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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.

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

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

- ★ **Decision No 1/2020 of the Joint Committee established under the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons of 15 December 2020 amending Annex II to that Agreement on the coordination of social security schemes [2021/137] 15**

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2021/133

of 4 February 2021

implementing Regulation (EU) 2018/858 of the European Parliament and of the Council as regards the basic format, structure and the means of exchange of the data of the certificate of conformity in electronic format

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC ⁽¹⁾, and in particular Article 37(8) thereof,

Whereas:

- (1) To ensure that Member States have sufficient time to establish the organisation and structure of their data network, to enable data supply and reception of the certificates of conformity as structured data in electronic format, it is appropriate to designate the European Vehicle and Driving Licence Information System (EUCARIS) ⁽²⁾ for the exchange of that data. EUCARIS has been developed by and for governmental authorities to share vehicle and driving license registration information.
- (2) In order to ensure that the certificates of conformity are exchanged in a uniform manner and that the data elements and messages they contain are harmonised, the format and structure of the data elements of the certificates of conformity should be based on Extensible Markup Language (XML) schema structure and principles. The manufacturer and the approval authority should use the standardised Initial Vehicle Information (IVI) messages developed by the EUCARIS nominated party for operation, for their exchange as structured data in electronic format.
- (3) In order to make it possible for the approval authority and the manufacturer to implement the amendments to the data elements for the certificate of conformity in paper format referred to in Article 36(1) of Regulation (EU) 2018/858 in their data network it is necessary to lay down practical arrangements for such amendments.
- (4) In order to enable type-approval authorities, market surveillance authorities and registration authorities of the Member States as well as manufacturers to prepare for the application of the new rules introduced by this Regulation, the date of application should be deferred.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee – Motor Vehicles (TCMV),

⁽¹⁾ OJ L 151, 14.6.2018, p. 1.

⁽²⁾ Consolidated version of the EUCARIS Treaty concerning a European Vehicle and Driving Licence Information System (EUCARIS) including the amendments signed by the Parties on 8 June 2017.

HAS ADOPTED THIS REGULATION:

Article 1

The means of exchange of data

1. The manufacturer shall make available an electronic version of the certificate of conformity in accordance with the format and structure of the data elements and standardised messages set out in Article 2 through any national access point of the European Vehicle and Driving Licence Information System (EUCARIS) in the Union to the type-approval authority that has granted the whole-vehicle type-approval.
2. The approval authority shall use EUCARIS as the means of exchange of data of the certificate of conformity as structured data in electronic format referred to in point (c) of Article 37(8) of Regulation (EU) 2018/858.

Article 2

Basic format and structure of the data elements and standardised messages

1. The format and structure of the data elements of the certificates of conformity in electronic format and the messages used in the exchange, referred to in point (a) of Article 37(8) of Regulation (EU) 2018/858, shall be based on Extensible Markup Language (XML) schema structure and principles.
2. The manufacturer and the approval authority shall use the standardised Initial Vehicle Information (IVI) messages developed by the EUCARIS nominated party for operation, for the exchange of the certificates of conformity as structured data in electronic format.
3. The IVI messages shall include all data elements of the certificate of conformity in paper format referred to in Article 36(1) of Regulation (EU) 2018/858.

Article 3

Procedure for amending the data elements

1. After consulting the Forum for Exchange of Information on Enforcement ('the Forum') referred to in Article 11 of Regulation (EU) 2018/858, the Commission shall inform the EUCARIS nominated party for operation of the amendments to the specifications of the data elements for the certificate of conformity in paper format referred to in Article 36(1) of Regulation (EU) 2018/858.
2. The EUCARIS nominated party for operation shall make the necessary amendments referred to in paragraph 1 in the IVI messages within 3 months of the publication date in the *Official Journal of the European Union* of the amendments to the certificate of conformity in paper format referred to in Article 36(1) of Regulation (EU) 2018/858.
3. The EUCARIS nominated party for operation shall plan the release date or dates of the amended version of the IVI messages established in accordance with paragraph 2 in an annual overview and inform the Forum and the Commission thereof at the beginning of each year. The number of releases of the IVI messages shall be limited to two per year.
4. The Commission shall communicate to the Forum the amended version of the IVI messages and EUCARIS's annual planned release dates.
5. The approval authorities, market surveillance authorities, registration authorities of the Member States and the manufacturers shall implement the amended version of the IVI messages in their respective systems within 12 months of the publication date in the *Official Journal of the European Union* of the amendments to the certificate of conformity in paper format referred to in Article 36(1) of Regulation (EU) 2018/858.

6. The certificate of conformity that the manufacturer makes available in accordance with Article 1(1) shall be based on the most recent IVI messages reflecting the latest amendments to the certificate of conformity in paper format referred to in Article 36(1) of Regulation (EU) 2018/858.

