

Official Journal of the European Union

L 81



English edition

Legislation

Volume 64

9 March 2021

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Council Regulation (EU) 2021/406 of 5 March 2021 amending Regulations (EU) 2021/91 and (EU) 2021/92 as regards certain provisional fishing opportunities for 2021 in Union waters and non-Union waters** 1
- ★ **Commission Delegated Regulation (EU) 2021/407 of 3 November 2020 amending Regulation (EU) No 528/2012 of the European Parliament and of the Council to include citric acid as an active substance in Annex I thereto ⁽¹⁾** 15
- ★ **Commission Regulation (EU) 2021/408 of 2 March 2021 establishing a fisheries closure for common sole in area 7a for vessels flying the flag of Belgium** 18
- ★ **Commission Regulation (EU) 2021/409 of 3 March 2021 establishing a fisheries closure for plaice in area 7a for vessels flying the flag of Belgium** 21
- ★ **Commission Regulation (EU) 2021/410 of 4 March 2021 establishing a fisheries closure for whiting in area 7a for vessels flying the flag of Belgium** 24
- ★ **Commission Regulation (EU) 2021/411 of 4 March 2021 establishing a fisheries closure for cod in area 7a for vessels flying the flag of Belgium** 27
- ★ **Commission Implementing Regulation (EU) 2021/412 of 8 March 2021 amending Implementing Regulation (EU) 2017/962 as regards the review of the suspension of the authorisation of ethoxyquin as a feed additive ⁽¹⁾** 30
- ★ **Commission Implementing Regulation (EU) 2021/413 of 8 March 2021 renewing the approval of the low-risk active substance blood meal 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 ⁽¹⁾** 32

⁽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.

★ Commission Implementing Regulation (EU) 2021/414 of 8 March 2021 on technical arrangements for developing, maintaining and employing electronic systems for the exchange and storage of information under Regulation (EU) No 952/2013 of the European Parliament and of the Council	37
---	----

DIRECTIVES

★ Commission Implementing Directive (EU) 2021/415 of 8 March 2021 amending Council Directives 66/401/EEC and 66/402/EEC in order to adapt to the evolution of scientific and technical knowledge, taxonomic groups and names of certain species of seeds and weeds ⁽¹⁾	65
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DECISIONS

★ Council Decision (EU) 2021/416 of 22 February 2021	70
--	----

⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2021/406

of 5 March 2021

amending Regulations (EU) 2021/91 and (EU) 2021/92 as regards certain provisional fishing opportunities for 2021 in Union waters and non-Union waters

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽¹⁾ requires that conservation measures be adopted, taking into account available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF) and other advisory bodies, as well as any advice received from advisory councils.
- (2) It is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities, including certain conditions functionally linked thereto, as appropriate. Pursuant to Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities are to be fixed in accordance with the objectives of the Common Fisheries Policy (CFP) set out in Article 2(2) of that Regulation. For stocks subject to specific multiannual plans the TACs should be established in accordance with the rules laid down in those plans. Pursuant to Article 16(1) of that Regulation, fishing opportunities allocated to Member States are to ensure relative stability of fishing activities of each Member State for each fish stock or fishery.
- (3) The total allowable catch (TAC) should therefore be established, in line with Regulation (EU) No 1380/2013, on the basis of available scientific advice, taking into account biological and socioeconomic aspects whilst ensuring fair treatment between fishing sectors, as well as in the light of the opinions expressed during the consultation of stakeholders, in particular at the meetings of the advisory councils.
- (4) Due to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union, a large number of stocks have become shared stocks. The Commission will undertake bilateral consultations with the United Kingdom, bilateral consultations with Norway and trilateral consultations with the United Kingdom and Norway on the basis of the draft Union position to be endorsed by the Council. As those consultations have not yet been concluded, the Council should, in a manner that fully respects the United Nations Convention on the Law of the Sea (UNCLOS) and rights and obligations of the coastal states as well as their sovereignty and jurisdiction, establish provisional TACs to be fished in Union and international waters, and waters to which the Union fishing vessels are granted access by third countries.

⁽¹⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

- (5) On 15-16 December 2020, the Council reached a political agreement on fishing opportunities for 2021. The Council agreed that provisional TACs for stocks shared with third countries should be set until those consultations are concluded in compliance with the Union legal framework and international obligations or, if they cannot be concluded successfully, until the Council establishes unilateral Union TACs in 2021.
- (6) The provisional TACs established in Council Regulations (EU) 2021/91 ⁽²⁾ and (EU) 2021/92 ⁽³⁾, which reflect the political agreement reached in the Council, aim to ensure continuation of sustainable Union fishing activities. Those provisional fishing opportunities should in no circumstances impede the fixing of definitive fishing opportunities in accordance with international agreements and the outcome of consultations, the Union legal framework and the scientific advice. As a general approach, they should correspond to 25 % of the Union share of the fishing opportunities fixed for 2020. However, in a very limited number of cases, another percentage should be used where the stocks are predominantly fished at the beginning of the year. This approach is without prejudice to the Union shares established in the Trade and Cooperation Agreement between the European Union and the United Kingdom ⁽⁴⁾ ('Trade and Cooperation Agreement'), which will be used to set definitive TACs.
- (7) The list of stocks for which a percentage higher than 25 % should apply, should be based on the analysis of the quota uptake in the first quarter of the last three years (2018-2020) by the Member States that requested a higher provisional TAC. Provisional TACs should not exceed potential definitive TACs, which, without prejudice to the upcoming consultations with the third countries, have been assessed in accordance with the scientific advice and taking into account the Union shares established in the Trade and Cooperation Agreement. Those increases in provisional TACs are in accordance with the ICES advice, the applicable Union legal framework and the Trade and Cooperation Agreement. They will enable Union fishing vessels to use the fishing opportunities to which they are entitled and of which they would be otherwise deprived, due to the seasonality of fishing of the stocks concerned.
- (8) The monthly catch data of the past years as reported to the Commission indicate that some other pelagic and demersal stocks are predominantly fished at the beginning of the year. Therefore, on the basis of that catch data and in accordance with the scientific advice, a higher percentage relative to the Union share of the fishing opportunities fixed for 2021 should be established for the corresponding TACs, without prejudice to an approach that may be taken in any future international agreements and/or consultations.
- (9) Regulations (EU) 2021/91 and (EU) 2021/92 should therefore be amended accordingly.
- (10) The catch limits provided for in Regulations (EU) 2021/91 and (EU) 2021/92 apply from 1 January 2021. The provisions introduced by this Regulation concerning catch limits should therefore enter into force as soon as possible and apply retroactively from 1 January 2021. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations as the fishing opportunities concerned are increased and have not yet been exhausted. For reasons of urgency, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Regulation (EU) 2021/91

The Annex to Regulation (EU) 2021/91 is amended in accordance with Part A of the Annex to this Regulation.

-
- ⁽²⁾ Council Regulation (EU) 2021/91 of 28 January 2021 fixing, for the years 2021 and 2022, the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (OJ L 31, 29.1.2021, p. 20).
- ⁽³⁾ Council Regulation (EU) 2021/92 of 28 January 2021 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 31, 29.1.2021, p. 31).
- ⁽⁴⁾ Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and the Northern Ireland, of the other part (OJ L 444, 31.12.2020, p. 14).

*Article 2***Amendment of Regulation (EU) 2021/92**

Regulation (EU) 2021/92 is amended as follows:

- (1) Annex IA is amended in accordance with Part B of the Annex to this Regulation;
- (2) Annex IB is amended in accordance with Part C of the Annex to this Regulation.

*Article 3***Entry into force**

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.

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

Done at Brussels, 5 March 2021.

For the Council
The President
A. P. ZACARIAS

ANNEX

PART A

In the Annex to Regulation (EU) 2021/91 the fishing opportunities table for alfonosinos in Union and international waters of 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14 is replaced by the following:

‘Species:	Alfonosinos <i>Beryx</i> spp.	Zone:	Union and international waters of 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14 (ALF/3X14-)
Year	2021	Precautionary TAC	
Ireland	4	(1)	Article 8(1) of this Regulation applies
Spain	29	(1)	
France	8	(1)	
Portugal	82	(1)	
Union	123	(1)	
United Kingdom	4	(1)	
TAC	127	(1)	
(1)	Exclusively for by-catches. No directed fisheries are permitted under this quota.’		

PART B

Annex IA to Regulation (EU) 2021/92 is amended as follows:

- (1) the fishing opportunities table for boarfishes in Union and international waters of 6, 7 and 8 is replaced by the following:

'Species:	Boarfishes <i>Caproidae</i>	Zone:	Union and international waters of 6, 7 and 8 (BOR/678-)
Denmark	1 645	Precautionary TAC	
Ireland	4 632	Article 7(1) of this Regulation applies'	
Union	6 277		
United Kingdom	426		
TAC	6 703		

- (2) the fishing opportunities table for anglerfishes in 7 is replaced by the following:

'Species:	Anglerfishes <i>Lophiidae</i>	Zone:	7 (ANF/07.)
Belgium	1 468 ⁽¹⁾	Analytical TAC	
Germany	164 ⁽¹⁾	Article 8(2) of this Regulation applies Article 7(1) of this Regulation applies	
Spain	583 ⁽¹⁾		
France	9 419 ⁽¹⁾	Article 7(1) of this Regulation applies	
Ireland	1 204 ⁽¹⁾		
Netherlands	190 ⁽¹⁾		
Union	13 028 ⁽¹⁾		
United Kingdom	2 857 ⁽¹⁾		

TAC 15 885

⁽¹⁾ Special condition: of which up to 10 % may be fished in 8a, 8b, 8d and 8e (ANF/*8ABDE).'

(3) the fishing opportunities table for whiting in 7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k is replaced by the following:

'Species:	Whiting <i>Merlangiusmerlangus</i>	Zone:	7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k (WHG/7X7A-C)
Belgium	37	Analytical TAC Article 7(1) of this Regulation applies'	
France	2 258		
Ireland	1 629		
Netherlands	18		
Union	3 942		
United Kingdom	404		
TAC	4 346		

(4) the fishing opportunities table for blue whiting in Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 is replaced by the following:

'Species:	Blue whiting <i>Micromesistiuspoutassou</i>	Zone:	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 (WHB/1X14)
Denmark	34 892 ⁽¹⁾	Analytical TAC Article 8(2) of this Regulation applies Article 7(1) of this Regulation applies	
Germany	13 566 ⁽¹⁾		
Spain	29 581 ⁽¹⁾⁽²⁾		
France	24 282 ⁽¹⁾		
Ireland	27 019 ⁽¹⁾		
Netherlands	42 546 ⁽¹⁾		
Portugal	2 748 ⁽¹⁾⁽²⁾		
Sweden	8 631 ⁽¹⁾		
Union	183 265 ⁽¹⁾⁽³⁾		
Norway	69 930		
Faroe Islands	7 000		
United Kingdom	45 274 ⁽¹⁾		
TAC	Not relevant		

⁽¹⁾ Special condition: within a total access limit of 24 375 tonnes for the Union, Member States may fish up to the following percentage of their quotas in Faroese waters (WHB/*05-F.): 14,3 %.

(2) Transfers of this quota may be effected to 8c, 9 and 10; Union waters of CECAF 34.1.1. However, such transfers shall be notified in advance to the Commission.

(3) Special condition: from the Union quotas in Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 (WHB/*NZJM1) and in 8c, 9 and 10; Union waters of CECAF 34.1.1 (WHB/*NZJM2), the following quantity may be fished in the Norwegian Economic Zone or in the fishery zone around Jan Mayen:
133 566'

(5) the fishing opportunities table for blue whiting in 8c, 9 and 10; Union waters of CECAF 34.1.1 is replaced by the following:

‘Species:	Blue whiting <i>Micromesistius poutassou</i>	Zone:	8c, 9 and 10; Union waters of CECAF 34.1.1 (WHB/8C3411)
Spain	25 065	Analytical TAC	
Portugal	6 266	Article 8(2) of this Regulation applies	
		Article 7(1) of this Regulation applies	
Union	31 331 (1)		
TAC	Not relevant		

(1) Special condition: from the Union quotas in Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 (WHB/*NZJM1) and in 8c, 9 and 10; Union waters of CECAF 34.1.1 (WHB/*NZJM2), the following quantity may be fished in the Norwegian Economic Zone or in the fishery zone around Jan Mayen:
133 566'

(6) the fishing opportunities table for blue whiting in Union waters of 2, 4a, 5, 6 north of 56° 30' N and 7 west of 12° W is replaced by the following:

'Species:	Blue whiting <i>Micromesistiuspoutassou</i>	Zone:	Union waters of 2, 4a, 5, 6 north of 56° 30' N and 7 west of 12° W (WHB/24A567)
Norway	133 566 (1)(2)	Analytical TAC	
Faroe Islands	26 250 (3)(4)	Article 8(2) of this Regulation applies Article 7(1) of this Regulation applies	
TAC	Not relevant		

(1) To be counted against quota established by Norway.

(2) Special condition: the catch in 4a shall be no more than the following amount (WHB/*04A-C):
28 000
This catch restriction in 4a amounts to the following percentage of Norway's access limit:
18 %

(3) To be counted against the quota established by the Faroe Islands.

(4) Special conditions: may also be fished in 6b (WHB/*06B-C). The catch in 4a shall be no more than the following amount (WHB/*04A-C):
6 563'

(7) the fishing opportunities table for Norway lobster in 7 is replaced by the following:

'Species:	Norway lobster <i>Nephrops norvegicus</i>	Zone:	7 (NEP/07.)
Spain	252 ⁽¹⁾	Analytical TAC	
France	1 022 ⁽¹⁾	Article 7(1) of this Regulation applies	
Ireland	1 550 ⁽¹⁾		
Union	2 824 ⁽¹⁾		
United Kingdom	1 379 ⁽¹⁾		
TAC	4 203 ⁽¹⁾		
⁽¹⁾ Special condition: within the limits of the above-mentioned quotas, no more than the quantities given below may be taken in the following zone: Functional Unit 16 of ICES Subarea 7 (NEP/*07U16):			
	Spain	437	
	France	274	
	Ireland	526	
	Union	1 237	
	United Kingdom	213'	

(8) the fishing opportunities table for plaice in 7d and 7e is replaced by the following:

'Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	7d and 7e (PLE/7DE.)
Belgium	674	Analytical TAC	
France	2 247	Article 8(2) of this Regulation applies	
Union	2 921	Article 7(1) of this Regulation applies'	
United Kingdom	1 198		
TAC	4 119		

(9) the fishing opportunities table for undulate ray in 7d and 7e is replaced by the following:

'Species:	Undulate ray <i>Raja undulata</i>	Zone:	7d and 7e (RJU/7DE.)
Belgium	13 ⁽¹⁾	Precautionary TAC	
Estonia	0 ⁽¹⁾	Article 7(1) of this Regulation applies	
France	63 ⁽¹⁾		
Germany	0 ⁽¹⁾		
Ireland	16 ⁽¹⁾		
Lithuania	0 ⁽¹⁾		
Netherlands	0 ⁽¹⁾		
Portugal	0 ⁽¹⁾		
Spain	14 ⁽¹⁾		

Union	106	⁽¹⁾
United Kingdom	35	⁽¹⁾
TAC	141	⁽¹⁾
⁽¹⁾ This species shall not be targeted in the areas covered by this TAC. This species may only be landed whole or gutted. The former provisions are without prejudice to the prohibitions set out in Articles 20 and 57 of this Regulation for the areas specified therein.		

