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⁽¹⁾ Text with EEA relevance.

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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2021/1701 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 21 September 2021****amending Regulation (EU) 2020/2222 to extend the period of validity of safety certificates and licences of railway undertakings operating through the Channel Fixed Link****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

After consulting the European Economic and Social Committee,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) In order to ensure connectivity between the Union and the United Kingdom of Great Britain and Northern Ireland (the 'United Kingdom') after the end of the transition period referred to in Article 126 of the Agreement on the withdrawal of the United Kingdom from the European Union and the European Atomic Energy Community ⁽²⁾, as well as the continuity of the operations of the railway undertakings established and licensed in the United Kingdom which operate through the Channel Fixed Link, Regulation (EU) 2020/2222 of the European Parliament and of the Council ⁽³⁾ has extended until 30 September 2021 the period of validity of the licences issued by the United Kingdom under Directive 2012/34/EU of the European Parliament and of the Council ⁽⁴⁾ to railway undertakings established in its territory, as well as that of the safety certificates issued to those undertakings under Directive 2004/49/EC of the European Parliament and of the Council ⁽⁵⁾ by the Intergovernmental Commission established pursuant to Article 10 of the Treaty between the United Kingdom of Great Britain and Northern Ireland and the French Republic concerning the construction and operation by private concessionaires of a Channel fixed link, signed at Canterbury on 12 February 1986 (the 'Treaty of Canterbury').

⁽¹⁾ Position of the European Parliament of 15 September 2021 (not yet published in the Official Journal) and decision of the Council of 21 September 2021.

⁽²⁾ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).

⁽³⁾ Regulation (EU) 2020/2222 of the European Parliament and of the Council of 23 December 2020 on certain aspects of railway safety and connectivity with regard to the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link (OJ L 437, 28.12.2020, p. 43).

⁽⁴⁾ Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32).

⁽⁵⁾ Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ L 164, 30.4.2004, p. 44).

- (2) Decision (EU) 2020/1531 of the European Parliament and of the Council ⁽⁶⁾ empowers France and the United Kingdom to conclude an international agreement supplementing the Treaty of Canterbury as regards the application of railway safety rules within the Channel Fixed Link. However, that agreement has not been concluded yet nor is it likely to be concluded soon.
- (3) In those circumstances, France is negotiating with the United Kingdom a cross-border agreement pursuant to Article 14 of Directive 2012/34/EU regarding safety certificates. France has already negotiated such an agreement regarding licences of railway undertakings, as notified to the Commission on 1 June 2021 and as authorised by the Commission on 20 August 2021. The internal procedures required under the laws of France and the United Kingdom for the provisional application or entry into force of those agreements are expected to take six months to complete after the expiry, on 30 September 2021, of the measures provided for in Regulation (EU) 2020/2222.
- (4) Unless the period of validity of the licences and safety certificates is extended so as to allow for the cross-border agreement regarding safety certificates to be negotiated, subject to the assessment to be made and the implementing decision to be adopted by the Commission pursuant to Article 14 of Directive 2012/34/EU, and for the cross-border agreement regarding safety certificates and the cross-border agreement regarding licences to be provisionally applied or concluded, operations of the railway undertakings concerned through the Channel Fixed Link will come to a halt on 30 September 2021. This would cause significant disruption in the transport of passengers and freight between the Union and the United Kingdom.
- (5) It is therefore in the Union's interest to extend the period of validity of those certificates and licences until 31 March 2022 by amending Regulation (EU) 2020/2222.
- (6) In view of the urgency entailed by the expiry of the measures provided for in Regulation (EU) 2020/2222, it is appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (7) Since the objective of this Regulation, namely to extend the period of validity of safety certificates and licences of railway undertakings operating through the Channel Fixed Link beyond the end of the transition period, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (8) In order to enable the measures provided for in this Regulation to be applied promptly, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2020/2222 is amended as follows:

- (1) Article 3 is amended as follows:

- (a) in paragraph 2, the first sentence is replaced by the following:

‘2. The safety certificates referred to in point (b) of Article 1(2) shall remain valid for 15 months from the date of application of this Regulation.’;

⁽⁶⁾ Decision (EU) 2020/1531 of the European Parliament and of the Council of 21 October 2020 empowering France to negotiate, sign and conclude an international agreement supplementing the Treaty between France and the United Kingdom of Great Britain and Northern Ireland concerning the Construction and Operation by Private Concessionaires of a Channel Fixed Link (OJ L 352, 22.10.2020, p. 4).

(b) in paragraph 3, the first sentence is replaced by the following:

‘3. The licences referred to in point (c) of Article 1(2) shall remain valid for 15 months from the date of application of this Regulation.’;

(2) in Article 8, paragraph 3 is replaced by the following:

‘3. This Regulation shall cease to apply on 31 March 2022.’.