7. The Commission shall determine the dates of application of the amendments to the certificate of conformity in paper format referred to in Article 36(1) of Regulation (EU) 2018/858 by taking into consideration the annual planned release dates of the IVI messages.

Article 4

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*.

It shall apply from 1 January 2023.

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

Done at Brussels, 4 February 2021.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2021/134

of 4 February 2021

renewing the approval of the low-risk active substance *Akanthomyces muscarius* strain Ve6 (formerly *Lecanicillium muscarium* strain Ve6) in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾ and in particular Article 20(1) in conjunction with Article 22(1) thereof,

Whereas:

- (1) The concerned active substance is a fungus that was first named *Verticillium lecanii*. Subsequently, for scientific reasons, that name was changed into *Lecanicillium muscarium* strain Ve6. More recently, it was changed again into its current name *Akanthomyces muscarius* strain Ve6.
- (2) Commission Directive 2008/113/EC ⁽²⁾ included *Lecanicillium muscarium* (formerly *Verticillium lecanii*) Strain: Ve6 as active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (3) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (4) The approval of the active substance *Akanthomyces muscarius* strain Ve6 (formerly *Lecanicillium muscarium* strain Ve6), as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, expires on 30 April 2021.
- (5) An application for the renewal of the approval of the active substance *Akanthomyces muscarius* strain Ve6 was submitted in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012 ⁽⁵⁾ within the time period provided for in that Article.
- (6) The applicant submitted the supplementary dossiers required in accordance with Article 6 of Implementing Regulation (EU) No 844/2012. The application was found to be complete by the rapporteur Member State.
- (7) The rapporteur Member State prepared a draft renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority ('the Authority') and the Commission on 30 January 2018.

⁽¹⁾ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

⁽²⁾ Commission Directive 2008/113/EC of 8 December 2008 amending Council Directive 91/414/EEC to include several micro-organisms as active substances (OJ L 330, 9.12.2008, p. 6).

⁽³⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

- (8) The Authority communicated the draft renewal assessment report to the applicant and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the supplementary summary dossier available to the public.
- (9) On 27 April 2020, the Authority communicated to the Commission its conclusion ⁽⁶⁾ on whether *Akanthomyces muscarius* strain Ve6 can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission presented to the Standing Committee on Plants, Animals, Food and Feed the renewal report regarding *Akanthomyces muscarius* strain Ve6 on 22 October 2020 and the draft Regulation regarding that substance on 4 December 2020.
- (10) The Commission invited the applicant to submit its comments on the conclusion of the Authority and, in accordance with the third paragraph of Article 14(1) of Implementing Regulation (EU) No 844/2012, on the renewal report. The applicant submitted its comments, which have been carefully examined.
- (11) It has been established with respect to one or more representative uses of at least one plant protection product containing the active substance *Akanthomyces muscarius* strain Ve6 that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. It is therefore appropriate to renew the approval of *Akanthomyces muscarius* strain Ve6.
- (12) The risk assessment for the renewal of the approval of the active substance *Akanthomyces muscarius* strain Ve6 is based on a limited number of representative uses, which however do not restrict the uses for which plant protection products containing *Akanthomyces muscarius* strain Ve6 may be authorised. It is therefore appropriate not to maintain the restriction to use that substance as an insecticide only.
- (13) The Commission further considers that *Akanthomyces muscarius* strain Ve6 is a low-risk active substance pursuant to Article 22 of Regulation (EC) No 1107/2009. *Akanthomyces muscarius* strain Ve6 is not a substance of concern and fulfils the conditions set in point 5 of Annex II to Regulation (EC) No 1107/2009. Taking into account the assessment by the Rapporteur Member State and the Authority, and the intended uses, *Akanthomyces muscarius* strain Ve6 is a microorganism which is expected to have a low risk for humans, animals and the environment. No critical areas of concern were identified, and *Akanthomyces muscarius* is not known to be related to any human or animal pathogen. *Akanthomyces muscarius* strain Ve6 has been used in plant protection for over a decade without leading to any adverse effect on humans and based on the intended use (which is high technology (permanent) greenhouses and walk-in tunnels) the potential exposure for humans, non-target organisms and the environment is considered negligible. For these reasons, only general mitigation measures should be taken for operators and workers.
- (14) It is therefore appropriate to renew the approval of *Akanthomyces muscarius* strain Ve6 as a low-risk substance. In accordance with Article 20(3) of Regulation (EC) No 1107/2009, in conjunction with Article 13(4) thereof, the Annex to Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (15) The approval period of *Akanthomyces muscarius* strain Ve6 (formerly *Lecanicillium muscarium* strain Ve6) was last extended to 30 April 2021 by Commission Implementing Regulation (EU) 2020/421 ⁽⁷⁾ in order to allow the renewal process to be completed before the expiry of that period. However, given that a decision on renewal is being taken ahead of the expiry of that extended approval period, this Regulation should start to apply earlier than that date.

