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⁽¹⁾ Text with EEA relevance.

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2020/2034**of 6 October 2020****supplementing Regulation (EU) No 376/2014 of the European Parliament and of the Council as regards the common European risk classification scheme****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 ⁽¹⁾, and in particular Article 7(6) thereof,

Whereas:

- (1) The Commission, in close cooperation with the Member States and the European Union Aviation Safety Agency ("Agency") through the network of aviation safety analysts, developed a methodology for the classification of occurrences in terms of safety risk, by taking into account the need for compatibility with existing risk classification schemes. The common European risk classification scheme ("ERCS") was developed by 15 May 2017 in accordance with the target date set out in Article 7(5) of Regulation (EU) No 376/2014. The ERCS should be now set out in this Regulation.
- (2) It should support the competent authorities of the Member States and the Agency in their assessment of occurrences, its key purpose should be the identification and classification in a harmonised manner of the level of risk posed by each occurrence to aviation safety. Its purpose should not be the identification of the outcome of the occurrence.
- (3) The ERCS should also allow for the identification of rapid actions needed in reply to high-risk safety occurrences. It should also enable the identification of key risk areas from aggregated information and the identification and comparison of their risk levels.
- (4) The ERCS should facilitate an integrated and harmonised approach to risk management across the European aviation system and therefore enable the competent authorities of Member States and the Agency to focus on safety improvement efforts in a harmonised manner as part of the European Plan for Aviation Safety referred to in Article 6 of Regulation (EU) 2018/1139 of the European Parliament and of the Council ⁽²⁾.

⁽¹⁾ OJ L 122, 24.4.2014, p. 18.

⁽²⁾ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).

- (5) Commission Implementing Regulation (EU) 2019/317 ^(*) laying down a performance and charging scheme in the single European sky establishes the rate of runway incursions and separation minima infringement at Union level with a safety impact as the indicators to be monitored on an annual basis during the third reference period (RP3) that covers the calendar years 2020 to 2024 inclusive. This Regulation should be applied as of 1 January 2021 to align the use of the ERCS with the start of the RP3 second annual monitoring period and ensure the harmonised assessment of occurrences,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation sets out the common European risk classification scheme (ERCS) for the determination of the safety risk of an occurrence.

Article 2

Definitions

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

- (1) 'European risk classification scheme' or 'ERCS' means the methodology applied for the assessment of the risk posed by an occurrence to civil aviation in the form of a safety risk score;
- (2) 'ERCS matrix' means a grid made up of the variables described in Article 3(3) which serves for the illustrative representation of the safety risk score;
- (3) 'safety risk score' means the result of the risk classification of an occurrence by combining the values of the variables described in Article 3(3);
- (4) 'high-risk area' means an area where an aircraft impact would cause numerous injuries, result in a high number of fatalities, or both because of the nature of the activities in that area, such as nuclear or chemical plants;
- (5) 'populated area' means an area with clustered or scattered buildings and a permanent human population, such as city, settlement, town, or village;
- (6) 'life changing injury' means an injury reducing the person's quality of life in regard to reduced mobility or reduced cognitive or physical ability in daily life.

Article 3

Common European risk classification scheme

1. The ERCS is set out in the Annex.
2. The ERCS shall address the safety risk of an occurrence and not its actual outcome. The assessment of each occurrence shall determine the worst likely accident outcome that the occurrence might have led to, and how close to that accident outcome the occurrence was.
3. The ERCS shall be based on the ERCS matrix composed of the following two variables:
 - (a) severity: identification of the worst likely accident outcome that would have resulted if the occurrence under assessment had escalated into an accident;
 - (b) probability: identification of the likelihood of the occurrence under assessment to escalate into the worst likely accident outcome referred to in point (a).

^(*) Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 (OJ L 56, 25.2.2019, p. 1).

*Article 4***Entry into force**

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

It shall apply from 1 January 2021.

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

Done at Brussels, 6 October 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The common European risk classification scheme

The ERCS shall consist of the following two steps:

STEP 1: Determination of the values of the two variables: severity and probability.

STEP 2: Scoring of the safety risk within the ERCS matrix based on the two determined values of variables.

STEP 1: DETERMINATION OF THE VALUES OF THE VARIABLES**1. Severity of the potential accident outcome****1.1. Identification**

The identification of the severity of the potential accident outcome shall follow the following two steps:

- (a) a determination of the most likely type of accident that the occurrence under assessment could have escalated to (the so called key risk area);
- (b) a determination of the potential loss of life category based on aircraft size and proximity to populated or high-risk areas.

There are following key risk areas:

- a. airborne collision: a collision between aircraft while both aircraft are airborne; or between aircraft and other airborne objects (excluding birds and wildlife);
- b. aircraft upset: an undesired aircraft state characterised by unintentional divergences from parameters normally experienced during operations, which might ultimately lead to an uncontrolled impact with terrain;
- c. collision on runway: a collision between an aircraft and another object (other aircraft, vehicles, etc.) or person that occurs on a runway of an aerodrome or other predestinated landing area. It does not include collisions with birds or wildlife;
- d. excursion: an occurrence when an aircraft leaves the runway or movement area of an aerodrome or landing surface of any other predestinated landing area, without getting airborne. It includes high-impact vertical landings for rotorcraft or vertical take-off and landing aircraft and balloons or airships;
- e. fire, smoke and pressurisation: an occurrence involving cases of fire, smoke, fumes or pressurisation situations that may become incompatible with human life. This includes occurrences involving fire, smoke or fumes affecting any part of an aircraft, in flight or on the ground, which is not the result of impact or malicious acts;
- f. ground damage: damage to aircraft induced by operation of aircraft on ground on any other ground area than a runway or predestinated landing area, as well as damage during maintenance;
- g. obstacle collision in flight: collision between an airborne aircraft and obstacles rising from the surface of the earth. Obstacles include tall buildings, trees, power cables, telegraph wires and antennae as well as tethered objects;
- h. terrain collision: an occurrence where an airborne aircraft collides with terrain, without indication that the flight crew was unable to control the aircraft. It includes instances when the flight crew is affected by visual illusions or degraded visual environment;
- i. other injuries: an occurrence where fatal or non-fatal injuries have been inflicted, which cannot be attributed to any other key risk area;
- j. security: an act of unlawful interference against civil aviation. It includes all incidents and breaches related to surveillance and protection, access control, screening, implementation of security controls and any other acts intended to cause malicious or wanton destruction of aircraft and property, endangering or resulting in unlawful interference with civil aviation and its facilities. Includes both physical and cyber security events.

The potential loss of life shall be categorised in the following way:

- (a) more than 100 possible fatalities – where the occurrence under assessment involves at least any of the following:
 - one large certified aircraft with more than 100 potential passengers on board;
 - an equivalent size aircraft for cargo;
 - one aircraft of any type in a heavily populated area or in a high-risk area or both;
 - any situation involving any type of aircraft where more than 100 fatalities may be possible;
- (b) between 20 to 100 possible fatalities – where the occurrence under assessment involves at least any of the following:
 - one medium certified aircraft with 20 to 100 potential passengers on board or equivalent size for cargo aircraft;
 - any situation where 20 to 100 fatalities may be possible;
- (c) between 2 to 19 possible fatalities where the occurrence under assessment involves at least any of the following:
 - one small certified aircraft with up to 19 potential passengers on board;
 - an equivalent size for cargo aircraft;
 - any situation where 2 to 19 fatalities may be possible;
- (d) 1 possible fatality – where the occurrence under assessment involves at least any of the following:
 - one uncertified aircraft, that is aircraft not subject to European Union Aviation Safety Agency certification requirements;
 - any situation where a single fatality may be possible;
- (e) 0 possible fatalities – where the occurrence under assessment involves personal injuries only, regardless of the number of minor and serious injuries as long as there are no fatalities.

1.2. Determination

The severity of the accident shall result in one of the following severity scores:

- **‘A’** which stands for no likelihood of an accident;
- **‘E’** which stands for an accident involving minor and serious injury (not life changing) or minor aircraft damage;
- **‘I’** which stands for an accident involving a single fatality, life changing injury or substantial damage accident;
- **‘M’** which stands for a major accident with limited amount of fatalities, life changing injuries or destruction of the aircraft;
- **‘S’** which stands for a significant accident with potential for fatalities and injuries;
- **‘X’** which stands for an extreme catastrophic accident with the potential for significant number of fatalities.

The severity score shall be calculated by combining the key risk area and the potential loss of life as laid down in the following table:

KEY RISK AREA	CATEGORY	SEVERITY SCORE
Airborne collision	More than 100 possible fatalities	X
	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
Aircraft upset	More than 100 possible fatalities	X
	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I

KEY RISK AREA	CATEGORY	SEVERITY SCORE
Collision on runway	More than 100 possible fatalities	X
	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
	0 possible fatalities	E
Excursions	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
	0 possible fatalities	E
Fire, smoke and pressurisation	More than 100 possible fatalities	X
	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
Ground damage	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
	0 possible fatalities	E
Obstacle collision in flight	More than 100 possible fatalities	X
	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
Terrain collision	More than 100 possible fatalities	X
	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
Other injuries	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
	0 possible fatalities	E
Security	More than 100 possible fatalities	X
	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
	0 possible fatalities	E

2. Probability of the potential accident outcome

The probability of the worst likely accident outcome shall be obtained by using the ERCS barrier model defined in Section 2.1.

2.1. ERCS barrier model

The purpose of the ERCS barrier model is to assess the effectiveness (that is the number and the strength) of the barriers in the safety system laid down in the Table in Section 2.1.1 which were remaining between the actual occurrence and the worst likely accident outcome. Ultimately, the ERCS barrier model shall determine how close the occurrence under assessment has been to the potential accident.

2.1.1. Barriers

The ERCS barrier model consists of 8 barriers, ordered in a logical sequence and weighted as per the following table:

Barrier number	Barrier	Barrier weight
1	'Aircraft, equipment and infrastructure design', includes maintenance and correction, operation support, the prevention of problems related to technical factors that could lead to an accident.	5
2	'Tactical planning', includes organisational and individual planning prior to the flight or other operational activity that supports the reduction of the causes and contributors to accidents.	2
3	'Regulations, procedures, processes', includes effective, understandable and available regulations, procedures and processes that are complied with (with the exclusion of the use of procedures for recovery barriers).	3
4	'Situational awareness and action', includes human vigilance for operational threats which ensures identification of operational hazards and effective action to prevent an accident.	2
5	'Warning systems operation and action' that could prevent an accident and which are fit for purpose, functioning, operational and are complied with.	3
6	'Late recovery from a potential accident situation'	1
7	'Protections', when an event has occurred, the level of the outcome is mitigated or prevents the escalation of the occurrence by intangible barriers or providence	1
8	'Low energy occurrence' scores the same as 'Protections', but for low-energy key risk areas only (ground damage, excursions, injuries). 'Not applicable' for all other key risk areas.	1

2.1.2. Barrier effectiveness

The effectiveness of each barrier shall be classified as follows:

- **'Stopped'** if the barrier prevented the accident from occurring;
- **'Remaining Known'**: if it is known whether the barrier remained between the occurrence under assessment and the potential accident outcome;
- **'Remaining Assumed'**: if it is assumed that the barrier remained between the occurrence under assessment and the potential accident outcome;
- **'Failed Known'**: if it is known that the barrier has failed;
- **'Failed Assumed'**: if it is assumed that the barrier have failed even if insufficient or no information is available to determine this;
- **'Not Applicable'**: if the barrier is not relevant to the occurrence under assessment.

2.1.3. Barrier assessment

The barriers shall be assessed in two steps:

Step 1: To identify which of the barriers defined in the table in section 2.1.1. (1-8) stopped the occurrence from escalating into the potential accident outcome (referred to as the 'stopping barrier').

Step 2: To identify in accordance with section 2.1.2 the effectiveness of the remaining barriers. The remaining barriers are those barriers listed in the table in section 2.1.1 which are placed between the stopping barrier and the potential accident outcome. The barriers listed in the table in section 2.1.1 which are placed before the stopping barrier shall not be considered to have contributed to the prevention of the accident outcome and consequently those barriers shall not be scored as 'Stopped' or 'Remaining'.

2.2. Calculation

The probability of the potential accident outcome is the numerical value resulting of the following steps:

Step 1: A sum of all the barrier weights (1 to 5) laid down in the table in section 2.1.1 of all the assessed barriers that were scored either 'Stopped', 'Remaining known' or 'Remaining assumed'. The 'Failed' and 'Not Applicable' barriers shall not be counted for the final score, as those barriers could not have prevented the accident. The resulting barrier weight sum is a numerical value between 0 and 18.

Step 2: The barrier weight sum corresponds to a barrier score between 0 and 9 as per the following table, covering the full range between strong and weak remaining barriers.