Article 2

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, 21 September 2021.

For the European Parliament

The President

D. M. SASSOLI

For the Council

The President

G. DOVŽAN

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2021/1702

of 12 July 2021

supplementing Regulation (EU) 2021/523 of the European Parliament and of the Council by setting out additional elements and detailed rules for the InvestEU Scoreboard

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017 ⁽¹⁾, and in particular Article 22(4) thereof,

Whereas:

- (1) The proposals for financing and investment operations submitted by implementing partners for coverage by the EU guarantee under the InvestEU Fund are to be assessed by the Investment Committee pursuant to Article 22(1) of Regulation (EU) 2021/523.
- (2) The Investment Committee is to carry out its assessment and verification of the proposed financing and investment operations by reference to a scoreboard of indicators, filled out by the implementing partners pursuant to Article 22(2), which aims at ensuring an independent, transparent and harmonised evaluation of the proposals.
- (3) Pursuant to Article 22(3) of Regulation (EU) 2021/523, the scoreboard of indicators consists of the following seven pillars: the contribution of the operation to EU policy objectives, the description of additionality, the market failure or sub-optimal investment situation addressed by the operation, the financial and technical contribution by the implementing partner, the impact of the operation, the financial profile of the operation and the complementary indicators.
- (4) In order to ensure that the Investment Committee is able to carry out an independent, transparent and harmonised assessment of requests for the use of the EU guarantee the different elements, indicators and sub-indicators to be provided for each pillar, as well as the scoring criteria and the relevant weightings to be used by the implementing partners when assessing the proposed financing or investment operations, should be established.
- (5) In order to allow for the prompt application of the measures provided for in this Regulation, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

⁽¹⁾ OJ L 107, 26.3.2021, p. 30.

HAS ADOPTED THIS REGULATION:

Article 1

The detailed rules which implementing partners shall use to fill in the scoreboard of indicators referred to in Article 22 of Regulation (EU) 2021/523, to enable the Investment Committee of the InvestEU Fund to carry out an independent, transparent and harmonised assessment of the requests for the use of the EU guarantee, are set out in the Annex to this Regulation.

Article 2

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, 12 July 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

1. General principles

A scoreboard of indicators (the 'InvestEU Scoreboard') shall be used by the Investment Committee established in accordance with Article 24 of Regulation (EU) 2021/523 of the European Parliament and of the Council ⁽¹⁾ (the 'InvestEU Regulation') to assess the financing and investment operations proposed by the implementing partners for coverage under the EU guarantee. As part of the examination referred to in Article 24(1) and in accordance with Article 24(4) of the InvestEU Regulation, the Investment Committee shall use the InvestEU Scoreboard to carry out an independent, transparent and harmonised assessment of requests for the use of the EU guarantee for financing and investment operations proposed by implementing partners.

The InvestEU Scoreboard shall be filled out by the implementing partner submitting a proposal for a financing or investment operation ⁽²⁾, including Framework Operations ⁽³⁾, to the Investment Committee. The level of detail to be presented for each of the pillars will differ between individual financing and investment operations and Framework Operations. In the case of the latter, overall estimations can be provided, such as type of financial intermediaries, estimated number and type of final recipients, average sizes of financing to be provided to final recipients, and estimated impact of the framework operation.

1.1. Content of the InvestEU Scoreboard

Pursuant to Article 22(3) of the InvestEU Regulation, the InvestEU Scoreboard shall cover the following elements:

- (a) presentation of the financing or investment operation, which will include its name, the final recipient for direct operations or, for intermediated operations, the financial intermediary (-ies) (if known, the name of the financial intermediary; if not, at least the type), the country (-ies) of implementation and a short description of the financing or investment operation;
- (b) pillar 1 – contribution of the financing or investment operation to EU policy objectives;
- (c) pillar 2 – description of the additionality of the financing or investment operation;
- (d) pillar 3 – market failure or sub-optimal investment situation addressed by the financing or investment operation;
- (e) pillar 4 – financial and technical contribution by the implementing partner;
- (f) pillar 5 – impact of the financing or investment operation;
- (g) pillar 6 – financial profile of the financing or investment operation;
- (h) pillar 7 – complementary indicators.

1.2. Assessment of the pillars

Each financing or investment operation submitted to the Investment Committee shall be scored by the implementing partner on pillars 3, 4, and 5, and assessed through unscored qualitative or quantitative indicators on pillars 1, 2, 6 and 7.

The scoring of pillars 3, 4, and 5 shall use the following scale. The same scale shall be used for scored indicators and sub-indicators.

Points	Score
1	Fair
2	Good
3	Very good
4	Excellent

⁽¹⁾ Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017 (OJ L 107, 26.3.2021, p. 30).

⁽²⁾ As defined in Article 2(10) of the InvestEU Regulation.