(10) the fishing opportunities table for mackerel in 3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32 is replaced by the following:

'Species:	Mackerel <i>Scomberscombrus</i>	Zone:	3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32 (MAC/2A34.)
Belgium	407	(1)(2)	Analytical TAC
Denmark	13 999	(1)(2)	Article 8(2) of this Regulation applies
Germany	424	(1)(2)	Article 7(1) of this Regulation applies
France	1 281	(1)(2)	
Netherlands	1 289	(1)(2)	
Sweden	3 821	(1)(2)(3)	
Union	21 221	(1)(2)	
Norway	133 741	(4)	
United Kingdom	1 194	(1)(2)	
TAC	Not relevant		
(1)	Within the limits of the abovementioned quotas, no more than the quantities given below may also be taken in the two following zones:		
	Norwegian waters of 2a (MAC/*02AN-)	Faroese waters (MAC/*FRO1)	
	Belgium	55	56
	Denmark	1 887	1 929
	Germany	57	59
	France	173	176
	Netherlands	174	178
	Sweden	515	527
	Union	2 860	2 925
	United Kingdom	161	165

- (2) May also be taken in Norwegian waters of 4a (MAC/*4AN.).
- (3) Special condition: including the following tonnage to be taken in Norwegian waters of 2a and 4a (MAC/*2A4AN):
190
When fishing under this special condition, by-catches of cod, haddock, pollack and whiting and saithe are to be counted against the quotas for those species.
- (4) To be deducted from Norway's share of the TAC (access quota). This amount includes the following Norwegian share in the North Sea TAC:
38 778
This quota may be fished in 4a only (MAC/*04A.), except for the following amount, in tonnes, which may be fished in 3a (MAC/*03A.):
2 100

Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones:

	3a	3a and 4bc	4b	4c	6, international waters of 2a, from 1 January to 15 February and from 1 September to 31 December
	(MAC/*03A.)	(MAC/*3A4BC)	(MAC/*04B.)	(MAC/*04C.)	(MAC/*2A6.)
Denmark	0	2891	0	0	8399
France	0	343	0	0	0
Netherlands	0	343	0	0	0
Sweden	0	0	273	7	2179
United Kingdom	0	343	0	0	0
Norway	2100	0	0	0	0'

(11) the fishing opportunities table for mackerel in 6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14 is replaced by the following:

'Species:	Mackerel <i>Scomberscombrus</i>	Zone:	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14 (MAC/2CX14-)
Germany	17 562 ⁽¹⁾	Analytical TAC	
Spain	19 ⁽¹⁾	Article 8(2) of this Regulation applies	
Estonia	146 ⁽¹⁾	Article 7(1) of this Regulation applies	
France	11 709 ⁽¹⁾		
Ireland	58 539 ⁽¹⁾		
Latvia	108 ⁽¹⁾		
Lithuania	108 ⁽¹⁾		
Netherlands	25 610 ⁽¹⁾		
Poland	1 237 ⁽¹⁾		
Union	115 038 ⁽¹⁾		

Norway	12 369 ⁽²⁾⁽³⁾
Faroe Islands	26 142 ⁽⁴⁾
United Kingdom	160 985 ⁽¹⁾
TAC	Not relevant
(1)	Special condition: of which up to 25 % can be made available for exchanges to be fished by Spain, France and Portugal in 8c, 9 and 10 and Union waters of CECAF 34.1.1 (MAC/*8C910).
(2)	May be fished in 2a, 6a north of 56° 30' N, 4a, 7d, 7e, 7f and 7h (MAC/*AX7H).
(3)	The amount of access limit indicated below (MAC/*N5630), in tonnes, may be fished by Norway North of 56°30' N. The amounts not counted under footnote 2 shall be counted against the catch limit established by Norway. 28 659
(4)	This amount shall be deducted from the Faroe Islands' catch limit (access quota). It may be fished only in 6a north of 56° 30' N (MAC/*6AN56). However, from 1 January to 15 February and from 1 October to 31 December this quota may also be fished in 2a, 4a north of 59°(EU zone) (MAC/*24N59).

Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones and periods:

	Union waters of 2a; Union and Norwegian waters of 4a. During the periods from 1 January to 15 February and from 1 September to 31 December (MAC/*4A-EN)	Norwegian waters of 2a (MAC/*2AN-)	Faroese waters (MAC/*FRO2)
Germany	10 599	1 428	1 461
France	7 067	951	974
Ireland	35 330	4 762	4 871
Netherlands	15 457	2 082	2 131
Union	68 453	9 223	9 437
United Kingdom	97 162	13 097	13 395'

(12) the fishing opportunities table for mackerel in 8c, 9 and 10; Union waters of CECAF 34.1.1 is replaced by the following:

'Species:	Mackerel <i>Scomber scombrus</i>	Zone:	8c, 9 and 10; Union waters of CECAF 34.1.1 (MAC/8C3411)
Spain	24 990 ⁽¹⁾	Analytical TAC	
France	166 ⁽¹⁾	Article 8(2) of this Regulation applies	
Portugal	5 165 ⁽¹⁾	Article 7(1) of this Regulation applies	
Union	30 321		
TAC	Not relevant		

⁽¹⁾ Special condition: quantities subject to exchanges with other Member States may be taken in 8a, 8b and 8d (MAC/*8ABD.). However, the quantities provided by Spain, Portugal or France for exchange purposes and to be taken in 8a, 8b and 8d shall not exceed 25 % of the quotas of the donor Member State.

Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zone:

8b (MAC/*08B.)

Spain	2 099
France	14
Portugal	433'

(13) the fishing opportunities table for common sole in Union waters of 2a and 4 is replaced by the following:

'Species:	Common sole <i>Solea solea</i>	Zone:	Union waters of 2a and 4 (SOL/24-C.)
Belgium	731	Analytical TAC	
Denmark	334	Article 8(2) of this Regulation applies	
Germany	585	Article 7(1) of this Regulation applies	
France	146		
Netherlands	6 597		
Union	8 393		
Norway	5 ⁽¹⁾		
United Kingdom	376		
TAC	8 774		

⁽¹⁾ May be fished only in Union waters of 4 (SOL/*04-C.).'

(14) the fishing opportunities table for common sole 7b and 7c is replaced by the following:

'Species:	Common sole <i>Solea solea</i>	Zone:	7b and 7c (SOL/7BC.)
France	6	Precautionary TAC'	
Ireland	28		
Union	34		
TAC	34		

(15) the fishing opportunities table for common sole in 7d is replaced by the following:

'Species:	Common sole <i>Solea solea</i>	Zone:	7d (SOL/07D.)
Belgium	339	Precautionary TAC	
France	678	Article 8(2) of this Regulation applies	
		Article 7(1) of this Regulation applies'	

Union	1 017
United Kingdom	242
TAC	1 259

(16) the fishing opportunities table for horse mackerel and associated bycatches in Union waters of 2a, 4a; 6, 7a-c, 7e-k, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 12 and 14 is replaced by the following:

'Species:	Horse mackerel and associated by-catches <i>Trachurus</i> spp.	Zone:	Union waters of 2a, 4a; 6, 7a-c, 7e-k, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 12 and 14 (JAX/2A-14)
Denmark	5 457 (1)(3)	Analytical TAC Article 7(1) of this Regulation applies	
Germany	4 258 (1)(2)(3)		
Spain	5 808 (3)(5)		
France	2 191 (1)(2)(3)(5)		
Ireland	14 181 (1)(3)		
Netherlands	17 085 (1)(2)(3)		
Portugal	559 (3)(5)		
Sweden	540 (1)(3)		
Union	50 079 (3)		
Faroe Islands	1 280 (4)		
United Kingdom	5 135 (1)(2)(3)		
TAC	56 494		

- (1) Special condition: up to 5 % of this quota fished in Union waters of 2a or 4a before 30 June may be accounted for as fished under the quota concerning the zone of Union waters of 4b, 4c and 7d (JAX/*2A4AC).
- (2) Special condition: up to 5 % of this quota may be fished in 7d (JAX/*07D.). Under this special condition, and in accordance with footnote (3), by-catches of boarfish and whiting shall be reported separately under the following code: (OTH/*07D.).
- (3) Up to 5 % of the quota may consist of by-catches of boarfish, haddock, whiting and mackerel (OTH/*2A-14). By-catches of boarfish, haddock, whiting and mackerel counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.
- (4) Limited to 4a, 6a (north of 56° 30' N only), 7e, 7f, 7h.
- (5) Special condition: up to 80 % of this quota may be fished in 8c (JAX/*08C2). Under this special condition, and in accordance with footnote (3), by-catches of boarfish and whiting shall be reported separately under the following code: (OTH/*08C2).'

PART C

Annex IB to Regulation (EU) 2021/92 is amended as follows:

- (1) the fishing opportunities table for herring in Union, Faroese, Norwegian and international waters of 1 and 2 is replaced by the following:

'Species:	Herring <i>Clupeaharengus</i>	Zone:	Union, Faroese, Norwegian and international waters of 1 and 2 (HER/1/2-)
Belgium	10 ⁽¹⁾	Analytical TAC Article 7(1) of this Regulation applies	
Denmark	9 965 ⁽¹⁾		
Germany	1 745 ⁽¹⁾		
Spain	33 ⁽¹⁾		
France	430 ⁽¹⁾		
Ireland	2 580 ⁽¹⁾		
Netherlands	3 566 ⁽¹⁾		
Poland	504 ⁽¹⁾		
Portugal	33 ⁽¹⁾		
Finland	154 ⁽¹⁾		
Sweden	3 692 ⁽¹⁾		
Union	22 713 ⁽¹⁾		
United Kingdom	6 371 ⁽¹⁾		
Faroe Islands	5 950 ⁽²⁾⁽³⁾		
Norway	26 175 ⁽²⁾⁽⁴⁾		
TAC	446 755		
(1)	When reporting catches to the Commission the quantities fished in each of the following areas shall also be reported: NEAFC Regulatory Area and Union waters.		
(2)	May be fished in Union waters north of 62° N.		
(3)	To be counted against the catch limits of the Faroe Islands.		
(4)	To be counted against the catch limits of Norway.		
Special condition: within the limits of the above-mentioned quotas, no more than the quantities given below may be taken in the following zones:			
Norwegian waters north of 62° N and the fishery zone around Jan Mayen (HER/*2AJMN)			
	26 175		
2, 5b north of 62° N (Faroese waters) (HER/*25B-F)			
Belgium	2	Article 7(1) of this Regulation applies'	
Denmark	2 040		
Germany	357		
Spain	7		
France	88		
Ireland	528		
Netherlands	729		

Poland	103
Portugal	7
Finland	31
Sweden	756
United Kingdom	1 303

(2) the fishing opportunities table for cod in Norwegian waters of 1 and 2 is replaced by the following:

'Species:	Cod <i>Gadus morhua</i>	Zone: Norwegian waters of 1 and 2 (COD/1N2AB.)
Germany	1 300	Analytical TAC
Greece	161	Article 3 of Regulation (EC) No 847/96 shall not apply
Spain	1 450	Article 4 of Regulation (EC) No 847/96 shall not apply
Ireland	161	Article 7(1) of this Regulation applies'
France	1 194	
Portugal	1 450	
Union	5 716	
United Kingdom	5 044	
TAC	Not relevant	

COMMISSION DELEGATED REGULATION (EU) 2021/407**of 3 November 2020****amending Regulation (EU) No 528/2012 of the European Parliament and of the Council to include citric acid as an active substance in Annex I thereto****(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 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 28(1) thereof,

Whereas:

- (1) Citric acid has been assessed as an existing active substance within the review programme set out in Article 89(1) of Regulation (EU) No 528/2012 established by Commission Delegated Regulation (EU) No 1062/2014 ⁽²⁾.
- (2) In accordance with Article 7(2) of Delegated Regulation (EU) No 1062/2014, the opinion of the European Chemicals Agency ('the Agency') was adopted on 16 February 2016 by the Biocidal Products Committee ⁽³⁾, having regard to the conclusions of the evaluating competent authority. That opinion concluded that biocidal products of product-type 2 containing citric acid may be expected to fulfill the requirements of Article 5 of Directive 98/8/EC of the European Parliament and of the Council ⁽⁴⁾ which were the requirements applicable to the examination of the application for approval of citric acid in accordance with Article 90(2) of Regulation (EU) No 528/2012.
- (3) Citric acid was therefore approved as an active substance for use in biocidal products of product-type 2 by Commission Implementing Regulation (EU) 2016/1938 ⁽⁵⁾.
- (4) The opinion of the Agency also concluded that citric acid does not give rise to concern and is eligible for inclusion in Annex I to Regulation (EU) No 528/2012.
- (5) Taking into account the opinion of the Agency, it is therefore appropriate to include citric acid in Annex I to Regulation (EU) No 528/2012. As citric acid has been assessed based on an active substance dossier satisfying the requirements laid down in Article 11(1) of Directive 98/8/EC, citric acid should be included in category 6 of Annex I to that Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 528/2012 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 294, 10.10.2014, p. 1).

⁽³⁾ Biocidal Products Committee Opinion on the application for approval of the active substance: Citric acid, Product type: 2, ECHA/BPC/088/2016, adopted on 16 February 2016.

⁽⁴⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) 2016/1938 of 4 November 2016 approving citric acid as an existing active substance for use in biocidal products of product-type 2 (OJ L 299, 5.11.2016, p. 54).

