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Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

- ★ **Council Decision (EU) 2020/765 of 29 May 2020 on the conclusion, on behalf of the European Union, of the Protocol to amend the International Convention for the Conservation of Atlantic Tunas** 1

DECISIONS

- ★ **Council Decision (EU) 2020/766 of 8 June 2020 appointing the members and alternate members of the Committee of the Regions for the period from 1 February 2020 to 25 January 2025** 3
- ★ **Council Decision (EU) 2020/767 of 8 June 2020 on the position to be taken on behalf of the European Union within the Council of the International Civil Aviation Organization as regards the adoption of Amendment 91 to Annex 10, Volume III, to the Convention on International Civil Aviation and the notification of difference from the date of application of Amendment 13B to Annex 14, Volume I, Amendment 40C to Annex 6, Amendment 77B to Annex 3 and Amendment 39B to Annex 15 to the Convention on International Civil Aviation** 7
- ★ **Council Decision (EU) 2020/768 of 9 June 2020 amending Decision (EU) 2016/915 as regards the reference period intended to be used for measuring the growth of CO₂ emissions, to take account of the consequences of the COVID-19 pandemic in the context of CORSIA** 10
- ★ **Council Decision (EU) 2020/769 of 10 June 2020 establishing the position to be adopted on behalf of the European Union in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards the amendment of the Agreement** 12

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2020/765

of 29 May 2020

on the conclusion, on behalf of the European Union, of the Protocol to amend the International Convention for the Conservation of Atlantic Tunas

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with point (a)(v) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) In accordance with Council Decision (EU) 2019/2025 ⁽²⁾, the Protocol to amend the International Convention on the Conservation of Atlantic Tunas ('the Protocol') was signed on 20 November 2019.
- (2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾ provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of living marine biological resources restores and maintains population of harvested species above levels which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on the marine ecosystem and fishery resources. Moreover, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations. The Protocol is consistent with those objectives.
- (3) As stated in the Joint Communication by the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy entitled 'International ocean governance: an agenda for the future of oceans', and the Council conclusions on that Joint Communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora. The Protocol is fully in line with these aims.
- (4) The Protocol should be approved on behalf of the European Union,

⁽¹⁾ Consent given on 13 May 2020.

⁽²⁾ Council Decision (EU) 2019/2025 of 18 November 2019 on the signing, on behalf of the European Union, and the provisional application of the Protocol to amend the International Convention for the Conservation of Atlantic Tunas (OJ L 313, 4.12.2019, p. 1).

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

HAS ADOPTED THIS DECISION:

Article 1

The Protocol to amend the International Convention on the Conservation of Atlantic Tunas is hereby approved on behalf of the Union.

Article 2

The President of the Council shall designate the person(s) empowered to deposit, on behalf of the Union, the instrument of approval of the Protocol provided for in Article 13 of the Protocol.

Article 3

This Decision shall enter into force on the date of its adoption ⁽⁴⁾.

Done at Brussels, 29 May 2020.

For the Council
The President
G. GRLIĆ RADMAN

⁽⁴⁾ The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

DECISIONS

COUNCIL DECISION (EU) 2020/766

of 8 June 2020

appointing the members and alternate members of the Committee of the Regions for the period from 1 February 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 Article 300(3) and Article 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 the Estonian, Cypriot and Luxembourg Governments,