⁽³⁾ Means a facility, programme or structure which has underlying sub-projects within the meaning of Article 24(6) of the InvestEU Regulation. For the avoidance of doubt, any reference in this document to financing or investment operation includes Framework Operations.

Due to the nature of their scope, each scored pillar shall be assessed individually without aggregation into one single score. Where the pillars are assessed through specific indicators and sub-indicators, the weighting of those indicators and sub-indicators shall be taken into account when calculating the score of the relevant pillar (by multiplying the relevant number of points by the relevant weighting) ⁽⁴⁾.

Implementing partners shall provide a rationale justifying each score given, based on the method described in the relevant Appendix and on other relevant elements included in the InvestEU Regulation, in the investment guidelines ⁽⁵⁾, in Commission guidance documents such as the sustainability proofing guidance ⁽⁶⁾ and the climate and environmental tracking methodology ⁽⁷⁾.

The Investment Committee shall give equal importance to each pillar when assessing financing or investment operations, irrespective of whether the individual pillar presents a numerical score or whether it is composed of unscored qualitative and quantitative indicators.

In accordance with Article 24(4) of the InvestEU Regulation, the assessment provided by the implementing partner shall not be binding on the Investment Committee.

1.3. *Publication of the InvestEU Scoreboard*

In accordance with Article 24(5) of the InvestEU Regulation, the relevant InvestEU Scoreboard shall be published on the InvestEU website after the signature of the corresponding financing or investment operation between the implementing partner and the financial intermediary or the final recipient, as applicable. In case of Framework Operations, the InvestEU Scoreboard shall be published after the signature of the first sub-project.

When submitting the request for coverage under the EU guarantee to the Investment Committee, the implementing partner shall submit the InvestEU Scoreboard with complete information on all the pillars. The InvestEU Scoreboard must contain a justification of the assessment in accordance with pillars 1 to 6 including the relevant indicators and the indicators in pillar 7. Therefore, the InvestEU Scoreboard submitted to the Investment Committee may contain commercially sensitive or confidential information that cannot be published.

At latest 10 business days after the date of the signature of the financing or investment operation, or of the first sub-project in case of Framework Operations, the implementing partner shall submit a public version of the InvestEU Scoreboard to the Investment Committee secretariat containing a narrative covering pillars 1 to 5 and the indicators in pillar 7, which shall be published. This public version of the InvestEU Scoreboard shall not include any commercially sensitive or confidential information. As the financial profile of the financing or investment operation contains commercially sensitive information, no information on pillar 6 has to be provided in the public version of the InvestEU Scoreboard.

2. **The InvestEU Scoreboard**

2.1. *Pillar 1 – Contribution of the financing or investment operation to EU policy objectives*

Under pillar 1, the implementing partner shall present the extent to which the financing or investment operation contributes to the eligible areas under InvestEU, in accordance with Annex II of the InvestEU Regulation, the investment guidelines and the conditions of the relevant financial product. As regards the Member State compartment within the meaning of Articles 9 and 10 of the InvestEU Regulation, the assessment shall include the policy objectives set out in the relevant contribution agreement.

Financing and investment operations must fall at least in one eligible area under the appropriate policy window of the relevant financial product.

⁽⁴⁾ General rounding rules should apply when aggregating the scores of sub-indicators. Rounding should be made based on two decimals to the nearest whole number: Fair (1): $1,00 \leq x \leq 1,50$; Good (2): $1,51 \leq x \leq 2,50$; Very good (3): $2,51 \leq x \leq 3,50$; Excellent (4): $3,51 \leq x \leq 4,00$.

⁽⁵⁾ Commission Delegated Regulation (EU) 2021/1078 of 14 April 2021 supplementing Regulation (EU) 2021/523 of the European Parliament and of the Council by setting out the investment guidelines for the InvestEU Fund (OJ L 234, 2.7.2021, p. 18).

⁽⁶⁾ Commission Notice on Technical guidance on sustainability proofing for the InvestEU Fund (C(2021) 2632 final) (OJ C 280, 13.7.2021, p. 1).

⁽⁷⁾ Commission Notice on the InvestEU Programme climate and environmental tracking guidance (C(2021) 3316 final).

2.2. Pillar 2 – Description of the additionality of the financing or investment operation

Under pillar 2, the implementing partner shall present the main arguments explaining why the financing or investment operation is additional to private sources or to existing support from other public sources, or to both. The implementing partner shall, in particular, demonstrate that the financing or investment operation complies with at least one of the features listed in points (a) to (f) of the second paragraph of Annex V.A.2 of the InvestEU Regulation (see Appendix 1).

2.3. Pillar 3 – Market failure or sub-optimal investment situation addressed by the financing or investment operation

Under pillar 3, the implementing partner shall present the market failure(s) and sub-optimal investment situation(s) that the financing or investment operation addresses. Each financing or investment operation shall address at least one of the features set out in points (a) to (f) of Annex V.A.1 of the InvestEU Regulation. The implementing partner shall identify the feature(s) which the financing or investment operation complies with and include the corresponding justification (see Appendix 2).

