- (5) The Action Plan implementing the advanced status (2013-2017) ('Action Plan') was extended by one year in 2018. The further extension of the Action Plan by two years will constitute the basis of EU-Morocco relations for 2019 and 2020 and will enable new priority areas for EU-Morocco relations to be established for the years ahead,

RECOMMENDS:

Sole Article

The Association Council, acting by written procedure, recommends the extension of the EU-Morocco Action Plan implementing the advanced status (2013-2017) by two years.

Done at Brussels, 4 December 2019.

For the EU-Morocco Association Council

The President

N. BOURITA

⁽¹⁾ OJ L 70, 18.3.2000, p. 2.

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

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