Barrier weight sum	Corresponding barrier score
0 No barriers left. Worst likely accident outcome realised.	0
1-2	1
3-4	2
5-6	3
7-8	4
9-10	5
11-12	6
13-14	7
15-16	8
17-18	9

STEP 2: SCORING OF THE SAFETY RISK WITHIN THE ERCS MATRIX

The safety risk score is a two-digit value where the first digit corresponds to the alphabetic value resulting from the calculation of the severity of the occurrence (severity score A to X) and the second digit represents the numerical value from the calculation of the corresponding score of the occurrence (0 to 9).

The safety risk score shall be put into the ERCS matrix.

For each given safety risk score there is also a numerical equivalent score for aggregation and analysis purposes which is explained below under '**Numerical equivalent score**'.

The ERCS matrix reflects the safety risk score and the numerical associated figures of an occurrence as follows:

SEVERITY			CLASSIFICATION (ERCS Score)										
Potential Accident Outcome	Score												
Extreme catastrophic accident with the potential for significant number of fatalities (100+)	X	Pending Risk Assessment	X9	X8	X7	X6	X5	X4	X3	X2	X1		X0
Significant accident with potential for fatalities and injuries (20-100)	S		S9	S8	S7	S6	S5	S4	S3	S2	S1		S0
Major accident with limited amount of fatalities (2-19), life changing injuries or destruction of the aircraft	M		M9	M8	M7	M6	M5	M4	M3	M2	M1		M0
An accident involving single individual fatality, life changing injury or substantial aircraft damage	I		I9	I8	I7	I6	I5	I4	I3	I2	I1		I0
An accident involving minor and serious injury (not life changing) or minor aircraft damage	E		E9	E8	E7	E6	E5	E4	E3	E2	E1		E0
No likelihood of an accident	A		No Implication to Safety										
	Corresponding Barrier Score		9	8	7	6	5	4	3	2	1		0
	Barrier Weight Sum		17-18	15-16	13-14	11-12	9-10	7-8	5-6	3-4	1-2		0
			PROBABILITY OF THE POTENTIAL ACCIDENT OUTCOME										

In addition to the safety risk score and to facilitate the determination of the urgency of the recommended action to be taken about the occurrence, the following three colours could be used in the ERCS matrix:

Colour	ERCS score	Meaning
RED	X0, X1, X2, S0, S1, S2, M0, M1, I0	High risk. Occurrences with the highest risk.
YELLOW	X3, X4, S3, S4, M2, M3, I1, I2, E0, E1	Elevated risk. Occurrences with intermediate risk
GREEN	X5 to X9, S5 to S9, M4 to M9, I3 to I9, E2 to E9.	Low risk occurrences

The green area of the matrix contains lower risk values. They provide data for in-depth analysis on safety related occurrences that could, either in isolation or in conjunction with other events, increase the risk values of such occurrences.

Numerical equivalent score

Each ERCS score is assigned a corresponding numerical value of risk magnitude to facilitate the aggregation and numerical analysis of multiple occurrences with an ERCS score:

ERCS Score	X9	X8	X7	X6	X5	X4	X3	X2	X1	X0
Corresponding numerical value	0,001	0,01	0,1	1	10	100	1000	10000	100000	1000000
ERCS Score	S9	S8	S7	S6	S5	S4	S3	S2	S1	S0
Corresponding numerical value	0,0005	0,005	0,05	0,5	5	50	500	5000	50000	500000
ERCS Score	M9	M8	M7	M6	M5	M4	M3	M2	M1	M0
Corresponding numerical value	0,0001	0,001	0,01	0,1	1	10	100	1000	10000	100000
ERCS Score	I9	I8	I7	I6	I5	I4	I3	I2	I1	I0
Corresponding numerical value	0,00001	0,0001	0,001	0,01	0,1	1	10	100	1000	10000
ERCS Score	E9	E8	E7	E6	E5	E4	E3	E2	E1	E0
Corresponding numerical value	0,000001	0,00001	0,0001	0,001	0,01	0,1	1	10	100	1000

Both column I0 and the row A in the matrix bear the value 0 as the corresponding numerical value.

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2035**of 7 December 2020****amending Implementing Regulation (EU) No 1352/2013 as regards the application for action form provided for in Regulation (EU) No 608/2013 of the European Parliament and of the Council, in order to introduce the possibility to request the taking of action in Northern Ireland**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003 ⁽¹⁾, and in particular Article 6(1) thereof,

After consulting the Customs Code Committee,

Whereas:

- (1) Commission Implementing Regulation (EU) No 1352/2013 ⁽²⁾ establishes, in its Annex I, the form to be used to submit an application requesting that customs authorities take action with respect to goods suspected of infringing an intellectual property right, referred to in Article 6 of Regulation (EU) No 608/2013 ('the application for action form').
- (2) Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a 'third country'. 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 (Withdrawal Agreement) ⁽³⁾ provides for a transition period ending on 31 December 2020. Until that date, Union law in its entirety applies to and in the United Kingdom.
- (3) After the end of the transition period, the Protocol on Ireland/Northern Ireland ('IE/Ni Protocol'), which forms an integral part of the Withdrawal Agreement, applies. The IE/Ni Protocol makes certain provisions of Union law applicable under certain conditions also to and in the United Kingdom in respect of Northern Ireland ⁽⁴⁾.
- (4) The IE/Ni Protocol provides that the regulations listed in its Annex 2 under point 45 (Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁽⁵⁾; Regulation (EU) 2019/787 of the European Parliament and of the Council ⁽⁶⁾; Regulation (EU) No 251/2014 of the European Parliament and of the Council ⁽⁷⁾; Regulation (EU) No 1308/2013 of the European Parliament and of the Council ⁽⁸⁾, Sections 2 and 3 of Chapter I of Title II of Part II and Regulation (EU) No 608/2013) apply to and in the United Kingdom in respect of Northern Ireland.
- (5) Hence, a right holder should be able to request a customs action in a Member State for protection in Northern Ireland of those intellectual property rights, by submitting a Union application.

⁽¹⁾ OJ L 181, 29.6.2013, p. 15.

⁽²⁾ Commission Implementing Regulation (EU) No 1352/2013 of 4 December 2013 establishing the forms provided for in Regulation (EU) No 608/2013 of the European Parliament and of the Council concerning customs enforcement of intellectual property rights (OJ L 341, 18.12.2013, p. 10).

⁽³⁾ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ L 29, 31.1.2020, p. 7 ('Withdrawal Agreement').

⁽⁴⁾ Article 5(4) of the IE/Ni Protocol.

⁽⁵⁾ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

⁽⁶⁾ Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (OJ L 130, 17.5.2019, p. 1).

⁽⁷⁾ Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).

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

- (6) More specifically, a right holder should be able to request that the procedure for the destruction of goods in small consignments, set out in Article 26 Regulation (EU) No 608/2013 be used for goods whose geographical indication has been infringed, as these goods are included in the definition of counterfeit goods in point 5 of Article 2 of Regulation (EU) No 608/2013.
- (7) Therefore, the application for action form needs to be adapted by introducing in the box '6. Member State or, in the case of a Union application, Member States in which customs action is requested' and in box '10. I request the use of the procedure of Article 26 of Regulation (EU) No 608/2013 (small consignments) in the following Member State(s) and, where requested by the customs authorities, agree to cover the costs related to the destruction of goods under this procedure' a new tick box called 'XI' for Northern Ireland.
- (8) In the same fields, the tick box for UK should be deleted to reflect the end of the transition period provided for in the Withdrawal Agreement.
- (9) The notes on completion of Annex I to Implementing Regulation (EU) No 1352/2013, which are set out in Annex III to that Regulation should be amended to clarify that action in Northern Ireland can only be asked for intellectual property rights which are protected in Northern Ireland by virtue of the IE/Ni Protocol.
- (10) Implementing Regulation (EU) No 1352/2013 should therefore be amended accordingly.
- (11) This Regulation should start applying on the day following that on which the transition period provided for in the Withdrawal Agreement is to end,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 1352/2013 is amended as follows:

- (1) Annex I is replaced by the text set out in Annex I to this Regulation;
- (2) Annex III is amended in accordance with Annex II to this Regulation.

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*.

It shall apply from 1 January 2021.

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

Done at Brussels, 7 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

'ANNEX I'

EUROPEAN UNION – APPLICATION FOR ACTION

COPY FOR THE COMPETENT CUSTOMS DEPARTMENT	1	1. Applicant Name*: EORI-No*: Address*: Town*: Postal Code: Country*: TIN No: National registration No: Telephone: (+) Mobile: (+) Fax: (+) Email*: Website:	For official use Date of receipt Registration number of application
			INTELLECTUAL PROPERTY RIGHTS APPLICATION FOR ACTION BY CUSTOMS AUTHORITIES under Article 6 of Regulation (EU) No 608/2013 2*. Union application ☐ National application ☐ National application (cf. Article 5(3)) ☐
		3*. Status of applicant ☐ Right-holder ☐ Person or entity authorised to use the IP right ☐ IP collective rights management body ☐ Professional defence body ☐ Group of producers of products with a Geographical Indication or representative of such group ☐ Operator entitled to use a Geographical Indication ☐ Inspection body or authority competent for a Geographical Indication ☐ Exclusive license holder covering two or more Member States	
		4. Representative submitting the application in the name of the applicant Company: Name*: EORI-No*: Address*: Town*: Postal Code: Country*: Telephone: (+) Mobile: (+) Fax: (+) Email*: Website:	☐ Evidence of the representatives power to act is enclosed
1		5*. Type of right to which the application refers ☐ National trademark (NTM) ☐ European Union trademark (EUTM) ☐ International registered trademark (ITM) ☐ Registered national design (ND) ☐ Registered Community design (CDR) ☐ International registered design (ICD) ☐ Unregistered Community design (CDU) ☐ Copyright and related right (NCPR) ☐ Trade name (NTN) ☐ Topography of semiconductor product (NTSP) ☐ Patent as provided for by national law (NPT) ☐ Patent as provided for by Union law (UPT) ☐ Utility model (NUM) Geographical Indication/Designation of origin: ☐ for agricultural products and foodstuff (CGIP) ☐ for wine (CGIW) ☐ for aromatised drinks based on wine products (CGIA) ☐ for spirit drinks (CGIS) ☐ for other products (NGI) ☐ as listed in Agreements between the Union and third countries (CGIL) Plant variety right: ☐ national (NPVR) ☐ Community (CPVR) Supplementary protection certificate: ☐ for medicinal products (SPCM) ☐ for plant protection products (SPCP)	
		6*. Member State or, in the case of a Union application, Member States in which customs action is requested ☐ ALL MEMBER STATES ☐ BE ☐ BG ☐ CZ ☐ DK ☐ DE ☐ EE ☐ IE ☐ EL ☐ ES ☐ FR ☐ HR ☐ IT ☐ CY ☐ LV ☐ LT ☐ LU ☐ HU ☐ MT ☐ NL ☐ AT ☐ PL ☐ PT ☐ RO ☐ SI ☐ SK ☐ FI ☐ SE ☐ XI	
		7. Representative for legal matters Company: Name*: Address*: Town*: Postal Code: Country*: Telephone: (+) Mobile: (+) Fax: (+) Email*: Website:	8. Representative for technical matters Company: Name*: Address*: Town*: Postal Code: Country*: Telephone: (+) Mobile: (+) Fax: (+) Email*: Website:
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The European Commission acts as a processor on behalf of Member States and processes personal data contained in this application in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

The purpose of the processing of personal data of the application for action is the enforcement of intellectual property rights (IPR) by customs authorities in the Union, in accordance with Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

The legal basis for processing the personal data for the enforcement of IPR are Articles 31 and 33 of Regulation (EU) No 608/2013. The processing activity of the Commission, acting on behalf of Member States and within their mandate, consists of storing and maintaining of the personal data related to applications for action and its attachments in the central database COPIS. This includes maintaining adequate technical and organizational arrangements for the reliable and secure operation of the database COPIS.

Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. The access to personal data is granted on a need-to-know basis and via personal accounts to authorised personnel of Member States custom authorities and the European Commission. The contact point within the European Commission for questions on the processing activity in COPIS is Directorate-General for Taxation and Customs Union: TAXUD-DP-COPIS@ec.europa.eu.

For a deeper analysis of the infringements data and to improve the understanding of the geographical scope and impact of infringements of IPR, the Commission within the mandate provided by the Member States will send, together with the infringement data, the name of the respective holder of the decision based on which the customs acted to the European Union Intellectual Property Office. The record reference of EUIPO's processing operation is DPR-2019-051 (https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/data_protection/rpt_register_en.pdf).

Replies to data fields marked with an * and to at least one of the fields marked "+" are obligatory to be filled in. In case of failure to fill in these obligatory data, the application shall be rejected.

Customs authorities will delete the data no later than six months from the date the decision granting the application has been revoked or the relevant period during which customs authorities are to take action has expired. The period during which customs authorities are to take action shall be specified by the competent customs department when granting the application and shall not exceed one year from the day following the date of adoption of the decision granting the application. However, where customs authorities have been notified of proceedings initiated to determine a possible infringement of goods under the application, they will delete the data no later than six months after the proceedings have been concluded in a final way.