On the basis of those identified features, the implementing partner shall assess to what extent the financing or investment operation addresses sub-optimal investment situations and investment gaps resulting from market failures. Implementing partners shall score this pillar in accordance with the scoring criteria set out in Appendix 2. Operations addressing only one market failure or sub-optimal investment situation would have a score corresponding to 'Fair', while operations addressing additional market failures or sub-optimal investment situations would move up additional points. Moreover, financing and investment operations addressing only one market failure shall receive additional points depending on the significance of the market failure they are tackling and/or of their focus on specific policy priorities as described in Appendix 2, Tables 1 and 2.

2.4. Pillar 4 – Financial and technical contribution by the implementing partner

Pillar 4 focuses on the value added by the involvement of the implementing partner, offering financial and technical benefits to the financing or investment operation. The total score of pillar 4 shall be based on the individual scores of the underlying indicators, as described in Appendix 3. A different approach is outlined for financing and investment operations consisting of direct financing and of intermediated financing.

Pillar 4 is assessed using the indicators as outlined below.

1. the financial benefits generated by the intervention of the implementing partner (direct financing weight: 12,5 %; intermediated financing: weight 35 %). This refers to financial benefits that the intervention of the implementing partner brings in relation with its counterparty such as lower interest rates;
2. longer maturity for the financing provided to final recipients (only for direct financing weight: 25 %). This refers to the tenor for which the financing is made available to the final recipient;
3. other benefits generated for final recipients (only for direct financing weight: 12,5 %). This refers to other benefits such as grace periods, more flexibility of draw-downs, possibility to revise interest rates, contributing to the diversification of financing sources for final recipients;
4. crowding-in of other investors and signalling effect (direct financing weight: 25 %; intermediated financing weight: 40 %): this refers to the catalytic role of the implementing partner in mobilising other private or public investors and signaling effect in the market;
5. financial advice and/or structuring expertise (for both direct and intermediated financing weight: 12,5 %): this covers all dimensions of the financial advisory/structuring expertise provided by the implementing partner (including in its capacity as an advisory partner under the Invest EU Advisory Hub). This includes the upstream involvement of advisory services, the implementing partner in-house expertise contributing to improving the financial structure of a financing or investment operation during preparation or implementation, including through innovative financing structures, if applicable;

6. technical advice and contribution (for both direct and intermediated financing weight: 12,5 %): all dimensions of the technical advice provided by the implementing partner (including in its capacity as an advisory partner under the Invest EU Advisory Hub). This includes the upstream involvement of advisory services, the involvement of external technical assistance financed and/or supervised by the implementing partner, and the implementing partner in-house expertise contributing to improving a financing or investment operation, including its investability and the materialisation of the investments/projects/financings.

2.5. Pillar 5 – The impact of the financing or investment operation

The total score of this pillar shall be based on the individual scores of the underlying indicators and sub-indicators, as described in Appendix 4 below. A different approach is outlined for financing and investment operations consisting of direct financing and of intermediated financing.

2.5.1. Direct financing

The dimensions and resulting indicators and sub-indicators outlined below shall be applied.

1. **Economic and growth impact:** this indicator shall reflect the contribution of a financing or investment operation to the economic activity and its sustainable growth in terms of socioeconomic costs and benefits. The score assigned to this indicator shall be based on the financing or investment operation's economic rate of return ('ERR') calculated by the implementing partner ⁽⁸⁾.

The ERR is quantified using best practice in economic appraisal. It considers the financing or investment operation's socioeconomic costs and benefits, including its spill-over effects (e.g. positive effects of research, development and innovation, long-term climate benefits, impacts on the labour market, and/or positive and negative environmental effects). However, there are also projects whose ERR might be difficult to estimate, or economic appraisal methods that do not necessarily warrant a numeric ERR result (e.g. multi-criteria analysis). A number of sectors are driven by compliance with Union standards and the primary focus of the assessment may be to ensure that a least cost solution is adopted for meeting these objectives (e.g. water and waste treatment).

When the ERR is not quantifiable, the scoring of this indicator may be based on a justified qualitative assessment of the project's socioeconomic costs and benefits ⁽⁹⁾, and its expected impacts on the economic activity and on sustainable growth. This qualitative assessment should be coupled with an analysis of suitability of both investment and operational costs to achieve the expected objectives, possibly through a least cost analysis and benchmarking with comparable investments.

This indicator shall account for [40 %] of the total score of this pillar.

2. **Employment impact:** this indicator shall reflect the expected contribution of the financing or investment operation in terms of jobs created or supported during the financing or investment operation's lifetime, taking into account the amount of finance provided by the financing or investment operation. The implementing partner shall also comment on the gender composition of the final recipient (in particular in decision-making roles).

