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Legislation

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Contents

II Non-legislative acts

REGULATIONS

- ★ **Commission Delegated Regulation (EU) 2020/884 of 4 May 2020 derogating in respect of the year 2020 from Delegated Regulation (EU) 2017/891 as regards the fruit and vegetables sector and from Delegated Regulation (EU) 2016/1149 as regards the wine sector in connection with the COVID-19 pandemic** 1
- ★ **Commission Implementing Regulation (EU) 2020/885 of 26 June 2020 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto** 9
- ★ **Commission Implementing Regulation (EU) 2020/886 of 26 June 2020 correcting the Italian language version of Implementing Regulation (EU) No 923/2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 ⁽¹⁾** 14
- ★ **Commission Implementing Regulation (EU) 2020/887 of 26 June 2020 amending Implementing Regulation (EU) 2019/66 as regards post-import checks of plants for planting** 16

DECISIONS

- ★ **Political and Security Committee Decision (CFSP) 2020/888 of 23 June 2020 extending the mandate of the Head of Mission of the European Union CSDP mission in Mali (EUCAP Sahel Mali) (EUCAP Sahel Mali/1/2020)** 18

⁽¹⁾ Text with EEA relevance.

EN

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

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

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

- ★ Decision No 1/2020 of the EU-San Marino Cooperation Committee of 28 May 2020 concerning the applicable provisions on organic production and labelling of organic products, and arrangements for imports of organic products adopted under the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part [2020/889] 20

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2020/884

of 4 May 2020

derogating in respect of the year 2020 from Delegated Regulation (EU) 2017/891 as regards the fruit and vegetables sector and from Delegated Regulation (EU) 2016/1149 as regards the wine sector in connection with the COVID-19 pandemic

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Articles 62(1) and 64(6),

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽²⁾, and in particular Articles 37, 53, and 173 in conjunction with Article 227 thereof,

Whereas:

- (1) Due to the COVID-19 pandemic and the resulting extensive movement restrictions, exceptional difficulties have been encountered by all Member States and by farmers throughout the Union with planning and implementing aid schemes laid down in Articles 32 to 36 of Regulation (EU) No 1308/2013 for the fruit and vegetables sectors, and in Articles 39 to 52 of that Regulation for the wine sector. Logistical problems and shortage of workforce have made those farmers vulnerable to the economic disruption caused by the COVID-19 pandemic. In particular, they experience financial difficulties and cash-flow problems. The situation has resulted in disruption and disturbance of the functioning of the supply chain in those sectors.
- (2) In view of the unprecedented nature of those combined circumstances, it is necessary to alleviate those difficulties by derogating from certain provisions of Delegated Regulations applicable in the fruit and vegetables sector and in the wine sector.
- (3) Exceptional difficulties have been encountered in all Member States with the planning, management and implementation of operational programmes of recognised producer organisations and associations of producer organisations in the fruit and vegetables sector. This may have the consequence of delaying the implementation of these operational programmes and therefore producer organisations and associations of producer organisations may fail to conform to Union legal requirements, laid down for those operational programmes in particular in Commission Delegated Regulation (EU) 2017/891 ⁽³⁾. Producer organisations are also vulnerable to the disruption

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ OJ L 347, 20.12.2013, p. 671.

⁽³⁾ Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011 (OJ L 138, 25.5.2017, p. 4).

and disturbance caused by the COVID-19 pandemic and are experiencing financial difficulties and cash-flow problems caused by a disruption of the supply chains, the closure of certain outlets in particular at the wholesale level and in the hospitality sector. They are experiencing logistical problems and difficulties in harvesting their produce due to a shortage of workforce and difficulties in reaching consumers due to disruption of the supply chain. This is having a direct impact on the financial stability of producer organisations and on their capacity to implement operational programmes not only in the year 2020 but also in the subsequent years, as the value of marketing production for the year 2020 impacts the calculation of the Union financial assistance for the subsequent years. This is further influencing the ability of producer organisations to introduce measures and actions targeting the effects of this crisis. In addition, the reduction of the value of marketed production caused by the COVID-19 pandemic impairs the future continuity and viability of the producer organisations' operational programmes in the fruit and vegetables sector, as the value of marketing production for the year 2020 impacts also the calculation of the Union financial assistance for the subsequent years.

- (4) Recognised producer organisations and associations of producer organisations are to fulfil the recognition criterion of democratic accountability, subject to the requirements laid down in Article 17 of Delegated Regulation (EU) 2017/891. Pursuant to the first subparagraph of Article 17(2), the maximum percentage of voting rights and shares or capital of any legal or natural person is to be below 50 % of the total voting rights and below 50 % of the shares or capital. For reasons linked to the COVID-19 pandemic, it may transpire that some producer members finish their activity and, for this reason, certain producer organisations or associations of producer organisations may not fulfil this criterion in the year 2020. Such irregularity could lead to the suspension or loss of recognition, suspension of payments of aid, financial penalties and recovery of Union financial assistance. In view of this, for the year 2020, provision should be made to allow the percentage of voting rights and shares or capital of any legal or natural person to exceed 50 % of the total voting rights and 50 % of the shares or capital in the producer organisation. However, to avoid abuses of power of natural or legal persons that temporarily exceed these limits of voting rights and shares or capital, Member States should take measures to protect producer organisations and associations of producer organisations from abuses of power. Such measures may concern decisions concerning the use of Union financial assistance and changes of operational programmes that would disproportionately benefit to single natural or legal persons.
- (5) Losses in the value of marketed production in the fruit and vegetables sector caused by the COVID-19 pandemic will have a major impact on the amount of Union aid received by producer organisations in the subsequent year, as the amount of Union aid is to be calculated as a percentage of the value of marketed production of each producer organisation. If substantial loss in the value of marketed production were to occur in 2020 for reasons linked to the COVID-19 pandemic, producer organisations would risk losing their recognition as producer organisations, as one of the criteria for such recognition is reaching a certain minimum value of marketed production fixed at a national level. This would put the long-term stability of producer organisations at risk. Therefore, if a reduction of at least 35 % in the value of a product were to occur in the year 2020 for reasons linked to the COVID-19 pandemic and if this were to occur outside the responsibility and control of producer organisations, the value of marketed production for 2020 should be established as 100 % of the value of marketed production for the previous period. The threshold of 65 % of the value of marketed production in the previous period, laid down in Article 23(4) of Commission Delegated Regulation (EU) 2017/891, is insufficient to achieve economic and financial stability in the circumstances of the COVID-19 pandemic for the producer organisations concerned by such loss of value of marketed production. It should be increased to 100 % of the value of marketed production in the previous period for the year 2020, in view of the extensive economic impact of the COVID-19 pandemic in the fruit and vegetables sector.
- (6) With a view to improving the strategy, planning, management and implementation of the approved operational programmes in order to address the effects of the COVID-19 pandemic in the fruit and vegetables sector, Member States should be able in the year 2020 to amend their national strategies referred to in Article 27 of Delegated Regulation (EU) 2017/891, even after the operational programmes were submitted for approval. Member States should ensure that the continuity and implementation of multiannual and ongoing operations that are part of approved operational programmes are not disrupted.
- (7) Member States should also be exempted in the year 2020 from the obligation laid down in Article 27(5) of Delegated Regulation (EU) 2017/891, to set in the national strategy the maximum percentages of the operational fund which may be spent on individual measures or types of action. This should ensure greater flexibility for producer organisations to take measures to address the effects of the COVID-19 pandemic in the fruit and vegetables sector.