Article 2

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

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

Done at Brussels, 3 November 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Annex I to Regulation (EU) No 528/2012, in Category 6 of the List of active substances referred to in Article 25(a), the following entry is added:

EC number	Name/group	Restriction	Comment
‘201-069-1	Citric acid	Minimum degree of purity of the active substance (*): 995 g/kg	CAS No 77-92-9

(*) The purity indicated in this column was the minimum degree of purity of the active substance evaluated. The active substance in the product placed on the market can be of equal or different purity if it has been proven to be technically equivalent to the evaluated active substance.’

COMMISSION REGULATION (EU) 2021/408**of 2 March 2021****establishing a fisheries closure for common sole in area 7a for vessels flying the flag of Belgium**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2020/123 ⁽²⁾ lays down quotas for 2020.
- (2) According to the information received by the Commission, catches of the stock of common sole in area 7a by vessels flying the flag of or registered in Belgium have exhausted the quota allocated for 2020.
- (3) It is therefore necessary to prohibit certain fishing activities for that stock.

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to Belgium for the stock of common sole in area 7a for 2020 referred to in the Annex shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

1. Fishing for the stock referred to in Article 1 by vessels flying the flag of or registered in Belgium shall be prohibited from the date set out in the Annex. In particular it shall be prohibited to search for fish, shoot, set or haul a fishing gear for the purpose of fishing that stock.
2. Transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fishery products from that stock caught by those vessels shall remain authorised for catches taken prior to that date.
3. Unintended catches of species from that stock by those vessels shall be brought and retained on board the fishing vessels, recorded, landed and counted against quotas in accordance with Article 15 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 25, 30.1.2020, p. 1).

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

*Article 3***Entry into force**

This Regulation shall enter into force on the 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, 2 March 2021.

*For the Commission,
On behalf of the President,
Virginijus SINKEVIČIUS
Member of the Commission*

ANNEX

No	35/TQ123
Member State	Belgium
Stock	SOL/07A.
Species	Common sole (<i>Solea solea</i>)
Zone	7a
Closing date	24.12.2020

COMMISSION REGULATION (EU) 2021/409**of 3 March 2021****establishing a fisheries closure for plaice in area 7a for vessels flying the flag of Belgium**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2020/123 ⁽²⁾ lays down quotas for 2020.
- (2) According to the information received by the Commission, catches of the stock of plaice in area 7a by vessels flying the flag of or registered in Belgium have exhausted the quota allocated for 2020.
- (3) It is therefore necessary to prohibit certain fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to Belgium for the stock of plaice in area 7a for 2020 referred to in the Annex shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

1. Fishing for the stock referred to in Article 1 by vessels flying the flag of or registered in Belgium shall be prohibited from the date set out in the Annex. In particular it shall be prohibited to search for fish, shoot, set or haul a fishing gear for the purpose of fishing that stock.
2. Transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fishery products from that stock caught by those vessels shall remain authorised for catches taken prior to that date.
3. Unintended catches of species from that stock by those vessels shall be brought and retained on board the fishing vessels, recorded, landed and counted against quotas in accordance with Article 15 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 25, 30.1.2020, p. 1).

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

*Article 3***Entry into force**

This Regulation shall enter into force on the 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, 3 March 2021.

*For the Commission,
On behalf of the President,
Virginijus SINKEVIČIUS
Member of the Commission*

ANNEX

No	36/TQ123
Member State	Belgium
Stock	PLE/07A.
Species	Plaice (<i>Pleuronectes platessa</i>)
Zone	7a
Closing date	24.12.2020

COMMISSION REGULATION (EU) 2021/410**of 4 March 2021****establishing a fisheries closure for whiting in area 7a for vessels flying the flag of Belgium**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2020/123 ⁽²⁾ lays down quotas for 2020.
- (2) According to the information received by the Commission, catches of the stock of whiting in area 7a by vessels flying the flag of or registered in Belgium have exhausted the quota allocated for 2020.
- (3) It is therefore necessary to prohibit certain fishing activities for that stock.

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to Belgium for the stock of whiting in area 7a for 2020 referred to in the Annex shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

1. Fishing for the stock referred to in Article 1 by vessels flying the flag of or registered in Belgium shall be prohibited from the date set out in the Annex. In particular it shall be prohibited to search for fish, shoot, set or haul a fishing gear for the purpose of fishing that stock.
2. Transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fishery products from that stock caught by those vessels shall remain authorised for catches taken prior to that date.
3. Unintended catches of species from that stock by those vessels shall be brought and retained on board the fishing vessels, recorded, landed and counted against quotas in accordance with Article 15 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 25, 30.1.2020, p. 1).

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

*Article 3***Entry into force**

This Regulation shall enter into force on the 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, 4 March 2021.

*For the Commission,
On behalf of the President,
Virginijus SINKEVIČIUS
Member of the Commission*

ANNEX

No	38/TQ123
Member State	Belgium
Stock	WHG/07A.
Species	Whiting (<i>Merlangius merlangus</i>)
Zone	7a
Closing date	24.12.2020

COMMISSION REGULATION (EU) 2021/411**of 4 March 2021****establishing a fisheries closure for cod in area 7a for vessels flying the flag of Belgium**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2020/123 ⁽²⁾ lays down quotas for 2020.
- (2) According to the information received by the Commission, catches of the stock of cod in area 7a by vessels flying the flag of or registered in Belgium have exhausted the quota allocated for 2020.
- (3) It is therefore necessary to prohibit certain fishing activities for that stock.

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to Belgium for the stock of cod in area 7a for 2020 referred to in the Annex shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

1. Fishing for the stock referred to in Article 1 by vessels flying the flag of or registered in Belgium shall be prohibited from the date set out in the Annex. In particular it shall be prohibited to search for fish, shoot, set or haul a fishing gear for the purpose of fishing that stock.
2. Transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fishery products from that stock caught by those vessels shall remain authorised for catches taken prior to that date.
3. Unintended catches of species from that stock by those vessels shall be brought and retained on board the fishing vessels, recorded, landed and counted against quotas in accordance with Article 15 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 25, 30.01.2020, p. 1).

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

*Article 3***Entry into force**

This Regulation shall enter into force on the 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, 4 March 2021.

*For the Commission,
On behalf of the President,
Virginijus SINKEVIČIUS
Member of the Commission*

ANNEX

No	39/TQ123
Member State	Belgium
Stock	COD/07A.
Species	Cod (<i>Gadus morhua</i>)
Zone	7a
Closing date	24.12.2020

COMMISSION IMPLEMENTING REGULATION (EU) 2021/412**of 8 March 2021****amending Implementing Regulation (EU) 2017/962 as regards the review of the suspension of the authorisation of ethoxyquin as a feed additive****(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 13(2) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2017/962 ⁽²⁾ suspended the authorisation of the additive ethoxyquin on the basis of the opinion of the European Food Safety Authority ('the Authority') of 21 October 2015 ⁽³⁾, which could not conclude on the safety and efficacy of the additive due to an overall lack of data submitted by the applicant in the framework of the authorisation procedure.
- (2) The authorisation of the additive ethoxyquin was suspended pending the submission and assessment of supplementary data to be produced by the applicant, in accordance with a time schedule listing in order of priority the studies to be carried out successively. According to that time schedule, the outcome of the last of those studies would be available by July 2018.
- (3) In accordance with Implementing Regulation (EU) 2017/962, the suspension measure is to be reviewed by 31 December 2020 at the latest, after due assessment of the required supplementary data.
- (4) While the applicant has submitted successive packages of supplementary data, major delays occurred in the generation of a series of data, in particular concerning the demonstration of the safety of the additive ethoxyquin for the environment. The reasons for those delays include the need to initiate further studies in order to comply with the specific data requirements set out in Commission Regulation (EC) No 429/2008 ⁽⁴⁾ and the related Authority's detailed guidance, and difficulties in finding appropriate laboratories or testing facilities for the conduction of certain studies.
- (5) The applicant last submitted supplementary data on the environmental risk assessment in September 2020. Depending on the outcome of the assessment by the Authority of those supplementary data, it cannot be excluded that the applicant may still be requested to provide further information and data.
- (6) In view of the above, the Authority should be granted sufficient time to complete the assessment process of all supplementary information and data submitted or still to be submitted by the applicant in order to demonstrate the safety and efficacy of the additive ethoxyquin. It is therefore appropriate to postpone the review of the suspension measure until the completion of the assessment process. The new timeframe for the review should be determined in consideration of an estimated maximum period needed for such completion. In any event, the suspension measure should be reviewed where, during the assessment process, the Authority adopts a non-favourable opinion on the safety or efficacy of the additive ethoxyquin.
- (7) Implementing Regulation (EU) 2017/962 should therefore be amended accordingly.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Implementing Regulation (EU) 2017/962 of 7 June 2017 suspending the authorisation of ethoxyquin as a feed additive for all animal species and categories (OJ L 145, 8.6.2017, p. 13).

⁽³⁾ EFSA Journal 2015;13(11):4272.

⁽⁴⁾ Commission Regulation (EC) No 429/2008 of 25 April 2008 on detailed rules for the implementation of Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the preparation and the presentation of applications and the assessment and the authorisation of feed additives (OJ L 133, 22.5.2008, p. 1).

- (8) Taking into account that Implementing Regulation (EU) 2017/962 is to be reviewed by 31 December 2020 at the latest, this Regulation should enter into force as a matter of urgency in order to minimise any legal vacuum.
- (9) 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

Amendment to Implementing Regulation (EU) 2017/962

Article 5 of Implementing Regulation (EU) 2017/962 is replaced by the following:

'Article 5

Review

This Regulation shall be reviewed by 31 December 2022 at the latest and in any event after the adoption by the Authority of a non-favourable opinion on the safety and efficacy of the additive ethoxyquin.'

Article 2

Entry into force

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

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

Done at Brussels, 8 March 2021.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2021/413**of 8 March 2021****renewing the approval of the low-risk active substance blood meal 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) Commission Directive 2008/127/EC ⁽²⁾ included blood meal as an active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) 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⁾.
- (3) The approval of the active substance blood meal, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011 expires on 31 August 2021.
- (4) An application for the renewal of the approval of the active substance blood meal 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.
- (5) 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.
- (6) 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 18 February 2019.
- (7) 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.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Directive 2008/127/EC of 18 December 2008 amending Council Directive 91/414/EEC to include several active substances (OJ L 344, 20.12.2008, p. 89).

⁽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) On 31 January 2020, the Authority communicated to the Commission its conclusion ⁽⁶⁾ on whether blood meal can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission presented an initial renewal report and the draft Regulation regarding blood meal to the Standing Committee on Plants, Animals, Food and Feed on 16 July 2020.
- (9) 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.
- (10) It has been established with respect to one or more representative uses of at least one plant protection product containing the active substance blood meal 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 blood meal.
- (11) The risk assessment for the renewal of the approval of the active substance blood meal is based on a limited number of representative uses, which however do not restrict the uses for which plant protection products containing blood meal may be authorised.
- (12) Following the assessment by the Rapporteur Member State and the Authority, and taking into account the intended uses, no critical area of concern was identified.
- (13) As regards the criteria to identify endocrine disrupting properties set out in point 3.6.5 and point 3.8.2 of Annex II to Regulation (EC) No 1107/2009, the conclusion of the Authority indicates that it is highly unlikely that blood meal is an endocrine disruptor. Thus, the Commission concludes that blood meal is not to be considered as having endocrine disrupting properties.
- (14) The Commission further considers that blood meal is a low-risk active substance pursuant to Article 22 of Regulation (EC) No 1107/2009, given that blood meal is not a substance of concern and fulfils the conditions set in point 5 of Annex II to Regulation (EC) No 1107/2009. Moreover, blood is a component of animal body and normally present in human diet.
- (15) In accordance with Article 20(3) of Regulation (EC) No 1107/2009, in conjunction with Article 13(4) thereof, Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (16) Commission Implementing Regulation (EU) 2020/1160 ⁽⁷⁾ extended the approval period of blood meal to 31 August 2021 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.
- (17) 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 blood meal, as specified in Annex I, is renewed subject to the conditions laid down in that Annex.

⁽⁶⁾ EFSA Journal 18(2):6006, doi: 10.2903/j.efsa.2020.6006. Available online: <https://www.efsa.europa.eu/fr/efsajournal/pub/6006>

⁽⁷⁾ Commission Implementing Regulation (EU) 2020/1160 of 5 August 2020 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances aluminium ammonium sulphate, aluminium silicate, blood meal, calcium carbonate, carbon dioxide, extract from tea tree, fat distillation residues, fatty acids C7 to C20, garlic extract, gibberellic acid, gibberellins, hydrolysed proteins, iron sulphate, kieselgur (diatomaceous earth), plant oils/rape seed oil, potassium hydrogen carbonate, quartz sand, fish oil, repellents by smell of animal or plant origin/sheep fat, Straight Chain Lepidopteran Pheromones, tebuconazole and urea (OJ L 257, 6.8.2020, p. 29).

*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 April 2021.

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

Done at Brussels, 8 March 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
Blood meal 90989-74-5 909	Not applicable	100 % blood meal haemoglobin content: min 80 %.	1 April 2021	31 March 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 blood meal, and in particular Appendices I and II thereto, shall be taken into account. Member States shall pay particular attention: — to the protection of fish and aquatic invertebrates when less targeted spraying techniques are used, and — on the need of blood meal-containing plant protection products to be swirled before use to wet the product.

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

ANNEX II

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

(1) in Part A, entry 222 on blood meal is deleted;

(2) in Part D, the following entry is added:

No.	Common Name, Identification Numbers	IUPAC Name	Purity *	Date of approval	Expiration of approval	Specific provisions
26	Blood meal 90989-74-5 909	Not applicable	100 % blood meal haemoglobin content: min 80 %.	1 April 2021	31 March 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 blood meal, and in particular Appendices I and II thereto, shall be taken into account. Member States shall pay particular attention: — to the protection of fish and aquatic invertebrates when less targeted spraying techniques are used, and — on the need of blood meal-containing plant protection products to be swirled before use to wet the product.

* Further details on the identity and the specification of the active substance are provided in the renewal report.'