This indicator shall account for [15 %] of the total score of this pillar.

⁽⁸⁾ In accordance with the implementing partner's own methodology. If the implementing partner has no methodology in place, relevant references included in the sustainability proofing guidance shall be used to guide the analysis. The methodology used for the calculation of the ERR shall be consistent with internationally accepted good practice. The implementing partner shall provide clear justification of the underlying assumptions used for calculating the ERR, including the benefits considered and the unit values used for their monetisation.

⁽⁹⁾ Among the reference documents described in the sustainability proofing guidance, the Commission's CBA guide and the upcoming Economic Appraisal Vademecum both provide indications of typical costs and benefits for a number of sectors. The implementing partner may also use alternative international recognised methodologies.

3. **Sustainability proofing aspects:** this indicator shall reflect the results of the sustainability proofing ⁽¹⁰⁾ checks and assessments, as applicable, including:

- The project, including any compensatory or mitigating measures put in place, has no significant harmful impacts on any of the three dimensions of sustainability (climate, environment and social) based on InvestEU screening,
- The project has positive climate, environmental and/or social impacts;

The sustainability proofing indicator shall account for [45 %] of the total score of this pillar and shall be based on the scores of the following underlying sub-indicators weighted as indicated therein, including additional points, indicated therein, which may be granted as a bonus in case the project promoter, in cooperation with the implementing partner, agrees to engage in the positive agenda as described in the sustainability proofing guidance:

- (i) **climate aspects [15 %]:** this sub-indicator shall reflect the positive or negative climate impacts and risks of the financing or investment operation.

The implementing partner shall verify:

- whether there are negative permanent or temporary climate impacts related to the project both in terms of climate mitigation (greenhouse gas emissions) and adaptation (climate impacts, hazards and risks), and if and how they will be mitigated or compensated,
- how these climate-related concerns are managed (i.e. measures taken to reduce greenhouse gas emissions or to reduce the residual risk of climate change impacts and hazards to an acceptable level),
- whether there are positive climate impacts stemming from the projects ⁽¹¹⁾ and their level of significance.

- (ii) **voluntary positive agenda (bonus) [7,5 %]:** this sub-indicator is a bonus indicator and shall reflect that voluntary climate assessments are performed for projects below the threshold established in the sustainability proofing guidance, and measures are taken to address identified climate risks.

- (iii) **environmental aspects [15 %]:** this sub-indicator shall reflect the positive or negative environmental impacts and risks of the financing or investment operation.

The implementing partner shall verify:

- whether there are negative permanent or temporary environmental impacts and if and how they will be mitigated or compensated,
- how the environment-related impacts and risks are managed (residual risks after the implementation of mitigating and/or compensatory measures),
- whether there are positive environmental impacts stemming from the projects ⁽¹²⁾ and their level of significance.

- (iv) **voluntary positive agenda (bonus) [7,5 %]:** this sub-indicator is a bonus indicator and shall reflect a voluntary commitment to measures which could contribute to reinforce the project's positive effects and/or further mitigate impacts, on the basis of the performed assessment.

- (v) **social aspects [15 %]:** This sub-indicator shall reflect the positive or negative social impacts and risks of the financing or investment operation.

The implementing partner shall verify:

- whether there are negative permanent or temporary social impacts and if and how they will be mitigated or compensated,

⁽¹⁰⁾ In line with the provisions of the sustainability proofing guidance.

⁽¹¹⁾ Not performed on a voluntary basis as described in following point on the 'Voluntary positive agenda'.

⁽¹²⁾ See footnote 10.

- how these impacts and risks related to social aspects are managed (residual risks after the introduction of mitigating and/or compensatory measures),
 - whether there are positive social impacts stemming from the project ⁽¹³⁾ and their level of significance.
- (vi) **voluntary positive agenda (bonus) [7,5 %]**: this sub-indicator is a bonus indicator and shall reflect a voluntary commitment to measures, which could contribute to reinforce the project's positive effects and/or further mitigate impacts, on the basis of the performed assessment.

More detailed information on the scoring criteria concerning the sustainability proofing aspects set out in point 3 is presented in Appendix 4, Table 2.

For projects for which, based on the provisions of the sustainability proofing guidance, no impact requiring further assessment is identified for a specific sub-indicator, it is considered that the scoring for the 'sustainability proofing aspects' indicator is 'Good' as long as compliance with relevant legal requirements is ensured and the justification for not undergoing proofing is presented to the Investment Committee. Additional points may be added in case positive impacts are clearly identified or voluntary measures to increase the sustainability performance are undertaken.

For the sub-indicators under the 'sustainability proofing aspects', an equivalent system of the implementing partner may be agreed in the guarantee agreement.