- (8) In view of the duration of the severity of the impact of the COVID-19 pandemic in the fruit and vegetables sector, and subject to approval by Member States, producer organisations or associations of producer organisations may amend their operational programmes for subsequent years or even during the year of implementation, as laid down in Article 34 of Delegated Regulation (EU) 2017/891. To address the effects of the COVID-19 pandemic, they should also be able in the year 2020 to temporarily suspend their operational programmes, in full or in part.
- (9) Pursuant to Article 36(1) of Delegated Regulation (EU) 2017/891, if a producer organisation or association of producer organisations ceases to implement its operational programme before the end of its scheduled duration, no further payments are to be made to that organisation or association for actions implemented after the date of cessation of that operational programme. In order to ensure the financial stability of producer organisations, aid received for eligible actions carried out before the cessation of the operational programme shall not be recovered where the producer organisation or association of producer organisations demonstrates to the competent authority of the Member State that the cessation of that operational programme occurred in the year 2020 for reasons linked to the COVID-19 pandemic and was outside the control and responsibility of the producer organisation.
- (10) In order to ensure the financial stability of producer organisations, Union financial assistance received for multiannual commitments in the fruit and vegetables sector, such as environmental actions, should not be recovered to the EAGF if their long-term objectives could not be realised because of their interruption in the year 2020 for reasons linked to the COVID-19 pandemic.
- (11) Taking into account the disruption and disturbance resulting from the COVID-19 pandemic, in particular the shortages of workforce for product harvesting and the disruption in logistics in the year 2020, as well as the perishability of the products of the fruit and vegetables sector, flexibility should be granted to producer organisations for the implementation of the non-harvesting measure referred to in Article 48(3) of Delegated Regulation (EU) 2017/891. In the year 2020, it should therefore be possible to undertake non-harvesting operations even where the commercial production has been taken from the area concerned during the normal production cycle or even where the same area was previously subject to a green-harvesting measure.
- (12) Pursuant to Articles 54(b) and 58(3) of Delegated Regulation (EU) 2017/891, monitoring and evaluation of operational programmes and schemes in the fruit and vegetables sector for assessing their effectiveness and efficiency by both producer organisations and Member States is subject to an evaluation to be notified to the Commission by 15 November 2020. In view of the disruption to the operation of public administrations in the Member States for reasons linked to the COVID-19 pandemic, the period for the communication of the report of the evaluation exercise for 2020 referred to in Article 58 of that Regulation should be extended until 30 June 2021.
- (13) The disruption in the fruit and vegetables sector for reasons linked to the COVID-19 pandemic is affecting the ability of producer organisations to take in the year 2020 the corrective measures referred to in Article 59(1) and (4) of Delegated Regulation (EU) 2017/891 within the maximum time limit of four months. Member States should therefore be authorised to extend these time limits beyond the maximum of four months in the year 2020.
- (14) Pursuant to Article 5 of Delegated Regulation (EU) 2017/891, to retain recognition a producer organisation is to meet continuously the requirement of a minimum number of members laid down by a Member State. Where producer organisations fail to meet this requirement, pursuant to Article 59(2) of Delegated Regulation (EU) 2017/891 Member States are to suspend the recognition of the producer organisation concerned, withhold aid payments and reduce by 2 % the yearly amount of aid per calendar month or part thereof during which recognition is suspended. In view of the disruption caused by the COVID-19 pandemic, Member States should not suspend payments of aid to producer organisations that fail to meet the minimum number of members in the year 2020 in the fruit and vegetables sector.
- (15) Member States should be able to extend the time period for corrective measures during the suspension of recognition referred to in Article 59(2) of Delegated Regulation (EU) 2017/891 beyond the period of 12 months from the date of receipt of the warning letter by a producer organisation concerned where that producer organisation could not take the corrective measures for reasons linked to the COVID-19 pandemic. Such extensions should not go beyond 31 December 2020, which should ensure that producer organisations have sufficient time to take corrective measures.

- (16) In view of the disruption caused by the COVID-19 pandemic in the fruit and vegetables sector, Member States should not apply the reduction of 2 % of the annual amount of aid per calendar month or part thereof, laid down in Article 59(2) of Delegated Regulation (EU) 2017/891, where a producer organisation with suspended recognition would not be able to take corrective measures in the year 2020 for reasons linked to the COVID-19 pandemic. For the same reason, Member States should not apply the reduction of 1 % of the annual amount of aid per calendar month or part thereof, laid down in Article 59(5) of Delegated Regulation (EU) 2017/891.
- (17) Pursuant to Article 59(6) of Delegated Regulation (EU) 2017/891, Member States are to withdraw recognition if a producer organisation does not prove compliance with the minimum value or volume of marketed production criteria by 15 October of the second year following the year in which those criteria were not complied with. Due to the impact of disruption caused by the COVID-19 pandemic in the fruit and vegetables sector on the value and volume of marketed production of producer organisations, the year 2020 should not be taken into account for the purposes of establishing compliance with the minimum value or volume of marketed production under Article 59 (6) of that Regulation.
- (18) Producer organisations implementing operational programmes ending in the year 2020 may not be able to comply with the conditions laid down in Article 33(5)(b) of Regulation (EU) No 1308/2013 for reasons linked to the COVID-19 pandemic. Under these circumstances, the reduction of the total amount of support referred to in Article 61(6) of Delegated Regulation (EU) 2017/891 should not be applied to operational programmes concerned in 2020 in the fruit and vegetables sector.
- (19) Exceptional difficulties have been encountered in wine producing Member States with the planning, management and implementation of operations under support programmes in the wine sector. This may have the consequence of delaying the implementation of those operations and therefore those operations may fail to conform to Union legal requirements, laid down in particular in Commission Delegated Regulation (EU) 2016/1149 (*). Operators in the wine sector are also vulnerable to the disruption and disturbance caused by the COVID-19 pandemic and are experiencing financial difficulties and cash-flow problems caused by a disruption of the supply chains, the closure of certain outlets in particular at the retail level and in the catering sector. They are experiencing logistical problems and difficulties in managing their production due to a shortage of workforce and difficulties in reaching consumers due to disruption of the supply chain. This is having a direct impact on the financial stability of wine operators and on their capacity to implement operations under the wine support programmes in 2020.
- (20) The measures taken by governments over the last months to address the crisis due to the COVID-19 pandemic, in particular the closure of hotels, bars and restaurants, the limitation of circulation of people and goods that are reduced to the essential, the closure of certain borders within the Union, are having a negative impact on the Union wine sector and are causing market disturbance.
- (21) Furthermore, the labour shortage, also linked to the COVID-19 pandemic, and the logistical difficulties caused by the COVID-19 pandemic are putting pressure on wine growers and the whole wine sector who are facing increasing problems for the upcoming harvest: low prices, reduced consumption, transport and sales difficulties. All these factors are contributing to a severe disturbance in the wine market.
- (22) At the same time, the Union wine market has been already subject to aggravating conditions throughout 2019 and wine stocks are at their highest level since 2009. This development is due primarily to a combination of the record harvest in 2018 and a general decrease in wine consumption in the Union. In addition, the imposition by the United States of America, the Union's main wine export market, of additional import tariffs on European wines has impacted exports. The COVID-19 pandemic has delivered a further blow to a fragile sector that is no more able to market or distribute its products effectively, due mostly to the closure of major export markets and to the measures taken to ensure a proper confinement and lockdown in particular the interruption of all catering activities and the impossibility to supply usual customers. In addition, the difficulty in supply of key inputs such as bottles and corks required for wine production is putting a strain on the activities of operators in the wine sector by preventing them from putting on the market wine ready for sale.