⁽⁶⁾ Conclusion on the peer review of the pesticide risk assessment of the active substance *Akanthomyces muscarius* strain Ve6, formerly *Lecanicillium muscarium* strain Ve6. EFSA Journal 2020;18(6):6121. doi: 10.2903/j.efsa.2020.6121. Available online: www.efsa.europa.eu

⁽⁷⁾ Commission Implementing Regulation (EU) 2020/421 of 18 March 2020 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances abamectin, *Bacillus subtilis* (Cohn 1872) strain QST 713, *Bacillus thuringiensis* subsp. Aizawai strains ABTS-1857 and GC-91, *Bacillus thuringiensis* subsp. Israeliensis (serotype H-14) strain AM65-52, *Bacillus thuringiensis* subsp. Kurstaki strains ABTS 351, PB 54, SA 11, SA12 and EG 2348, *Beauveria bassiana* strains ATCC 74040 and GHA, clodinafop, clopyralid, *Cydia pomonella* Granulovirus (CpGV), cyprodinil, dichlorprop-P, fenpyroximate, fosetyl, *Lecanicillium muscarium* (formerly '*Verticillium lecanii*') strain Ve6, mepanipyrim, *Metarhizium anisopliae* (var. *anisopliae*) strain BIPESCO 5/F52, metconazole, metrafenone, *Phlebiopsis gigantea* strains FOC PG 410.3, VRA 1835 and VRA 1984, pirimicarb, *Pseudomonas chlororaphis* strain MA342, pyrimethanil, *Pythium oligandrum* M1, rimsulfuron, spinosad, *Streptomyces* K61 (formerly '*S. griseoviridis*'), *Trichoderma asperellum* (formerly '*T. harzianum*') strains ICC012, T25 and TV1, *Trichoderma atroviride* (formerly '*T. harzianum*') strains IMI 206040 and T11, *Trichoderma gamsii* (formerly '*T. viride*') strain ICC080, *Trichoderma harzianum* strains T-22 and ITEM 908, triclopyr, trinexapac, triticonazole and ziram (OJ L 84, 20.3.2020, p. 7).

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

HAS ADOPTED THIS REGULATION:

Article 1

Renewal of the approval of the active substance

The approval of the active substance *Akanthomyces muscarius* strain Ve6 (formerly *Lecanicillium muscarium* strain Ve6), as specified in Annex I, is renewed subject to the conditions laid down in that Annex.

Article 2

Amendments to Implementing Regulation (EU) No 540/2011

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with Annex II to this Regulation.

Article 3

Entry into force and date of application

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 March 2021.

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

Done at Brussels, 4 February 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
<i>Akanthomyces muscarius</i> strain Ve6 (formerly <i>Lecanicillium muscarium</i> strain Ve6) ⁽²⁾	Not applicable	No relevant impurities	1 March 2021	29 February 2036	For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the renewal report on <i>Akanthomyces muscarius</i> strain Ve6 (formerly <i>Lecanicillium muscarium</i> strain Ve6) and in particular Appendices I and II thereto, shall be taken into account. Member States shall pay particular attention to the protection of operators and workers, taking into account that microorganisms are per se considered as potential sensitisers, and shall ensure that adequate personal protective equipment is included as a condition of use. Producers shall ensure strict maintenance of environmental conditions and quality control analysis during the manufacturing process as laid down in Working Document SANCO/12116/2012 as regards the limits on microbiological contamination ⁽³⁾.

⁽¹⁾ Further details on the identity and the specification of the active substance are provided in the renewal report.

⁽²⁾ The concerned active substance was initially approved as *Verticillium lecanii*, but later, for scientific reasons, its name was changed to *Lecanicillium muscarium* strain Ve6, which was later changed again to the name under which the approval was renewed, *Akanthomyces muscarius* strain Ve6.

⁽³⁾ https://ec.europa.eu/food/sites/food/files/plant/docs/pesticides_ppp_app-proc_guide_phys-chem-ana_microbial-contaminant-limits.pdf

ANNEX II

The Annex to Commission Implementing Regulation (EU) No 540/2011 is amended as follows:

- (1) in Part A, the entry 199 on *Lecanicillium muscarium* (formerly *Verticillium lecanii*) STRAIN: Ve 6 is deleted;
- (2) in Part D, the following entry is added:

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
'25	<i>Akanthomyces muscarius</i> strain Ve6 (formerly <i>Lecanicillium muscarium</i> strain Ve6) ⁽²⁾	Not applicable	No relevant impurities	1 March 2021	29 February 2036	For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the renewal report on <i>Akanthomyces muscarius</i> strain Ve6 (formerly <i>Lecanicillium muscarium</i> strain Ve6) and in particular Appendices I and II thereto, shall be taken into account. Member States shall pay particular attention to the protection of operators and workers, taking into account that microorganisms are per se considered as potential sensitisers, and shall ensure that adequate personal protective equipment is included as a condition of use. Producers shall ensure strict maintenance of environmental conditions and quality control analysis during the manufacturing process as laid down in Working Document SANCO/12116/2012 as regards the limits on microbiological contamination ⁽³⁾.