2.5.2. Intermediated financing

This pillar will provide an assessment of the impact of the corresponding financing or investment operation on access to finance and improving financing conditions for final recipients. The assessment shall be based on the following indicators and sub-indicators:

1. **Increasing access to finance and improving financing conditions for final recipients:** this indicator shall reflect the following aspects:
 - (i) scale of finance made available by the financial intermediary to final recipients, related to the InvestEU supported financing (i.e. leverage) (weight: 30 %);
 - (ii) benefits for final recipients (weight 30 %): this indicator captures a series of benefits generated for the final recipient;
 - (iii) expected impact on the financial ecosystem (weight: 20 %), improved competition/diversification of funding sources/new product/new intermediaries.

This indicator shall account for [80 %] of the total score of pillar 5.

2. **Employment impact:** this indicator shall be based on the employment expected to be supported at the final recipient level, for each EUR million of the financing provided by the financing or investment operation.

This indicator shall account for [20 %] of the total score of pillar 5.

2.6. Pillar 6 – Financial profile of the financing or investment operation

The financial profile of the financing or investment operation shall be assessed based on relevant risk metrics such as Expected Loss (EL), range of EL under the financial product to which the financing or investment operation belongs, transfer rate, expected Internal Rate of Return (IRR) and rating of the counterparty or other quantitative information on risk aspects in line with the financial criteria as defined for each financial product in the guarantee agreement (see Appendix 5). In case such risk metrics are not available regarding the financial criteria as defined for each financial product in the guarantee agreement, a qualitative assessment of how the financing or investment operation fits into the envisaged overall portfolio supported under the InvestEU financial product shall be provided.

2.7. Pillar 7 – Complementary indicators

This pillar includes a list of compulsory indicators (see Appendix 6), which are not scored.

⁽¹³⁾ See footnote 10.

The list of compulsory indicators shall comprise operation-specific indicators, which allow the Investment Committee to have some additional detailed information on specific aspects of the financing or investment operation, such as the investment mobilised, the multiplier effect and other relevant operation-specific indicators determined by the relevant financial product.

The list may also include Member State compartment indicators, if agreed between the Member State and the Commission under the contribution agreement and transposed into the relevant guarantee agreement with the implementing partner.

In case of intermediated financing, the implementing partner has to provide information on the **ESG aspects** ⁽¹⁴⁾, as applicable ⁽¹⁵⁾. This indicator shall reflect the streamlining of ESG aspects by financial intermediaries in their activity. The implementing partner shall verify if the financial intermediary has an environmental and social management system (or equivalent) in place proportionate to the sustainability ⁽¹⁶⁾ risk profile of its portfolio/s. The implementing partner shall briefly describe the level of checks done at the level of the financial intermediary and if the environmental and social management system is considered adequate for the level of the sustainability risk of its portfolio (in line with the requirements of chapter 3 of the sustainability proofing guidance). It shall also indicate if gaps were identified and if the intermediary was required to remedy those gaps, as applicable.

⁽¹⁴⁾ In line with the provisions of the sustainability proofing guidance

⁽¹⁵⁾ In case of framework operation, if available at the moment of submission.

⁽¹⁶⁾ As defined in the sustainability proofing guidance.

APPENDIX 1

Pillar 2 – Description of the additionality of the financing or investment operation

To demonstrate that the financing and investment operations benefitting from the EU guarantee are additional to the existing market and other public support, the implementing partners shall provide information that demonstrates at least one of the following features:

- (a) support provided through subordinated positions in relation to other public or private lenders or within the funding structure;
- (b) support provided through equity and quasi-equity or through debt with long tenors, pricing, collateral requirements or other conditions not sufficiently available on the market or from other public sources;
- (c) support to operations that carry a higher risk profile than the risk generally accepted by the implementing partner's own standard activities or support to implementing partners in exceeding own capacity to support such operations;
- (d) participation in risk-sharing mechanisms targeting policy areas that exposes the implementing partner to higher risk levels compared to the levels generally accepted by the implementing partner or that private financial actors are able or willing to accept;
- (e) support that catalyses/crowds in additional private or public financing and is complementary to other private and commercial sources, in particular from traditionally risk-averse investor classes or institutional investors, as a result of the signalling effect of the support provided under the InvestEU Fund;
- (f) support provided through financial products not available or not offered to a sufficient level in the targeted countries or regions due to missing, underdeveloped or incomplete markets.

For intermediated financing and investment operations, in particular for SME support, additionality shall be verified at the level of the intermediary rather than at the level of the final recipient. Additionality shall be deemed to exist when InvestEU Fund supports a financial intermediary in setting up a new portfolio with a higher level of risk or increasing the volume of activities that are already highly risky as compared with the risk levels that private and public financial actors are currently able or willing to accept in the targeted countries or regions.