(*) Commission Delegated Regulation (EU) 2016/1149 of 15 April 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation (EC) No 555/2008 (OJ L 190, 15.7.2016, p. 1).

- (23) Against this background, for reasons linked to the COVID-19 pandemic, it is necessary to take urgent temporary measures to offset the market disturbance. These include, among others, temporarily allowing modifications to the objective of a selected operation and paying actions that have been completed even if the overall operation has not been fully implemented. Partial implementation of restructuring and conversion of vineyards, investments and innovation operations without sanction should also be allowed.
- (24) To help operators respond to the current exceptional circumstances and address this unpredictable and precarious situation, it is appropriate to allow further flexibility in implementing the measures under Articles 22, 26, 53(1) and 54 of Delegated Regulation (EU) 2016/1149.
- (25) As regards support for green harvesting, Article 22 of Delegated Regulation (EU) 2016/1149 does not allow green harvesting to be carried out during two consecutive years on the same parcel. In view of the uncertainty regarding the length and seriousness of the COVID-19 pandemic, to enable producers to better regulate their production and be in a better position to adapt to the market situation over a longer period, this limitation should be temporarily lifted until 15 October 2020.
- (26) Article 26 of Delegated Regulation (EU) 2016/1149 limits support for the setting up of mutual funds granted under the support programmes in the wine sector to three years. Taking account of the current crisis resulting from the COVID-19 pandemic, to further encourage a responsible approach to crisis situations, it is considered appropriate to lift temporarily that three-year limit. This will provide support to producers over a longer period and provide better opportunities to preserve their incomes in this time of crisis.
- (27) Rules related to possible changes to operations under the support programmes in the wine sector under Regulation (EU) No 1308/2013 are laid down in Article 53(1) of Delegated Regulation (EU) 2016/1149. In order to enable beneficiaries to react adequately and efficiently to the exceptional circumstances related to the COVID-19 pandemic and to adapt production and marketing, further temporary flexibility to these rules should be allowed. Therefore, it is appropriate to temporarily authorise Member States to derogate from those rules by allowing beneficiaries to submit changes to the initially approved operation without approval by the national authorities. In this way, Member States may allow changes to operations under these measures within the initially approved amount of eligible support to be implemented without prior approval. Such a derogation would help beneficiaries who are unable to complete certain operations as a result of the crisis and wish to change them to prevent further economic losses or to better address the market situation. In addition, it is also appropriate to temporarily allow a change in the objective of the selected operation for the measures related to promotion, restructuring and conversion of vineyards, investments and innovation because, contrary to other measures under the wine support programmes, the objectives of these measures can be multiple, for example investments in a winery and a wine cellar. In such cases, where a beneficiary is unable to complete the objective of an operation fully, the beneficiary should be allowed to reduce the scale of the objectives of that operation. However, such changes should continue to be approved by the competent authority.
- (28) To avoid beneficiaries being penalised for using the introduced flexibility that enables changes to approved operations without prior approval, for not having implemented their overall operation as approved initially by the competent authority or for changing the objective of the operation, it is also necessary to derogate temporarily from Article 54(1) of Delegated Regulation (EU) 2016/1149, which provides that support is to be paid once it is ascertained that either an overall operation or all the individual actions of the overall operation have been fully implemented. This will ensure that support is paid for the individual actions, as provided for by this Regulation, as long as those actions are fully implemented.
- (29) For operations supported under Articles 46 and 47 of Regulation (EU) No 1308/2013, to avoid beneficiaries being penalised for not having implemented, as a result of the crisis, their operations on the total surface for which support was approved, it is also necessary to derogate temporarily from Article 54(4) of Delegated Regulation (EU) 2016/1149, to ensure that the support is paid, without sanction, for the part of the operation that has been implemented.
- (30) In view of the need to take immediate action, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

TITLE I

FRUIT AND VEGETABLES

Article 1

Temporary derogations from Delegated Regulation (EU) 2017/891

1. By way of derogation from the first subparagraph of Article 17(2), for the year 2020, the maximum percentage of voting rights and shares or capital that any natural or legal person may hold in a producer organisation may exceed 50 % of the total voting rights and 50 % of the shares or capital, for reasons linked to the COVID-19 pandemic. However, Member States shall ensure that measures are adopted to avoid an abuse of power by any legal or natural person holding voting rights and shares or capital exceeding 50 % of the total voting rights and exceeding 50 % of the shares or capital.
2. By way of derogation from Article 23(4), if in the year 2020, a reduction of at least 35 % in the value of a product was linked to the COVID-19 pandemic and occurred for reasons outside the responsibility and control of the producer organisation, the value of marketed production of that product shall be deemed to represent 100 % of its value in the previous reference period. The producer organisation shall prove to the competent authority of the Member State concerned that these conditions are met.
3. By way of derogation from Article 27(4), for the year 2020, the Member States may amend the national strategy, after the annual submission of the draft operational programmes. However, Member States shall ensure that the continuity and the implementation of multiannual and ongoing operations that are part of approved operational programmes of producer organisations are not disrupted.
4. By way of derogation from Article 27(5), for the year 2020, the obligation on Member States to set out in the national strategy the maximum percentages of the operational fund which may be spent on any individual measure or type of action in order to ensure a balance between different measures, shall not apply.
5. By way of derogation from Article 34(2), for the year 2020, Member States may also authorise producer organisations to suspend for the year 2020 their operational programmes in full or in part.
6. For the year 2020, aid received for eligible actions carried out before the cessation of the operational programme shall not be recovered, provided that the conditions laid down in Article 36(2) of Delegated Regulation (EU) 2017/891 are met and provided that the cessation of the operational programme was linked to the COVID-19 pandemic and occurred for reasons outside the control and responsibility of the producer organisation concerned.
7. By way of derogation from Article 36(3), Union financial assistance for multiannual commitments, such as environmental actions where their long term objectives and expected benefits cannot be realised in the year 2020 because of the interruption of those commitments in the year 2020 for reasons linked to the COVID-19 pandemic, shall not be recovered and reimbursed to the EAGF.
8. By way of derogation from the first subparagraph of Article 48(3), for the year 2020, non-harvesting measures may be undertaken where commercial production has been taken from the area concerned during the normal production cycle. By way of derogation from the fourth subparagraph of Article 48(3), for the year 2020, green harvesting and non-harvesting may be applied for the same product and the same given area.
9. By way of derogation from Articles 54(b) and 58(3), the report of the evaluation exercise carried out in 2020 shall be communicated to the Commission by 30 June 2021.
10. By way of derogation from Article 59(1) and (4), where a producer organisation, in the year 2020, for reasons linked to the COVID-19 pandemic, is unable to take corrective measures within the time periods set for that purpose, Member States may extend those time periods beyond the four months referred to in Article 59(1) and (4).
11. By way of derogation from Article 59(1), where in the year 2020 a producer organisation fails to respect the recognition criteria linked to the requirements of Article 5 for reasons linked to the COVID-19 pandemic, Member States shall not suspend the payment of aid to the production organisation concerned.