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 expired on 25 January 2020, new members and alternate members should be appointed.
- (4) On 10 December 2019, the Council adopted Decision (EU) 2019/2157 ⁽²⁾, in accordance with the proposals made by the Member States. That Decision appointed, for the period from 26 January 2020 to 25 January 2025, the members and alternate members proposed by the Czech, Danish, Estonian, Cypriot, Latvian, Luxembourg, Dutch, Austrian, Romanian, Slovenian, Slovak and Swedish Governments. Decision (EU) 2019/2157 also appointed for the same period three members proposed by the Belgian Government, 21 members and 20 alternate members proposed by the German Government, eight members and eight alternate members proposed by the Irish Government, 16 members and 16 alternate members proposed by the Spanish Government, 10 members and 14 alternate members proposed by the Italian Government, four members and four alternate members proposed by the Maltese Government and eight members and eight alternate members proposed by the Finnish Government.
- (5) On 20 January 2020, the Council adopted Decision (EU) 2020/102 ⁽³⁾, in accordance with the proposals made by the Member States. That Decision appointed, for the period from 26 January 2020 to 25 January 2025, the members and alternate members proposed by the Greek, French, Croatian, Lithuanian, Hungarian and Portuguese Governments, as well as four members and four alternate members proposed by the Belgian Government, one member proposed by the Bulgarian Government, one member and one alternate member proposed by the Irish Government, one member and one alternate member proposed by the Spanish Government, 14 members and 10 alternate members proposed by the Italian Government and 21 members and 20 alternate members proposed by the Polish Government.
- (6) On 3 February 2020, the Council adopted Decision (EU) 2020/144 ⁽⁴⁾, in accordance with the proposals made by the Member States. That Decision appointed, for the period from 26 January 2020 to 25 January 2025, four members and four alternate members proposed by the Spanish Government, as well as one member and one alternate member proposed by the Finnish Government.

⁽¹⁾ OJ L 139, 27.5.2019, p. 13.

⁽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 (OJ L 327, 17.12.2019, p. 78).

⁽³⁾ Council Decision (EU) 2020/102 of 20 January 2020 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025 (OJ L 20, 24.1.2020, p. 2).

⁽⁴⁾ Council Decision (EU) 2020/144 of 3 February 2020 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025 (OJ L 32, 4.2.2020, p. 16).

- (7) On 26 March 2020, the Council adopted Decision (EU) 2020/511 ⁽⁵⁾, in accordance with the proposals made by the Member States. That Decision appointed, for the period from 26 January 2020 to 25 January 2025, five members and eight alternate members proposed by the Belgian Government, one alternate member proposed by the German Government and one member proposed by the Maltese Government.
- (8) Decision (EU) 2019/852 on the composition of the Committee of the Regions was deemed to restore the balance in the allocation of seats that existed before the adoption of Council Decision 2014/930/EU ⁽⁶⁾, and to that purpose Decision (EU) 2019/852 increased by one the number of members and alternate members allocated to each of Estonia, Cyprus and Luxembourg. That new composition was to apply only in the event of the withdrawal of the United Kingdom from the Union. As the withdrawal of the United Kingdom from the Union became legally effective on 1 February 2020, from that date the number of members of the Committee of the Regions is that provided for in Article 1 of Decision (EU) 2019/852. Consequently, the Estonian, Cypriot and Luxembourg Governments are entitled to propose one additional member and one additional alternate member.
- (9) The Estonian, Cypriot and Luxembourg Governments have proposed their candidates for their additional members' and alternate members' seats. Those members and alternate members should be appointed for the period from 1 February 2020 to 25 January 2025. This Decision should therefore apply retroactively from 1 February 2020,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the period from 1 February 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.

It shall apply from 1 February 2020.

Done at Brussels, 8 June 2020.

For the Council
The President
A. METELKO-ZGOMBIĆ

⁽⁵⁾ Council Decision (EU) 2020/511 of 26 March 2020 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025 (OJ L 113, 8.4.2020, p. 18).

⁽⁶⁾ Council Decision 2014/930/EU of 16 December 2014 determining the composition of the Committee of the Regions (OJ L 365, 19.12.2014, p. 143).