COMMISSION IMPLEMENTING REGULATION (EU) 2021/414**of 8 March 2021****on technical arrangements for developing, maintaining and employing electronic systems for the exchange and storage of information under Regulation (EU) No 952/2013 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Articles 8(1)(b) and 17 thereof,

Whereas:

- (1) Article 6(1) of Regulation (EU) No 952/2013 ('the Code') requires that all exchanges of information, such as declarations, applications or decisions, between customs authorities of the Member States and between economic operators and customs authorities of the Member States, and the storage of that information, as required under the customs legislation, be made by using electronic data-processing techniques.
- (2) Commission Implementing Decision (EU) 2019/2151 ⁽²⁾ establishes the Work Programme for the implementation of the electronic systems required for the application of the Code, which are to be developed through projects listed in section II of the Annex to that Implementing Decision.
- (3) Important technical arrangements for the functioning of the electronic systems should be specified, such as arrangements for development, testing and deployment as well as for maintenance and for changes to be introduced in the electronic systems. Further arrangements should be specified concerning data protection, updating of data, limitation of data processing and systems ownership and security.
- (4) In order to safeguard the rights and interests of the Union, Member States and economic operators, it is important to lay down the procedural rules and provide for alternative solutions to be implemented in the event of a temporary failure of the electronic systems.
- (5) The EU Customs Trader Portal, as initially developed through the UCC Authorised Economic Operator (AEO), European Binding Tariff Information (EBTI) and Information Sheets (INF) for Special Procedures project (INF SP) projects, aims at providing a unique access point for economic operators and other persons, and to access each of the Specific Trader Portals, developed for their related systems.
- (6) The Customs Decisions system, developed through the UCC Customs Decisions project referred to in Implementing Decision (EU) 2019/2151, pursues the objective of harmonising the processes for the application for a customs decision, for the decision taking and the decision management in the whole of the Union using only electronic data-processing techniques. It is therefore necessary to lay down the rules governing that electronic system. The scope of the system should be determined by reference to the customs decisions which are to be applied for, taken and managed using that system. Detailed rules should be set out for the system's common components (EU trader portal, central customs decisions management system and customer reference services) and national components (national trader portal and national customs decisions management system), by specifying their functions and their interconnections.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Commission Implementing Decision (EU) 2019/2151 of 13 December 2019 establishing the work programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code (OJ L 325, 16.12.2019, p. 168).

- (7) The Uniform User Management and Digital Signature system, developed through the Direct Trader Access to the European Information Systems (Uniform User Management & Digital Signature) project referred to in Implementing Decision (EU) 2019/2151, is to manage the authentication and access verification process for economic operators and other persons. Detailed rules need to be set out regarding the scope and characteristics of the system by defining the different components (common and national components) of the system, their functions and interconnections. However, the 'Digital Signature' functionality is not yet available as part of the Uniform User Management and Digital Signature system. No detailed rules could therefore be laid down regarding that functionality in this Regulation.
- (8) The European Binding Tariff Information (EBTI) system, as upgraded through the UCC Binding Tariff Information (BTI) project referred to in Implementing Decision (EU) 2019/2151, is aimed at aligning the processes for applying for, taking and managing BTI decisions with the requirements of the Code using only electronic data-processing techniques. It is therefore necessary to lay down rules governing that system. Detailed rules should be laid down for the system's common components (EU trader portal, central EBTI system and BTI usage monitoring) and national components (national trader portal and national BTI system), by specifying their functions and interconnections. Moreover, the project aims to facilitate the monitoring of compulsory BTI usage and the monitoring and management of BTI extended usage.
- (9) The Economic Operator Registration and Identification (EORI) system, as upgraded through the UCC Economic Operator Registration and Identification system (EORI 2) project referred to in Implementing Decision (EU) 2019/2151, is aimed at upgrading the existing trans-European EORI system, which enables the registration and identification of economic operators of the Union and of third country economic operators and other persons for the purposes of applying the customs legislation of the Union. It is therefore necessary to lay down rules governing the system by specifying the components (central EORI system and national EORI systems) and the use of the EORI system.
- (10) The Authorised Economic Operator (AEO) system, as upgraded through the UCC Authorised Economic Operator (AEO) project referred to in Implementing Decision (EU) 2019/2151, is aimed at improving the business processes relating to AEO applications and authorisations and their management. The system is also aimed at implementing the electronic form to be used for AEO applications and decisions, and providing economic operators with an EU Customs Trader Portal through which to submit AEO applications and receive AEO decisions electronically. Detailed rules should be laid down for the system's common components.
- (11) The Import Control System 2 (ICS2), as developed through the ICS2 project referred to in Implementing Decision (EU) 2019/2151 is aimed at strengthening safety and security of goods entering the Union. The system supports the collection of entry summary declaration (ENS) data from different economic operators and other persons acting in the international supply chains for goods. It is aimed at supporting all exchanges of information related to fulfilment of the ENS requirements between the customs authorities of the Member States and economic operators and other persons through a Harmonised Trader Interface developed either as a common or as a national application. It is also aimed at supporting via a common repository and related processes, the real-time collaborative implementation of security and safety risk analysis by the customs offices of first entry and exchange of risk analysis results among the customs authorities of the Member States, prior to goods departure from third countries and/or prior to their arrival in the customs territory of the Union. The system supports customs measures to address safety and security risks identified following risk analysis, including customs controls and the exchange of results of controls, and, where relevant, notifications to economic operators and other persons regarding certain measures which they need to take to mitigate risks. The system supports monitoring and evaluation by the Commission and Member States' customs authorities of the implementation of the common safety and security risk criteria and standards and of the control measures and priority control areas referred to in the Code.
- (12) The Automated Export System, as upgraded through the UCC Automated Export System (AES) project referred to in Implementing Decision (EU) 2019/2151, is aimed at upgrading the existing Export Control System to be aligned with the new business and data requirements laid down in the Code. The system is also aimed at offering all the required functionalities and at covering the necessary interfaces with supporting systems, namely the New

Computerised Transit System and the Excise Movement Control System. In addition, AES supports the implementation of the centralised clearance at export functionalities. As AES is a decentralised trans-European system, it is necessary to lay down rules by specifying the components and the use of the system.

- (13) The New Computerised Transit System, as upgraded through the UCC New Computerised Transit System (NCTS) project referred to in Implementing Decision (EU) 2019/2151, is aimed at upgrading the existing NCTS Phase 4 to be aligned with the new business and data requirements laid down in the Code. The system is also aimed at offering new functionalities referred to in the Code and at covering the necessary interfaces with supporting systems and AES. As NCTS is a decentralised trans-European system, it is necessary to lay down rules by specifying the components and the use of the system.
- (14) The INF SP system, developed through the UCC Information Sheets (INF) for Special Procedures project referred to in Implementing Decision (EU) 2019/2151, aims at developing a new trans-European system to support and streamline the processes of INF data management and the electronic handling of INF data in the domain of Special Procedures. Detailed rules should be laid down to specify the system's components and its usage.
- (15) The customs risk management system referred to in Article 36 of Commission Implementing Regulation (EU) 2015/2447 ⁽³⁾ aims at supporting the exchange of risk information between Member States' customs authorities and between them and the Commission with a view to supporting the implementation of the common risk management framework.
- (16) The Centralised Clearance for Import system, as developed through UCC Centralised Clearance for Import (CCI) project referred to in Implementing Decision (EU) 2019/2151 aims at allowing for goods to be placed under a customs procedure using centralised clearance, thereby allowing economic operators to centralise their business from a customs viewpoint. The processing of the customs declaration and the physical release of the goods should be coordinated between the customs offices involved. As CCI is a decentralised trans-European system, it is necessary to lay down rules by specifying the components and the use of the system.
- (17) Commission Implementing Regulation (EU) 2019/1026 ⁽⁴⁾ sets out technical arrangements for developing, maintaining and employing electronic systems for the exchange of information and for the storage of such information under the Code. Given the number of changes to that Regulation that would be necessary in order to take account of the fact that EUCTP, INF SP, ICS2, AES, NCTS, CRMS and CCI have now or will become operational, and for reasons of clarity, Implementing Regulation (EU) 2019/1026 should be repealed.
- (18) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, and notably the right to protection of personal data. Where for the purposes of the application of the customs legislation of the Union it is necessary to process personal data in the electronic systems, those data must be processed in accordance with Regulations (EU) 2016/679 ⁽⁵⁾ and (EU) 2018/1725 of the European Parliament and of the Council ⁽⁶⁾. The personal data of economic operators and other

⁽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⁾ Commission Implementing Regulation (EU) 2019/1026 of 21 June 2019 on technical arrangements for developing, maintaining and employing electronic systems for the exchange of information and for the storage of such information under the Union Customs Code (OJ L 167, 24.6.2019, p. 3).

⁽⁵⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽⁶⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

persons processed by the electronic systems are restricted to the dataset as defined in Annex A, Title I, Chapter 1, Group 3 – Parties; Annex A, Title I, Chapter 2, Group 3 – Parties; Annex B, Title I, Chapter 3, Group 3 – Parties; Annex B, Title II, Group 3 – Parties; and Annex 12-01 to Commission Delegated Regulation (EU) 2015/2446 ⁽⁷⁾.

- (19) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725.
- (20) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

1. This Regulation shall apply to the following electronic systems as developed or upgraded through the following projects referred to in the Annex to Implementing Decision (EU) 2019/2151:

- (a) the Customs Decisions system (CDS), as developed through the UCC Customs Decisions project;
- (b) the Uniform User Management and Digital Signature (UUM&DS) system, as developed through the Direct trader access to the European Information Systems (Uniform User Management & Digital Signature) project;
- (c) the European Binding Tariff Information (EBTI) system, as upgraded through the UCC Binding Tariff Information (BTI) project;
- (d) the Economic Operator Registration and Identification (EORI) system, as upgraded in line with the requirements of Regulation (EU) No 952/2013 ('the Code') through the EORI 2 project;
- (e) the Authorised Economic Operator (AEO) system, as upgraded in line with the requirements of the Code through the AEO upgrade project;
- (f) the Import Control System 2 (ICS2), as developed through the ICS2 project;
- (g) the Automated Export System (AES), as developed in line with the requirements of the Code through the AES project;
- (h) the New Computerised Transit System (NCTS), as upgraded in line with the requirements of the Code through the NCTS upgrade project;

⁽⁷⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

- (i) the INF SP system, as developed through the UCC Information Sheets (INF) for Special Procedures project;
 - (j) the Centralised Clearance for Import System (CCI), as developed through the UCC CCI project.
2. This Regulation shall also apply to the following electronic systems:
- (a) the European Union Customs Trader Portal;
 - (b) the customs risk management system (CRMS) referred to in Article 36 of Implementing Regulation (EU) 2015/2447.

Article 2

Definitions

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

- (1) 'common component' means a component of the electronic systems developed at Union level, which is available for all Member States or identified as common by the Commission for reasons of efficiency, security and rationalisation;
- (2) 'national component' means a component of the electronic systems developed at national level, which is available in the Member State that created such component or contributed to its joint creation;
- (3) 'decentralised system' means a trans-European system consisting of common and national components based on common specifications;
- (4) 'trans-European system' means a collection of collaborating systems with responsibilities distributed across the national administrations and the Commission, and developed in cooperation with the Commission.

Article 3

Contact points for the electronic systems

The Commission and the Member States shall designate contact points for each of the electronic systems referred to in Article 1, for the purposes of exchanging information to ensure a coordinated development, operation and maintenance of those electronic systems.

They shall communicate the details of those contact points to each other and inform each other immediately of any changes to those details.

CHAPTER II

EU CUSTOMS TRADER PORTAL

Article 4

Objective and structure of the EU Customs Trader Portal

The EU Customs Trader Portal shall provide a unique entry point for economic operators and other persons to access the Specific Trader Portals of the trans-European systems referred to in Article 6(1).

Article 5

Authentication and access to the EU Customs Trader Portal

- 1. The authentication and access verification of economic operators and other persons for the purposes of access to the EU Customs trader portal (EUCTP) shall be effected using the UUM&DS system.

For customs representatives to be authenticated and be able to access the EUCTP, their empowerment to act in that capacity shall be registered in the UUM&DS system or in an identity and access management system set up by a Member State pursuant to Article 20.

2. The authentication and access verification of Member States' customs authorities for the purposes of access to the EUCTP shall be effected using the network services provided by the Commission.
3. The authentication and access verification of the Commission's staff for the purposes of access to the EUCTP shall be effected using the UUM&DS system or the network services provided by the Commission.

Article 6

Use of the EUCTP

1. The EUCTP shall provide access to the Specific Trader Portals of the trans-Europeans systems EBTI, AEO, and INF referred to in Article 24, Article 38 and Article 67, respectively, as well as to the Shared Trader Interface for ICS2 referred to in Article 45.
2. The EUCTP shall be used for the exchange of information between customs authorities of the Member States and economic operators and other persons, on the requests, applications, authorisations and decisions related to EBTI, AEO, and INF.
3. The EUCTP may be used for the exchange of information between customs authorities of the Member States and economic operators and other persons, on entry summary declarations and where applicable, on their amendments, issued referrals and invalidation related to ICS2.

CHAPTER III

CUSTOMS DECISIONS SYSTEM

Article 7

Objective and structure of the CDS

1. The CDS shall enable communication between the Commission, customs authorities of the Member States, economic operators and other persons for the purposes of submitting and processing applications and decisions referred to in Article 8(1), as well as the management of decisions related to the authorisations, namely, amendments, revocations, annulments and suspensions.
2. The CDS shall consist of the following common components:
 - (a) an EU trader portal;
 - (b) a central customs decisions management system ('central CDMS');
 - (c) customer reference services (CRS).
3. Member States may create the following national components:
 - (a) a national trader portal;
 - (b) a national customs decisions management system ('national CDMS').