12. By way of derogation from Article 59(2), where a producer organisation is in the year 2020 unable to take corrective measures during the suspension of recognition for reasons linked to the COVID-19 pandemic, Member States may extend the time period fixed for taking those corrective measures beyond 12 months from the date of receipt of the warning letter by the producer organisation, but not beyond 31 December 2020.

13. By way of derogation from the second subparagraph of Article 59(2), the reduction of the yearly aid amount by 2 % for each calendar month or part thereof during which the recognition of a producer organisation is suspended shall not apply where in the year 2020 that producer organisation was unable to take corrective measures for reasons linked to the COVID-19 pandemic.

14. By way of derogation from Article 59(5), the reduction of the yearly aid amount by 1 % for each calendar month or part thereof, shall not apply where in the year 2020 the producer organisation was unable to take corrective measures for reasons linked to the COVID-19 pandemic.

15. By way of derogation from the first subparagraph of Article 59(6), the year 2020 shall not be taken into account when establishing compliance with the minimum volume or value of marketed production as required by Article 154(1) (b) of Regulation (EU) No 1308/2013.

16. By way of derogation from Article 61(6), where the operational programme ends in the year 2020 and where the conditions referred to in Article 33(5)(b) of Regulation (EU) No 1308/2013 have not been complied with in the year 2020 for reasons linked to the COVID-19 pandemic, the total amount of support for the last year of the operational programme shall not be reduced.

TITLE II

WINE

Article 2

Temporary derogations from Delegated Regulation (EU) 2016/1149

1. By way of derogation from Article 22 of Delegated Regulation (EU) 2016/1149, during the year 2020, green harvesting may be applied on the same parcel for two or more consecutive years.

2. By way of derogation from Article 26 of Delegated Regulation (EU) 2016/1149, in cases linked to the COVID-19 pandemic, and where beneficiaries so request not later than 15 October 2020, Member States may extend the support period for setting up mutual funds by 12 months for operations for which the support period ended in 2019.

3. By way of derogation from Article 53(1) of Delegated Regulation (EU) 2016/1149, Member States may, in duly justified cases related to the COVID-19 pandemic, allow changes that occur not later than 15 October 2020, to be implemented without prior approval provided that they do not affect the eligibility of any part of the operation and its overall objectives and provided that the total amount of approved support for the operation is not exceeded. Such changes shall be notified to the competent authority by the beneficiaries within the deadlines set by the Member States.

4. By way of derogation from Article 53(1) of Delegated Regulation (EU) 2016/1149, Member States may, in duly justified cases related to the COVID-19 pandemic, allow beneficiaries to submit changes that occur not later than 15 October 2020 and that modify the objective of the overall operation already approved under the measures referred to in Articles 45, 46, 50 and 51 of Regulation (EU) No 1308/2013, provided that any ongoing individual actions which are part of an overall operation are completed. Such changes shall be notified to the competent authority by the beneficiaries within the deadline set by the Member States, and shall require the prior approval of the competent authority.

5. By way of derogation from Article 54(1) of Delegated Regulation (EU) 2016/1149, where a change to an already approved operation has been notified to the competent authority in accordance with paragraph 3 of this Article, support shall be paid for the individual actions already implemented under this operation if these actions have been implemented in full and have been subject to administrative and, where applicable, on-the-spot checks in accordance with Section 1 of Chapter IV of Commission Implementing Regulation (EU) 2016/1150 ^(³).

⁽³⁾ Commission Implementing Regulation (EU) 2016/1150 of 15 April 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector (OJ L 190, 15.7.2016, p. 23).

6. By way of derogation from the third, fourth, fifth and sixth subparagraphs of Article 54(4) of Delegated Regulation (EU) 2016/1149, for payment claims submitted not later than 15 October 2020, where operations supported under Articles 46 and 47 of Regulation (EU) No 1308/2013 are not implemented on the total surface for which support was requested for reasons related to the COVID-19 pandemic, Member States shall calculate the support to be paid on the basis of the area determined by the on-the-spot checks following implementation.

TITLE III

FINAL PROVISIONS

Article 3

Entry into force

This Regulation shall enter into force on the day 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, 4 May 2020.

For the Commission

The President

Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2020/885**of 26 June 2020****as regards measures to prevent the introduction into and the spread within the Union of
Pseudomonas syringae pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/2031 ⁽¹⁾ of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC, and in particular Article 30(1) thereof,

Whereas:

- (1) In 2011, Italy informed the Commission that a new aggressive strain of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto ('the specified pest'), the causal agent of kiwi canker, was present in its territory and that it had adopted official measures to prevent the further introduction and spread within its territory of the specified pest. The available information also showed that this aggressive strain of the specified pest was present in a third country that exports the propagating material of kiwi plants, including pollen, to the Union. That information remains relevant today to the Union territory.
- (2) For this reason, the Commission adopted Implementing Decision 2012/756/EU ⁽²⁾.
- (3) Implementing Decision 2012/756/EU was replaced by Implementing Decision (EU) 2017/198 ⁽³⁾, which expired on 31 March 2020.
- (4) The specified pest is not listed as a Union quarantine pest in Annex II, protected zone quarantine pest in Annex III or regulated non-quarantine pest in Annex IV to Commission Implementing Regulation (EU) 2019/2072 ⁽⁴⁾.
- (5) The reasons for the adoption of Implementing Decision (EU) 2017/198, including the respective preliminary pest risk analysis of the Commission, remain valid. Due to the ongoing phytosanitary risk posed by the specified pest, measures should be adopted concerning the introduction into the Union of live pollen and plants intended for planting, other than seeds, of *Actinidia* Lindl. ('the specified plants') from third countries. Measures should also be provided for the movement within the Union of those plants that originate in the Union. Those measures should be the same as the measures set out in Implementing Decision (EU) 2017/198, as they have proven effective to protect the Union territory from the specified pest.
- (6) In order to ensure an increased level of protection of the Union territory from the specified pest, specified plants introduced into the Union should be rigorously inspected and, where appropriate, tested for the presence of the specified pest at the border control post or at destination control point established in accordance with Commission Delegated Regulation (EU) 2019/2123 ⁽⁵⁾.

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽²⁾ Commission Implementing Decision 2012/756/EU of 5 December 2012 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto (OJ L 335, 7.12.2012, p. 49).

⁽³⁾ Commission Implementing Decision (EU) 2017/198 of 2 February 2017 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto (OJ L 31, 4.2.2017, p. 29).