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 / Μέλη / Members / Membres / Članovi / Membri /
Locekļi / Nariai / Tagok / Membri / Leden / Członkowie / Membros / Membri / Členovia / Člani / Jäsenet / Ledamöter

EESTI

Mr Juri GOTMANS

Member of a Local Assembly: *Võru City Council*

ΚΥΠΡΟΣ

Mr Christakis MELETIES

President of the Community Council of Kokkinotrimithia

LUXEMBOURG

Mr Gusty GRAAS

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

ANNEX II

**ПРИЛОЖЕНИЕ II – ANEXO II – PŘÍLOHA 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**

Заместник-членове / Suplentes / Náhradníci / Suppleanter / Stellvertreter / Asendusliikmed / Αναπληρωτές / Alternate
members / Suppléants / Zamjenici članova / Supplenti / Aizstājēji / Pakaitiniai nariai / Póttagok / Membri Supplenti /
Plaatsvervangers / Zastępcy członków / Suplentes / Supleanți / Náhradníci / Nadomestni člani / Varajäsenet / Suppleanter

EESTI

Mr Kurmet MÜÜRSEPP

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

ΚΥΠΡΟΣ

Mr Panayiotis VASILIOU

President of the Community Council of Mazotos, Larnaca

LUXEMBOURG

Mr Vincent REDING

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

COUNCIL DECISION (EU) 2020/767**of 8 June 2020**

on the position to be taken on behalf of the European Union within the Council of the International Civil Aviation Organization as regards the adoption of Amendment 91 to Annex 10, Volume III, to the Convention on International Civil Aviation and the notification of difference from the date of application of Amendment 13B to Annex 14, Volume I, Amendment 40C to Annex 6, Amendment 77B to Annex 3 and Amendment 39B to Annex 15 to the Convention on International Civil Aviation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Convention on International Civil Aviation ('the Chicago Convention'), which regulates international air transport, entered into force on 4 April 1947. It established the International Civil Aviation Organization (ICAO).
- (2) The Member States of the Union are contracting States of the Chicago Convention and members of the ICAO, while the Union has observer status in certain ICAO bodies.
- (3) Pursuant to Article 54 of the Chicago Convention, the ICAO Council may adopt international standards and recommended practices.
- (4) The ICAO Council, during one of its upcoming sessions, is to adopt Amendment 91 to Annex 10, Volume III to the Chicago Convention on the selective calling system (SELCAL) ('Amendment 91').
- (5) The main purpose of Amendment 91 is to introduce new tones to expand the available pool of SELCAL codes and thereby reduce the incidence of false indication in the aircraft cockpit. It also makes changes regarding the requirements concerning the system characteristics and introduces new tones which provide for a mechanism for the increase in the number of SELCAL codes with minimum impact for aircraft operators.
- (6) It is appropriate to establish the position to be taken on the Union's behalf within the ICAO Council as Amendment 91 will be binding on the Union and is capable of decisively influencing the content of Union law, namely Commission Implementing Regulation (EU) 2017/373 ⁽¹⁾. Once adopted, Amendment 91 will be binding on all ICAO Member States, including all Member States of the Union, in accordance with and within the limits set out in the Chicago Convention. Article 38 of the Chicago Convention requires contracting States to notify ICAO if they intend to deviate from a standard, under the notification of differences mechanism.
- (7) The Union is a strong supporter of the efforts by ICAO to improve aviation safety by ensuring the safe and accurate provision of communication, navigation and surveillance services. The Union should, therefore, support Amendment 91.

⁽¹⁾ Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OJ L 62, 8.3.2017, p. 1).