⁽¹⁾ Further details on the identity and the specification of the active substance are provided in the renewal report.

⁽²⁾ The concerned active substance was initially approved as *Verticillium lecanii*, but later, for scientific reasons, its name was changed to *Lecanicillium muscarium* strain Ve6, which was later changed again to the name under which the approval was renewed, *Akanthomyces muscarius* strain Ve6.

⁽³⁾ https://ec.europa.eu/food/sites/food/files/plant/docs/pesticides_ppp_app-proc_guide_phys-chem-ana_microbial-contaminant-limits.pdf

DECISIONS

COMMISSION DELEGATED DECISION (EU, Euratom) 2021/135

of 12 November 2020

supplementing Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council with detailed conditions for the calculation of the effective provisioning rate of the common provisioning fund

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, in conjunction with the Treaty establishing the European Atomic Energy Community,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 ⁽¹⁾, and in particular Article 213(2), second subparagraph, thereof,

Whereas:

- (1) According to Article 212(1) of Regulation (EU, Euratom) 2018/1046 ('Financial Regulation') the provisions made to cover the financial liabilities arising from financial instruments, budgetary guarantees or financial assistance are to be held in a common provisioning fund. The resources of the common provisioning fund will be allocated into compartments corresponding to each of those contributing instruments. Pursuant to Article 213(1) of the Financial Regulation, the provisioning of budgetary guarantees and financial assistance to third countries in the common provisioning fund is to be based on an effective provisioning rate.
- (2) The effective provisioning rate should be established on the basis of the initial provisioning rates determined separately for each budgetary guarantee or financial assistance to third countries pursuant to Article 211(2). Pursuant to Article 213(2) of the Financial Regulation, it should apply only to the amount of resources in the common provisioning fund foreseen for the payment of guarantee calls over a one year period. The effective provisioning rate will apply to all the compartments in the common provisioning fund that can create a contingent liability for the Union budget.
- (3) The methodology for the calculation of the effective provisioning rate should be based on established methods for measurement and management of credit risks, widely employed in the financial sector. These methods rely heavily on the estimation of the loss distribution of the credit portfolio separately and jointly for all contributing instruments. The methodology focusses in particular on the assessment of two components of the credit risk – expected and unexpected losses.
- (4) The effective provisioning rate should reflect the benefits of pooling budgetary guarantees and financial assistance to third countries with different risk profiles and cash flows patterns. Thus, the methodology to establish the level of effective provisioning in the common provisioning fund should be based on a diversification concept, allowing for the optimisation of the level of provisioning required by the respective basic acts of the contributing instruments.
- (5) The correlation of losses between compartments within the common provisioning fund is an important input for the determination of the effective provisioning rate. A robust approach to assess the level of correlation between compartments should therefore be established.

⁽¹⁾ OJ L 193, 30.7.2018, p. 1.

- (6) The effective provisioning rate is to be the reference for the Commission's calculation of the contributions from the budget to the provisioning pursuant to Article 211(4)(a) of the Financial Regulation, for any replenishment of the common provisioning fund pursuant to the Article 213(4)(b) of the Financial Regulation or for the return to the budget of any surplus of provisions pursuant to Article 213(4)(a) of the Financial Regulation, for each contributing instrument separately. The effective provisioning rate should therefore be calculated by the financial manager of the resources of the common provisioning fund ('the financial manager') in conformity with the annual budgetary procedure.
- (7) In accordance with Article 213(1) of the Financial Regulation, the effective provisioning rate is to provide a level of protection against the financial liabilities of the Union equivalent to the level that would be provided by the respective provisioning rates if the resources were held and managed separately. If the information necessary to determine the effective provisioning rate in a prudent manner is not fully available, the financial manager should be allowed to set the effective provisioning rate at 100 %, as a safeguard measure to ensure compliance with that Article.
- (8) In accordance with Article 282(3)(g) of the Financial Regulation, Article 213 of that Regulation on the effective provisioning rate is to apply only as from the date of application of the post-2020 multiannual financial framework. This Decision should therefore apply from the same date,

HAS ADOPTED THIS DECISION:

Article 1

1. The Commission shall provide the financial manager with the following information:
 - (a) forecasts of inflows and outflows for the relevant compartments of the common provisioning fund for the relevant period;
 - (b) other relevant information necessary to determine the adequacy of the provisioning, based on the methodology for the effective provisioning rate calculation.
2. The financial manager shall calculate the effective provisioning rate applicable for the relevant annual period in conformity with the budgetary procedure, using the information provided in accordance with paragraph 1.