Article 8

Use of the CDS

1. The CDS shall be used for the purposes of submitting and processing applications for the following authorisations, as well as the management of decisions related to the applications or authorisations:
 - (a) authorisation for the simplification of the determination of amounts being part of the customs value of the goods, as referred to in Article 73 of the Code;

- (b) authorisation for the provision of a comprehensive guarantee, including possible reduction or waiver, as referred to in Article 95 of the Code;
- (c) authorisation of deferment of the payment of the duty payable, as far as the permission is not granted in relation to a single operation, as referred to in Article 110 of the Code;
- (d) authorisation for the operation of temporary storage facilities, as referred to in Article 148 of the Code;
- (e) authorisation to establish regular shipping services, as referred to in Article 120 of Delegated Regulation (EU) 2015/2446;
- (f) authorisation for the status of authorised issuer, as referred to in Article 128 of Delegated Regulation (EU) 2015/2446;
- (g) authorisation for the regular use of a simplified declaration, as referred to in Article 166(2) of the Code;
- (h) authorisation for centralised clearance, as referred to in Article 179 of the Code;
- (i) authorisation to lodge a customs declaration through an entry of data in the declarant's records, including for the export procedure, as referred to in Article 182 of the Code;
- (j) authorisation for self-assessment, as referred to in Article 185 of the Code;
- (k) authorisation for the status of an authorised weigher of bananas, as referred to in Article 155 of Delegated Regulation (EU) 2015/2446;
- (l) authorisation for the use of the inward processing procedure, as referred to in Article 211(1)(a) of the Code;
- (m) authorisation for the use of the outward processing procedure, as referred to in Article 211(1)(a) of the Code;
- (n) authorisation for the use of the end-use procedure, as referred to in Article 211(1)(a) of the Code;
- (o) authorisation for the use of the temporary admission procedure, as referred to in Article 211(1)(a) of the Code;
- (p) authorisation for the operation of storage facilities for customs warehousing of goods, as referred to in Article 211(1)(b) of the Code;
- (q) authorisation for the status of an authorised consignee for TIR operation, as referred to in Article 230 of the Code;
- (r) authorisation for the status of an authorised consignor for Union transit, as referred to in Article 233(4)(a) of the Code;
- (s) authorisation for the status of an authorised consignee for Union transit, as referred to in Article 233(4)(b) of the Code;
- (t) authorisation for the use of seals of a special type, as referred to in Article 233(4)(c) of the Code;
- (u) authorisation to use a transit declaration with reduced data requirements, as referred to in Article 233(4)(d) of the Code;
- (v) authorisation for the use of an electronic transport document as a customs declaration, as referred to in Article 233(4)(e) of the Code.

2. The common components of the CDS shall be used with respect to applications and authorisations referred to in paragraph 1, as well as the management of decisions related to those applications and authorisations, where those authorisations or decisions may have an impact in more than one Member State.

3. A Member State may decide that the common components of the CDS may be used with respect to applications and authorisations referred to in paragraph 1, as well as the management of decisions related to those applications and authorisations, where those authorisations or decisions have an impact only in that Member State.

4. The CDS shall not be used with respect to applications, authorisations or decisions other than those listed in paragraph 1.

*Article 9***Authentication and access to the CDS**

1. The authentication and access verification of economic operators and other persons for the purposes of access to the common components of the CDS shall be effected using the UUM&DS system.

For customs representatives to be authenticated and be able to access the common components of the CDS, their empowerment to act in that capacity shall be registered in the UUM&DS system or in an identity and access management system set up by a Member State pursuant to Article 20.

2. The authentication and access verification of Member States' customs authorities for the purposes of access to the common components of the CDS shall be effected using the network services provided by the Commission.
3. The authentication and access verification of the Commission's staff for the purposes of access to the common components of the CDS shall be effected using the UUM&DS system or the network services provided by the Commission.

*Article 10***EU trader portal**

1. The EU trader portal shall be an entry point to the CDS for economic operators and other persons.
2. The EU trader portal shall interoperate with the central CDMS as well as with national CDMS where created by Member States.
3. The EU trader portal shall be used for applications and authorisations referred to in Article 8(1), as well as the management of decisions related to those applications and authorisations, where those authorisations or decisions may have an impact in more than one Member State.
4. A Member State may decide that the EU trader portal may be used for applications and authorisations referred to in Article 8(1), as well as the management of decisions related to those applications and authorisations, where those authorisations or decisions have an impact only in that Member State.

Where a Member State takes a decision to use the EU trader portal for authorisations or decisions that have an impact only in that Member State, it shall inform the Commission thereof.

*Article 11***Central CDMS**

1. The central CDMS shall be used by the customs authorities of the Member States for the processing of the applications and authorisations referred to in Article 8(1), as well as the management of decisions related to those applications and authorisations for the purposes of verifying whether the conditions for the acceptance of an application and for taking a decision are fulfilled.
2. The central CDMS shall interoperate with the EU trader portal, the customer reference services referred to in Article 13, and the national CDMS, where created by the Member States.

*Article 12***Consultation between the customs authorities of the Member States using the CDMS**

A customs authority of a Member State shall use the central CDMS when it needs to consult a customs authority of another Member State before taking a decision regarding the applications or authorisations referred to in Article 8(1).

*Article 13***Customer reference services**

1. The customer reference services shall be used for the central storage of data relating to the authorisations referred to in Article 8(1), as well as decisions related to those authorisations, and shall enable the consultation, replication and validation of those authorisations by other electronic systems established for the purposes of Article 16 of the Code.
2. The customer reference services shall be used to store data from Registered Exporter (REX) referred to in Article 80(1) of Implementing Regulation (EU) 2015/2447, EORI and AEO systems.

*Article 14***National trader portal**

1. The national trader portal, where created, shall be an additional entry point to the CDS for economic operators and other persons.
2. With respect to applications and authorisations referred to in Article 8(1), as well as the management of decisions related to those applications and authorisations where those authorisations or decisions may have an impact in more than one Member State, economic operators and other persons may choose to use the national trader portal, where created, or the EU trader portal.
3. The national trader portal shall interoperate with the national CDMS, where created.
4. Where a Member State creates a national trader portal, it shall inform the Commission thereof.

*Article 15***National CDMS**

1. A national CDMS, where created, shall be used by the customs authority of the Member State which created it for processing the applications and authorisations referred to in Article 8(1), as well as the management of decisions related to those applications and authorisations for the purposes of verifying whether the conditions for the acceptance of an application and for taking a decision are fulfilled.
2. The national CDMS shall interoperate with the central CDMS for the purposes of consultation between the customs authorities of the Member States as referred to in Article 12.

CHAPTER IV

UNIFORM USER MANAGEMENT AND DIGITAL SIGNATURE SYSTEM*Article 16***Objective and structure of the UUM&DS system**

1. The UUM&DS system shall enable the communication between the Commission and the Member States' identity and access management systems referred to in Article 20 for the purposes of providing secure authorised access to the electronic systems to the Commission's staff, economic operators and other persons.
2. The UUM&DS system shall consist of the following common components:
 - (a) an access management system;
 - (b) an administration management system.
3. A Member State shall create an identity and access management system as a national component of the UUM&DS system.

*Article 17***Use of the UUM&DS system**

The UUM&DS system shall be used to ensure the authentication and access verification of:

- (a) economic operators and other persons for the purposes of having access to the EUCTP, the common components of the CDS, the EBTI system, the AEO system, the INF SP system and ICS2;
- (b) the Commission's staff for the purposes of having access to the EUCTP, the common components of the CDS, the EBTI system, the EORI system, AEO system, ICS2, AES, NCTS, CRMS, CCI and INF SP system for the purposes of maintenance and management of the UUM&DS system.

*Article 18***Access management system**

The Commission shall set up the access management system to validate the access requests submitted by economic operators and other persons within the UUM&DS system by interoperating with the Member States' identity and access management systems referred to in Article 20.

*Article 19***Administration management system**

The Commission shall set up the administration management system to manage the authentication and authorisation rules for validating the identification data of economic operators and other persons for the purposes of allowing access to the electronic systems.

*Article 20***Member States' identity and access management systems**

The Member States shall set up an identity and access management system to ensure:

- (a) a secure registration and storage of identification data of economic operators and other persons;
- (b) a secure exchange of signed and encrypted identification data of economic operators and other persons.

CHAPTER V

EUROPEAN BINDING TARIFF INFORMATION SYSTEM*Article 21***Objective and structure of the EBTI system**

1. The EBTI system shall in accordance with Articles 33 and 34 of the Code, enable the following:
 - (a) communication between the Commission, customs authorities of the Member States, economic operators and other persons for the purposes of submitting and processing BTI applications and BTI decisions;
 - (b) the management of any subsequent event which may affect the original application or decision;
 - (c) the monitoring of the compulsory use of BTI decisions;
 - (d) the monitoring and management of the extended use of BTI decisions.
2. The EBTI system shall consist of the following common components:
 - (a) an EU Specific Trader Portal for EBTI;
 - (b) a central EBTI system;
 - (c) capability to monitor the usage of BTI decisions.

3. Member States may create, as a national component, a national binding tariff information system ('national BTI system') together with a national trader portal.

Article 22

Use of the EBTI system

1. The EBTI system shall be used for the submission, processing, exchange and storage of information pertaining to applications and decisions related to BTI or to any subsequent event which may affect the original application or decision as referred to in Article 21(1) of Implementing Regulation (EU) 2015/2447.
2. The EBTI system shall be used to support the monitoring by the customs authorities of the Member States of the compliance with the obligations resulting from the BTI in accordance with Article 21(3) of Implementing Regulation (EU) 2015/2447.
3. The EBTI system shall be used by the Commission to inform the Member States, pursuant to the third subparagraph of Article 22(2) of Implementing Regulation (EU) 2015/2447, as soon as the quantities of goods that may be cleared during a period of extended use have been reached.

Article 23

Authentication and access to the EBTI system

1. The authentication and access verification of economic operators and other persons for the purposes of access to the common components of the EBTI system shall be effected using the UUM&DS system.

For customs representatives to be authenticated and be able to access the common components of the EBTI system, their empowerment to act in that capacity shall be registered in the UUM&DS system or in an identity and access management system set up by a Member State pursuant to Article 20.

2. The authentication and access verification of Member States' customs authorities for the purposes of access to the common components of the EBTI system shall be effected using the network services provided by the Commission.
3. The authentication and access verification of the Commission's staff for the purposes of access to the common components of the EBTI system shall be effected using the UUM&DS system or the network services provided by the Commission.

Article 24

EU Specific Trader Portal for EBTI

1. The EU Specific Trader Portal for EBTI shall communicate with the EUCTP, where the latter shall be an entry point to the EBTI system for economic operators and other persons.
2. The EU Specific Trader Portal for EBTI shall interoperate with the central EBTI system and offer redirection to national trader portals where national BTI systems have been created by Member States.
3. The EU Specific Trader Portal for EBTI shall be used for submitting and exchanging information pertaining to applications and decisions related to BTI or to any subsequent event which may affect the original application or decision.

Article 25

Central EBTI system

1. The central EBTI system shall be used by the customs authorities of the Member States to process, exchange and store information pertaining to applications and decisions related to BTI or to any subsequent event which may affect the original application or decision, for the purposes of verifying whether the conditions for the acceptance of an application, and for taking a decision, are fulfilled.

2. The central EBTI system shall be used by the customs authorities of the Member States for the purposes of consultation, processing, exchange and storage of information as referred to in Article 16(4), Article 17 and Article 21(2)(b) and (5) of Implementing Regulation (EU) 2015/2447.
3. The central EBTI system shall interoperate with the EU Specific Trader Portal for EBTI, and with the national BTI systems, where created.

Article 26

Consultation between the customs authorities of the Member States using the central EBTI system

A customs authority of a Member State shall use the central EBTI system for the purposes of consulting a customs authority of another Member State in order to ensure compliance with Article 16(1) of Implementing Regulation (EU) 2015/2447.

Article 27

Monitoring of the usage of BTI decisions

The capability to monitor the usage of BTI decisions shall be used for the purposes of Article 21(3) and of the third subparagraph of Article 22(2) of Implementing Regulation (EU) 2015/2447.

Article 28

National trader portal

1. Where a Member State has created a national BTI system in accordance with Article 21(3), the national trader portal shall be the main entry point to the national BTI system for economic operators and other persons.
2. Economic operators and other persons shall use the national trader portal, where created, with respect to applications and decisions related to BTI or to any subsequent event which may affect the original application or decision.
3. The national trader portal shall interoperate with the national BTI system, where created.
4. The national trader portal shall facilitate processes equivalent to those facilitated by the EU Specific Trader Portal for EBTI.
5. Where a Member State creates a national trader portal, it shall inform the Commission thereof. The Commission shall ensure that the national trader portal can be accessed directly from the EU Specific Trader Portal for EBTI.

Article 29

National BTI system

1. A national BTI system, where created, shall be used by the customs authority of the Member State which created it to process, exchange and store information pertaining to applications and decisions related to BTI or to any subsequent event which may affect the original application or decision, for the purposes of verifying whether the conditions for the acceptance of an application or for taking a decision are fulfilled.
2. The customs authority of a Member State shall use its national BTI system for the purposes of consultation, processing, exchange and storage of information as referred to in Article 16(4), Article 17 and Article 21(2)(b) and (5) of Implementing Regulation (EU) 2015/2447, unless it uses the central EBTI system for those purposes.
3. The national BTI system shall interoperate with the national trader portal and with the central EBTI system.

CHAPTER VI

ECONOMIC OPERATOR REGISTRATION AND IDENTIFICATION SYSTEM*Article 30***Objective and structure of the EORI system**

The EORI system shall enable a unique registration and identification, at Union level, of economic operators and other persons.

The EORI system shall consist of the following components:

- (a) a central EORI system;
- (b) national EORI systems, where created by the Member States.

*Article 31***Use of the EORI system**

1. The EORI system shall be used for the following purposes:
 - (a) to receive the data for the registration of economic operators and other persons as referred to in Annex 12-01 to Delegated Regulation (EU) 2015/2446 ('EORI data') provided by the Member States;
 - (b) to centrally store EORI data pertaining to the registration and identification of economic operators and other persons;
 - (c) to make available EORI data to the Member States.
2. The EORI system shall enable, to the customs authorities of the Member States, online access to the EORI data stored at central system level.
3. The EORI system shall interoperate with all the other electronic systems where the EORI number is used.

*Article 32***Authentication and access to the central EORI system**

1. The authentication and access verification of Member States' customs authorities for the purposes of access to the common components of the EORI system shall be effected using the network services provided by the Commission.
2. The authentication and access verification of the Commission's staff for the purposes of access to the common components of the EORI system shall be effected using the UUM&DS system or the network services provided by the Commission.

*Article 33***Central EORI system**

1. The central EORI system shall be used by the customs authorities of the Member States for the purposes of Article 7 of Implementing Regulation (EU) 2015/2447.
2. The central EORI system shall interoperate with the national EORI systems, where created.

*Article 34***National EORI system**

1. A national EORI system, where created, shall be used by the customs authority of the Member State which created it to exchange and store EORI data.
2. A national EORI system shall interoperate with the central EORI system.