- (8) The position of the Union during one of the upcoming sessions of the ICAO Council with regard to Amendment 91 is to be expressed by the Member States of the Union that are members of the ICAO Council, acting jointly on behalf of the Union.
- (9) The position of the Union after the adoption of Amendment 91 by the ICAO Council, to be announced by the ICAO Secretary General by means of an ICAO State letter procedure, should be to notify compliance with Amendment 91 and is to be expressed by all the Member States of the Union.
- (10) In 2016 the ICAO Council adopted amendments to a number of annexes to the Chicago Convention, intended to reduce runway excursion incidents and accidents. Those amendments ('the Amendments') are provided in State letters AN 4/1 2.26-16/19, AN 2/2.4 – 16/18, AN 10/1.1 – 16/17 and AN 11/1.3.29-16/12 and will be applicable in the contracting States as of 5 November 2020.
- (11) The Union is a strong supporter of the efforts by ICAO to improve aviation safety. The amendments introducing a new harmonised methodology for assessing and reporting runway surface conditions will contribute to mitigate the risk of runway excursion incidents and accidents due to runway contamination such as snow, ice, slush or water.
- (12) Commission Implementing Regulations (EU) 2019/1387 ⁽²⁾ and (EU) 2020/469 ⁽³⁾ incorporate the Amendments in Union law.
- (13) Implementing Regulations (EU) 2019/1387 and (EU) 2020/469 will apply in part from 5 November 2020 to coincide with the date of application of the Amendments. However, the COVID-19 pandemic has had a considerable impact on the efforts made by the Member States of the Union and the aviation stakeholders to prepare for the application of the new measures listed in Amendment 77B to Annex 3, Amendment 13B to Annex 14, Amendment 40C to Annex 6 and Amendment 39B to Annex 15 to the Chicago Convention.
- (14) In particular, the confinement and the partial unemployment of staff, combined with the additional workload required to manage the significant negative consequences of the COVID-19 pandemic for all stakeholders, have impaired progress.
- (15) Competent authorities and operators are experiencing difficulties in preparing for the implementation of the Amendments. It may therefore be necessary for the date of application provided for in Implementing Regulations (EU) 2019/1387 and (EU) 2020/469 to be postponed by six months.
- (16) If the ICAO Council does not postpone the date of application of the Amendments by six months, whilst Union law postpones the date of application of the relevant ICAO standards by six months, the Union position should be to notify a difference to ICAO in accordance with Article 38 of the Chicago Convention and to inform ICAO of its intention to postpone the date of application of the Amendments by six months,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be taken on behalf of the Union within one of the upcoming sessions of the Council of the International Civil Aviation Organization ('ICAO') shall be to support the proposed Amendment 91 to Annex 10, Volume III to the Convention on International Civil Aviation ('Chicago Convention') in its entirety.
2. The position to be taken on behalf of the Union after the adoption by the ICAO Council of Amendment 91 to Annex 10, Volume III to the Chicago Convention shall be to notify compliance with the adopted measure in reply to the respective ICAO State letter.

⁽²⁾ Commission Implementing Regulation (EU) 2019/1387 of 1 August 2019 amending Regulation (EU) No 965/2012 as regards requirements for aeroplane landing performance calculations and the standards for assessing the runway surface conditions, update on certain aircraft safety equipment and requirements and operations without holding an extended range operational approval (OJ L 229, 5.9.2019, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2020/469 of 14 February 2020 amending Regulation (EU) No 923/2012, Regulation (EU) No 139/2014 and Regulation (EU) 2017/373 as regards requirements for air traffic management/air navigation services, design of airspace structures and data quality, runway safety and repealing Regulation (EC) No 73/2010 (OJ L 104, 3.4.2020, p. 1).

Article 2

If the ICAO Council does not postpone the date of application of Amendment 77B to Annex 3, Amendment 13B to Annex 14, Amendment 40C to Annex 6 and Amendment 39B to Annex 15 to the Chicago Convention and the Commission amends Implementing Regulations (EU) 2019/1387 and (EU) 2020/469 and Delegated Regulation C(2020)710 final ^(*) to delay their application by six months, a corresponding difference from the date of application of Amendment 77B to Annex 3, Amendment 13B to Annex 14, Amendment 40C to Annex 6 and Amendment 39B to Annex 15 to the Chicago Convention by six months shall be notified to ICAO in accordance with Article 38 of that Convention.

Article 3

1. The position referred to in Article 1(1) shall be expressed by the Member States of the Union that are members of the ICAO Council.
2. The positions referred to in Article 1(2) and Article 2 shall be expressed by all the Member States of the Union.

Article 4

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

Done at Brussels, 8 June 2020.

For the Council
The President
A. METELKO-ZGOMBIĆ

^(*) Commission Delegated Regulation C(2020) 710 final amending Regulation (EU) No 139/2014 as regards runway safety and aeronautical data.