⁽⁴⁾ Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and of the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, p. 1).

⁽⁵⁾ Commission Delegated Regulation (EU) 2019/2123 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts (OJ L 321, 12.12.2019, p. 64).

- (7) Implementing Decision (EU) 2017/198 should be repealed and replaced by this Regulation. This is necessary in order to take into account the provisions of Regulation (EU) 2016/2031 and Implementing Regulation (EU) 2019/2072, which apply since 14 December 2019.
- (8) This Regulation should apply as soon as possible in order to replace Implementing Decision (EU) 2017/198, which expired on 31 March 2020. It should enter into force on the third day following that of its publication in the *Official Journal of the European Union*.
- (9) Member States should, where applicable, adapt their legislation in order to comply with this Regulation.
- (10) This Regulation should apply until 31 December 2021 to allow time to monitor the evolution of the situation and determine the phytosanitary status of the specified pest in respect of the Union territory.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes measures to prevent the entry into, and the spread within, the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto ('the specified pest').

Article 2

Prohibition of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto

The specified pest shall not be introduced into, moved within, or held, multiplied or released in, the Union territory.

Article 3

Introduction of live pollen and plants intended for planting, other than seeds, of *Actinidia* Lindl. into the Union

Live pollen and plants intended for planting, other than seeds, of *Actinidia* Lindl ('the specified plants') originating in third countries may only be introduced into the Union if they comply with the specific requirements for introduction, as set out in Articles 4, 5 and 6.

Article 4

Phytosanitary certificate

Specified plants originating in third countries shall be accompanied by a phytosanitary certificate, which includes under the heading 'Additional declaration' the information that one of the following conditions is fulfilled:

- (a) The specified plants have been grown throughout their life in a country where the specified pest is known not to occur.
- (b) The specified plants have been grown throughout their life in a pest-free area, established as regards the specified pest by the National Plant Protection Organisation (NPPO) of the country of origin in accordance with the Food and Agriculture Organisation of the United Nations' (FAO) International Standard for Phytosanitary Measures (ISPM) No 4 ⁽⁶⁾. The name of the pest-free area shall be included in the certificate under the heading 'Place of Origin'.

⁽⁶⁾ Requirements for the establishment of pest free areas. ISPM No 4 (1995), Rome, IPPC, FAO 2016.

- (c) The specified plants have been produced in a pest-free place or a pest-free site of production, established as regards the specified pest by the NPPO of the country of origin in accordance with the FAO's ISPM No 10 ⁽⁷⁾. The specified plants have been grown in a structure with a degree of isolation and protection from the outside environment that effectively excludes the specified pest. At that place or site the specified plants have been officially inspected twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the export and found free from the specified pest.

That place or site of production is surrounded by a zone with a radius of at least 100 metres, where official inspections were carried out twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the export and any specified plants showing symptoms of infection which were found during those inspections were immediately destroyed.

- (d) The specified plants have been produced in a pest-free place of production established as regards the specified pest by the NPPO of the country of origin in accordance with the FAO's ISPM No 10. At that place the specified plants have been officially inspected, sampled and tested twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the export and found free from the specified pest.

That place of production is surrounded by a zone with a radius of 4 500 metres ('the surrounding zone'), where one of the following conditions has been fulfilled:

- (i) official inspections, sampling and testing have been carried out twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the export. The specified pest has not been found during the official inspection, sampling and testing;
- (ii) all specified plants within a radius of 500 m from that place of production have been immediately destroyed;
- (iii) each specified plant within a radius of 500 m from that place of production has been regularly tested at the most appropriate times for detecting symptoms of infection and found free from the specified pest.

In the case of points (ii) and (iii), all specified plants within that zone at a distance of 500 m to 4 500 m from the place of production have been destroyed or tested according to a sampling scheme able to confirm with 99 % reliability that the level of presence of the specified pest in the specified plants is below 0,1 %.

Article 5

Additional information to be included in the phytosanitary certificate

Where the information set out in points (c) or (d) of Article 4 is given, the certificate shall, in addition, include the information that one of the following conditions is satisfied:

- (a) the specified plants have been directly derived from mother plants grown under the conditions set out in points (a), (b) or (c) of Article 4;
- (b) the specified plants have been directly derived from mother plants, which were subject to prior individual testing confirming their freedom from the specified pest;
- (c) the specified plants have been tested according to a sampling scheme able to confirm with 99 % reliability that the level of presence of the specified pest in the specified plants is below 0,1 %.

Article 6

Inspection

Specified plants introduced into the Union, accompanied by a phytosanitary certificate and complying with Articles 4 and 5, shall be rigorously inspected and, where appropriate, tested for the presence of the specified pest at the border control post or at a control point established in accordance with Delegated Regulation (EU) 2019/2123.

⁽⁷⁾ Requirements for the establishment of pest free places of production and pest free production sites. ISPM No 10 (1999), Rome, IPPC, FAO 2016.

*Article 7***Movement of the specified plants within the Union**

Specified plants that have spent any part of their lives in the Union, may only be moved within the Union, if they meet the specific requirements set out in Articles 8 and 9.

*Article 8***Issuance of plant passport and conditions for movement**

Specified plants that have spent any part of their lives in the Union and plants introduced into the Union according to Article 3 may be moved within the Union only if they are accompanied by a plant passport prepared, issued and used in accordance with Articles 78 to 95 of Regulation (EU) 2016/2031, and if they meet one of the following conditions:

- (a) The specified plants have been grown throughout their life in a Member State where the specified pest is not known to occur.
- (b) The specified plants have been grown throughout their life in a protected zone listed in Annex III of Implementing Regulation (EU) 2019/2072.
- (c) The specified plants have been grown throughout their life in a pest-free area, established as regards the specified pest by the competent authority of a Member State of origin in accordance with the FAO's ISPM No 4.
- (d) The specified plants have been produced in a pest-free place or a pest-free site of production, established as regards the specified pest by the responsible official body of the Member State of origin in accordance with the FAO's ISPM No 10. The specified plants have been grown in a structure with a degree of isolation and protection from the outside environment that effectively excludes the specified pest. At that place or site, the specified plants have been officially inspected twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement and found free from the specified pest.

That place or site of production is surrounded by a zone with a radius of at least 100 metres, where official inspections were carried out twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement and any plants showing symptoms of infection which were found during those inspections were immediately destroyed.

- (e) The specified plants have been produced in a pest-free place of production, established as regards the specified pest by the competent authority of the Member State of origin in accordance with the FAO's ISPM No 10.

At that place the specified plants have been officially inspected, sampled and tested twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement and found free from the specified pest.

That place of production is surrounded by a zone with a radius of 500 metres ('the surrounding zone'), where one of the following conditions have been fulfilled:

- (i) official inspections, sampling and testing have been carried out throughout the surrounding zone twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement. The specified pest has not been found during the official inspection, sampling and testing;
- (ii) all specified plants within the surrounding zone have been immediately destroyed;
- (iii) each specified plant within the surrounding zone has been regularly tested at the most appropriate times for detecting symptoms of infection and found free from the specified pest.