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You are at any given moment entitled to access and rectify your personal data in case the data is inaccurate or incomplete. You have the rights to (if applicable) request restriction of processing or erasure ('right to be forgotten'), to object to the processing, to withdraw your consent, and not to be subject to automated individual decision making, including profiling. All requests shall be submitted to and processed by the competent customs department where the application was submitted. For the list of competent customs departments in the Member States see

https://ec.europa.eu/taxation_customs/sites/taxation/files/resources/documents/customs/customs_controls/counterfeit_piracy/right_holders/defend-your-rights_en.pdf.

If you feel that your rights are violated in any way, you are entitled to file a complaint with the National Supervisory Authority responsible for data protection (contact info here: https://edpb.europa.eu/about-edpb/board/members_en) following the applicable national procedure. If you have comments, questions or any concerns regarding the collection and use of your personal data, please feel free to contact Data Protection Officer (DPO) in the Member State's Customs Organisation. If your complaint concerns an action of the European Commission, you should lodge it with the European Data Protection Supervisor.

EUROPEAN UNION – APPLICATION FOR ACTION

2	1. Applicant	For official use	
	Name*:	Date of receipt	
	EORI-No*:	Registration number of application	
	Address*: Town*: Postal Code: Country*: TIN No: National registration No: Telephone: (+) Mobile: (+) Fax: (+) Email*: Website:	INTELLECTUAL PROPERTY RIGHTS APPLICATION FOR ACTION BY CUSTOMS AUTHORITIES under Article 6 of Regulation (EU) No 608/2013	
2	3*. Status of applicant	☐ 2*. Union application ☐ National application ☐ National application (cf. Article 5(3))	
	☐ Right-holder ☐ Person or entity authorised to use the IP right ☐ IP collective rights management body ☐ Professional defence body	☐ Group of producers of products with a Geographical Indication or representative of such group ☐ Operator entitled to use a Geographical Indication ☐ Inspection body or authority competent for a Geographical Indication ☐ Exclusive license holder covering two or more Member States	
2	4. Representative submitting the application in the name of the applicant	☐ Evidence of the representatives power to act is enclosed	
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2	5*. Type of right to which the application refers	Geographical Indication/Designation of origin: ☐ for agricultural products and foodstuff (CGIP) ☐ for wine (CGIW) ☐ for aromatised drinks based on wine products (CGIA) ☐ for spirit drinks (CGIS) ☐ for other products (NGI) ☐ as listed in Agreements between the Union and third countries (CGIL)	
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	7. Representative for legal matters	8. Representative for technical matters	
2	Company: Name*: Address*: Town*: Postal Code: Country*: Telephone: (+) Mobile: (+) Email*: Website:	Company: Name*: Address*: Town*: Postal Code: Country*: Telephone: (+) Mobile: (+) Email*: Website:	
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ANNEX II

In Part I of Annex III to Implementing Regulation (EU) No 1352/2013, in the note on the completion of box 6 ('Member State or, in the case of a Union application, Member States in which customs action is requested'), the following paragraph is added:

'In case Northern Ireland (XI) is indicated, the application shall be a Union application and can only be granted for protection of any of the following intellectual property rights which are protected in Northern Ireland by virtue of the IE/Ni Protocol:

- (a) geographical indications or designations of origin protected for agricultural products and foodstuff as provided for in Regulation (EU) No 1151/2012 of the European Parliament and of the Council *;
- (b) geographical indications of spirit drinks as provided for in Regulation (EU) 2019/787 of the European Parliament and of the Council **;
- (c) geographical designations for aromatised products as provided for in Regulation (EU) No 251/2014 of the European Parliament and of the Council ***;
- (d) designations of origin or geographical indications for wine as provided for in Sections 2 and 3 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ****.

* Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

** Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (OJ L 130, 17.5.2019, p. 1).

*** Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).

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

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2036**of 9 December 2020****amending Regulation (EU) No 965/2012 as regards the requirements for flight crew competence and training methods and postponing dates of application of certain measures in the context of the COVID-19 pandemic**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ⁽¹⁾, and in particular Article 31 thereof,

Whereas:

- (1) Commission Regulation (EU) No 965/2012 ⁽²⁾ lays down the requirements that aircraft operators need to comply with as regards the recurrent operational training and checking of their pilots.
- (2) The European Plan for Aviation Safety adopted by the European Union Aviation Safety Agency ('the Agency') pursuant to Article 6 of Regulation (EU) 2018/1139, identified that it is of key importance for aviation personnel to have the right competencies and that training methods need to be adapted to ensure that the personnel is able to cope with the new emerging technologies and the increasing complexity of the aviation system.
- (3) In 2013 the International Civil Aviation Organization (ICAO) published the 'Manual of evidence-based training' (Doc 9995 AN/497), which contains a competency framework ('core competencies') necessary to operate safely, effectively and efficiently in a commercial air transport environment and the corresponding descriptions and related behavioural indicators to assess those competencies. The evidence-based training ('EBT') competencies, encompass what was previously known in pilot training as technical and non-technical knowledge, skills and attitudes ('KSA').
- (4) The objective of EBT is to improve safety and to enhance the competencies of flight crews to safely operate the aircraft in all flight regimes and to be able to identify and manage unexpected situations. The EBT concept is designed to maximise learning and limit formal checking.
- (5) Commission Regulation (EU) No 965/2012 should therefore be amended in line with the ICAO Doc 9995 'Manual of evidence-based training' in order to introduce requirements on the provision of training, checking and assessment of the EBT programme, and to allow authorities to approve the baseline EBT, which replaces previous checks, i.e. the Operator Proficiency Check (OPC) and the Licence Proficiency Check (LPC). This will allow a single approach to recurrent training at the operator.
- (6) The COVID-19 pandemic severely hampered the ability of Member States and the aviation industry to prepare for the application of a number of recently adopted Implementing Regulations in the field of aviation safety.

⁽¹⁾ OJ L 212, 22.8.2018, p. 1.

⁽²⁾ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

- (7) Commission Regulation (EU) No 965/2012 requires that cockpit voice recorders (CVR with the capability of recording 25 hours) are installed and used as of 1 January 2021. To avoid disproportionate financial burden for aircraft operators and manufacturers of aeroplanes whose delivery to operators was scheduled before 1 January 2021 but subsequently disrupted by the COVID-19 pandemic, the application of that requirement should be postponed.
- (8) The Agency has verified that the postponement of the application of the requirement referred to in recital 7 by a limited time is possible without having a detrimental effect on aviation safety.
- (9) The Agency has prepared draft implementing rules and submitted them with Opinion No 08/2019 ⁽³⁾ in accordance with points (b) and (c) of Article 75(2) and with Article 76(1) of Regulation (EU) 2018/1139.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the committee established in accordance with Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 965/2012

Annexes I, II and III to Regulation (EU) No 965/2012 are amended in accordance with the Annex to this Regulation.

Article 2

Date of entry into force and application

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, 9 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

⁽³⁾ <https://www.easa.europa.eu/document-library/opinions>

ANNEX

Annexes I, II, and III to Commission Regulation (EU) No 965/2012 are amended as follows:

(1) Annex I is amended as follows:

The following definitions are inserted:

- “(23a) ‘competency’ means a dimension of human performance that is used to reliably predict successful performance on the job and which is manifested and observed through behaviours that mobilise the relevant knowledge, skills and attitudes to carry out activities or tasks under specified conditions;
- (23b) ‘competency-based training’ means assessment and training programmes that are characterised by a performance orientation, emphasis on standards of performance and their measurement and the development of training to the specified performance standards;
- (23c) ‘competency framework’ means a complete set of identified competencies that are developed, trained and assessed in the operator’s evidence-based training programme utilising scenarios that are relevant to operations and which is wide enough to prepare the pilot for both foreseen and unforeseen threats and errors;
- (42d) ‘EBT module’ means a combination of sessions in a qualified flight simulation training device as part of the 3-year period of recurrent assessment and training;
- (47a) ‘enrolment’ means the administrative action carried out by the operator where a pilot participates in the operator’s EBT programme;
- (47b) ‘enrolled pilot’ means the pilot that participates in the EBT recurrent training programme;
- (47c) ‘equivalency of approaches’ means all the approaches that place an additional demand on a proficient crew regardless of whether they are used or not in the EBT modules;
- (47d) ‘equivalency of malfunctions’ means all the malfunctions that put a significant demand on a proficient crew regardless of whether they are used or not in the EBT modules;
- (47e) ‘evaluation phase’ means one of the phases of an EBT module which is a line-orientated flight scenario, representative of the operator’s environment during which there are one or more occurrences to evaluate key elements of the defined competency framework;
- (47f) ‘evidence-based training (EBT)’ means assessment and training based on operational data that is characterised by developing and assessing the overall capability of a pilot across a range of competencies (competency framework) rather than by measuring the performance in individual events or manoeuvres;
- (69b) ‘in-seat instruction’ means a technique used in the manoeuvres training phase or the scenario-based training phase, where the instructors can:
 - (a) provide simple instructions to one pilot; or
 - (b) perform predetermined exercises acting, in a pilot seat, as pilot flying (PF) or pilot monitoring (PM) for:
 - (1) the demonstration of techniques; and/or
 - (2) triggering the other pilot to intervene or interact;
- (69c) ‘instructor concordance’ means the consistency or stability of scores between different EBT instructors which gives a score (or scores) of how much homogeneity, or consensus, there is in the ratings given by instructors (raters);
- (72a) ‘line-orientated flight scenario’ means the assessment and training involving a realistic, ‘real-time’, full mission simulation of scenarios that are representative of line operations;
- (76b) ‘manoeuvres training phase’ means a phase of an EBT module during which, according to aircraft generation, crews have time to practise and improve performance in largely psychomotor skill-based exercises by achieving a prescribed flight path or performing a prescribed event to a prescribed outcome;

- (76c) 'mixed EBT programme' means an operator's recurrent training and checking programme as per ORO.FC.230, a portion of which is dedicated to the application of EBT but which does not replace proficiency checks as per Appendix 9 to Annex I (Part-FCL) to Regulation (EU) No 1178/2011;
- (98a) 'proficient' means having demonstrated the necessary skills, knowledge and attitudes that are required to perform any defined tasks to the prescribed standard;
- (105b) 'scenario-based training phase' means a phase of an EBT module which focuses on the development of competencies, whilst the pilot is trained to mitigate the most critical risks identified for the aircraft generation. It should include the management of specific operator's threats and errors in a real-time line-orientated environment;"

(2) Annex II (Part-ARO) is amended as follows:

the following point ARO.OPS.226 is inserted:

"ARO.OPS.226 Approval and oversight of evidence-based training programmes

- (a) Where a competent authority grants an approval for EBT programmes, inspectors must receive qualification and training in EBT principles, application, approval processes and continuing oversight.
- (b) The competent authority shall assess and oversee the EBT programme, together with the processes that support the implementation of the EBT programme and its effectiveness.
- (c) Upon receiving an application for the approval of an EBT programme, the competent authority shall:
 - (1) ensure the resolution of level 1 findings in the areas that will support the application of the EBT programme;
 - (2) assess the capability of the operator to support the implementation of the EBT programme. The following elements shall be considered as a minimum:
 - (i) the maturity and capability of the operator's management system in the areas that will support the application of the EBT programme — in particular, flight crew training;
 - (ii) the operator's EBT programme suitability — the EBT programme shall correspond to the size of the operator, and the nature and complexity of its activities, taking into account the hazards and associated risks inherent in those activities;
 - (iii) the adequacy of the operator's record-keeping system, in particular with regard to flight crew training, checking and qualifications records in particular ORO.GEN.220 and ORO.MLR.115 points (c) and (d);
 - (iv) the suitability of the operator's grading system to assess the pilot competencies;
 - (v) the competence and the experience of the instructors and other personnel involved in the EBT programme in the use of the processes and procedures that support the implementation of the EBT programme; and
 - (vi) the operator's EBT implementation plan and a safety risk assessment supporting the EBT programme in order to demonstrate how an equivalent level of safety to that of the current training programme can be achieved.
- (d) The competent authority shall grant an EBT programme approval when the assessment concludes that the compliance with at least ORO.FC.146, ORO.FC.231, and ORO.FC.232 is ensured.
- (e) Without prejudice to ARO.GEN.120 (d) and (e), the competent authority shall notify the Agency when it starts the evaluation of an alternative means of compliance related to EBT."