COUNCIL DECISION (EU) 2020/768**of 9 June 2020****amending Decision (EU) 2016/915 as regards the reference period intended to be used for measuring the growth of CO₂ emissions, to take account of the consequences of the COVID-19 pandemic in the context of CORSIA**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In 2016, in its Resolution A39-3 ('Resolution A39-3'), the 39th Assembly of the International Civil Aviation Organization (ICAO), established by the Chicago Convention on International Civil Aviation ('the Convention') decided to develop a global market-based measure to limit greenhouse gas emissions from international aviation at their 2020 levels. The Union position in respect of the elaboration and adoption of that mechanism and its various detailed elements was established by Council Decision (EU) 2016/915 ⁽¹⁾.
- (2) On 27 June 2018, at the tenth meeting of its 214th session, the ICAO Council adopted the First Edition of Volume IV of Annex 16 to the Convention: the International Standards and Recommended Practices on Environmental Protection - Carbon Offsetting and Reduction Scheme for International Aviation ('CORSIA'). In line with Resolution A39-3, which was superseded by Resolution A40-19 adopted by the ICAO Assembly during its 40th session ('Resolution A40-19'), that First Edition establishes inter alia the emissions values which are to be used to calculate growth factors (both the Sector's Growth Factor and the Aeroplane Operators' Growth Factors). Those values are determined as the average of the international aviation CO₂ emissions covered by CORSIA during 2019 and 2020 (at sector level and at the level of individual aeroplane operators).
- (3) The ongoing COVID-19 pandemic will lead to a substantial reduction of CO₂ emissions from international aviation in 2020. It will therefore also lead to the use of substantially lower CORSIA emissions values to calculate growth factors. Unless those values are amended, the use of such substantially lower CORSIA emissions values could result in significantly higher offsetting requirements, depending on the recovery rate of international air traffic and on the development of CO₂ emissions from international air traffic.
- (4) It is likely and indeed important that, during its 220th Session on 8-26 June 2020, the ICAO Council will take a decision as regards the amendment of the emissions values used to calculate growth factors under CORSIA, more precisely in respect of the reference period to be taken into account ('baseline period').
- (5) Any amendment to CORSIA International Standards and Recommended Practices would constitute a decision taken by a body set up by an agreement and having legal effects within the meaning of Article 218(9) TFEU.
- (6) While the Union and its Member States have consistently advocated for a global reduction target for greenhouse gas emissions from international aviation at a level no higher than 2020 levels, it appears under the present circumstances that a reference to 2019 as the baseline period is the closest possible proxy based on real data for the purposes of mirroring ICAO's long term goal of carbon neutral growth from 2020, as established in Resolution A 39-3. Against that background and with a view to preserving sufficient support, to preserve key CORSIA design elements and based on the information currently available, the calendar year 2019 should be accepted as the baseline period.

⁽¹⁾ Council Decision (EU) 2016/915 of 30 May 2016 on the position to be taken on behalf of the European Union with regard to the international instrument to be drawn up within the ICAO bodies and intended to lead to the implementation from 2020 of a single global market-based measure for international aviation emissions (OJ L 153, 10.6.2016, p. 32).