The surrounding zone is itself encircled by a further zone, with a width of 4 000 metres, where one of the following conditions has been fulfilled:

- (i) following official inspections, sampling and testing that have been carried out throughout that further zone twice, at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement, eradication measures were taken in all cases when the specified pest has been identified on the specified plants. These measures shall consist of the immediate destruction of the infected specified plants;

- (ii) all specified plants within that further zone have been destroyed;
- (iii) all specified plants within that further zone have been tested according to a sampling scheme able to confirm with 99 % reliability that the level of presence of the specified pest in the specified plants is below 0,1 %.

Article 9

Additional conditions for movement

Where the requirements set out in points (d) or (e) of Article 8 are met, the specified plants shall, in addition, satisfy one of the following requirements:

- (a) the specified plants have been directly derived from mother plants grown under the conditions set out in points (a), (b), (c) or (d) of Article 8;
- (b) the specified plants have been directly derived from mother plants, subject to prior individual testing confirming their freedom from the specified pest;
- (c) the specified plants have been tested according to a sampling scheme able to confirm with 99 % reliability that the level of presence of the specified pest in the specified plants is below 0,1 %.

Article 10

Compliance

Member States shall repeal or amend the measures, which they have already adopted to protect themselves against the introduction and spread of the specified pest, in order to comply with this Regulation. They shall immediately inform the Commission of those measures.

Article 11

Entry into force and application

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

It shall apply until 31 December 2021.

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

Done at Brussels, 26 June 2020.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2020/886**of 26 June 2020****correcting the Italian language version of Implementing Regulation (EU) No 923/2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky ⁽¹⁾ (the airspace Regulation), and in particular Article 4(a) and (b) thereof,

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 ⁽²⁾, and in particular Articles 31, 43, 44 and Annex VIII thereof,

Whereas:

- (1) The Italian language version of Commission Implementing Regulation (EU) No 923/2012 ⁽³⁾ contains inconsistent terminology in the Annex, Section 5, SERA.5025, point (b) and in Appendix 4, the first row of the table and in the footnotes ^(**) and ^(***) as regards air-ground voice communications.
- (2) The Italian language version of Implementing Regulation (EU) No 923/2012 should therefore be corrected accordingly. The other language versions are not affected.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee, established by Article 5 of Regulation (EC) No 549/2004 of the European Parliament and of the Council ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

(Does not concern the English language)

⁽¹⁾ OJ L 96, 31.3.2004, p. 20.

⁽²⁾ OJ L 212, 22.8.2018, p. 1.

⁽³⁾ Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (OJ L 281, 13.10.2012, p. 1).

⁽⁴⁾ Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 96, 31.3.2004, p. 1).

Article 2

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

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

Done at Brussels, 26 June 2020.

For the Commission

The President

Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2020/887**of 26 June 2020****amending Implementing Regulation (EU) 2019/66 as regards post-import checks of plants for planting**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) ⁽¹⁾, and in particular Article 22(3) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/66 ⁽²⁾ establishes rules on uniform practical arrangements for the performance of official controls on plants, plant products and other objects. Those rules include checks at the premises of professional operators at the places of production of plants for planting.
- (2) Dormant plants for planting other than seeds may present uniform hazards and risks to plant health, because at the time of their checking at the Border Control Posts, or at control points, it might not be possible to identify the presence or symptoms of pests. Nevertheless, immediately after those checks, those plants for planting are released for free circulation, accompanied by a plant passport for movement within the Union territory.
- (3) Therefore, and for the purpose of responding to those risks, it is appropriate, after import, to carry out physical checks at the operators' premises at least during the first growing season, in order to detect with a higher degree of certainty the presence of a Union quarantine pest, a protected zone quarantine pest or a pest subject to the measures adopted pursuant to Article 30(1) of Regulation (EU) 2016/2031 of the European Parliament of the Council ⁽³⁾. In order for the competent authorities to carry out those checks in the most efficient and proportionate manner, they should determine the frequencies of those checks, as well as the plants for planting to be subject to those checks, on the basis of a control plan, which shall be established in accordance with certain criteria.
- (4) In order to make the checks more efficient and targeted on the highest plant health risks, it is appropriate to base them on the history of interceptions of the relevant pests with regards to the relevant third countries of origin, the presence of priority pests in those countries and the available information in the Information Management System for Official Controls (IMSOC). The Member States may collect fees for those controls, as set out in Article 80 of Regulation (EU) 2017/625.
- (5) When those checks demonstrate that a quarantine pest or a pest subject to the measures adopted pursuant to Article 30(1) of Regulation (EU) 2016/2031 is found, competent authorities should record the results of the checks in IMSOC into the corresponding finalised CHED as referred to in Article 56 of Regulation (EU) 2017/625, whenever it is possible to trace back the infested plant to the imported consignment.

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2019/66 of 16 January 2019 on rules on uniform practical arrangements for the performance of official controls on plants, plant products and other objects in order to verify compliance with Union rules on protective measures against pests of plants applicable to those goods (OJ L 15, 17.1.2019, p. 1).

⁽³⁾ Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4).

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Implementing Regulation (EU) 2019/66 is replaced by the following:

'Article 1

1. Competent authorities shall perform official controls at least once per year in the premises and, where applicable, in other locations used by professional operators authorised to issue plant passports in accordance with Article 84(1) of Regulation (EU) 2016/2031.
2. Those controls shall include inspections and, in the case of suspicion of risks to plant health, the sampling and testing referred to in Article 92(1) of Regulation (EU) 2016/2031.
3. Those controls shall be carried out at the most appropriate time with regard to the possibility of detecting the presence of relevant pests or signs or symptoms thereof.
4. In addition to the controls referred to in paragraphs 1 to 3, the competent authorities shall carry out physical checks on plants for planting other than seeds, including tubers, bulbs and rhizomes, that have been introduced into the Union at a dormant stage. The competent authorities shall carry out those checks during the first growing season after import on certain of those plants identified on the basis of the control plan referred to in paragraph 5.
5. The competent authorities shall determine the frequencies of the checks mentioned in paragraph 4, on the basis of a control plan, which shall be established in accordance with at least all of the following criteria:
 - (a) the history and the level of Union quarantine pests intercepted and notified by the Member States in accordance with Article 11(c) of Regulation (EU) 2016/2031, found present on imported plants, plant products and other objects;
 - (b) the occurrence of a priority pest, within the meaning of Article 6 of Regulation (EU) 2016/2031, in the relevant third country of origin, according to the available technical and scientific information;
 - (c) information made available via the Information Management System for Official Controls (IMSOC) or any other official warning;
 - (d) the biology of the host and the pests, and other relevant conditions for the efficient detection of a quarantine pest or a pest subject to the measures adopted pursuant to Article 30(1) of Regulation (EU) 2016/2031.
6. When those checks mentioned in paragraph 4 demonstrate the presence of a quarantine pest or a pest subject to the measures adopted pursuant to Article 30(1) of Regulation (EU) 2016/2031, competent authorities shall record the results of the checks in IMSOC into the corresponding finalised Common Health Entry Document (CHED) as referred to in Article 56 of Regulation (EU) 2017/625, whenever it is possible to trace back the infested plant to the imported consignment.'

Article 2

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

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

Done at Brussels, 26 June 2020.