(3) Annex III (Part-ORO) is amended as follows:

- (a) point ORO.FC.145 is replaced by the following:

"ORO.FC.145 Provision of training, checking and assessment

- (a) All training, checking and assessment required in this Subpart shall be conducted in accordance with the training programmes and syllabi established by the operator in the operations manual;
 - (b) When establishing the training programmes and syllabi, the operator shall include the relevant elements defined in the mandatory part of the operational suitability data established in accordance with Regulation (EU) No 748/2012.
 - (c) In the case of CAT operations, training and checking programmes, including syllabi and use of individual flight simulation training devices (FSTDs), shall be approved by the competent authority.
 - (d) The FSTD shall replicate the aircraft used by the operator, as far as practicable. Differences between the FSTD and the aircraft shall be described and addressed through a briefing or training, as appropriate.
 - (e) The operator shall establish a system to adequately monitor changes to the FSTD and to ensure that those changes do not affect the adequacy of the training programmes.”;
- (b) the following ORO.FC.146 is inserted:
- “ORO.FC.146 Personnel providing training, checking and assessment
- (a) All training, checking and assessment required in this Subpart shall be conducted by appropriately qualified personnel.
 - (b) In the case of flight and flight simulation training and checking, the personnel that provides the training and conducts the checks shall be qualified in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011.
 - (c) For an EBT programme, the personnel that performs assessment and provides training shall:
 - (1) hold an Annex I (Part-FCL) instructor or examiner certificate;
 - (2) complete the operator’s EBT instructor standardisation programme. This shall include an initial standardisation programme and a recurrent standardisation programme.Completion of the operator’s EBT initial standardisation will qualify the instructor to perform EBT practical assessment.
 - (d) Notwithstanding point (b) above, the line evaluation of competence shall be conducted by a suitably qualified commander nominated by the operator that is standardised in EBT concepts and the assessment of competencies (line evaluator).”;
- (c) the following point ORO.FC.231 is inserted:
- “ORO.FC.231 Evidence-based training
- (a) EBT PROGRAMME
 - (1) The operator may substitute the requirements of ORO.FC.230 by establishing, implementing and maintaining a suitable EBT programme approved by the competent authority.The operator shall demonstrate its capability to support the implementation of the EBT programme (including an implementation plan) and perform a safety risk assessment demonstrating how an equivalent level of safety is achieved.
 - (2) The EBT programme shall:
 - (i) correspond to the size of the operator, and the nature and complexity of its activities, taking into account the hazards and associated risks inherent in those activities;
 - (ii) ensure pilot competence by assessing and developing pilot competencies required for a safe, effective and efficient operation of aircraft;
 - (iii) ensure that each pilot is exposed to the assessment and training topics derived in accordance with ORO.FC.232;
 - (iv) include at least six EBT modules distributed across a 3-year programme; each EBT module shall consist of an evaluation phase and a training phase. The validity period of a EBT module shall be 12 months;

- (A) The evaluation phase comprises a line-orientated flight scenario (or scenarios) to assess all competencies and identify individual training needs.
- (B) The training phase comprises:
 - (a) the manoeuvres training phase, comprising training to proficiency in certain defined manoeuvres;
 - (b) the scenario-based training phase, comprising a line-orientated flight scenario (or scenarios) to develop competencies and address individual training needs.

The training phase shall be conducted in a timely manner after the evaluation phase.

- (3) The operator shall ensure that each pilot enrolled in the EBT programme completes:
 - (i) a minimum of two EBT modules within the validity period of the type rating, separated by a period of not less than 3 months. The EBT module is completed when:
 - (A) the content of the EBT programme is completed for that EBT module (exposure of the pilot to the assessment and training topics); and
 - (B) an acceptable level of performance in all observed competencies has been demonstrated;
 - (ii) line evaluation(s) of competence; and
 - (iii) ground training.
- (4) The operator shall establish an EBT instructor standardisation and concordance assurance programme to ensure that the instructors involved in EBT are properly qualified to perform their tasks.
 - (i) All instructors must be subject to this programme;
 - (ii) The operator shall use appropriate methods and metrics to assess concordance;
 - (iii) The operator shall demonstrate that the instructors have sufficient concordance.
- (5) The EBT programme may include contingency procedures for unforeseen circumstances that could affect the delivery of the EBT modules. The operator shall demonstrate the need for those procedures. The procedures shall ensure that a pilot does not continue line operations if the performance observed was below the minimum acceptable level. They may include:
 - (i) a different separation period between EBT modules; and
 - (ii) different order of the phases of the EBT module.

(b) COMPETENCY FRAMEWORK

The operator shall use a competency framework for all aspects of assessment and training within an EBT programme. The competency framework shall:

- (1) be comprehensive, accurate, and usable;
- (2) include observable behaviours required for safe, effective and efficient operations;
- (3) include a defined set of competencies, their descriptions and their associated observable behaviours.

(c) TRAINING SYSTEM PERFORMANCE

- (1) The EBT system performance shall be measured and evaluated through a feedback process in order to:
 - (i) validate and refine the operator's EBT programme;
 - (ii) ascertain that the operator's EBT programme develops pilot competencies.
- (2) The feedback process shall be included in the operator's management system.
- (3) The operator shall develop procedures governing the protection of EBT data.

(d) GRADING SYSTEM

- (1) The operator shall use a grading system to assess the pilot competencies. The grading system shall ensure:
 - (i) a sufficient level of detail to enable accurate and useful measurements of individual performance;
 - (ii) a performance criterion and a scale for each competency, with a point on the scale which determines the minimum acceptable level to be achieved for the conduct of line operations. The operator shall develop procedures to address low performance of the pilot;
 - (iii) data integrity;
 - (iv) data security.
- (2) The operator shall verify at regular intervals the accuracy of the grading system against a criterion-referenced system.

(e) SUITABLE TRAINING DEVICES AND VOLUME OF HOURS TO COMPLETE THE OPERATOR'S EBT PROGRAMME

- (1) Each EBT module shall be conducted in an FSTD with a qualification level adequate to ensure the correct delivery of the assessment and training topics.
- (2) The operator shall provide a sufficient volume of hours in the suitable training device for the pilot to complete the operator's EBT programme. The criteria to determine the volume of the EBT programme are as follows:
 - (i) The volume corresponds to the size and complexity of the EBT programme;
 - (ii) The volume is sufficient to complete the EBT programme;
 - (iii) The volume ensures an effective EBT programme taking into account the recommendations provided by ICAO, the Agency, and the competent authority;
 - (iv) The volume corresponds to the technology of the training devices used.

(f) EQUIVALENCY OF MALFUNCTIONS

- (1) Each pilot shall receive assessment and training in the management of aircraft system malfunctions.
- (2) Aircraft system malfunctions that place a significant demand on a proficient crew shall be organised by reference to the following characteristics:
 - (i) immediacy;
 - (ii) complexity;
 - (iii) degradation of aircraft control;
 - (iv) loss of instrumentation;
 - (v) management of consequences.
- (3) Each pilot shall be exposed to at least one malfunction for each characteristic at the frequency determined by the table of assessment and training topics.
- (4) Demonstrated proficiency in the management of one malfunction is considered equivalent to demonstrated proficiency in the management of other malfunctions with the same characteristics.

(g) EQUIVALENCY OF APPROACHES RELEVANT TO OPERATIONS

- (1) The operator shall ensure that each pilot receives regular training in the conduct of approach types and approach methods relevant to operations.
- (2) This training shall include approaches that place an additional demand on a proficient crew.
- (3) This training shall include the approaches that require specific approval in accordance with Annex V (Part-SPA) to this Regulation.

(h) LINE EVALUATION OF COMPETENCE

- (1) Each pilot shall periodically undertake a line evaluation of competence in an aircraft to demonstrate the safe, effective and efficient conduct of normal line operations described in the operations manual.

- (2) The validity period of a line evaluation of competence shall be 12 months.
 - (3) The operator approved for EBT may, with the approval of the competent authority, extend the validity of the line evaluation of competence to:
 - (i) either 2 years, subject to a risk assessment;
 - (ii) or 3 years, subject to a feedback process for the monitoring of line operations which identifies threats to the operations, minimises the risks of such threats, and implements measures to manage human error in the operations.
 - (4) For successful completion of the line evaluation of competence, the pilot shall demonstrate an acceptable level of performance in all observed competencies.
 - (i) GROUND TRAINING
 - (1) Every 12 calendar months, each pilot shall undergo:
 - (i) technical ground training;
 - (ii) assessment and training on the location and use of all emergency and safety equipment carried on the aircraft.
 - (2) The operator may, with the approval of the competent authority and subject to a risk assessment, extend the period of assessment and training on the location and use of all emergency and safety equipment carried on the aircraft to 24 months.”;
 - (d) the following point ORO.FC.232 is inserted:

“ORO.FC.232 EBT programme assessment and training topics

 - (a) The operator shall ensure that each pilot is exposed to the assessment and training topics.
 - (b) The assessment and training topics shall be:
 - (1) derived from safety and operational data that are used to identify the areas for improvement and prioritisation of pilot training to guide in the construction of suitable EBT programmes;
 - (2) distributed across a 3-year period at a defined frequency;
 - (3) relevant to the type or variant of aircraft on which the pilot operates.”;
 - (e) the following point ORO.FC.235 (a) is replaced by the following:

“ORO.FC.235 Pilot qualification to operate in either pilot’s seat

 - (a) Commanders whose duties require them to operate in either pilot seat and carry out the duties of a co-pilot, or commanders required to conduct training or checking duties, shall complete additional training and checking as specified in the operations manual. The check may be conducted together with the operator proficiency check prescribed in point ORO.FC.230(b) or in the EBT programme prescribed in point ORO.FC.231.”.
 - (4) Annex IV (Part-CAT) is amended as follows:

point (c)(1) in point CAT.IDE.A.185 is replaced by the following:

 - (1) “the preceding 25 hours for aeroplanes with an MCTOM of more than 27 000 kg and first issued with an individual CofA on or after 1 January 2022; or”.
 - (5) Annex VI (Part-NCC) is amended as follows:

point (b)(1) in point NCC.IDE.A.160 is replaced by the following:

 - (1) “the preceding 25 hours for aeroplanes with an MCTOM of more than 27 000 kg and first issued with an individual CofA on or after 1 January 2022; or”.
 - (6) Annex VIII (Part-SPO) is amended as follows:

point (b)(1) in point SPO.IDE.A.140 is replaced by the following:

 - “(1) the preceding 25 hours for aeroplanes with an MCTOM of more than 27 000 kg and first issued with an individual CofA on or after 1 January 2022; or”.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2037**of 10 December 2020****amending Implementing Regulation (EU) 2019/159 imposing definitive safeguard measures against imports of certain steel products**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports ⁽¹⁾, and in particular Articles 16 and 20 thereof,

Having regard to Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries ⁽²⁾, and in particular Articles 13 and 16 thereof,

Whereas:

1. BACKGROUND

- (1) On 31 January 2019, the Commission imposed definitive safeguard measures on certain steel products (the 'Definitive Safeguard Regulation') ⁽³⁾.
- (2) The Commission amended the measures twice pursuant to Commission Implementing Regulation (EU) 2019/1590 ⁽⁴⁾ and Commission Implementing Regulation (EU) 2020/894 ⁽⁵⁾ respectively.
- (3) Pursuant to the Withdrawal Agreement ⁽⁶⁾ between the Union and the United Kingdom ('UK'), as of 1 January 2021, the UK will no longer be part of the Union customs territory. Therefore, as of that date the territorial scope where safeguard measures are applicable will change. Since the level of the safeguard measures on certain steel products was established on the basis of the average imports into the Union of 28 Member States, i.e. including imports into the UK, during the reference period 2015-2017, the Commission finds it appropriate to adapt the volume of Tariff Rate Quotas ('TRQs') accordingly as well as the list of developing countries subject to the current safeguard measures.
- (4) On 30 October 2020, the Commission published a Notice in the *Official Journal of the European Union* ⁽⁷⁾ explaining the rationale of the proposal and the methodology it envisaged to apply, and invited interested parties to comment. The Notice also contained the volume of recalculated TRQs that would be in place for the period 1 January to 30 June 2021.

2. DUE PROCESS

- (5) The Commission received nineteen submissions from interested parties within the deadline. The Commission also undertook consultations with nine third country governments.

3. ASSESSMENT OF THE COMMENTS RECEIVED

- (6) The Commission addressed the comments received, concerning either specific product categories or general aspects of the adaptation, as follows:

⁽¹⁾ OJ L 83, 27.3.2015, p. 16.

⁽²⁾ OJ L 123, 19.5.2015, p. 33.

⁽³⁾ Commission Implementing Regulation (EU) 2019/159 of 31 January 2019 imposing definitive safeguard measures against imports of certain steel products (OJ L 31, 1.2.2019, p. 27).

⁽⁴⁾ Commission Implementing Regulation (EU) 2019/1590 of 26 September 2019 amending Implementing Regulation (EU) 2019/159 imposing definitive safeguard measures against imports of certain steel products (OJ L 248, 27.9.2019, p. 28).

⁽⁵⁾ Commission Implementing Regulation (EU) 2020/894 of 29 June 2020 amending Implementing Regulation (EU) 2019/159 imposing definitive safeguard measures against imports of certain steel products (OJ L 206, 30.6.2020, p. 27).

⁽⁶⁾ 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).

⁽⁷⁾ Notice 2020/C 366/12 concerning the adaptation of the level of Tariff Rate Quotas under the safeguard measures on certain steel products following the exit of the United Kingdom from the European Union as of 1 January 2021 (OJ C 366, 30.10.2020, p. 36).