- (7) The alternative raised in the current debate, which is to establish different baseline periods for different countries depending on their level of development, year of joining CORSIA or other criteria, should not be supported. It would be in breach of the principle of non-discrimination, as recalled in Resolution A40-19 and could endanger the continued existence of CORSIA in its current form.
- (8) Therefore, Decision (EU) 2016/915 should be amended so as to enable the Union and its Member States to accept the calendar year 2019 as the baseline period.
- (9) The principle of regular review should continue to apply. In that context, it should be recalled that Resolution A40-19 provides for a review of CORSIA every three years. The first review is to take place in 2022. The relevance of such review with regard to emissions values used to calculate growth factors increases the longer it takes for the sector to reach the pre-crisis level of traffic and associated emissions. In the case of a slow recovery of the aviation sector, a 2019 emissions baseline is likely to lead to no or minimal offsetting requirements during the CORSIA 'pilot phase' (2021-2023). The relevance of such review is underscored by the need to ensure consistency with a long-term aspirational CO₂ emissions reduction goal, consistent with the temperature goals of the Paris Agreement, to be considered by the ICAO Assembly. Such review might, if relevant, include the definition of the baseline period.
- (10) According to Article 28b(2) and (3) of Directive 2003/87/EC of the European Parliament and of the Council ⁽²⁾, within 12 months of the adoption by the ICAO of the relevant instruments and before the global market-based measure becomes operational, the Commission should present a report to the European Parliament and to the Council in which it should consider ways for those instruments to be implemented in Union law through a revision of that Directive and should present a proposal to implement CORSIA, as appropriate, consistent with ensuring the contribution of aviation to the Union's 2030 economy-wide greenhouse gas reduction commitment,

HAS ADOPTED THIS DECISION:

Article 1

In the Annex to Decision (EU) 2016/915, the following indent is inserted after the second indent:

- ‘— with a view to taking account of the impact of the COVID-19 pandemic on 2020 emissions, accept that the emissions values to be used to calculate growth factors established in CORSIA be amended so as to refer to emissions levels in 2019;’.

Article 2

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

Done at Brussels, 9 June 2020.

For the Council
The President
A. METELKO-ZGOMBIĆ

⁽²⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

COUNCIL DECISION (EU) 2020/769**of 10 June 2020**

establishing the position to be adopted on behalf of the European Union in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards the amendment of the Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 50(2) thereof,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽¹⁾ ('the Withdrawal Agreement') was concluded by the Union by Council Decision (EU) 2020/135 ⁽²⁾ and entered into force on 1 February 2020.
- (2) Article 164(5), point (d), of the Withdrawal Agreement empowers the Joint Committee to adopt decisions amending that Agreement, provided that such amendments are necessary to correct errors, to address omissions or other deficiencies, or to address situations that were unforeseen when the Agreement was signed, and provided that such decisions do not amend the essential elements of that Agreement. Pursuant to Article 166(2) of the Withdrawal Agreement, decisions adopted by the Joint Committee are binding on the Union and the United Kingdom. The Union and the United Kingdom must implement such decisions, which have the same legal effect as the Withdrawal Agreement. Pursuant to Article 182 of the Withdrawal Agreement, the Protocol on Ireland/Northern Ireland form an integral part of that Agreement.
- (3) Certain dates referred to in the Withdrawal Agreement had already passed at the moment of its entry into force. Those dates should therefore be amended and corresponding adjustments should be made to the Withdrawal Agreement in the interest of legal certainty.
- (4) Article 145 of the Withdrawal Agreement does not contain provisions governing grants under the Research Fund for Coal and Steel that were granted to United Kingdom's beneficiaries before the end of the transition period. Article 145 of the Withdrawal Agreement should therefore be supplemented in this respect, to provide legal certainty as regards ongoing grants.
- (5) By oversight, two decisions of the Administrative Commission for the Coordination of Social Security Systems were not listed in Part I of Annex I to the Withdrawal Agreement and eight acts which are essential for the application of the rules of the internal market for goods to Northern Ireland were not listed in Annex 2 to the Protocol on Ireland/Northern Ireland. Those decisions and acts should therefore be added to those annexes. In addition, three notes are also necessary to further define the scope of application of certain specific acts listed in Annex 2 to the Protocol on Ireland/Northern Ireland. These notes should therefore be added to Annex 2 to the Protocol on Ireland/Northern Ireland.
- (6) The Joint Committee should adopt a decision pursuant to Article 164(5)(d) of the Withdrawal Agreement to address these omissions and deficiencies.
- (7) It is therefore appropriate to establish the position to be taken on the Union's behalf in the Joint Committee,

⁽¹⁾ OJ L 29, 31.1.2020, p. 7.