However, by derogation to the first subparagraph as regards the conformity with the budgetary procedure, the financial manager shall calculate the effective provisioning rate applicable for the first annual period using available and relevant information as soon as possible.

3. The financial manager shall calculate the effective provisioning rate using the methodology set out in the Annex. The financial manager shall accompany the calculation of the effective provisioning rate with an assessment of the market conditions and with any other relevant assumptions, as set out in the methodology, used in the calculation.

Article 2

1. The financial manager may set the effective provisioning rate at 100 %, in order to fulfil the requirement of Article 213(1) of the Financial Regulation, to ensure that the level of protection against the financial liabilities of the Union is equivalent to the level that would be provided by the respective provisioning rates if the resources were held and managed separately.
2. Paragraph 1 shall apply only when the information related to a significant contributing instrument in the common provisioning fund, essential to calculate the effective provisioning rate in a prudent manner, is not fully available.

Article 3

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

It shall apply as from the date of application of the post-2020 multiannual financial framework.

Done at Brussels, 12 November 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

1. The effective provisioning rate of the common provisioning fund shall be calculated taking into account the amount of expected and unexpected losses for each contributing instrument and the diversification ratio, which accounts for the correlation between the contributing instruments' losses, as set out in the following formula:

$$EPR_t = \frac{\sum_{i=1}^N EL_{i,t} + x_t * \sum_{i=1}^N UL_{i,t} * DR}{\sum_{i=1}^N EL_{i,t} + x_t * \sum_{i=1}^N UL_{i,t}}$$

Where

EPR_t – the effective provisioning rate, expressed as a percentage of the amount of the resources foreseen for the payment of the guarantee calls for the year t , if the provisioning for contributing instruments were held and managed separately;

$EL_{i,t}$ – the expected loss for the compartment i , for the year t , determined by the authorising services for the relevant compartment and representing the amount of resources that is necessary to meet expected guarantee calls for the year t ;

$UL_{i,t}$ – the unexpected loss for the compartment i , for the year t , determined by the authorising services for the relevant compartment and representing the volatility (standard deviation) of the expected loss for the compartment;

i,j – the compartment $\overline{1,N}$;

t – the year $\overline{1,T}$, where T represents the total lifetime of the relevant compartment;

x_t – the adjustment coefficient, expressed as percentage of $UL_{i,t}$ for the year t , reflecting the margin necessary to cover the short term volatility of the loss estimates, providing additional protection against insufficient liquidity;

$\rho_{i,j}$ – the correlation matrix between the individual compartments' losses over the lifetime of the contributing instruments;

DR – the diversification ratio, reflecting the difference between the sum of the lifetime unexpected losses of all the contributing instruments in the denominator and the lifetime joint unexpected losses for all the compartments, calculated as follows:

$$DR = \frac{\sqrt{\sum_{i=1}^N \sum_{j=1}^N UL_{i,T} UL_{j,T} \rho_{i,j}}}{\sum_{i=1}^N UL_{i,T}}$$

2. The diversification ratio shall be calculated by the financial manager for the year t , based on the inputs from the authorising services and correlation matrix estimates.
3. The correlation matrix between the compartments shall be determined by the financial manager, using historical data when available, proxies for the compartments using publicly available data (such as bond, equity indices) that represent the geographic or sectoral coverage for the respective compartments. The correlation matrix may be adjusted by the financial manager to take into the account market conditions and other relevant factors.

COMMISSION IMPLEMENTING DECISION (EU) 2021/136

of 4 February 2021

correcting Implementing Decision (EU) 2019/1119 on the approval of efficient vehicle exterior lighting using light emitting diodes for use in internal combustion engine vehicles and non-externally chargeable hybrid electrified vehicles as an innovative technology for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council and Implementing Decision (EU) 2020/1339 on the approval pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council of efficient vehicle exterior lighting using light emitting diodes as an innovative technology for reducing CO₂ emissions from certain light commercial vehicles in relation to the Worldwide Harmonised Light Vehicle Test Procedure

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂ emission performance standards for new passenger cars and new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 ⁽¹⁾, and in particular Article 11(4) thereof,

Whereas:

- (1) Formula 9 in the Annex to Commission Implementing Decision (EU) 2019/1119 ⁽²⁾ is incorrect and should therefore be replaced by a new corrected formula.
- (2) The minimum CO₂ savings threshold referred to in point 6 of the Annex to Commission Implementing Decision (EU) 2020/1339 ⁽³⁾ is incorrect and should therefore be replaced by the value referred to in Article 9(1)(b) of Commission Implementing Regulation (EU) No 427/2014 ⁽⁴⁾.
- (3) Implementing Decisions (EU) 2019/1119 and (EU) 2020/1339 should therefore be corrected accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Correction to Implementing Decision (EU) 2019/1119