CHAPTER VII

AUTHORISED ECONOMIC OPERATOR SYSTEM*Article 35***Objective and structure of the AEO system**

1. The AEO system shall enable communication between the Commission, customs authorities of the Member States, economic operators and other persons for the purposes of submitting and processing AEO applications and granting of AEO authorisations as well as the management of any subsequent event which may affect the original decision as referred to in Article 30(1) of Implementing Regulation (EU) 2015/2447.
2. The AEO system shall consist of the following common components:
 - (a) an EU Specific Trader Portal for AEO;
 - (b) a central AEO system.
3. Member States may create the following national components:
 - (a) a national trader portal;
 - (b) a national Authorised Economic Operator system ('national AEO system').

*Article 36***Use of the AEO system**

1. The AEO system shall be used for the submission, exchange, processing and storage of information pertaining to AEO applications and decisions or to any subsequent event which may affect the original decision as referred to in Article 30(1) and Article 31(1) and (4) of Implementing Regulation (EU) 2015/2447.
2. Customs authorities of the Member States shall use the AEO system to fulfil their obligations under Article 31(1) and (4) of Implementing Regulation (EU) 2015/2447 and to keep record of the relevant consultations.

*Article 37***Authentication and access to the central AEO system**

1. The authentication and access verification of economic operators and other persons for the purposes of access to the common components of the AEO system shall be effected using the UUM&DS system.

For customs representatives to be authenticated and be able to access the common components of the AEO system, their empowerment to act in that capacity shall be registered in the UUM&DS system or in an identity and access management system set up by a Member State pursuant to Article 20.

2. The authentication and access verification of Member States' customs authorities for the purposes of access to the common components of the AEO system shall be effected using the network services provided by the Commission.
3. The authentication and access verification of the Commission's staff for the purposes of access to the common components of the AEO system shall be effected using the UUM&DS system or the network services provided by the Commission.

*Article 38***EU Specific Trader Portal for AEO**

1. The EU Specific Trader Portal for AEO shall communicate with the EUCTP, where the latter shall be an entry point to the AEO system for economic operators and other persons.

2. The EU Specific Trader Portal for AEO shall interoperate with the central AEO system and offer redirection to the national trader portal, where created.
3. The EU Specific Trader Portal for AEO shall be used for submitting and exchanging information pertaining to AEO applications and decisions or to any subsequent event which may affect the original decision.

Article 39

Central AEO system

1. The central AEO system shall be used by the customs authorities of the Member States to exchange and store information pertaining to AEO applications and decisions or to any subsequent event which may affect the original decision.
2. The customs authorities of the Member States shall use the central AEO system for the purposes of the exchange and storage of information, consultation and the management of decisions as referred to in Articles 30 and 31 of Implementing Regulation (EU) 2015/2447.
3. The central AEO system shall interoperate with the EU trader portal and with the national AEO systems, where created.

Article 40

National trader portal

1. The national trader portal, where created, shall allow the exchange of information pertaining to AEO applications and decisions.
2. Economic operators and other persons shall use the national trader portal, where created, to exchange information with the customs authorities of the Member States with respect to AEO applications and decisions.
3. The national trader portal shall interoperate with the national AEO system.

Article 41

National AEO system

1. A national AEO system, where created, shall be used by the customs authority of the Member State which created it to exchange and store information pertaining to AEO applications and decisions or to any subsequent event which may affect the original decision.
2. The national AEO system shall interoperate with the national trader portal, where created, and with the central AEO system.

CHAPTER VIII

IMPORT CONTROL SYSTEM 2

Article 42

Objective and structure of the ICS2

1. The ICS2 shall support communication between customs authorities of the Member States, and between economic operators and other persons and the customs authorities of the Member States, for the following purposes:
 - (a) fulfilment of entry summary declaration requirements;
 - (b) risk analysis by customs authorities of the Member States primarily for security and safety purposes and for customs measures aimed at mitigating relevant risks including customs controls;
 - (c) communication between customs authorities of the Member States for the purpose of fulfilment of entry summary declaration requirements.

2. The ICS2 shall consist of the following common components:
 - (a) a shared trader interface;
 - (b) a common repository.
3. Each Member State shall create its national entry system as a national component.
4. A Member State may create its national trader interface as a national component.

Article 43

Use of the ICS2

1. The ICS2 shall be used for the following purposes:
 - (a) submitting, processing and storing the particulars of entry summary declarations, requests for amendments and invalidations referred to in Articles 127 and 129 of the Code;
 - (b) receiving, processing and storing the particulars of entry summary declarations extracted from declarations as referred to in Article 130 of the Code;
 - (c) submitting, processing and storing of information regarding notifications of arrival of a sea-going vessel or an aircraft as referred to in Article 133 of the Code;
 - (d) receiving, processing and storing of information regarding presentation of goods to customs as referred to in Article 139 of the Code;
 - (e) receiving, processing and storing of information regarding risk analysis requests and results, control recommendations, decisions on controls, and control results as referred to in Articles 46(3) and (5) and 47(2) of the Code;
 - (f) receiving, processing, storing and communicating of the notifications and information to economic operators or other persons as referred to in Article 186(2)(e), (3), (4), (5) and (6) of Implementing Regulation (EU) 2015/2447 and Article 24(2) of Delegated Regulation (EU) 2015/2446;
 - (g) submitting, processing and storing of information by the economic operators or other persons requested by customs authorities of the Member States pursuant to Article 186(3) and (4) of Implementing Regulation (EU) 2015/2447.
2. The ICS2 shall be used to support the monitoring and evaluating by the Commission and the Member States of the implementation of the common safety and security risk criteria and standards and of the control measures and priority control areas referred to in Article 46(3) of the Code.

Article 44

Authentication and access to the ICS2

1. The authentication and access verification of economic operators and other persons for the purposes of access to the common components of the ICS2 shall be effected using the UUM&DS system.
2. The authentication and access verification of Member States' customs authorities for the purposes of access to the common components of the ICS2 shall be effected using the network services provided by the Commission.
3. The authentication and access verification of the Commission's staff for the purposes of access to the common components of the ICS2 shall be effected using the UUM&DS system or the network services provided by the Commission.

Article 45

Shared trader interface

1. The shared trader interface shall be an entry point to the ICS2 for economic operators and other persons for the purpose of Article 182 (1a) of Implementing Regulation (EU) 2015/2447.
2. The shared trader interface shall interoperate with the ICS2 common repository referred to in Article 46.

3. The shared trader interface shall be used for submissions, requests for amendments, requests for invalidations, processing and storage of the particulars of the entry summary declarations and notifications of arrival, as well as exchange of information between the customs authorities of the Member States and economic operators and other persons.

Article 46

ICS2 common repository

1. The ICS2 common repository shall be used by the customs authorities of the Member States for the processing of the particulars of entry summary declarations, requests for amendment, requests for invalidation, notifications of arrival, information regarding presentation of goods, information regarding risk analysis requests and results, control recommendations, control decisions, and control results and information exchanged with economic operators or other persons.
2. The ICS2 common repository shall be used by the Commission and the Member States for the purpose of statistics and evaluation, and for the exchange of entry summary declaration information between Member States.
3. The ICS2 common repository shall interoperate with the shared trader interface, national trader interfaces where created by the Member States, and with the national entry systems.

Article 47

Exchange of information between customs authorities of the Member States using the ICS2 common repository

A customs authority of a Member State shall use the ICS2 common repository to exchange information with a customs authority of another Member State in accordance with Article 186(2)(a) of Implementing Regulation (EU) 2015/2447 before completing the risk analysis primarily for security and safety purposes.

A customs authority of a Member State shall also use the ICS2 common repository to exchange information with a customs authority of another Member State on the recommended controls, decisions taken with regard to recommended controls and on the results of customs controls in accordance with Article 186(7) and (7a) of Implementing Regulation (EU) 2015/2447.

Article 48

National trader interface

1. The national trader interface, where created by the Member States, shall be an entry point to the ICS2 for economic operators and other persons in accordance with Article 182 (1a) of Implementing Regulation (EU) 2015/2447 where the submission is addressed to the Member State operating the national trader interface.
2. With respect to submissions, amendments, invalidation, processing, storage of the particulars of the entry summary declarations and notifications of arrival, as well as exchange of information between the custom authorities and economic operators and other persons, economic operators and other persons may choose to use the national trader interface, where created, or the shared trader interface.
3. The national trader interface, where created, shall interoperate with the ICS2 common repository.
4. Where a Member State creates a national trader interface, it shall inform the Commission thereof.

Article 49

National Entry System

1. A national entry system shall be used by the customs authority of the relevant Member State for the following purposes:
 - (a) exchange of entry summary declaration particulars extracted from the declarations referred in Article 130 of the Code;

- (b) exchange of information and notifications with the ICS2 common repository for information regarding arrival of sea-going vessel or an aircraft;
- (c) exchange of information regarding presentation of goods;
- (d) processing of risk analysis requests, exchange and processing of information regarding risk analysis results, of control recommendations, of control decisions and of control results.

It shall also be used in the cases where a customs authority requests further information from the economic operators and other persons and receives information from them.

- 2. The national entry system shall interoperate with the ICS2 common repository.
- 3. The national entry system shall interoperate with systems developed at national level for the purpose of retrieving information referred to in paragraph 1.

CHAPTER IX

AUTOMATED EXPORT SYSTEM

Article 50

Objective and structure of the AES

- 1. The decentralised system AES shall enable communication between customs authorities of the Member States, and between customs authorities of the Member States and economic operators and other persons for the purposes of submitting and processing export and re-export declarations where goods are taken out of the customs territory of the Union. The AES may also enable communication between customs authorities of the Member States for the purposes of transmitting the exit summary declarations particulars in the situations referred to in the second subparagraph of Article 271(1) of the Code.
- 2. The AES shall consist of the following common components:
 - (a) a common communication network;
 - (b) central services.
- 3. Member States shall create the following national components:
 - (a) a national trader portal;
 - (b) a national export system ('national AES');
 - (c) a common interface between AES and NCTS at national level;
 - (d) a common interface between AES and the Excise Movement Control System (EMCS) at national level.

Article 51

Use of the AES

The AES shall be used for the following purposes where goods are taken out of the customs territory of the Union or moved to or out of special fiscal territories:

- (a) to ensure the implementation of formalities at export and exit determined by the Code;
- (b) to submit and process export and re-export declarations;
- (c) to handle message exchanges between the customs office of export and customs office of exit and, in case of Centralised Clearance at Export, between the supervising customs office and customs office of presentation;
- (d) to handle message exchanges between the customs office of lodgement and customs office of exit in the situations referred to in the second subparagraph of Article 271(1) of the Code.

Article 52

Authentication and access to the AES

- 1. Economic operators and other persons shall have access only to the national AES via the national trader portal. The authentication and access verification shall be determined by the Member States.

2. The authentication and access verification of Member States' customs authorities for the purposes of access to the common components of the AES system shall be effected using the network services provided by the Commission.
3. The authentication and access verification of the Commission's staff for the purposes of access to the common components of the AES system shall be effected using the UUM&DS or the network services provided by the Commission.

Article 53

Common communication network of AES

1. The common communication network shall ensure the electronic communication among Member States' national AES.
2. The customs authorities of the Member States shall use the common communication network for the exchange of information as referred to in points (c) and (d) of Article 51.

Article 54

National trader portal

1. The national trader portal shall allow the exchange of information between economic operators or other persons, and the national AES of the customs authority of the Member States.
2. The national trader portal shall interoperate with the national AES.

Article 55

National Export System

1. The national AES interoperates with the national trader portal and shall be used by the customs authority of the Member State to process export and re-export declarations.
2. The national AESs of the Member States shall communicate with each other electronically via the common communication network and shall process export and exit information received from other Member States.
3. The Member States shall provide and maintain an interface at national level between their national AES and EMCS for the purposes of Article 280 of the Code and Articles 21 and 25 of Council Directive (EU) 2020/262 ⁽⁸⁾.
4. The Member States shall provide and maintain an interface at national level between their national AES and NCTS for the purposes of Article 280 of the Code, Article 329(5), (6) and Article 333(2)(b) and (c) of Implementing Regulation (EU) 2015/2447.

Article 56

IT transition

1. During the deployment window as defined in Implementing Decision (EU) 2019/2151, the Commission shall provide the Member States with additional common components, transitional rules and supporting mechanisms to establish an operational environment where the Member States which have not yet deployed the new system may continue on a temporary basis to interoperate with the Member States which have already deployed the new system.
2. The Commission shall offer a common component in the form of a central convertor for the exchange of messages over the common communication network. A Member State may decide to implement this at national level.
3. In case of a gradual connectivity of economic operators and other persons, a Member State may offer a national convertor for the exchange of messages between the economic operator and other persons and the customs authority.

⁽⁸⁾ Council Directive (EU) 2020/262 of 19 December 2019 laying down the general arrangements for excise duty (OJ L 58, 27.2.2020, p. 4).

4. The Commission, in collaboration with the Member States, shall draw up the technical rules to be applied during the transition period and which are of a business and technical nature to enable mapping and interoperability between information exchange requirements defined in Commission Delegated Regulation (EU) 2016/341 ⁽⁹⁾ and Delegated Regulation (EU) 2015/2446 together with Implementing Regulation (EU) 2015/2447.

CHAPTER X

NEW COMPUTERISED TRANSIT SYSTEM

Article 57

Objective and structure of the NCTS

1. The decentralised system NCTS shall enable communication between the customs authorities of the Member States, and between the customs authorities of the Member States and economic operators and other persons, for the purposes of submitting and processing customs declaration and notification where goods are placed under the transit procedure.
2. The NCTS shall consist of the following common components:
 - (a) common communication network;
 - (b) central services.
3. Member States shall create the following national components:
 - (a) a national trader portal;
 - (b) a national transit system ('national NCTS');
 - (c) a common interface between NCTS and AES at national level.

Article 58

Use of the NCTS

The NCTS shall be used for the following purposes where goods are moved under a transit procedure:

- (a) to ensure the formalities of transit determined by the Code;
- (b) to ensure the formalities of the Convention on a Common Transit Procedure ⁽¹⁰⁾;
- (c) to lodge and process transit declarations;
- (d) to lodge a transit declaration containing the particulars necessary for risk analysis for safety and security purposes in accordance with Article 263(4) of the Code;
- (e) to lodge a transit declaration instead of an entry summary declaration as referred to in Article 130(1) of the Code.