⁽²⁾ Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the Joint Committee established by the Withdrawal Agreement on the amendment of the Withdrawal Agreement in accordance with Article 164(5)(d) thereof shall be to amend the Withdrawal Agreement as follows:

- (1) In Article 135, in the title, the words 'budgets for the years 2019 and 2020' shall be replaced by the words 'budget for the year 2020' and, in paragraph 1, the words 'years 2019 and' shall be replaced by the word 'year' and the word 'budgets' shall be replaced by the word 'budget'.
- (2) In Article 137, in the title and in the first subparagraph of paragraph 1, the words '2019 and' shall be deleted.
- (3) Article 143(1) shall be amended as follows:
 - (a) in the second subparagraph, '31 July 2019' shall be replaced by '31 July 2020';
 - (b) the third subparagraph shall be replaced by the following:

'In the consolidated accounts of the Union relating to 2020, the payments made out of the provisions referred to in point (b) of the second subparagraph from the date of entry into force of this Agreement until 31 December 2020, shall be disclosed for the same financial operations as referred to in this paragraph but which are decided upon on or after the date of entry into force of this Agreement.'
- (4) In Article 144(1), in the second subparagraph, '31 July 2019' shall be replaced by '31 July 2020'.
- (5) In Article 145, the following paragraph shall be added:

'In respect of the projects under the Research Fund for Coal and Steel established by Protocol 37 to the Treaty on the European Union and to the Treaty on the Functioning of the European Union under grant agreements signed before the end of the transition period, the applicable Union law shall continue to apply to and in the United Kingdom after the end of the transition period, until the closure of the projects. The applicable Union law shall include the following provisions in particular and any amendments to those provisions, irrespective of the date of adoption, entry into force or application of the amendment:

- (a) Council Decisions 2003/76/EC ⁽³⁾, 2003/77/EC ⁽⁴⁾ and 2008/376/EC ⁽⁵⁾;
 - (b) the acts referred to in points (a), (c), (d) and (e) of Article 138(2).'
- (6) Article 150 shall be amended as follows:
 - (a) paragraph 4 shall be amended as follows:
 - (i) in the fourth sentence, '15 December' shall be replaced by '15 October' and '2019' shall be replaced by '2020';
 - (ii) in the fifth sentence, '15 December 2030' shall be replaced by '15 October 2031';
 - (b) paragraph 8 shall be amended as follows:
 - (i) in the first subparagraph, '2019' shall be replaced by '2020';
 - (ii) in the first sentence of the second subparagraph, '2020' shall be replaced by '2021'.

⁽³⁾ Council Decision 2003/76/EC of 1 February 2003 establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty establishing the European Community, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel (OJ L 29, 5.2.2003, p. 22).

⁽⁴⁾ Council Decision 2003/77/EC of 1 February 2003 laying down multiannual financial guidelines for managing the assets of the ECSC in liquidation and, on completion of the liquidation, the Assets of the Research Fund for Coal and Steel (OJ L 29, 5.2.2003, p. 25).

⁽⁵⁾ Council Decision 2008/376/EC of 29 April 2008 on the adoption of the Research Programme of the Research Fund for Coal and Steel and on the multiannual technical guidelines for this programme (OJ L 130, 20.5.2008, p. 7).

(7) In Annex 2 to the Protocol on Ireland/Northern Ireland, the following notes shall be inserted:

- (a) under ‘4. General trade related aspects’, following the entry for ‘Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008’:

‘Without prejudice to the fact that the tariff preferences for eligible countries pursuant to the Union’s Generalised Scheme of Preferences shall be applicable in the United Kingdom in respect of Northern Ireland:

- the references to “Member State” in point (ii) of point (c) of Article 9(1) and Chapter VI [Safeguard and surveillance provisions] of Regulation (EU) No 978/2012 shall not be read as including the United Kingdom in respect of Northern Ireland,
- the references to “Union market” in Article 2(k) and Chapter VI [Safeguard and surveillance provisions] of Regulation (EU) No 978/2012 shall not be read as including the market of United Kingdom in respect of Northern Ireland, and
- the references to “Union producers” and to “Union industry” in Regulation (EU) No 978/2012 shall not be read as including the producers or industry of the United Kingdom in respect of Northern Ireland.’;