In point 4.2.2 of the Annex to Implementing Decision (EU) 2019/1119, the Formula 9 is replaced by the following:

$$s_{CO_2} = \sqrt{\sum_{i=1}^m \left(\frac{\partial C_{CO_2}}{\partial P_{Ei}} \cdot s_{P_{Ei}} \right)^2 + \left(\frac{\partial C_{CO_2}}{\partial K_{CO_2}} \cdot s_{K_{CO_2}} \right)^2} = \sqrt{\left(\frac{K_{CO_2}}{v \cdot \eta_{DCDC}} \right)^2 \cdot \sum_{i=1}^m (U_{Fi} \cdot s_{P_{Ei}})^2 + \left(\sum_{i=1}^m \Delta P_i \cdot U_{Fi} \right)^2 \cdot \left(\frac{s_{K_{CO_2}}}{v \cdot \eta_{DCDC}} \right)^2}$$

Article 2

Correction to Implementing Decision (EU) 2020/1339

In point 6 of the Annex to Implementing Decision (EU) 2020/1339, the text: 'MT is the minimum threshold equal to 1 g CO₂/km' is replaced by the following:

'MT is the minimum threshold equal to 0,5 g CO₂/km'

⁽¹⁾ OJ L 111, 25.4.2019, p. 13.

⁽²⁾ Commission Implementing Decision (EU) 2019/1119 of 28 June 2019 on the approval of efficient vehicle exterior lighting using light emitting diodes for use in internal combustion engine vehicles and non-externally chargeable hybrid electrified vehicles as an innovative technology for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 176, 1.7.2019, p. 67).

⁽³⁾ Commission Implementing Decision (EU) 2020/1339 of 23 September 2020 on the approval pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council of efficient vehicle exterior lighting using light emitting diodes as an innovative technology for reducing CO₂ emissions from certain light commercial vehicles in relation to the Worldwide Harmonised Light Vehicle Test Procedure (OJ L 313, 28.9.2020, p. 4).

⁽⁴⁾ Commission Implementing Regulation (EU) No 427/2014 of 25 April 2014 establishing a procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council (OJ L 125, 26.4.2014, p. 57).

*Article 3***Entry into force**

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

Done at Brussels, 4 February 2021.

For the Commission
The President
Ursula VON DER LEYEN

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2020 OF THE JOINT COMMITTEE ESTABLISHED UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES, OF THE ONE PART, AND THE SWISS CONFEDERATION, OF THE OTHER, ON THE FREE MOVEMENT OF PERSONS

of 15 December 2020

amending Annex II to that Agreement on the coordination of social security schemes [2021/137]

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons ⁽¹⁾ ('the Agreement') and in particular Articles 14 and 18 thereof,

Whereas:

- (1) The Agreement ceases to apply to the United Kingdom of Great Britain and Northern Ireland ('United Kingdom') as a consequence of the United Kingdom's withdrawal from the European Union.
- (2) Pursuant to Article 23 of the Agreement, rights acquired by private individuals shall not be affected in the event of termination of the Agreement and the Contracting Parties shall settle by mutual agreement what action is to be taken in respect of rights in the process of being acquired.
- (3) Article 33 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 ⁽²⁾ (the 'Withdrawal Agreement') states that Title III of Part Two of the Withdrawal Agreement shall apply to nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation provided that those countries have concluded and apply corresponding agreements with the United Kingdom, which apply to Union citizens, and the corresponding agreements with the Union which apply to United Kingdom nationals, respectively.
- (4) Article 26b of the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on citizens' rights following the withdrawal of the United Kingdom from the European Union and the Free Movement of Persons Agreement (the 'Citizens' Rights Agreement') states that the provisions of Part III of that agreement shall apply to Union citizens, provided that the Union has concluded and applies corresponding agreements with the United Kingdom which apply to Swiss nationals, and corresponding agreements with Switzerland which apply to United Kingdom nationals, respectively.
- (5) It is necessary to provide reciprocal protection of social security rights for United Kingdom nationals, as well as their family members and survivors, who, by the end of the transition period, as defined in Article 126 of the Withdrawal Agreement, are or have been in a cross-border situation involving one or more of the Contracting Parties to the Agreement and the United Kingdom at the same time,

⁽¹⁾ OJ L 114, 30.4.2002, p. 6.

⁽²⁾ OJ L 29, 31.1.2020, p. 7.

HAS DECIDED AS FOLLOWS:

Article 1

Annex II to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons is amended as set out in the Annex to this Decision.

Article 2

This Decision is established in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, the texts in each of these languages being equally authentic.

Article 3

This Decision shall enter into force on the date of its adoption by the Joint Committee and shall apply from the end of the transition period as defined in Article 126 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.

For the Joint Committee

The Chairman
Cornelia LUETHY

The Secretaries
Nathalie MARVILLE DOSEN
Malgorzata SENDROWSKA

ANNEX

Annex II to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons is amended as follows:

(1) Article 3 shall be amended as follows:

- (a) in paragraph 1, 'the Protocol' shall be replaced by 'Protocol I';
- (b) in paragraph 2, 'The Protocol' shall be replaced by 'Protocol I'.