3.1. Category 4 – metallic coated sheets

- (7) Several interested parties submitted comments with regard to the volumes calculated for categories 4A and 4B (including automotive grades) and requested the Commission to review its calculation. In particular, during consultations with third country authorities, an interested party pointed to a clerical error in the calculation. Another interested party identified a specific calculation issue or proposed a slightly different allocation between the two product categories, which better reflects its situation with respect to the volumes concerning its country-specific TRQs, having regard to the counterfactual situation in this case, namely how TRQs would have been allocated had the UK not been part of the customs territory at the time the original safeguard measures were adopted. After assessing these claims the Commission found that they were warranted and revised the volumes included in the notice of 30 October accordingly.
- (8) It should be underlined that these adjustments only concern the distribution of the TRQs between sub-product categories 4A and 4B, but does not affect the level of the TRQs for the overall product category 4.
- (9) The updated volumes are reflected in the TRQ volumes in Annex I.

3.2. Impact of the adaptation on TRQ volumes

- (10) Some parties argued that the Commission should preserve the existing TRQ volumes and, in addition, either grant the UK its own country-specific TRQ or, where it falls under the residual TRQs, the volumes of these TRQs would need to be increased so as to include the UK's traditional trade flows.
- (11) Some parties also argued that they would be negatively affected by the inclusion of the UK under the residual section of given TRQs, as it would increase the competition for a smaller TRQ volume.
- (12) Other parties noted that for certain origins, the overall volume of TRQs calculated would be reduced, making the measure more restrictive.
- (13) Finally, certain exporting countries complained that under the Commission's proposal, they would lose their country-specific TRQ for some specific product categories. These parties argued that the Commission should preserve their country-specific TRQ and that failing to do so would amount to making the measures more restrictive, thus breaching WTO rules.
- (14) The Commission disagreed that the proposed adjustment would make the safeguard measure stricter. As stated in the Notice of 30 October, the result of the adaptation, in very few cases, would lead to some countries losing their country-specific TRQs (and vice-versa) in certain product categories. However, the Commission does not consider that the adaptation, as such, results in a more restrictive measure. The Commission explained in the Notice of 30 October the rationale of the adaptation, namely to have a volume of TRQs (both globally as well as per product category) that is proportionate to the reduction of the geographical scope of the territory where the Union's safeguard measure applies as of 1 January 2021. Furthermore, the Commission notes that the overall TRQ volumes resulting from the adaptation are 3 % higher than the ones currently in place, and that this cannot be seen as making the measure more restrictive.
- (15) Moreover the Commission wishes to emphasize that if it were to accept the claims from those countries that would lose a certain country-specific TRQ, it would be discriminating them vis-a-vis any other interested parties by departing from its basic principle of granting a country-specific TRQ only when a certain threshold (5 % share of imports), in a specific period, is met ⁽⁸⁾. It is the result from the application of the counterfactual that countries which had a country-specific TRQ no longer meet the objective criterion, whereas others do.
- (16) The unused volumes of quotas laid down in Annex II of Implementing Regulation (EU) 2020/894, of those countries that, as a result of this adaptation would lose their country-specific quotas in a product category, were allocated to the residual tariff-rate quotas in the relevant product categories.

3.3. Request to carry out an analysis based on EU-27 data

- (17) Some interested parties argued that if the Union is adapting its measures, it must re-assess whether all the requirements to impose safeguard measures continue to be met under a EU-27 scenario. One interested party noted in particular that such approach would lead the Union to determine that for several product categories, there would not have been an increase in imports, and therefore these should be excluded from the measures.
- (18) The Commission observed in this respect that the conditions to impose a safeguard measure need to be met when a safeguard measure is imposed for the first time. In the case of this measure, the conditions were met as explained in detail in the Definitive Safeguard Regulation.

⁽⁸⁾ In this particular case, the threshold refers to the 5 % share of imports in the reference period in a given product category to qualify for a country-specific TRQ.

- (19) The Commission disagrees with the views expressed by some interested parties that in a situation like the one at hand requires carrying out a full reassessment. In fact, as explained in the Notice of 30 October, the current proceeding is limited to adapting the TRQ volumes to the change in scope of the territory where the Union's safeguard measure applies. In this regard, the Commission insists that this proceeding by no means constitute a fully-fledged review of the measures, and therefore, it is under no legal obligation to carry out the analysis that some interested parties requested.

3.4. Category 18 – sheet piles

- (20) Some interested parties contested the Commission's proposal to grant a country-specific TRQ to the UK in this product category on the grounds that there is allegedly no production of this product category in the UK. As a result, the volumes allocated to the UK would not be used. These companies also claimed that the reduction in TRQ volumes resulting from the adaptation did not have any justification and that the Commission should maintain the same level of TRQs as provided by Implementing Regulation (EU) 2020/894.
- (21) In this respect, the Commission had explained in its Notice of 30 October the methodology and rationale behind the adaptation and the implications it could entail. If there is a reduction in overall TRQ volumes in this category, it is because imports into the UK in the reference period were deducted from the TRQ volume. Furthermore, in its Notice of 30 October the Commission explained how it established the level of UK imports into EU-27 during the reference period. The claim with respect to the absence of production in the UK was not properly substantiated and does not correspond with the statistics used by the Commission. No interested party provided any data of whether imports into the UK were consumed, further processed or subsequently sold within the Union. In any event, the volume allocated to the UK could not be transferred to other origins because this would artificially inflate the TRQ volume. Therefore this claim is immaterial to users. The Commission also rejected the claim to preserve the current TRQ volumes as it would ignore the reduction in the geographical scope of the territory covered by the safeguard measure, and it would equally result in an artificially inflated TRQ volume. Accordingly, the Commission rejects these arguments.

3.5. Product category 9 – stainless steel cold-rolled flat products

- (22) Some interested parties noted that due to the Commission's proposal, Vietnam would lose its country-specific TRQ in this product category. These parties warned the Commission that these volumes, which will accordingly belong to the 'other countries' section of the TRQ, would likely be quickly used, in particular, by a certain origin. Accordingly these parties requested the Commission to limit the volumes that any country could use under the residual TRQ in this category.
- (23) The Commission noted that the request to limit the access to incumbent exporting countries under the residual TRQ ⁽⁹⁾ falls outside the scope of this adaptation exercise, as it would amount to modifying the functioning of the measures. In any event, the Commission recalled that the same claim was made in previous proceedings and it was rejected. Therefore, the Commission does not further address the merits of this claim.

3.6. Update of list of developing countries subject to measures

- (24) The list of product categories originating in developing countries to which the definitive measures apply needs to be updated to reflect the territorial adaptation. The Commission based its calculation on the updated data concerning the year 2019 imports dataset (i.e the same period used in Implementing Regulation (EU) 2020/894, but excluding imports into the UK).
- (25) With respect to categories 4A and 4B, the Commission described in Section 4, paragraph 3 of the Notice of 30 October its provisional approach with respect to the treatment of UK imports for the purpose of the respective TRQs calculation. Following the assessment of the comments received and the consultations with third countries regarding this approach, the Commission decided to apply the same methodology for the purpose of updating the list of developing countries subject to measures in Annex II to this Regulation. In the absence of any other reliable information or documented alternative proposal by any interested party, the Commission assumed that UK imports in the year 2019 should be equally distributed between the two product categories.
- (26) The volumes of country-specific tariff-rate quotas allocated to developing countries that will be excluded from the safeguard measure laid down in Implementing Regulation (EU) 2019/159 upon the entry into force of this Regulation, were allocated to the residual tariff-rate quotas in the relevant product categories.
- (27) The changes to the list of developing countries subject to the measures is as follows:
- China becomes subject to the measures in product category 22,

⁽⁹⁾ Incumbent exporting countries under the residual TRQ are those who do not benefit from a country-specific TRQ in a given product category.

- Turkey becomes excluded from measures in product category 25A,
- United Arab Emirates becomes excluded from measures in product categories 21 and 26.

- (28) No comments were made by any interested party on this adaptation.
- (29) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safeguards established under Article 3(3) of Regulation (EU) 2015/478 and Article 22(3) of Regulation (EU) 2015/755 respectively,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2019/159 is amended as follows:

- Annex IV is replaced by the text in Annex I to this Regulation,
- Annex III.2 is amended in accordance with Annex II to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 2021.

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

Done at Brussels, 10 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

ANNEX IV

IV.1 – Volumes of tariff-rate quotas

Product Number	Product category	CN Codes	Allocation by country (Where Applicable)	From 1.1.2021 to 31.3.2021	From 1.4.2021 to 30.6.2021	Additional duty rate	Order numbers
				Volume of tariff quota (net tonnes)			
1	Non Alloy and Other Alloy Hot Rolled Sheets and Strips	7208 10 00, 7208 25 00, 7208 26 00, 7208 27 00, 7208 36 00, 7208 37 00, 7208 38 00, 7208 39 00, 7208 40 00, 7208 52 99, 7208 53 90, 7208 54 00, 7211 14 00, 7211 19 00, 7212 60 00, 7225 19 10, 7225 30 10, 7225 30 30, 7225 30 90, 7225 40 15, 7225 40 90, 7226 19 10, 7226 91 20, 7226 91 91, 7226 91 99	Russian Federation	395 909,00	400 307,98	25 %	09.8966
			Turkey	313 791,59	317 278,16	25 %	09.8967
			India	161 191,83	162 982,85	25 %	09.8968
			Korea, Republic of	129 042,60	130 476,40	25 %	09.8969
			United Kingdom	114 460,48	115 732,26	25 %	09.8976
			Serbia	113 624,87	114 887,37	25 %	09.8970
			Other countries	969 690,07	980 464,41	25 %	¹
2	Non Alloy and Other Alloy Cold Rolled Sheets	7209 15 00, 7209 16 90, 7209 17 90, 7209 18 91, 7209 25 00, 7209 26 90, 7209 27 90, 7209 28 90, 7209 90 20, 7209 90 80, 7211 23 20, 7211 23 30, 7211 23 80, 7211 29 00, 7211 90 20, 7211 90 80, 7225 50 20, 7225 50 80, 7226 20 00, 7226 92 00	India	143 355,40	144 948,24	25 %	09.8801
			Korea, Republic of	83 143,26	84 067,08	25 %	09.8802
			United Kingdom	76 842,60	77 696,41	25 %	09.8977
			Ukraine	63 833,81	64 543,07	25 %	09.8803
			Brazil	40 842,75	41 296,56	25 %	09.8804
			Serbia	36 193,20	36 595,35	25 %	09.8805
			Other countries	252 391,11	255 195,45	25 %	²
3.A	Electrical Sheets (other than GOES)	7209 16 10, 7209 17 10, 7209 18 10, 7209 26 10, 7209 27 10, 7209 28 10	Russian Federa-tion	333,03	336,73	25 %	09.8808
			United Kingdom	285,37	288,54	25 %	09.8978
			Iran, Islamic Republic of	145,80	147,42	25 %	09.8809
			Korea, Republic of	118,68	119,99	25 %	09.8806
			Other countries	719,47	727,46	25 %	³
3.B		7225 19 90, 7226 19 80	Russian Federa-tion	33 685,76	34 060,05	25 %	09.8811
			Korea, Republic of	20 132,89	20 356,59	25 %	09.8812
			China	15 498,07	15 670,27	25 %	09.8813
			Taiwan	11 627,43	11 756,62	25 %	09.8814
			Other countries	6 024,76	6 091,70	25 %	⁴

4.A		TARIC Codes: 7210 41 00 20, 7210 49 00 20, 7210 61 00 20, 7210 69 00 20, 7212 30 00 20, 7212 50 61 20, 7212 50 69 20, 7225 92 00 20, 7225 99 00 11, 7225 99 00 22, 7225 99 00 45, 7225 99 00 91, 7225 99 00 92, 7226 99 30 10, 7226 99 70 11, 7226 99 70 91, 7226 99 70 94	Korea (Republic of)	32 981,94	33 348,41	25 %	09.8816
			India	47 144,92	47 668,75	25 %	09.8817
			United Kingdom	31 075,99	31 421,28	25 %	09.8979
			Other countries	417 545,50	422 184,90	25 %	⁵
4.B	Metallic Coated Sheets	CN Codes: 7210 20 00, 7210 30 00, 7210 90 80, 7212 20 00, 7212 50 20, 7212 50 30, 7212 50 40, 7212 50 90, 7225 91 00, 7226 99 10 TARIC codes: 7210 41 00 30, 7210 41 00 80, 7210 49 00 30, 7210 49 00 80, 7210 61 00 30, 7210 61 00 80, 7210 69 00 30, 7210 69 00 80, 7212 30 00 30, 7212 30 00 80, 7212 50 61 30, 7212 50 61 80, 7212 50 69 30, 7212 50 69 80, 7225 92 00 30, 7225 92 00 80, 7225 99 00 23, 7225 99 00 41, 7225 99 00 93, 7225 99 00 95, 7226 99 30 30, 7226 99 30 90, 7226 99 70 13, 7226 99 70 19, 7226 99 70 93, 7226 99 70 96	China	112 702,10	113 954,34	25 %	09.8821
			Korea (Republic of)	146 267,74	147 892,93	25 %	09.8822
			India	67 313,85	68 061,78	25 %	09.8823
			United Kingdom	31 075,99	31 421,28	25 %	09.8980
			Other countries	94 312,94	95 360,86	25 %	⁶
5	Organic Coated Sheets	7210 70 80, 7212 40 80	India	69 079,96	69 847,51	25 %	09.8826
			Korea, Republic of	62 432,08	63 125,77	25 %	09.8827
			United Kingdom	30 651,88	30 992,45	25 %	09.8981
			Taiwan	20 009,20	20 231,52	25 %	09.8828
			Turkey	13 814,36	13 967,85	25 %	09.8829
			Other countries	37 843,96	38 264,44	25 %	⁷