- (b) under ‘5. Trade defence instruments’ under the title of the section:

‘Without prejudice to the fact that the Union’s trade defence measures shall be applicable in the United Kingdom in respect of Northern Ireland, the references to “Member States” or “Union” in Regulation (EU) 2016/1036, Regulation (EU) 2016/1037, Regulation (EU) 2015/478 and Regulation (EU) 2015/755 shall not be read as including the United Kingdom in respect of Northern Ireland. In addition, importers that paid Union anti-dumping or countervailing duties on the importation of goods that were customs cleared in Northern Ireland may only ask for a refund of such duties pursuant to Article 11(8) of Regulation (EU) 2016/1036 or Article 21 of Regulation (EU) 2016/1037, respectively.’;

- (c) under ‘6. Regulations on bilateral safeguards’ under the title of the section:

‘Without prejudice to the fact that the Union’s bilateral safeguard measures apply in the United Kingdom in respect of Northern Ireland, the references to “Member States” or “Union” in the regulations listed below shall not be read as including the United Kingdom in respect of Northern Ireland.’.

(8) In Annex 2 to the Protocol on Ireland/Northern Ireland, the following acts shall be added:

- under ‘6. Regulations on bilateral safeguards’: Regulation (EU) 2019/287 of the European Parliament and of the Council of 13 February 2019 implementing bilateral safeguard clauses and other mechanisms allowing for the temporary withdrawal of preferences in certain trade agreements concluded between the European Union and third countries ⁽⁶⁾,
- under ‘23. Chemicals and related’: Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Union and third countries in drug precursors ⁽⁷⁾,
- under ‘25. Waste’: Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment ⁽⁸⁾,
- under ‘29. Food – general’: Directive 2011/91/EU of the European Parliament and of the Council of 13 December 2011 on indications or marks identifying the lot to which a foodstuff belongs ⁽⁹⁾,
- Under ‘42. Plant reproductive material’: Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁰⁾; Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants ⁽¹¹⁾; and Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed ⁽¹²⁾,
- Under ‘47. Other’: Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and the import of cultural goods ⁽¹³⁾.

⁽⁶⁾ OJ L 53, 22.2.2019, p. 1.

⁽⁷⁾ OJ L 22, 26.1.2005, p. 1.

⁽⁸⁾ OJ L 155, 12.6.2019, p. 1.

⁽⁹⁾ OJ L 334, 16.12.2011, p. 1.

⁽¹⁰⁾ OJ L 125, 11.7.1966, p. 2298/66.

⁽¹¹⁾ OJ L 226, 13.8.1998, p. 16.

⁽¹²⁾ OJ L 205, 1.8.2008, p. 28.

⁽¹³⁾ OJ L 151, 7.6.2019, p. 1.

(9) In Part I of Annex I to the Withdrawal Agreement, the following acts shall be added:

- under ‘Electronic Data Exchange (E series)’: Administrative Commission for the Coordination of Social Security Systems Decision No E7 of 27 June 2019 concerning practical arrangements for cooperation and data exchange until the Electronic Exchange of Social Security Information (EESSI) is fully implemented in Member States ⁽¹⁴⁾,
- under ‘Family Benefits (F series)’: Administrative Commission for the Coordination of Social Security Systems Decision No F3 of 19 December 2018 concerning the interpretation of Article 68 of Regulation (EC) No 883/2004 relating to the method of calculation of the differential supplement ⁽¹⁵⁾.

Article 2

Any decision of the Joint Committee amending the Withdrawal Agreement in accordance with Article 1 shall be published in the Official Journal of the European Union.

Article 3

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

Done at Brussels, 10 June 2020.

For the Council
The President
A. METELKO-ZGOMBIĆ

⁽¹⁴⁾ OJ C 73, 6.3.2020, p. 5.

⁽¹⁵⁾ OJ C 215, 26.6.2019, p. 2.

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