Article 59

Authentication and access to the NCTS

1. Economic operators have access only to the national transit system via a national trader portal. The authentication and access verification shall be determined by the Member States.
2. The authentication and access verification of Member States' customs authorities for the purposes of access to the common components of the NCTS shall be effected using the network services provided by the Commission.
3. The authentication and access verification of the Commission's staff for the purposes of access to the common components of the NCTS shall be effected using the UUM&DS or the network services provided by the Commission.

⁽⁹⁾ Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards transitional rules for certain provisions of the Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446 (OJ L 69, 15.3.2016, p. 1).

⁽¹⁰⁾ OJ L 226, 13.8.1987, p. 2.

*Article 60***Common communication network of the NCTS**

1. The common communication network shall ensure the electronic communication among the national NCTS of Member States and Contracting Parties of the Convention on a Common Transit Procedure.
2. The customs authorities of the Member States shall use the common communication network for the exchange of information related to transit formalities.

*Article 61***National trader portal**

1. The national trader portal shall allow the exchange of information between the economic operators and other persons, and the national NCTS of the customs authorities of the Member States.
2. The national trader portal shall interoperate with the national NCTS.

*Article 62***National Transit System**

1. The national NCTS shall interoperate with the national trader portal and shall be used by the customs authority of the Member State or Common Transit Convention country to submit and process the transit declaration.
2. The national NCTS shall communicate electronically via the common communication network with all national transit applications of Member States and Contracting Parties to the Convention on a Common Transit Procedure and shall process transit information received from other Member States and Contracting Parties of the Convention on a Common Transit Procedure.
3. The Member States shall provide and maintain an interface between their national NCTS and AES systems for the purpose of Article 329(5) and (6) of Implementing Regulation (EU) 2015/2447.

*Article 63***IT transition**

1. During the transition period as defined in Implementing Decision (EU) 2019/2151, the Commission shall provide the Member States with additional common components, transitional rules and supporting mechanisms to establish an operational environment where the Member States which have not yet deployed the new system may continue on a temporary basis to interoperate with the Member States which have already deployed the new system.
2. The Commission shall offer a common component in the form of a central convertor for the exchange of messages over the common communication network. A Member State may decide to implement this at national level.
3. In case of a gradual connectivity of economic operators and other persons, a Member State may offer a national convertor for the exchange of messages between the economic operator and other persons, and the customs authority.
4. The Commission, in collaboration with the Member States, shall draw up the technical rules to be applied during the transition period and which are of a business and technical nature to enable mapping and interoperability between old information exchange requirements (as defined in Delegated Regulation (EU) 2016/341) and new information exchange requirements (i.e. as defined in Delegated Regulation (EU) 2015/2446 and together with Implementing Regulation (EU) 2015/2447).

CHAPTER XI

INF SPECIAL PROCEDURES SYSTEM

Article 64

Objective and structure of the INF SP system

1. The INF SP system shall enable communication between the customs authorities of the Member States and the economic operators and other persons for the purpose of issuing and managing INF data in the domain of Special Procedures.
2. The INF SP system shall consist of the following common components:
 - (a) an EU Specific Trader Portal for INF;
 - (b) a central INF system.

Article 65

Use of the INF SP system

1. INF SP shall be used for economic operators and other persons to submit INF requests and follow up on their status and for customs authorities of the Member States to process such requests and manage INFs.
2. The INF SP shall allow the creation of INF by customs authorities of the Member States and communication between the customs authorities of Member States where needed.
3. INF SP shall allow the calculation of the amount of import duties to be made in accordance with Article 86(3) of the Code.

Article 66

Authentication and access to the central INF SP system

1. The authentication and access verification of economic operators and other persons for the purposes of accessing the common components of the INF SP system shall be effected using the UUM&DS system.

For customs representatives to be authenticated and be able to access the common components of the INF SP system, their empowerment to act in that capacity must be registered in the UUM&DS system or in an identity and access management system set up by a Member State pursuant to Article 20.

2. The authentication and access verification of Member States' customs authorities for the purposes of access to the common components of the INF SP system shall be effected using the network services provided by the Commission.
3. The authentication and access verification of the Commission's staff for the purposes of access to the common components of the INF SP system shall be effected using the UUM&DS system or the network services provided by the Commission.

Article 67

EU Specific Trader Portal for INF

1. The EU Customs Trader Portal shall provide access to the EU specific Trader Portal for INF as referred to in Article 6, where the EU Specific Trader Portal shall be an entry point to the INF SP system for economic operators and other persons.
2. The EU Specific Trader Portal for INF shall interoperate with the central INF SP system.

Article 68

Central INF SP system

1. The central INF SP system shall be used by the customs authorities of the Member States to exchange and store information pertaining to submitted INFs.
2. The central INF SP system shall interoperate with the EU Specific Trader Portal for INF.

CHAPTER XII

CUSTOMS RISK MANAGEMENT SYSTEM*Article 69***Objective and structure of the CRMS**

1. CRMS shall enable communication, storage and exchange of risk information between Member States and between Member States and the Commission to support the implementation of the common risk management framework.
2. Where created, a web service for national systems may be used, which allows the exchange of data with national systems through a web interface. CRMS shall interoperate with the ICS2 common components.

*Article 70***Use of the CRMS**

1. CRMS shall be used for the following purposes in line with Article 46(3) and 46(5) of the Code:
 - (a) the exchange of risk information between the Member States and between Member States and the Commission as referred to in Article 46(5) of the Code and in Article 36(1) of Implementing Regulation (EU) 2015/2447 and the storage and processing of such information;
 - (b) the communication between the Member States and between Member States and the Commission of the information related to the implementation of common risk criteria, priority control actions, crisis management as referred to in Article 36(2) of Implementing Regulation (EU) 2015/2447 and the submission, processing and storage of that information including the exchange of related-risk information and the analysis of the results of those actions;
 - (c) enabling Member States and the Commission to retrieve electronically from the system risk analysis reports on existing risks and new trends to feed in the common risk management framework and national risk management system.
2. Where transfer of data from CRMS to national systems and from national systems to CRMS can be automated, national systems shall be adapted to use the CRMS web service.

*Article 71***Authentication and access to the CRMS**

1. The authentication and access verification of Member States' customs authorities for the purposes of access to the common components of the CRMS shall be effected using the network services provided by the Commission.
2. The authentication and access verification of the Commission's staff for the purposes of access to the common components of CRMS shall be effected using the UUM&DS system or the network services provided by the Commission.

*Article 72***Common component of CRMS**

1. The CRMS shall provide for risk information forms and feedback forms on risk analysis and control results to be filled in on-line in the system, processed for reporting and stored in the system. Authorised users shall be able to retrieve the forms and use them for national risk management and control purposes.
2. The CRMS shall provide for communication mechanisms allowing users (individually or as part of an organisational unit) to provide and exchange risk information, to respond to specific requests from other users and to provide to the Commission facts and analysis of the results of their actions in the course of the implementation of common risk criteria, priority control actions and crisis management.

3. The CRMS shall provide for tools enabling analyse and aggregation of data from risk information forms stored in the systems.
4. The CRMS shall provide for a platform where information, including guides, detection technology information and data, and links to other databases, relevant for risk management and controls shall be stored and made available to authorised users for risk management and control purposes.

CHAPTER XIII

CENTRALISED CLEARANCE FOR IMPORT

Article 73

Objective and structure of the CCI

1. The decentralised system CCI shall enable communication between the customs authorities of the Member States, and between the customs authorities of the Member States and economic operators for the purposes of submitting and processing customs declarations in the context of centralised clearance for import where more than one Member State is involved.
2. The CCI shall consist of the following common components:
 - (a) common communication network;
 - (b) central services.
3. Member States shall ensure that their national import systems communicate through the common communication network for CCI with the national import systems of the other Member States and that it includes, at least, the following national components:
 - (a) a national trader portal;
 - (b) a national CCI application;
 - (c) an interface with EMCS/System for Exchange of Excise Data at national level.

Article 74

Use of the CCI

The CCI System shall be used for the following purposes:

- (a) to ensure the formalities of centralised clearance for import, where more than one Member State is involved, laid down in the Code;
- (b) to lodge and process standard customs declarations under the centralised clearance for import;
- (c) to lodge and process simplified customs declarations and the respective supplementary declarations under the centralised clearance for import;
- (d) to lodge and process the respective customs declarations and presentation notifications provided in the authorisation for entry in the declarant's records under the centralised clearance for import.

Article 75

Authentication and access to the CCI

1. Economic operators shall only have access to the national import systems via a national trader portal developed by the Member States. The authentication and access verification shall be determined by the Member States.
2. The authentication and access verification of Member States' customs authorities for the purposes of access to the common components of the CCI system shall be effected using the network services provided by the Commission.
3. The authentication and access verification of the Commission's staff for the purposes of access to the common components of the CCI system shall be effected using the UUM&DS or the network services provided by the Commission.

*Article 76***Common communication network of the CCI**

1. The common communication network shall ensure the electronic communication among Member States' national CCI applications.
2. The customs authorities of the Member States shall use the common communication network for the exchange of information relevant to CCI related import formalities.

*Article 77***National trader portal**

1. The national trader portal shall allow the exchange of information between the economic operators and the national import systems of the customs authorities of the Member States.
2. The national trader portal shall interoperate with the national CCI applications.

*Article 78***National CCI system**

1. The national CCI system shall be used by the customs authority of the Member State which created it for the purposes of processing customs declarations under the CCI.
2. The national CCI systems of the Member States shall communicate electronically via the common domain with each other and shall process import information received from other Member States.

CHAPTER XIV

FUNCTIONING OF THE ELECTRONIC SYSTEMS AND TRAINING IN THE USE THEREOF*Article 79***Development, testing, deployment and management of the electronic systems**

1. The common components shall be developed, tested, deployed and managed by the Commission, and where needed they may be tested by the Member States. The national components shall be developed, tested, deployed and managed by the Member States.
2. Member States shall ensure that the national components are interoperable with the common components.
3. The Commission shall design and maintain the common specifications for the decentralised systems in close cooperation with the Member States.
4. The Member States shall develop, operate and maintain interfaces to provide the functionality of the decentralised systems necessary for the information exchanges with economic operators and other persons through national components and interfaces, and with other Member States through common components.

*Article 80***Maintenance of and changes to the electronic systems**

1. The Commission shall perform the maintenance of the common components and the Member States shall perform the maintenance of their national components.
2. The Commission and the Member States shall ensure uninterrupted operation of the electronic systems.
3. The Commission may change the common components of the electronic systems to correct malfunctions, to add new functionalities or alter existing ones.
4. The Commission shall inform the Member States of changes and updates to the common components.

5. Member States shall inform the Commission of changes and updates to the national components that may have repercussions on the functioning of the common components.
6. The Commission and the Member States shall make the information on the changes and updates to the electronic systems pursuant to paragraphs 4 and 5 publicly available.

Article 81

Temporary failure of the electronic systems

1. In case of a temporary failure of the electronic systems as referred to in Article 6(3)(b) of the Code, economic operators and other persons shall submit the information to fulfil the formalities concerned by the means determined by the Member States, including means other than electronic data processing techniques.
2. The customs authorities of the Member States shall make sure the information submitted in accordance with paragraph 1 is made available in the respective electronic systems within seven days of the respective electronic systems becoming available again.
3. By way of derogation from paragraph 1, in case of temporary failure of the ICS2, AES, CRMS or CCI, the business continuity plan determined by the Member States and the Commission shall apply.
4. By way of derogation from paragraph 1, in case of temporary failure of the NCTS system, the business continuity procedure shall apply as referred to in Annex 72-04 of Implementing Regulation (EU) 2015/2447.
5. The Commission and the Member States shall inform each other of the unavailability of the electronic systems resulting from a temporary failure.

Article 82

Training support on the use and functioning of the common components

The Commission shall support the Member States on the use and functioning of the common components of the electronic systems by providing the appropriate training material.

CHAPTER XV

DATA PROTECTION, DATA MANAGEMENT AND THE OWNERSHIP AND SECURITY OF THE ELECTRONIC SYSTEMS

Article 83

Personal data protection

1. The personal data registered in the electronic systems shall be processed for the purposes of implementing the customs legislation having regard to the specific objectives of each of the electronic systems as set out in Article 4, Article 7(1), Article 16(1), Article 21(1), Article 30, Article 35(1), Article 42(1), Article 50(1), Article 57(1), Article 64(1), Article 69(1), and Article 73(1) respectively.
2. The national supervisory authorities in the field of personal data protection and the European Data Protection Supervisor shall cooperate, in accordance with Article 62 of Regulation (EU) 2018/1725, to ensure coordinated supervision of the processing of personal data registered in the electronic systems.

Article 84

Updating of data in the electronic systems

1. Member States shall ensure that the data registered at national level corresponds to the data registered in the common components and is kept up to date.
2. By way of derogation of paragraph 1, in case of ICS2, Member States shall ensure that the following data corresponds to and is kept up to date with data in the ICS2 common repository:
 - (a) data registered at national level and communicated from the national entry system to the ICS2 common repository;
 - (b) data received from the ICS2 common repository to the national entry system.

*Article 85***Limitation of data access and data processing**

1. The data registered in the common components of the electronic systems by a Member State may be accessed or processed by that Member State. It may also be accessed and processed by another Member State where the latter is involved in the processing of an application or the management of a decision to which the data relates.
2. The data registered in the common components of the electronic systems by an economic operator or other person may be accessed or processed by that economic operator or that person. It may also be accessed and processed by a Member State involved in the processing of an application or the management of a decision to which the data relates.
3. The data in the ICS2 common component that is communicated to or registered in the shared trader interface by an economic operator or other person may be accessed or processed by that economic operator or that person.
4. The data registered in the central EBTI system by a Member State may be processed by that Member State. It may also be processed by another Member State where it is involved in the processing of an application to which the data relates, including by way of a consultation in accordance with Article 26. It may be accessed by all Member States in accordance with Article 25(2).
5. The data registered in the central EBTI system by an economic operator or other person may be accessed or processed by that economic operator or that person. It may be accessed by all Member States in accordance with Article 25(2).
6. The data in the ICS2 in the common components:
 - (a) communicated to a Member State by an economic operator or other person through shared trader interface into the ICS2 common repository may be accessed and processed by that Member State in the ICS2 common repository. Where needed, that Member State may also access this information registered in the shared trader interface;
 - (b) communicated to or registered in the ICS2 common repository by a Member State may be accessed or processed by that Member State;
 - (c) referred in the above points (a) and (b) may also be accessed and processed by another Member State where the latter is involved in the risk analysis and/or control process to which the data relates in accordance with Article 186(2)(a), (b) and (d), (5), (7) and (7a) and Article 189(3) and (4) of Implementing Regulation (EU) 2015/2447, with exception of data recorded in the system by customs authorities of other Member States in relation to information on security and safety risks as referred to in Article 186(2)(a) of Implementing Regulation (EU) 2015/2447;
 - (d) may be processed by the Commission in cooperation with the Member States for the purposes referred to in Article 43(2) of this Regulation and in Article 182(1)(c) of Implementing Regulation (EU) 2015/2447. The results of such processing may be accessed by the Commission and the Member States.
7. The data in the ICS2 common component that is registered in the ICS2 common repository by the Commission may be accessed and processed by the Commission and Member States.