6	Tin Mill products	7209 18 99, 7210 11 00, 7210 12 20, 7210 12 80, 7210 50 00, 7210 70 10, 7210 90 40, 7212 10 10, 7212 10 90, 7212 40 20	China	97 495,49	98 578,77	25 %	09.8831
			United Kingdom	35 561,84	35 956,97	25 %	09.8982
			Serbia	19 570,13	19 787,58	25 %	09.8832
			Korea, Republic of	14 156,15	14 313,44	25 %	09.8833
			Taiwan	11 769,81	11 900,58	25 %	09.8834
			Other countries	32 623,10	32 985,58	25 %	⁸
7	Non Alloy and Other Alloy Quarto Plates	7208 51 20, 7208 51 91, 7208 51 98, 7208 52 91, 7208 90 20, 7208 90 80, 7210 90 30, 7225 40 12, 7225 40 40, 7225 40 60, 7225 99 00	Ukraine	209 860,26	212 192,04	25 %	09.8836
			Korea, Republic of	85 938,89	86 893,77	25 %	09.8837
			Russian Federation	72 574,83	73 381,22	25 %	09.8838
			India	47 696,17	48 226,13	25 %	09.8839
			United Kingdom	47 679,95	48 209,72	25 %	09.8983
			Other countries	289 237,24	292 450,99	25 %	⁹
8	Stainless Hot Rolled Sheets and Strips	7219 11 00, 7219 12 10, 7219 12 90, 7219 13 10, 7219 13 90, 7219 14 10, 7219 14 90, 7219 22 10, 7219 22 90, 7219 23 00, 7219 24 00, 7220 11 00, 7220 12 00	Other countries	90 629,91	91 636,90	25 %	¹⁰
9	Stainless Cold Rolled Sheets and Strips	7219 31 00, 7219 32 10, 7219 32 90, 7219 33 10, 7219 33 90, 7219 34 10, 7219 34 90, 7219 35 10, 7219 35 90, 7219 90 20, 7219 90 80, 7220 20 21, 7220 20 29, 7220 20 41, 7220 20 49, 7220 20 81, 7220 20 89, 7220 90 20, 7220 90 80	Korea, Republic of	43 629,00	44 113,77	25 %	09.8846
			Taiwan	40 458,63	40 908,18	25 %	09.8847
			India	27 041,19	27 341,65	25 %	09.8848
			United States	22 000,76	22 245,21	25 %	09.8849
			Turkey	18 307,38	18 510,79	25 %	09.8850
			Malaysia	11 598,54	11 727,41	25 %	09.8851
			Other countries	46 526,20	47 043,16	25 %	¹¹
10	Stainless Hot Rolled Quarto Plates	7219 21 10, 7219 21 90	China	4 320,80	4 368,81	25 %	09.8856
			India	1 832,92	1 853,28	25 %	09.8857
			United Kingdom	756,12	764,53	25 %	09.8984
			Taiwan	698,09	705,84	25 %	09.8858
			Other countries	915,93	926,11	25 %	¹²

12	Non Alloy and Other Alloy Merchant Bars and Light Sections	7214 30 00, 7214 91 10, 7214 91 90, 7214 99 31, 7214 99 39, 7214 99 50, 7214 99 71, 7214 99 79, 7214 99 95, 7215 90 00, 7216 10 00, 7216 21 00, 7216 22 00, 7216 40 10, 7216 40 90, 7216 50 10, 7216 50 91, 7216 50 99, 7216 99 00, 7228 10 20, 7228 20 10, 7228 20 91, 7228 30 20, 7228 30 41, 7228 30 49, 7228 30 61, 7228 30 69, 7228 30 70, 7228 30 89, 7228 60 20, 7228 60 80, 7228 70 10, 7228 70 90, 7228 80 00	China	103 601,87	104 753,01	25 %	09.8861
			United Kingdom	86 672,43	87 635,46	25 %	09.8985
			Turkey	62 288,24	62 980,33	25 %	09.8862
			Russian Federation	57 825,56	58 468,06	25 %	09.8863
			Switzerland	46 358,90	46 874,00	25 %	09.8864
			Belarus	37 104,08	37 516,35	25 %	09.8865
			Other countries	47 142,12	47 665,92	25 %	¹³
13	Rebars	7214 20 00, 7214 99 10	Turkey	58 826,75	59 480,38	25 %	09.8866
			Russian Federation	56 951,11	57 583,90	25 %	09.8867
			Ukraine	28 798,84	29 118,83	25 %	09.8868
			Bosnia and Herzegovina	25 219,87	25 500,09	25 %	09.8869
			Moldova, Republic of	18 125,11	18 326,50	25 %	09.8870
			Other countries	109 637,11	110 855,30	25 %	¹⁴
14	Stainless Bars and Light Sections	7222 11 11, 7222 11 19, 7222 11 81, 7222 11 89, 7222 19 10, 7222 19 90, 7222 20 11, 7222 20 19, 7222 20 21, 7222 20 29, 7222 20 31, 7222 20 39, 7222 20 81, 7222 20 89, 7222 30 51, 7222 30 91, 7222 30 97, 7222 40 10, 7222 40 50, 7222 40 90	India	27 892,96	28 202,88	25 %	09.8871
			United Kingdom	4 076,21	4 121,51	25 %	09.8986
			Switzerland	4 012,28	4 056,86	25 %	09.8872
			Ukraine	3 098,90	3 133,33	25 %	09.8873
			Other countries	4 521,80	4 572,05	25 %	¹⁵

15	Stainless Wire Rod	7221 00 10, 7221 00 90	India	6 487,41	6 559,49	25 %	09.8876
			Taiwan	4 182,82	4 229,30	25 %	09.8877
			United Kingdom	3 360,43	3 397,77	25 %	09.8987
			Korea, Republic of	2 088,34	2 111,54	25 %	09.8878
			China	1 414,37	1 430,08	25 %	09.8879
			Japan	1 403,63	1 419,23	25 %	09.8880
			Other countries	698,10	705,85	25 %	¹⁶
16	Non Alloy and Other Alloy Wire Rod	7213 10 00, 7213 20 00, 7213 91 10, 7213 91 20, 7213 91 41, 7213 91 49, 7213 91 70, 7213 91 90, 7213 99 10, 7213 99 90, 7227 10 00, 7227 20 00, 7227 90 10, 7227 90 50, 7227 90 95	United Kingdom	133 112,45	134 591,48	25 %	09.8988
			Ukraine	93 132,26	94 167,07	25 %	09.8881
			Switzerland	90 980,58	91 991,47	25 %	09.8882
			Russian Federation	78 745,32	79 620,26	25 %	09.8883
			Turkey	76 362,96	77 211,44	25 %	09.8884
			Belarus	62 438,46	63 132,22	25 %	09.8885
			Moldova, Republic of	46 799,56	47 319,56	25 %	09.8886
			Other countries	77 881,71	78 747,06	25 %	¹⁷
17	Angles, Shapes and Sections of Iron or Non Alloy Steel	7216 31 10, 7216 31 90, 7216 32 11, 7216 32 19, 7216 32 91, 7216 32 99, 7216 33 10, 7216 33 90	Ukraine	27 500,57	27 806,14	25 %	09.8891
			United Kingdom	23 890,85	24 156,31	25 %	09.8989
			Turkey	19 883,09	20 104,02	25 %	09.8892
			Korea, Republic of	4 633,85	4 685,34	25 %	09.8893
			Other countries	10 905,03	11 026,20	25 %	¹⁸
18	Sheet Piling	7301 10 00	China	6 151,98	6 220,33	25 %	09.8901
			United Arab Emirates	3 044,65	3 078,48	25 %	09.8902
			United Kingdom	789,54	798,32	25 %	09.8990
			Other countries	224,06	226,55	25 %	¹⁹
19	Railway Material	7302 10 22, 7302 10 28, 7302 10 40, 7302 10 50, 7302 40 00	United Kingdom	3 788,71	3 830,80	25 %	09.8991
			Russian Federation	1 375,95	1 391,24	25 %	09.8906
			Turkey	1 117,60	1 130,02	25 %	09.8908
			China	989,92	1 000,92	25 %	09.8907
			Other countries	1 024,65	1 036,04	25 %	²⁰

20	Gas pipes	7306 30 41, 7306 30 49, 7306 30 72, 7306 30 77	Turkey	43 450,18	43 932,96	25 %	09.8911
			India	16 721,00	16 906,78	25 %	09.8912
			North Macedonia	6 175,81	6 244,43	25 %	09.8913
			United Kingdom	5 874,82	5 940,09	25 %	09.8992
			Other countries	12 635,26	12 775,65	25 %	²¹
21	Hollow sections	7306 61 10, 7306 61 92, 7306 61 99	Turkey	66 577,91	67 317,67	25 %	09.8916
			United Kingdom	40 001,61	40 446,07	25 %	09.8993
			Russian Federation	22 664,34	22 916,17	25 %	09.8917
			North Macedonia	21 621,70	21 861,94	25 %	09.8918
			Ukraine	16 174,57	16 354,29	25 %	09.8919
			Switzerland	13 600,58	13 751,70	25 %	09.8920
			Belarus	13 392,20	13 541,00	25 %	09.8921
			Other countries	15 230,42	15 399,64	25 %	²²
22	Seamless Stainless Tubes and Pipes	7304 11 00, 7304 22 00, 7304 24 00, 7304 41 00, 7304 49 10, 7304 49 93, 7304 49 95, 7304 49 99	India	5 168,74	5 226,17	25 %	09.8926
			Ukraine	3 236,47	3 272,43	25 %	09.8927
			United Kingdom	1 642,83	1 661,08	25 %	09.8994
			Korea, Republic of	1 017,41	1 028,71	25 %	09.8928
			Japan	946,14	956,65	25 %	09.8929
			China	811,77	820,79	25 %	09.8931
			Other countries	2 360,85	2 387,08	25 %	²³
24	Other Seamless Tubes	7304 19 10, 7304 19 30, 7304 19 90, 7304 23 00, 7304 29 10, 7304 29 30, 7304 29 90, 7304 31 20, 7304 31 80, 7304 39 10, 7304 39 52, 7304 39 58, 7304 39 92, 7304 39 93, 7304 39 98, 7304 51 81, 7304 51 89, 7304 59 10, 7304 59 92, 7304 59 93, 7304 59 99, 7304 90 00	China	30 152,17	30 487,19	25 %	09.8936
			Ukraine	23 541,21	23 802,78	25 %	09.8937
			Belarus	12 595,36	12 735,31	25 %	09.8938
			United Kingdom	9 557,38	9 663,58	25 %	09.8995
			United States	6 714,21	6 788,82	25 %	09.8940
			Other countries	35 461,44	35 855,45	25 %	²⁴