Pillar 3 – Market failure or sub-optimal investment situation addressed by the financing or investment operation

Substantiated description of the market failure or sub-optimal investment situation addressed by the financing or investment operation on the basis of the requirements set out in Annex V. A.1 of the InvestEU Regulation presented in points (a) to (f) of the second paragraph.

To address market failures or sub-optimal investment situations as referred to in point (a) of Article 209(2) of the Financial Regulation ⁽¹⁾, the investments targeted by the financing and investment operations shall include one of following features:

- (a) have the nature of a public good for which the operator or company cannot capture sufficient financial benefits (such as education and skills, healthcare and accessibility, security and defence, and infrastructure available at no or negligible cost);
- (b) externalities which the operator or company generally fails to internalise, such as R & D investment, energy efficiency, climate or environmental protection;
- (c) information asymmetries, in particular in case of SMEs and small mid-cap companies, including higher risk levels related to early stage firms, firms with mainly intangible assets or insufficient collateral, or firms focusing on higher risk activities;
- (d) cross-border infrastructure projects and related services or funds that invest on a cross-border basis to address the fragmentation of the internal market and to enhance coordination within the internal market;
- (e) exposure to higher levels of risks in certain sectors, countries or regions beyond levels that private financial actors are able or willing to accept, including where the investment would not have been undertaken or would not have been undertaken to the same extent because of its novelty or because of risks associated with innovation or unproven technology;
- (f) new or complex market failures or sub-optimal investment situations in accordance with point (a)(iii) of Article 9(1) of the InvestEU Regulation.

Table 1

Pillar 3 – All financing and investment operations except for intermediated financing for SMEs and small mid-caps

Indicator	Fair (= 1)	Good (= 2)	Very good (= 3)	Excellent (= 4)
Market failure or sub-optimal investment situation addressed by the financing or investment operation	Standard financing or investment operation addressing a market failure or sub-optimal investment situation inherent to the principal market/sector. OR	Financing or investment operation addressing: (i) a market failure or sub-optimal investment situation inherent to the principal market/sector; as well as (ii) another relevant market failure. OR	Financing or investment operation addressing: (i) a market failure or sub-optimal investment situation inherent to the principal market/sector; as well as (ii) at least two other relevant market failures or sub-optimal investment situations. OR	Financing or investment operation that are exemplary or transformative in addressing several market failures or sub-optimal investment situations by way of disruptive innovation/technology or spill-over effects.

⁽¹⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

	Financing or investment operation addressing a principal market failure that is at the lower end of the spectrum of its prevalence (significance) in the respective market.	Financing or investment operation addressing a principal market failure that is at the medium range of the spectrum of its prevalence (significance) in the respective market.	Financing or investment operation addressing a principal market failure that is at the high end of the spectrum of its prevalence (significance) in the respective market.	
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Table 2

Pillar 3 – Intermediated financing for SMEs and small mid-caps

Intermediated financing targeting SMEs and small mid-caps shall receive one point. If the financing is located in countries where the majority of allocations (> 50 % of the financing or investment operation) are expected in Cohesion or Just Transition areas ⁽²⁾, or, for financing and investment operations targeting specifically research and innovation policy priorities in moderate and emerging innovator EU Member States ⁽³⁾, the financing or investment operation shall be upgraded one point. Additional points shall be granted if the financing or investment operation focuses on vulnerable/constrained segments of the SME ecosystem (micro, social enterprises, impact-driven enterprises, start-ups or young companies, female-owned/-run companies, companies run by vulnerable/disadvantaged groups, young farmers, etc.) or targets additional policy priorities (sustainability, research and innovation, skills, education and training, digitalisation, investment in rural areas, cultural and creative sectors). The final score corresponds to the sum of points received under A, B, C, and D as described below.

- A. Access to finance (Fair = 1)
-
- B. If the financing or investment operation is in a Cohesion/Just Transition area (more than 50 % of the financing or investment operation) or if it targets specifically research and innovation policy priorities in moderate and emerging innovator EU Member States, one point will be added
-
- C. If the financing or investment operation targets vulnerable/constrained segments (from 10 % to 50 % of the financing or investment operation), one point will be added
OR
If the financing or investment operation targets vulnerable/constrained segments (more than 50 % of the financing or investment operation), two points will be added
-
- D. If the financing or investment operation targets additional policy priorities (from 10 % to 50 % of the financing or investment operation), one point will be added
OR
If the financing or investment operation targets additional policy priorities (more than 50 % of the financing or investment operation), two points will be added
-

⁽²⁾ In the case of Framework Operations the criterion should be verified at aggregate level.