(2) A new Article 4 shall be added after Article 3:

'Article 4

1. The arrangements relating to the protection of rights acquired by private individuals under this Agreement as a consequence of the United Kingdom's withdrawal from the European Union are set out in Protocol II of this Annex.
2. Protocol II forms an integral part of this Annex.'

(3) After Section C the title 'Protocol' shall be replaced by 'Protocol I'.

(4) A new Protocol II shall be added after Protocol I:

'PROTOCOL II

to Annex II to the Agreement on the free movement of persons

CONSIDERING that Article 33 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 (the "Withdrawal Agreement") states that Title III of Part Two of the Withdrawal Agreement shall apply to nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation provided that those countries have concluded and apply corresponding agreements with the United Kingdom of Great Britain and Northern Ireland which apply to Union citizens, as well as with the European Union which apply to United Kingdom nationals,

CONSIDERING that Article 26b of the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on citizens' rights following the withdrawal of the United Kingdom from the European Union and the Free Movement of Persons Agreement states that the provisions of Part III of that agreement shall apply to Union citizens, provided that the Union has concluded and applies corresponding agreements with the United Kingdom of Great Britain and Northern Ireland which apply to Swiss nationals, as well as with Switzerland which applies to United Kingdom nationals,

RECOGNISING that it is necessary to provide reciprocal protection of social security rights for United Kingdom nationals, as well as their family members and survivors who, by the end of the transition period, are or have been in a cross-border situation involving one or more of the Contracting Parties to the Free Movement of Persons Agreement and the United Kingdom of Great Britain and Northern Ireland at the same time,

Article 1

Definitions and references

1. For the purposes of this Protocol the following definitions shall apply:

- (a) "Withdrawal Agreement" means 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⁾;
- (b) "Citizens' Rights Agreement" means the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on citizens' rights following the withdrawal of the United Kingdom from the European Union and the Free Movement of Persons Agreement;

⁽¹⁾ OJ L 29, 31.1.2020, p. 7.

- (c) “States covered” means the Member States of the Union and Switzerland;
- (d) “transition period” means the transition period referred to in Article 126 of the Withdrawal Agreement;
- (e) the definitions in Article 1 of Regulation (EC) No 883/2004 of the European Parliament and of the Council ⁽²⁾ and Article 1 of Regulation (EC) No 987/2009 of the European Parliament and of the Council ⁽³⁾.

2. For the purposes of this Protocol, all references to Member States and competent authorities of Member States in provisions of Union law made applicable by this Protocol shall be understood as including the United Kingdom and its competent authorities.

Article 2

Persons covered

1. This Protocol shall apply to the following persons:
 - (a) United Kingdom nationals who are subject to the legislation of one of the States covered at the end of the transition period, as well as their family members and survivors;
 - (b) United Kingdom nationals who reside in one of the States covered, and are subject to the legislation of the United Kingdom at the end of the transition period, as well as their family members and survivors;
 - (c) persons who do not fall within point (a) or (b) but are United Kingdom nationals who pursue an activity as an employed or self-employed person in one or more of the States covered at the end of the transition period, and who, based on Title II of Regulation (EC) No 883/2004, are subject to the legislation of the United Kingdom, as well as their family members and survivors;
 - (d) stateless persons and refugees, residing in one of the States covered or in the United Kingdom, who are in one of the situations described in points (a) to (c), as well as their family members and survivors.
2. The persons referred to in paragraph 1 shall be covered for as long as they continue without interruption to be in one of the situations set out in that paragraph involving both one of the States covered and the United Kingdom at the same time.
3. This Protocol shall also apply to United Kingdom nationals who do not, or who no longer, fall within one of the situations set out in paragraph 1 of this Article but who fall within Article 10 of the Withdrawal Agreement or within Article 10 of the Citizens’ Rights Agreement, as well as their family members and survivors.
4. The persons referred to in paragraph 3 shall be covered for as long as they continue to have a right to reside in one of the States covered under Article 13 of the Withdrawal Agreement or Article 12 of the Citizens’ Rights Agreement, or a right to work in their State of work under Article 24 or 25 of the Withdrawal Agreement or Article 20 of the Citizens’ Rights Agreement.
5. Where this Article refers to family members and survivors, those persons shall be covered by this Protocol only to the extent that they derive rights and obligations in that capacity under Regulation (EC) No 883/2004.

Article 3

Social security coordination rules

1. The rules and objectives set out in Article 8 of the Agreement and in this Annex of the Free Movement of Persons Agreement, Regulations (EC) No 883/2004 and (EC) No 987/2009 shall apply to the persons covered by this Protocol.