25.A	Large welded tubes	7305 11 00, 7305 12 00	Other countries	106 330,19	107 511,63	25 %	²⁵
25.B	Large welded tubes	7305 19 00, 7305 20 00, 7305 31 00, 7305 39 00, 7305 90 00	Turkey	9 347,69	9 451,55	25 %	09.8971
			China	6 323,27	6 393,53	25 %	09.8972
			Russian Federation	6 278,07	6 347,83	25 %	09.8973
			United Kingdom	4 248,97	4 296,18	25 %	09.8996
			Korea, Republic of	2 488,39	2 516,04	25 %	09.8974
			Other countries	5 771,54	5 835,67	25 %	²⁶
26	Other Welded Pipes	7306 11 10, 7306 11 90, 7306 19 10, 7306 19 90, 7306 21 00, 7306 29 00, 7306 30 11, 7306 30 19, 7306 30 80, 7306 40 20, 7306 40 80, 7306 50 20, 7306 50 80, 7306 69 10, 7306 69 90, 7306 90 00	Switzerland	40 668,04	41 119,90	25 %	09.8946
			Turkey	31 126,18	31 472,03	25 %	09.8947
			United Kingdom	9 655,60	9 762,88	25 %	09.8997
			Taiwan	7 510,15	7 593,59	25 %	09.8950
			China	6 540,69	6 613,37	25 %	09.8949
			Russian Federation	6 402,83	6 473,97	25 %	09.8952
			Other countries	20 849,11	21 080,77	25 %	²⁷
27	Non-alloy and other alloy cold finished bars	7215 10 00, 7215 50 11, 7215 50 19, 7215 50 80, 7228 10 90, 7228 20 99, 7228 50 20, 7228 50 40, 7228 50 61, 7228 50 69, 7228 50 80	Russian Federation	74 594,12	75 422,94	25 %	09.8956
			Switzerland	17 399,98	17 593,32	25 %	09.8957
			United Kingdom	13 012,46	13 157,05	25 %	09.8998
			China	12 561,01	12 700,58	25 %	09.8958
			Ukraine	10 233,14	10 346,84	25 %	09.8959
28	Non Alloy Wire	7217 10 10, 7217 10 31, 7217 10 39, 7217 10 50, 7217 10 90, 7217 20 10, 7217 20 30, 7217 20 50, 7217 20 90, 7217 30 41, 7217 30 49, 7217 30 50, 7217 30 90, 7217 90 20, 7217 90 50, 7217 90 90	Belarus	56 580,19	57 208,86	25 %	09.8961
			China	39 836,99	40 279,62	25 %	09.8962
			Russian Federation	26 657,35	26 953,54	25 %	09.8963
			Turkey	21 490,10	21 728,87	25 %	09.8964
			Ukraine	17 144,99	17 335,49	25 %	09.8965
			Other countries	29 751,08	30 081,65	25 %	²⁹

¹ From 1.1.2021 to 31.3.2021: 09.8601

From 1.4.2021 to 30.6.2021: 09.8602

From 1.4.2021 to 30.6.2021: For Russia*: 09.8571, for Turkey*: 09.8572, for India*: 09.8573, for Korea (Republic of)*: 09.8574, for Serbia*: 09.8575 and for United Kingdom*: 09.8599

*In case of exhaustion of their specific quotas in accordance with Article 1.5

² From 1.1.2021 to 31.3.2021: 09.8603

From 1.4.2021 to 30.6.2021: 09.8604

From 1.4.2021 to 30.6.2021: For India*, Korea (Republic of)*, Ukraine*, Brazil*, Serbia* and United Kingdom*: 09.8567

*In case of exhaustion of their specific quotas in accordance with Article 1.5

³ From 1.1.2021 to 31.3.2021: 09.8605

From 1.4.2021 to 30.6.2021: 09.8606

From 1.4.2021 to 30.6.2021: For Korea (Republic of)*, Russia*, Iran (Islamic republic of)* and United Kingdom*: 09.8568

*In case of exhaustion of their specific quotas in accordance with Article 1.5

⁴ From 1.1.2021 to 31.3.2021: 09.8607

From 1.4.2021 to 30.6.2021: 09.8608

From 1.4.2021 to 30.6.2021: For Russia*, Korea (Republic of)*, China* and Taiwan*: 09.8569

*In case of exhaustion of their specific quotas in accordance with Article 1.5

⁵ From 1.1.2021 to 31.3.2021: 09.8609

From 1.4.2021 to 30.6.2021: 09.8610

From 1.4.2021 to 30.6.2021: For India*, Korea (Republic of)* and United Kingdom*: 09.8570

*In case of exhaustion of their specific quotas in accordance with Article 1.5

⁶ From 1.1.2021 to 31.3.2021: 09.8611

From 1.4.2021 to 30.6.2021: 09.8612

From 1.4.2021 to 30.6.2021: For China*: 09.8581, for Korea (Republic of)*: 09.8582, for India*: 09.8583, for United Kingdom*: 09.8584

*In case of exhaustion of their specific quotas in accordance with Article 1.5

⁷ From 1.1.2021 to 31.3.2021: 09.8613

From 1.4.2021 to 30.6.2021: 09.8614

⁸ From 1.1.2021 to 31.3.2021: 09.8615

From 1.4.2021 to 30.6.2021: 09.8616

From 1.4.2021 to 30.6.2021: For China*, Korea (Republic of)*, Taiwan*, Serbia* and United Kingdom*: 09.8576

*In case of exhaustion of their specific quotas in accordance with Article 1.5

⁹ From 1.1.2021 to 31.3.2021: 09.8617

From 1.4.2021 to 30.6.2021: 09.8618

From 1.4.2021 to 30.6.2021: For Ukraine*, Korea (Republic of)*, Russia*, India* and United Kingdom*: 09.8577

*In case of exhaustion of their specific quotas in accordance with Article 1.5

¹⁰ From 1.1.2021 to 31.3.2021: 09.8619

From 1.4.2021 to 30.6.2021: 09.8620

¹¹ From 1.1.2021 to 31.3.2021: 09.8621

From 1.4.2021 to 30.6.2021: 09.8622

From 1.4.2021 to 30.6.2021: For Korea (Republic of)*, Taiwan*, India*, United States of America*, Turkey* and Malaysia*: 09.8578

*In case of exhaustion of their specific quotas in accordance with Article 1.5

¹² From 1.1.2021 to 31.3.2021: 09.8623

From 1.4.2021 to 30.6.2021: 09.8624

From 1.4.2021 to 30.6.2021: For China*, India*, Taiwan* and United Kingdom*: 09.8591

*In case of exhaustion of their specific quotas in accordance with Article 1.5

¹³ From 1.1.2021 to 31.3.2021: 09.8625

From 1.4.2021 to 30.6.2021: 09.8626

From 1.4.2021 to 30.6.2021: For China*, Turkey*, Russia*, Switzerland*, Belarus* and United Kingdom*: 09.8592

*In case of exhaustion of their specific quotas in accordance with Article 1.5

¹⁴ From 1.1.2021 to 31.3.2021: 09.8627

From 1.4.2021 to 30.6.2021: 09.8628

From 1.4.2021 to 30.6.2021: For Turkey*, Russia*, Ukraine*, Bosnia and Herzegovina* and Moldova*: 09.8593

*In case of exhaustion of their specific quotas in accordance with Article 1.5

¹⁵ From 1.1.2021 to 31.3.2021: 09.8629

From 1.4.2021 to 30.6.2021: 09.8630

From 1.4.2021 to 30.6.2021: For India*, Switzerland*, Ukraine* and United Kingdom*: 09.8594

*In case of exhaustion of their specific quotas in accordance with Article 1.5

¹⁶ From 1.1.2021 to 31.3.2021: 09.8631

From 1.4.2021 to 30.6.2021: 09.8632

From 1.4.2021 to 30.6.2021: For India*, Taiwan*, Korea (Republic of)*, China*, Japan* and United Kingdom*: 09.8595

*In case of exhaustion of their specific quotas in accordance with Article 1.5

¹⁷ From 1.1.2021 to 31.3.2021: 09.8633

From 1.4.2021 to 30.6.2021: 09.8634

- ¹⁸ From 1.1.2021 to 31.3.2021: 09.8635
 From 1.4.2021 to 30.6.2021: 09.8636
 From 1.4.2021 to 30.6.2021: For Turkey*, Ukraine*, Korea (Republic of)* and United Kingdom*: 09.8579
 *In case of exhaustion of their specific quotas in accordance with Article 1.5
- ¹⁹ From 1.1.2021 to 31.3.2021: 09.8637
 From 1.4.2021 to 30.6.2021: 09.8638
 From 1.4.2021 to 30.6.2021: For China*, United Arab Emirates* and United Kingdom*: 09.8580
 *In case of exhaustion of their specific quotas in accordance with Article 1.5
- ²⁰ From 1.1.2021 to 31.3.2021: 09.8639
 From 1.4.2021 to 30.6.2021: 09.8640
 From 1.4.2021 to 30.6.2021: For Russia*, China*, Turkey* and United Kingdom*: 09.8585
 *In case of exhaustion of their specific quotas in accordance with Article 1.5
- ²¹ From 1.1.2021 to 31.3.2021: 09.8641
 From 1.4.2021 to 30.6.2021: 09.8642
- ²² From 1.1.2021 to 31.3.2021: 09.8643
 From 1.4.2021 to 30.6.2021: 09.8644
 From 1.4.2021 to 30.6.2021: For Turkey*, Russia*, Ukraine*, North Macedonia*, Switzerland*, Belarus* and United Kingdom*: 09.8596
 *In case of exhaustion of their specific quotas in accordance with Article 1.5
- ²³ From 1.1.2021 to 31.3.2021: 09.8645
 From 1.4.2021 to 30.6.2021: 09.8646
 From 1.4.2021 to 30.6.2021: For India*, Ukraine*, Korea (Republic of)*, Japan*, China* and United Kingdom*: 09.8597
 *In case of exhaustion of their specific quotas in accordance with Article 1.5
- ²⁴ From 1.1.2021 to 31.3.2021: 09.8647
 From 1.4.2021 to 30.6.2021: 09.8648
 From 1.4.2021 to 30.6.2021: For China*, Ukraine*, Belarus*, United States of America* and United Kingdom*: 09.8586
 *In case of exhaustion of their specific quotas in accordance with Article 1.5
- ²⁵ From 1.1.2021 to 31.3.2021: 09.8657
 From 1.4.2021 to 30.6.2021: 09.8658
- ²⁶ From 1.1.2021 to 31.3.2021: 09.8659
 From 1.4.2021 to 30.6.2021: 09.8660
 From 1.4.2021 to 30.6.2021: For Turkey*, China*, Russia*, Korea (Republic of)* and United Kingdom*: 09.8587
 *In case of exhaustion of their specific quotas in accordance with Article 1.5
- ²⁷ From 1.1.2021 to 31.3.2021: 09.8651
 From 1.4.2021 to 30.6.2021: 09.8652
 From 1.4.2021 to 30.6.2021: For Switzerland*, Turkey*, Taiwan*, China*, Russia* and United Kingdom*: 09.8588
 *In case of exhaustion of their specific quotas in accordance with Article 1.5
- ²⁸ From 1.1.2021 to 31.3.2021: 09.8653
 From 1.4.2021 to 30.6.2021: 09.8654
- ²⁹ From 1.1.2021 to 31.3.2021: 09.8655
 From 1.4.2021 to 30.6.2021: 09.8656
 From 1.4.2021 to 30.6.2021: For Turkey*, Russia*, Ukraine*, China* and Belarus*: 09.8598
 *In case of exhaustion of their specific quotas in accordance with Article 1.5

IV.2 – Volumes of global tariff-rate quotas per trimester

Product number		From 1.1.2021 to 31.3.2021	From 1.4.2021 to 30.6.2021
		Volume of tariff quota (net tonnes)	
1	Other countries	969 690,07	980 464,41
2	Other countries	252 391,11	255 195,45
3A	Other countries	719,47	727,46
3B	Other countries	6 024,76	6 091,70
4A	Other countries	417 545,50	422 184,90
4B	Other countries	94 312,94	95 360,86
5	Other countries	37 843,96	38 264,44
6	Other countries	32 623,10	32 985,58
7	Other countries	289 237,24	292 450,99
8	Other countries	90 629,91	91 636,90

Product number		From 1.1.2021 to 31.3.2021	From 1.4.2021 to 30.6.2021
		Volume of tariff quota (net tonnes)	
9	Other countries	46 526,20	47 043,16
10	Other countries	915,93	926,11
12	Other countries	47 142,12	47 665,92
13	Other countries	109 637,11	110 855,30
14	Other countries	4 521,80	4 572,05
15	Other countries	698,10	705,85
16	Other countries	77 881,71	78 747,06
17	Other countries	10 905,03	11 026,20
18	Other countries	224,06	226,55
19	Other countries	1 024,65	1 036,04
20	Other countries	12 635,26	12 775,65
21	Other countries	15 230,42	15 399,64
22	Other countries	2 360,85	2 387,08
24	Other countries	35 461,44	35 855,45
25A	Other countries	106 330,19	107 511,63
25B	Other countries	5 771,54	5 835,67
26	Other countries	20 849,11	21 080,77
27	Other countries	9 702,37	9 810,18
28	Other countries	29 751,08	30 081,65

IV.3 – Maximum volume of residual quota accessible from 1.4.2021 to 30.6.2021 to countries with a country specific quota

Product category	New allocated quota from 1.4.2021 to 30.6.2021 in tonnes
1	Special regime
2	255 195,45
3.A	727,46
3.B	6 091,70
4.A	422 184,90
4.B	Special regime
5	No access to the residual quota in Q4
6	32 985,58
7	292 450,99
8	Not applicable
9	47 043,16
10	277,83
12	28 599,55
13	28 822,38

Product category	New allocated quota from 1.4.2021 to 30.6.2021 in tonnes
14	2 514,63
15	522,33
16	No access to the residual quota in Q4
17	11 026,20
18	226,55
19	1 036,04
20	No access to the residual quota in Q4
21	3 233,93
22	1 933,53
24	35 855,45
25.A	Not applicable
25.B	5 835,67
26	21 080,77
27	No access to the residual quota in Q4
28	21 357,97'

List of product categories originating in developing countries to which the definitive measures apply

Annex III.2 is amended as follows:

List of product categories originating in developing countries to which the definitive measures apply																													
Country/Product group	1	2	3A	3B	4A	4B	5	6	7	8	9	10	12	13	14	15	16	17	18	19	20	21	22	24	25A	25B	26	27	28
Brazil		X	X																					X					
China				X		X		X		X		X	X			X			X	X		X	X	X	X	X	X	X	X
India	X	X		X	X	X	X	X	X		X	X			X	X					X		X	X			X		
Indonesia									X	X	X													X					
Malaysia											X													X					
Mexico																								X					
Moldova														X			X							X					
North Macedonia							X		X				X								X	X		X					
Thailand											X													X					
Tunisia					X																			X					
Turkey	X	X			X	X	X	X			X		X	X			X	X		X	X	X		X		X	X	X	X
Ukraine		X							X					X	X		X	X			X	X	X	X				X	X
United Arab Emirates																		X	X		X			X					
Vietnam		X					X				X													X					
All other developing countries																								X'					

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2038**of 10 December 2020****amending Implementing Regulation (EU) 2015/2447 as regards the forms for guarantor's undertakings and the inclusion of air transport costs in the customs value, to take account of the withdrawal of the United Kingdom from the Union**

THE EUROPEAN COMMISSION,

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

Having regard to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽¹⁾, and in particular Articles 126 and 127(1) thereof, as well as Articles 5(3) and 13(1) of the Protocol on Ireland/Northern Ireland,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽²⁾, and in particular Articles 8(1)(b), 76(a) and 100(1)(b) thereof,

Whereas:

- (1) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union.
- (2) On 1 February 2020, the United Kingdom withdrew from the European Union and from the European Atomic Energy Community. Pursuant to Articles 126 and 127 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 ('Withdrawal Agreement'), Union law is applicable to and in the United Kingdom during a transition period that is to end on 31 December 2020 ('transition period').
- (3) In accordance with Article 185 of the Withdrawal Agreement and with Article 5(3) of the Protocol on Ireland/Northern Ireland, customs legislation as defined in point (2) of Article 5 of Regulation (EU) No 952/2013 is applicable to and in the United Kingdom in respect of Northern Ireland (not including the territorial waters of the United Kingdom) after the end of the transition period.
- (4) After the end of the transition period, Regulation (EU) No 952/2013 ceases to apply to and in the United Kingdom, with the exception of Northern Ireland, and customs duties are to be applied to goods brought into the customs territory of the Union from the United Kingdom. In accordance with Article 71(1)(e) of Regulation (EU) No 952/2013, the cost of transport up to the place where goods are brought into the customs territory of the Union is to be included in the customs value of the imported goods. The percentages of total air transport costs to be included in the customs value are set out in Annex 23-01 to Commission Implementing Regulation (EU) 2015/2447 ⁽³⁾. After the end of the transition period, the United Kingdom should be included in the appropriate list of third countries in that Annex.
- (5) The forms for guarantor's undertakings are set out in Annexes 32-01, 32-02 and 32-03 and in Chapters VI and VII of Annex 72-04 to Implementing Regulation (EU) 2015/2447. Those forms list the Member States of the Union and the other Contracting Parties to the Convention on a common transit procedure ⁽⁴⁾, as amended by Decision No 1/2019 of the EU-CTC Joint Committee on common transit ⁽⁵⁾ ('the Convention'). When Regulation (EU) No 952/2013 ceases to apply to and in the United Kingdom, with the exception of Northern Ireland, the United Kingdom should no longer be listed among the Member States in those forms. However, the United Kingdom has been invited and deposited its instrument of accession to accede to the Convention as a separate Contracting Party

⁽¹⁾ OJ L 29, 31.1.2020, p. 7.

⁽²⁾ OJ L 269, 10.10.2013, p. 1.

⁽³⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

⁽⁴⁾ OJ L 226, 13.8.1987, p. 2.

⁽⁵⁾ Decision No 1/2019 of the EU-CTC Joint Committee on common transit of 4 December 2019 amending Convention of 20 May 1987 on a common transit procedure (OJ L 103, 03.4.2020, p. 47).

as of the end of the transition period. When the United Kingdom accedes to the Convention, it should be listed among the other Contracting Parties to the Convention in the forms for guarantor's undertakings. In addition, as a consequence of the application of the Protocol on Ireland/Northern Ireland, for Union transit operations Northern Ireland should be listed in a way that indicates that any guarantee that is valid in the Member States must also be valid in Northern Ireland.

- (6) Having regard to the imminent end of the transition period, this Regulation should enter into force as a matter of urgency. As the transition period ends on 31 December 2020, the provisions of this Regulation relating to the inclusion of the costs of air transport from the United Kingdom, with the exception of Northern Ireland, in the customs value and to the deletion of the references to the United Kingdom from the part of the forms for guarantor's undertakings designated for the Member States should apply from 1 January 2021. The provisions relating to the inclusion of the references to the United Kingdom on the list of the other Contracting Parties to the Convention in the forms for guarantor's undertakings should apply from the day the United Kingdom accedes to the Convention on a common transit procedure.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2015/2447 is amended as follows:

- (1) in Annex 23-01, in the table, in the last row of the first column ('Zone Q'), the following text is added:

‘, United Kingdom, with the exception of Northern Ireland’;

- (2) in Annex 32-01, Part I (Undertaking by the guarantor), point 1 is amended as follows:

- (a) after the text ‘the Kingdom of Sweden’, the following text is deleted:

‘, the United Kingdom of Great Britain and Northern Ireland’;

- (b) after the text ‘the Republic of Turkey⁽⁵⁶⁾’, the following text is inserted:

‘, the United Kingdom of Great Britain and Northern Ireland *

* Pursuant to the *Protocol on Ireland/Northern Ireland 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*, Northern Ireland is to be considered as part of the European Union for the purposes of this guarantee. Therefore, a guarantor established in the customs territory of the European Union shall indicate an address for service or appoint an agent in Northern Ireland if the guarantee may be used therein. However, if a guarantee, in the context of common transit, is made valid in the European Union and in the United Kingdom, a single address for service or an appointed agent in the United Kingdom may cover all parts of the United Kingdom, including Northern Ireland.’;

- (3) in Annex 32-02, Part I (Undertaking by the guarantor), point 1 is amended as follows:

- (a) after the text ‘the Kingdom of Sweden’, the following text is deleted:

‘, the United Kingdom of Great Britain and Northern Ireland’;

- (b) after the text 'the Republic of Turkey', the following text is inserted:

‘, the United Kingdom of Great Britain and Northern Ireland **

** Pursuant to the *Protocol on Ireland/Northern Ireland 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*, Northern Ireland is to be considered as part of the European Union for the purposes of this guarantee. Therefore, a guarantor established in the customs territory of the European Union shall indicate an address for service or appoint an agent in Northern Ireland if the guarantee may be used therein. However, if a guarantee, in the context of common transit, is made valid in the European Union and in the United Kingdom, a single address for service or an appointed agent in the United Kingdom may cover all parts of the United Kingdom, including Northern Ireland.’;

- (4) in Annex 32-03, Part I (Undertaking by the guarantor), point 1 is amended as follows:

- (a) after the text 'the Kingdom of Sweden', the following text is deleted:

‘and the United Kingdom of Great Britain and Northern Ireland’;

- (b) after the text 'the Republic of Turkey⁽⁷¹⁾', the following text is inserted:

‘, the United Kingdom of Great Britain and Northern Ireland ***

*** Pursuant to the *Protocol on Ireland/Northern Ireland 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*, Northern Ireland is to be considered as part of the European Union for the purposes of this guarantee. Therefore, a guarantor established in the customs territory of the European Union shall indicate an address for service or appoint an agent in Northern Ireland if the guarantee may be used therein. However, if a guarantee, in the context of common transit, is made valid in the European Union and in the United Kingdom, a single address for service or an appointed agent in the United Kingdom may cover all parts of the United Kingdom, including Northern Ireland.’;

- (5) in Annex 72-04, Part II is amended as follows:

- (a) in Chapter VI, in row 7 of the table, after the text 'Turkey —', the following text is inserted:

‘United Kingdom (*) —’;

* Pursuant to the *Protocol on Ireland/Northern Ireland 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*, Northern Ireland should be considered as part of the European Union for the purposes of this guarantee.’;

- (b) in Chapter VII, in row 6 of the table, after the text 'Turkey —', the following text is inserted:

‘United Kingdom (*) —’.

* Pursuant to the *Protocol on Ireland/Northern Ireland 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*, Northern Ireland should be considered as part of the European Union for the purposes of this guarantee.’;

Article 2

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

It shall apply from 1 January 2021.

However, Articles 1(2)(b), 1(3)(b), 1(4)(b) and 1(5) shall apply from the day the United Kingdom accedes to the Convention on a common transit procedure.

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

Done at Brussels, 10 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2020/2039

of 9 December 2020

granting derogations to certain Member States from the application of Commission Implementing Regulations (EU) 2019/2240 and (EU) 2019/2241

(notified under document C(2020) 8602)

(Only the Croatian, Danish, Dutch and Polish texts are authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1700 of the European Parliament and of the Council of 10 October 2019 establishing a common framework for European statistics relating to persons and households, based on data at individual level collected from samples, amending Regulations (EC) No 808/2004, (EC) No 452/2008 and (EC) No 1338/2008 of the European Parliament and of the Council, and repealing Regulation (EC) No 1177/2003 of the European Parliament and of the Council and Council Regulation (EC) No 577/98 ⁽¹⁾, and in particular Article 19(1) thereof,

Whereas:

- (1) In accordance with Article 19(5) of Regulation (EU) 2019/1700, Denmark, Croatia, the Netherlands and Poland submitted requests for derogation within 3 months of the date of entry into force of the Commission Implementing Regulations (EU) 2019/2240 ⁽²⁾ and (EU) 2019/2241 ⁽³⁾.
- (2) It appears from the information provided to the Commission that the requests of Denmark, Croatia, the Netherlands and Poland are justified by the need for major adaptations to national administrative and statistical systems in order to comply with Implementing Regulations (EU) 2019/2240 and (EU) 2019/2241.
- (3) The requested derogations should therefore be granted to Denmark, Croatia, the Netherlands and Poland.
- (4) The measures provided for in this Decision are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS DECISION:

Article 1

Derogations from Implementing Regulations (EU) 2019/2240 and (EU) 2019/2241 as set out in the Annex are granted to the Member States listed therein.

⁽¹⁾ OJ L 261 I, 14.10.2019, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2019/2240 of 16 December 2019 specifying the technical items of the data set, establishing the technical formats for transmission of information and specifying the detailed arrangements and content of the quality reports on the organisation of a sample survey in the labour force domain in accordance with Regulation (EU) 2019/1700 of the European Parliament and of the Council (OJ L 336, 30.12.2019, p. 59).

⁽³⁾ Commission Implementing Regulation (EU) 2019/2241 of 16 December 2019 describing the variables and the length, quality requirements and level of detail of the time series for the transmission of monthly unemployment data pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council (OJ L 336, 30.12.2019, p. 125).

Article 2

This Decision is addressed to the Kingdom of Denmark, the Republic of Croatia, the Kingdom of the Netherlands and the Republic of Poland.

Done at Brussels, 9 December 2020.

For the Commission
Paolo GENTILONI
Member of the Commission

Derogations from Implementing Regulation (EU) 2019/2240

Provision concerned	Member State	Derogation period granted	Scope of the derogation
Article 3 (Descriptions of variables) and Annex I	Croatia	1 year (2021)	Transmission of the variables INCGROSS (Gross monthly pay from the main job) and INCGROSS_F (Flag on gross monthly pay from the main job) as a net instead of a gross amount
Article 3 (Descriptions of variables) and Annex I	Croatia	1 year (2021)	Transmission of the variable HATFIELD (Field of the highest level of education successfully completed) in accordance with ISCED-F 2013, 2-digit coding instead of 3-digit coding.
Article 6(2) (Detailed sample characteristics)	The Netherlands	1 year (2021)	Uniform sample distribution: — The full national sample of the reference year will not be uniformly distributed between all the reference quarters of the year. — In each reference quarter the full quarterly sample will not be uniformly distributed between all the reference weeks of the quarter.
Article 9(2) (Common standards for editing, imputation, weighting and estimation)	Poland	2 years (2021–2022)	Transmission of the variable INCGROSS (Gross monthly pay from the main job) without statistical imputation for item non-response. Transmission of corrected data with imputation for years 2021 and 2022 will take place together with the transmission of the data for 2023, namely in March 2025.

Derogations from Implementing Regulation (EU) 2019/2241

Provision concerned	Member State	Derogation period granted	Scope of the derogation
Article 4(1)(a) (Transmission deadlines)	Denmark	3 years (2021–2023)	Monthly unemployment data for the month of November shall be transmitted by 4 January of the following year.
Article 6(1) (Sources and methods)	Croatia	1 year (2021)	Description of the sources and methods used for the compilation of the monthly unemployment inputs shall be transmitted by 31 December 2021.

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