For the Commission
The President
Ursula VON DER LEYEN

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2020/888

of 23 June 2020

extending the mandate of the Head of Mission of the European Union CSDP mission in Mali (EUCAP Sahel Mali) (EUCAP Sahel Mali/1/2020)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision 2014/219/CFSP of 15 April 2014 on the European Union CSDP mission in Mali (EUCAP Sahel Mali) ⁽¹⁾, and in particular Article 7(1) thereof,

Whereas:

- (1) Pursuant to Article 7(1) of Decision (CFSP) 2014/219, the Political and Security Committee (PSC) is authorised, in accordance with the third paragraph of Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising the political control and strategic direction of EUCAP Sahel Mali, including the decision to appoint a Head of Mission.
- (2) On 18 September 2017, the PSC adopted Decision (CFSP) 2017/1780 ⁽²⁾, appointing Mr Philippe RIO as Head of Mission of EUCAP Sahel Mali from 1 October 2017 to 14 January 2018. This mandate was thereafter extended until 30 September 2020 by subsequent PSC decisions.
- (3) On 21 February 2019, the Council adopted Decision (CFSP) 2019/312 ⁽³⁾, extending the mandate of EUCAP Sahel Mali until 14 January 2021.
- (4) The High Representative of the Union for Foreign Affairs and Security Policy has proposed to extend the mandate of Mr Philippe RIO as Head of Mission of EUCAP Sahel Mali from 1 October 2020 to 31 December 2020,

HAS ADOPTED THIS DECISION:

Article 1

The mandate of Mr Philippe RIO as Head of Mission of EUCAP Sahel Mali is hereby extended to 31 December 2020.

Article 2

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

⁽¹⁾ OJ L 113, 16.4.2014, p. 21.

⁽²⁾ Political and Security Committee Decision (CFSP) 2017/1780 of 18 September 2017 on the appointment of the Head of Mission of the European Union CSDP mission in Mali (EUCAP Sahel Mali) (EUCAP Sahel Mali/1/2017) (OJ L 253, 30.9.2017, p. 37).

⁽³⁾ Council Decision (CFSP) 2019/312 of 21 February 2019 amending and extending Decision 2014/219/CFSP on the European Union CSDP Mission in Mali (EUCAP Sahel Mali) (OJ L 51, 22.2.2019, p. 29).

Done at Brussels, 23 June 2020.

For the Political and Security Committee

The Chairperson

S. FROM-EMMESBERGER

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2020 OF THE EU-SAN MARINO COOPERATION COMMITTEE

of 28 May 2020

concerning the applicable provisions on organic production and labelling of organic products, and arrangements for imports of organic products adopted under the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part [2020/889]

THE EU-SAN MARINO COOPERATION COMMITTEE,

Having regard to the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part ⁽¹⁾, and in particular Articles 7(2), 8(3) c) and 23 (1) thereof,

Whereas:

- (1) Article 6(4) of the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part ('the Agreement') provides that, in trade in agricultural products between the Union and the Republic of San Marino, the Republic of San Marino undertakes to adopt Union quality legislation where necessary for the proper functioning of the Agreement.
- (2) Under the fifth indent of Article 7(1) of the Agreement, the Republic of San Marino is to apply, in respect of countries not members of the Union ('third countries'), the Union quality legislation where necessary for the proper functioning of the Agreement.
- (3) In order to avoid obstacles to the free circulation of the goods and to ensure the proper functioning of the customs union established by the Agreement, it is appropriate to determine in greater detail the provisions of Union quality legislation applicable to organic production and labelling of organic products.
- (4) In order to ensure compliance with Union legislation in relation to imports of organic products from third countries into the Republic of San Marino, it is necessary to lay down the relevant arrangements to be applied by its national authorities.
- (5) In order to ensure compliance with Union legislation in relation to organic products prepared or produced in the Republic of San Marino, the relevant arrangements should also be laid down.
- (6) It is also appropriate to provide for a procedure to be followed in the event that new Union legislation on organic production and labelling of organic products is adopted that affects the references to the provisions and the arrangements laid down in this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The applicable provisions of Union legislation on organic production and labelling of organic products are listed in Annex A.

⁽¹⁾ OJ L 84, 28.3.2002, p. 43.

Article 2

Arrangements necessary to ensure compliance with the Union legislation referred to in Article 1 in relation to imports of organic products from third countries into the Republic of San Marino are laid down in Annex B.

Article 3

Arrangements necessary to ensure compliance with the Union legislation referred to in Article 1 in relation to organic products prepared or produced in the Republic of San Marino are laid down in Annex C.

Article 4

Amendments of Annexes A, B and C as well as other practical arrangements necessary for the application of the legislation referred to in those Annexes shall be agreed by the services of the European Commission and the authorities of the Republic of San Marino.

Article 5

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

Done at Brussels, 28 May 2020.

For the Cooperation Committee
The Chairman
Clara GANSLANDT

ANNEX A

LIST OF APPLICABLE PROVISIONS ON ORGANIC PRODUCTION AND LABELLING OF ORGANIC PRODUCTS

Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1), as amended by:

- Council Regulation (EC) No 967/2008 of 29 September 2008 (OJ L 264, 3.10.2008, p. 1),
- Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).

Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1), as amended by:

- Commission Regulation (EC) No 1254/2008 of 15 December 2008 (OJ L 337, 16.12.2008, p. 80),
- Commission Regulation (EC) No 710/2009 of 5 August 2009 (OJ L 204, 6.8.2009, p. 15),
- Commission Regulation (EU) No 271/2010 of 24 March 2010 (OJ L 84, 31.3.2010, p. 19),
- Commission Implementing Regulation (EU) No 344/2011 of 8 April 2011 (OJ L 96, 9.4.2011, p. 15),
- Commission Implementing Regulation (EU) No 426/2011 of 2 May 2011 (OJ L 113, 3.5.2011, p. 1),
- Commission Implementing Regulation (EU) No 126/2012 of 14 February 2012 (OJ L 41, 15.2.2012, p. 5),
- Commission Implementing Regulation (EU) No 203/2012 of 8 March 2012 (OJ L 71, 9.3.2012, p. 42),
- Commission Implementing Regulation (EU) No 505/2012 of 14 June 2012 (OJ L 154, 15.6.2012, p. 12),
- Commission Implementing Regulation (EU) No 392/2013 of 29 April 2013 (OJ L 118, 30.4.2013, p. 5),
- Commission Regulation (EU) No 519/2013 of 21 February 2013 (OJ L 158, 10.6.2013, p. 74),
- Commission Implementing Regulation (EU) No 1030/2013 of 24 October 2013 (OJ L 283, 25.10.2013, p. 15),
- Commission Implementing Regulation (EU) No 1364/2013 of 17 December 2013 (OJ L 343, 19.12.2013, p. 29),
- Commission Implementing Regulation (EU) No 354/2014 of 8 April 2014 (OJ L 106, 9.4.2014, p. 7),
- Commission Implementing Regulation (EU) No 836/2014 of 31 July 2014 (OJ L 230, 1.8.2014, p. 10),
- Commission Implementing Regulation (EU) No 1358/2014 of 18 December 2014 (OJ L 365, 19.12.2014, p. 97),
- Commission Implementing Regulation (EU) 2016/673 of 29 April 2016 (OJ L 116, 30.4.2016, p. 8),
- Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 (OJ L 282, 19.10.2016, p. 19),
- Commission Implementing Regulation (EU) 2017/838 of 17 May 2017, (OJ L 125, 18.5.2017, p. 5),
- Commission Implementing Regulation (EU) 2017/2273 of 8 December 2017 (OJ L 326, 9.12.2017, p. 42),
- Commission Implementing Regulation (EU) 2018/1584 of 22 October 2018 (OJ L 264, 23.10.2018, p. 1).

Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 334, 12.12.2008, p. 25), as amended by:

- Commission Regulation (EC) No 537/2009 of 19 June 2009 (OJ L 159, 20.6.2009, p. 6),
- Commission Regulation (EU) No 471/2010 of 31 May 2010 (OJ L 134, 1.6.2010, p. 1),
- Commission Implementing Regulation (EU) No 590/2011 of 20 June 2011 (OJ L 161, 21.6.2011, p. 9),
- Commission Implementing Regulation (EU) No 1084/2011 of 27 October 2011 (OJ L 281, 28.10.2011, p. 3),

- Commission Implementing Regulation (EU) No 1267/2011 of 6 December 2011 (OJ L 324, 7.12.2011, p. 9),
- Commission Implementing Regulation (EU) No 126/2012 of 14 February 2012 (OJ L 41, 15.2.2012, p. 5),
- Commission Implementing Regulation (EU) No 508/2012 of 20 June 2012 (OJ L 162, 21.6.2012, p. 1),
- Commission Implementing Regulation (EU) No 751/2012 of 16 August 2012 (OJ L 222, 18.8.2012, p. 5),
- Commission Implementing Regulation (EU) No 125/2013 of 13 February 2013 (OJ L 43, 14.2.2013, p. 1),
- Commission Regulation (EU) No 519/2013 of 21 February 2013 (OJ L 158, 10.6.2013, p. 74),
- Commission Implementing Regulation (EU) No 567/2013 of 18 June 2013 (OJ L 167, 19.6.2013, p. 30),
- Commission Implementing Regulation (EU) No 586/2013 of 20 June 2013 (OJ L 169, 21.6.2013, p. 51),
- Commission Implementing Regulation (EU) No 355/2014 of 8 April 2014 (OJ L 106, 9.4.2014, p. 15),
- Commission Implementing Regulation (EU) No 442/2014 of 30 April 2014 (OJ L 130, 1.5.2014, p. 39),
- Commission Implementing Regulation (EU) No 644/2014 of 16 June 2014 (OJ L 177, 17.6.2014, p. 42),
- Commission Implementing Regulation (EU) No 829/2014 of 30 July 2014 (OJ L 228, 31.7.2014, p. 9),
- Commission Implementing Regulation (EU) No 1287/2014 of 28 November 2014 (OJ L 348, 4.12.2014, p. 1),
- Commission Implementing Regulation (EU) 2015/131 of 26 January 2015 (OJ L 23, 29.1.2015, p. 1),
- Commission Implementing Regulation (EU) 2015/931 of 17 June 2015 (OJ L 151, 18.6.2015, p. 1),
- Commission Implementing Regulation (EU) 2015/1980 of 4 November 2015 (OJ L 289, 5.11.2015, p. 6),
- Commission Implementing Regulation (EU) 2015/2345 of 15 December 2015 (OJ L 330, 16.12.2015, p. 29),
- Commission Implementing Regulation (EU) 2016/459 of 18 March 2016 (OJ L 80, 31.3.2016, p. 14),
- Commission Implementing Regulation (EU) 2016/910 of 9 June 2016 (OJ L 153, 10.6.2016, p. 23),
- Commission Implementing Regulation (EU) 2016/1330 of 2 August 2016 (OJ L 210, 4.8.2016, p. 43),
- Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 (OJ L 282, 19.10.2016, p. 19),
- Commission Implementing Regulation (EU) 2016/2259 of 15 December 2016 (OJ L 342, 16.12.2016, p. 4),
- Commission Implementing Regulation (EU) 2017/872 of 22 May 2017 (OJ L 134, 23.5.2017, p. 6),
- Commission Implementing Regulation (EU) 2017/1473 of 14 August 2017 (OJ L 210, 15.8.2017, p. 4),
- Commission Implementing Regulation (EU) 2017/1862 of 16 October 2017 (OJ L 266, 17.10.2017, p. 1),
- Commission Implementing Regulation (EU) 2017/2329 of 14 December 2017 (OJ L 333, 15.12.2017, p. 29),
- Commission Implementing Regulation (EU) 2018/949 of 3 July 2018 (OJ L 167, 4.7.2018, p. 3),
- Commission Implementing Regulation (EU) 2019/39 of 10 January 2019 (OJ L 9, 11.1.2019, p. 106).

as corrected by:

OJ L 28, 4.2.2015, p. 48 (1287/2014),

OJ L 241, 17.9.2015, p. 51 (2015/131).

ANNEX B

ARRANGEMENTS REFERRED TO IN ARTICLE 2

1. Organic products imported into the Republic of San Marino from third countries shall be accompanied by a certificate of inspection as referred in point (d) of the first subparagraph of Article 33(1) of Regulation (EC) No 834/2007.
 2. The Republic of San Marino shall use the electronic Trade Control and Expert System (TRACES) established by Commission Decision 2003/24/EC ⁽¹⁾ to process the electronic certificates of inspection for imports of organic products from third countries.
 3. For the purposes of Article 13 of Regulation (EC) No 1235/2008, in respect of imports of organic products from third countries into the Republic of San Marino the verification of the consignment and the endorsement of the certificates of inspections using TRACES shall be carried out on behalf of the Republic of San Marino by the customs offices listed in Annex II to Omnibus Decision No 1/2010 ⁽²⁾.
 4. For the purposes of Article 16(2) of Regulation (EC) No 1235/2008, the Republic of San Marino may be requested to act as co-reporter. The Republic of San Marino may accept this task at its own discretion.
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⁽¹⁾ Commission Decision 2003/24/EC of 30 December 2002 concerning the development of an integrated computerised veterinary system (OJ L 8, 14.1.2003, p. 44).

⁽²⁾ 'Omnibus' Decision No 1/2010 of the EU-San Marino Cooperation Committee of 29 March 2010 establishing various implementing measures for the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino (OJ L 156, 23.6.2010, p. 13).

ANNEX C

ARRANGEMENTS REFERRED TO IN ARTICLE 3

1. In the relevant Articles of the Regulations listed in Annex A, the term 'Member State' or 'Member States' shall be understood to include the Republic of San Marino.
 2. Where the relevant Articles of the Regulations listed in Annex A provide that a decision must be taken or a communication or notification must be made by a Member State, such decision shall be taken or such communication or notification shall be made by the authorities of the Republic of San Marino. Those authorities shall take into account the opinions of the Union's scientific committees and use as a basis for their decisions the case law of the Court of Justice of the European Union and rules of administrative conduct adopted by the European Commission.
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