⁽²⁾ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1 as corrected in OJ L 200, 7.6.2004, p. 1).

⁽³⁾ Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1).

2. The States covered shall take due account of the Decisions and Recommendations of the Administrative Commission for the Coordination of Social Security Systems attached to the European Commission, set up under Regulation (EC) No 883/2004 (the “Administrative Commission”) listed in Sections B and C of this Annex.

Article 4

Special situations covered

1. The following rules shall apply in the following situations to the extent set out in this Article, insofar as they relate to persons not or no longer covered by Article 2:

- (a) United Kingdom nationals, as well as stateless persons and refugees residing in the United Kingdom who have been subject to the legislation of one of the States covered before the end of the transition period, as well as their family members and survivors shall be covered by this Protocol for the purposes of reliance on and aggregation of periods of insurance, employment, self-employment or residence, including rights and obligations deriving from such periods in accordance with Regulation (EC) No 883/2004; for the purposes of the aggregation of periods, periods completed both before and after the end of the transition period shall be taken into account in accordance with Regulation (EC) No 883/2004;
- (b) the rules set out in Articles 20 and 27 of Regulation (EC) No 883/2004 shall continue to apply to United Kingdom nationals, as well as stateless persons and refugees residing in the United Kingdom who, before the end of the transition period, had requested authorisation to receive a course of planned health care treatment pursuant to Regulation (EC) No 883/2004, until the end of the treatment. The corresponding reimbursement procedures shall also apply even after the treatment ends. Such persons and the accompanying persons shall enjoy the right to enter and exit the State of treatment in accordance with Article 14 of the Withdrawal Agreement *mutatis mutandis* and with Article 13 of the Citizens’ Rights Agreement *mutatis mutandis*;
- (c) the rules set out in Articles 19 and 27 of Regulation (EC) No 883/2004 shall continue to apply to United Kingdom nationals, as well as stateless persons and refugees residing in the United Kingdom who are covered by Regulation (EC) No 883/2004 and who are on a stay at the end of the transition period in one of the States covered or the United Kingdom, until the end of their stay. The corresponding reimbursement procedures shall also apply even after the stay or treatment ends;
- (d) the rules set out in Articles 67, 68 and 69 of Regulation (EC) No 883/2004 shall continue to apply, for as long as the conditions are fulfilled, to awards of family benefits to which there is entitlement at the end of the transition period for United Kingdom nationals, as well as stateless persons and refugees residing in the United Kingdom who are subject to the legislation of the United Kingdom and have family members residing in one of the States covered at the end of the transition period;
- (e) in the situations set out in point (d) of this paragraph, for any persons who have rights as family members at the end of the transition period under Regulation (EC) No 883/2004, such as derived rights for sickness benefits in kind, that Regulation and the corresponding provisions of Regulation (EC) No 987/2009 shall continue to apply for as long as the conditions provided therein are fulfilled.

2. The provisions of Chapter 1 of Title III of Regulation (EC) No 883/2004 as regards sickness benefits shall apply to persons receiving benefits under point (a) of paragraph 1 of this Article.

This paragraph shall apply *mutatis mutandis* as regards family benefits based on Articles 67, 68 and 69 of Regulation (EC) No 883/2004.

Article 5

Reimbursement, recovery and offsetting

The provisions of Regulations (EC) No 883/2004 and (EC) No 987/2009 on reimbursement, recovery and offsetting shall continue to apply in relation to events, insofar as they relate to persons not covered by Article 2, that:

- (a) occurred before the end of the transition period; or

- (b) occur after the end of the transition period and relate to persons who were covered by Article 2 or 4 when the event occurred.

Article 6

Development of law and adaptations

1. Notwithstanding paragraph 3, references in this Protocol to Regulations (EC) No 883/2004 and (EC) No 987/2009 or provisions thereof, shall be understood as references to the acts or provisions as incorporated into the Agreement, as applicable on the last day of the transition period.
 2. Where Regulations (EC) No 883/2004 and (EC) No 987/2009 are amended or replaced after the end of the transition period, references to those Regulations in this Protocol shall be understood as referring to those Regulations as amended or replaced, in accordance with the acts listed in Part II of Annex I to the Withdrawal Agreement, as regards the Union, and Part II of Annex I to the Citizens' Rights Agreement, as regards Switzerland.
 3. Regulations (EC) No 883/2004 and (EC) No 987/2009 shall, for the purposes of this Protocol, be understood as comprising the adaptations listed in Part III of Annex I to the Withdrawal Agreement, as regards the Union, and Part III of Annex I of the Citizens' Rights Agreement, as regards Switzerland.
 4. For the purposes of this Protocol, the amendments and adaptations referred to in paragraphs 2 and 3 shall take effect on the day following the day on which the corresponding amendments and adaptations of Annex I to the Withdrawal Agreement or of Annex I to the Citizens' Rights Agreement take effect, whichever is the latest.'
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