*Article 86***System ownership**

1. The Commission shall be the system owner of the common components.
2. The Member States shall be the system owners of the national components.

*Article 87***System security**

1. The Commission shall ensure the security of the common components. The Member States shall ensure the security of the national components.

For those purposes, the Commission and Member States shall take, at least, the necessary measures to:

- (a) prevent any unauthorised person from having access to installations used for the processing of data;

- (b) prevent the entry of data and any consultation, modification or deletion of data by unauthorised persons;
 - (c) detect any of the activities referred to in points (a) and (b).
2. The Commission and the Member States shall inform each other of any activities that might result in a breach or a suspected breach of the security of the electronic systems.
3. The Commission and the Member States shall establish security plans concerning all systems.

Article 88

Controller and Processor for the systems

For systems referred to in Article 1 in this Regulation and in relation to the processing of personal data:

- (a) the Member States shall act as controllers as defined in point 7 of Article 4 of Regulation (EU) 2016/679 and comply with the obligations in that Regulation;
- (b) the Commission shall act as processor as defined in point 12 of Article 3 of Regulation (EU) 2018/1725 and comply with the obligations in that Regulation;
- (c) by way of derogation from point (b), the Commission shall act as a joint controller together with the Member States in ICS2, where processing the data for monitoring and evaluating the implementation of the common security and safety risk criteria and standards and of the control measures and priority control in accordance with point (d) of Article 85(6), and in CRMS.

CHAPTER XVI

FINAL PROVISIONS

Article 89

Assessment of the electronic systems

The Commission and the Member States shall conduct assessments of the components they are responsible for and shall in particular analyse the security and integrity of the components and the confidentiality of data processed within those components.

The Commission and the Member States shall inform each other of the assessment results.

Article 90

Repeal

Implementing Regulation (EU) 2019/1026 is repealed. References to that Implementing Regulation shall be construed as references to this Regulation.

Article 91

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*.

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

Done at Brussels, 8 March 2021.

For the Commission
The President
Ursula VON DER LEYEN

DIRECTIVES

COMMISSION IMPLEMENTING DIRECTIVE (EU) 2021/415

of 8 March 2021

amending Council Directives 66/401/EEC and 66/402/EEC in order to adapt to the evolution of scientific and technical knowledge, taxonomic groups and names of certain species of seeds and weeds

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾, and in particular Article 2(1)(A)(a) and Article 21a thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed ⁽²⁾, and in particular Article 2(1)(A) and Article 21a thereof,

Whereas:

- (1) In the light of the development of scientific knowledge, the botanical names of hard fescue and of couch grass, as well as the botanical names of wheat, durum wheat, spelt wheat, sorghum and Sudan grass have been revised in accordance with the rules of the International Code of Nomenclature for algae, fungi, and plants.
- (2) The botanical name of hard fescue was revised since the name *Festuca trachyphylla* (Hack.) Hack. was published validly earlier than the name *Festuca trachyphylla* (Hack.) Krajina. *Elytrigia repens* as the botanical name of couch grass was not published validly. Instead, *Elymus repens* has been established as the valid botanical name of that species.
- (3) Genome- and phylogeny-based approaches to the taxonomy of *Triticum* species have confirmed that durum wheat and spelt wheat, previously considered independent species, are subspecies of other species. The previous botanical name of durum wheat, *Triticum durum* Desf., therefore has been revised and the new name is *Triticum turgidum* L. subsp. *durum* (Desf.) van Slageren. The botanical name of spelt wheat, *Triticum spelta* L., has been revised and now is *Triticum aestivum* L. subsp. *spelta* (L.) Thell. As a consequence of spelt wheat becoming a subspecies of wheat, the plant grouping previously named *Triticum aestivum* L. has been renamed *Triticum aestivum* L. subsp. *aestivum* in accordance with the rules of the International Code of Nomenclature for algae, fungi, and plants.
- (4) The previous botanical name of Sudan grass, *Sorghum sudanense* (Piper) Stapf, was not published validly and *Sorghum bicolor* (L.) Moench subsp. *drummondii* (Steud.) de Wet ex Davidse has been established as the valid botanical name of this plant grouping in accordance with the rules of the International Code of Nomenclature for algae, fungi, and plants. As a consequence of Sudan grass having the taxonomic rank of a subspecies of sorghum, the botanical name of sorghum, *Sorghum bicolor* (L.) Moench, has been revised in accordance with the rules of the International Code of Nomenclature for algae, fungi, and plants and now is *Sorghum bicolor* (L.) Moench subsp. *bicolor*.
- (5) Directives 66/401/EEC and 66/402/EEC should therefore be amended in order to reflect those changes.
- (6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ 125, 11.7.1966, p. 2298.

⁽²⁾ OJ 125, 11.7.1966, p. 2309.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 66/401/EEC

Directive 66/401/EEC is amended as follows:

- (1) in Article 2(1)(A)(a), the 16th definition is replaced by the following:

' <i>Festuca trachyphylla</i> (Hack.) Hack.	Hard fescue'
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- (2) Annex II is amended in accordance with Part A of the Annex to this Directive.

Article 2

Amendments to Directive 66/402/EEC

Directive 66/402/EEC is amended as follows:

- (1) Article 2(1)(A) is amended as follows:

- (a) the eighth definition is replaced by the following:

' <i>Sorghum bicolor</i> (L.) Moench subsp. <i>bicolor</i>	Sorghum'
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- (b) the ninth definition is replaced by the following:

' <i>Sorghum bicolor</i> (L.) Moench subsp. <i>drummondii</i> (Steud.) de Wet ex Davidse	Sudan grass'
--	--------------

- (c) the 11th definition is replaced by the following:

' <i>Triticum aestivum</i> L. subsp. <i>aestivum</i>	Wheat'
--	--------

- (d) the 12th definition is replaced by the following:

' <i>Triticum turgidum</i> L. subsp. <i>durum</i> (Desf.) van Slageren	Durum wheat'
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- (e) the 13th definition is replaced by the following:

' <i>Triticum aestivum</i> L. subsp. <i>spelta</i> (L.) Thell.	Spelt wheat'
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- (f) the 15th definition is replaced by the following:

' <i>Sorghum bicolor</i> (L.) Moench subsp. <i>bicolor</i> x <i>Sorghum bicolor</i> (L.) Moench subsp. <i>drummondii</i> (Steud.) de Wet ex Davidse	Hybrids resulting from the crossing of <i>Sorghum bicolor</i> (L.) Moench subsp. <i>bicolor</i> and <i>Sorghum bicolor</i> (L.) Moench subsp. <i>drummondii</i> (Steud.) de Wet ex Davidse'
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- (2) Annexes I, II and III are amended in accordance with Part B of the Annex to this Directive.

*Article 3***Transposition**

1. Member States shall adopt and publish, by 31 January 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 February 2022.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law, which they adopt in the field covered by this Directive.

*Article 4***Entry into force**

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

*Article 5***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 8 March 2021.

For the Commission

The President

Ursula VON DER LEYEN

ANNEX

Part A – Amendments to Annex II to Directive 66/401/EEC

The heading of column 7 in the table in point I(2)(A), and the heading of column 5 in the table in point II(2)(A) are replaced by the following:

'Elymus repens'

Part B – Amendments to Annexes I, II and III to Directive 66/402/EEC

(1) Annex I is amended as follows:

(a) in point 2, footnote (*) to the table is replaced by the following:

‘(*) In the areas where the presence of *S. halepense* or *S. bicolor* subsp. *drummondii* is a particular cross-pollination issue, the following shall apply:

- (a) crops to produce basic seed of *Sorghum bicolor* subsp. *bicolor* or its hybrids must be isolated not less than 800 m from any source of such contaminating pollen;
- (b) crops to produce certified seed of *Sorghum bicolor* subsp. *bicolor* or its hybrids must be isolated not less than 400 m from any source of such contaminating pollen.’;

(b) point 5 is replaced by the following:

‘5. Crops to produce certified seed of hybrids of *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Oryza sativa*, *Triticum aestivum* subsp. *aestivum*, *Triticum turgidum* subsp. *durum*, *Triticum aestivum* subsp. *spelta* and self-pollinating x*Triticosecale* and crops to produce certified seed of hybrids of *Hordeum vulgare* by means of a technique other than Cytoplasmic Male Sterility (CMS)

(a) The crop shall conform to the following standards as regards distances from neighbouring sources of pollen which may result in undesirable foreign pollination:

- the minimum distance of the female component shall be 25 m from any other variety of the same species except from a crop of the male component,
- this distance can be disregarded if there is sufficient protection from any undesirable foreign pollination;

(b) The crop shall have sufficient identity and purity as regards the characteristics of the components.

Where seed is produced by use of a chemical hybridisation agent, the crop shall conform to the following other standards or conditions:

(i) the minimum varietal purity of each component shall be:

- *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Hordeum vulgare*, *Oryza sativa*, *Triticum aestivum* subsp. *aestivum*, *Triticum turgidum* subsp. *durum* and *Triticum aestivum* subsp. *spelta*: 99,7 %,
- self-pollinating x*Triticosecale*: 99,0 %;

(ii) the minimum hybridity must be 95 %. The percentage hybridity shall be assessed in accordance with current international methods, in so far as such methods exist. In cases where the hybridity is determined during seed testing prior to certification, the determination of the hybridity during field inspection need not be done.’;

(c) point 7(B)(a) is replaced by the following:

‘(a) for *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Hordeum vulgare*, *Oryza sativa*, *Phalaris canariensis*, x*Triticosecale*, *Triticum aestivum* subsp. *aestivum*, *Triticum turgidum* subsp. *durum*, *Triticum aestivum* subsp. *spelta*, *Secale cereale*: one.’;

(2) Annex II is amended as follows:

(a) point 1 is amended as follows:

(i) point (A) is replaced by the following:

'A. *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Hordeum vulgare*, *Oryza sativa*, *Triticum aestivum* subsp. *aestivum*, *Triticum turgidum* subsp. *durum*, *Triticum aestivum* subsp. *spelta* other than hybrids in each case:

Category	Minimum varietal purity (%)
Basic seed	99,9
Certified seed, 1st generation	99,7
Certified seed, 2nd generation	99,0

The minimum varietal purity shall be examined mainly in field inspections carried out in accordance with the conditions laid down in Annex I.;

(ii) point (C) is replaced by the following:

'C. Hybrids of *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Hordeum vulgare*, *Oryza sativa*, *Triticum aestivum* subsp. *aestivum*, *Triticum turgidum* subsp. *durum*, *Triticum aestivum* subsp. *spelta*, and self-pollinating *xTriticosecale*

The minimum varietal purity of the seed of the category certified seed shall be 90 %.

In case of *Hordeum vulgare* produced by means of CMS, it shall be 85 %. Impurities other than the restorer shall not exceed 2 %.

The minimum varietal purity shall be examined in official post-control test on an appropriate proportion of samples.;

(b) in the table of point 2(A), the entry in the third row of column 1 is replaced by the following:

'*Avena sativa*, *Avena strigosa*, *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum turgidum* subsp. *durum*, *Triticum aestivum* subsp. *spelta*:';

(3) in Annex III the table is amended as follows:

(i) in the third row in the first column, the entry is replaced by the following:

'*Avena sativa*, *Avena strigosa*, *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum turgidum* subsp. *durum*, *Triticum aestivum* subsp. *spelta*, *Secale cereale*, *xTriticosecale*:';

(ii) in the sixth row in the first column, the entry is replaced by:

'*Sorghum bicolor* (L.) Moench subsp. *bicolor*:';

(iii) in the seventh row in the first column, the entry is replaced by:

'*Sorghum bicolor* (L.) Moench subsp. *drummondii* (Steud.) de Wet ex Davidse:';

(iv) in the eighth row in the first column, the entry is replaced by:

'Hybrids of *Sorghum bicolor* (L.) Moench subsp. *bicolor* x *Sorghum bicolor* (L.) Moench subsp. *drummondii* (Steud.) de Wet ex Davidse'.

DECISIONS

COUNCIL DECISION (EU) 2021/416

of 22 February 2021

on the position to be taken on behalf of the European Union within the EU-Switzerland Joint Committee established by the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures as regards the amendment of Chapter III of, and Annexes I and II to, that Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures ⁽¹⁾ (the 'Agreement') entered into force on 1 January 2011.
- (2) Pursuant to Article 21(2) of the Agreement, the Joint Committee established by the Agreement ('Joint Committee') may amend by its decisions Chapter III of, and the Annexes to, the Agreement during its next session or by an Exchange of Letters.
- (3) In accordance with Article 22(4) of the Agreement, if a decision cannot be adopted for the simultaneous implementation of the amendments to the Agreement and the amendments to the Union legislation, the amendments provided for in the draft decision submitted for the Contracting Parties' approval are to be implemented provisionally where possible from 15 March 2021 in compliance with the internal procedures of the Contracting Parties. That choice of date coincides with the first release of the Import Control System 2, in which Switzerland has agreed to participate.
- (4) It is appropriate to establish the position to be taken on the Union's behalf within the Joint Committee as regards the amendment of Chapter III of, and Annexes I and II to, the Agreement, as the amendment will be binding on the Union.
- (5) The position of the Union within the Joint Committee should therefore be based on the draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Joint Committee established by the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures as regards the amendment of Chapter III of, and Annexes I and II to, that Agreement shall be based on the draft decision of the Joint Committee ⁽²⁾.

⁽¹⁾ OJ L 199, 31.7.2009, p. 24.

⁽²⁾ See document ST 5658/21 on <http://register.consilium.europa.eu>

Article 2

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

Done at Brussels, 22 February 2021.

For the Council

The President

J. BORRELL FONTELLES

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



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

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