⁽³⁾ For reference on Moderate and Emerging Innovator EU Member States please see the European Innovation Scoreboard at https://ec.europa.eu/growth/industry/policy/innovation/scoreboards_en

Pillar 4 – Financial and technical contribution by the implementing partner

Table 1

Direct financing

Indicators	Fair (= 1)	Good (= 2)	Very good (= 3)	Excellent (= 4)
1. Financial benefits generated by the intervention of the implementing partner (weight: 12,5 %)	FVA (!) <= 5 bps Any other financing or investment operation not listed in the following sections.	5 bps < FVA <= 30 bps Senior tranches.	30 bps < FVA <= 100 bps Subordinated loans, mezzanine tranches, hybrid bonds, contingent loans and guarantee products.	FVA > 100 bps Equity and quasi-equity operations.
2. Longer maturity (weight: 25 %)	The final recipient regularly raises funds at similar maturities or the extension of the tenor is less than 30 %.	The final recipient could readily raise funds at similar maturities or extension of the tenor is between 30 % and 49 %.	The final recipient could, with some difficulty, raise funds at similar maturities or extension of the tenor is between 50 % and 99 %.	The final recipient is unable to raise funds at similar maturities or extension of the tenor is 100 % or more.
3. Other benefit(s) generated for final recipients (weight: 12,5 %)	Scoring elements applicable: (a) flexibility of drawdowns, (b) sculpted repayments, (c) length of availability period for disbursement, (d) length of grace period, (e) possibility to convert/revise interest rates, None of the above elements are applicable.		(f) length of fixed interest rate period, (g) financing in local currency within the EU, (h) contribution to diversification and stability of final recipient's financing, (i) subordinated position, (j) other, to be specified (such as collateral requirements, as they may arise in the context of the financing or investment operation). Three to four of the above elements are applicable.	At least five of the above elements are applicable.
4. Crowding-in and signalling effect (weight: 25 %)	The involvement of the implementing partner in the financing or investment operation is not expected to have: (i) catalytic effect on attracting other co-financiers/guarantors/investors. (e.g. IP co-finances with borrower's own funds only); and/or (ii) any signalling effect in the respective market.	The involvement of the implementing partner in the financing or investment operation is expected to have some impact on mobilising other co-financiers/guarantors/investors and signalling that the operation/investments are expected to be sound and worth supporting, thereby facilitating the full financing and implementation.	The involvement of the implementing partner in the financing or investment operation is expected to have a significant impact on other financiers'/guarantors'/investors' decision to commit to or to co-invest alongside the operation, thus having a strong catalytic effect. This includes situations whereby the implementing partner has been instrumental in combining its funding with third party grants or other forms of external support for specific projects/programmes.	The involvement of the implementing partner in the financing or investment operation is expected to be key for the materialisation of the operation and/or achieving targeted financing level (without the IP, the project is not likely to go ahead or not with the same speed or size). This includes e.g. i) implementing partner taking the role of corner stone investor, ii) the combination of the loans by the implementing partner with third party public and/or private resources.

5. Financial advice and/or structuring expertise (weight: 12,5 %)	The financial structuring expertise of the implementing partner is not required, and the involvement of the implementing partner is expected to be marginal. Origination of the investment does not benefit from the expertise of the implementing partner.	The financial structuring expertise of the implementing partner is expected to have a positive impact on the financing structure of the investment and is expected to be of value to the counterparty, and/or origination of the investment is expected to benefit from the expertise of the implementing partner.	The financial structuring expertise of the implementing partner is expected to have a significant impact on the financing structure of the investment and is expected to be of significant value to the counterparty (e.g. through accelerating financial close or applying standardised structures, etc.) and/or origination of the investment is expected to benefit from the expertise of the implementing partner.	The contribution of the implementing partner with its financial structuring expertise is expected to be innovative and to have a high value to the counterparty (e.g. through accelerating financial close significantly or applying standardised structures to complex cases, technical assistance or advisory support for the financial structuring of the operation, financial sector experts, etc.).
6. Technical advice and contribution (weight: 12,5 %)	The technical expertise and/or advisory services of the implementing partner were not needed by the final recipient.	The technical advice of the implementing partner ensures the quality of the investment through project-specific disbursement conditions, ad-hoc interventions (e.g. monitoring missions to ensure compliance with disbursement conditions). OR Annual project progress reports.	The implementing partner supports the technical preparation or structuring of the financing or investment operation to align it better with the policy objectives. OR Targeted inputs (technical, economic, procurement, climate, environment, social), and valuable guidance on project features or design options, regular interventions (e.g. monitoring missions to ensure compliance with standards). OR Targeted monitoring (procurement, climate, environment, social).	The implementing partner supports the technical preparation or structuring of the financing or investment operation to align it fully with the policy objectives. OR The implementing partner's technical support has a major impact on the technical or economic quality of the investment, notably through specific technical assistance or advisory support provided. OR Significant physical monitoring, such as for complex projects or high-risk projects.

(¹) FVA = financial value added. It represents the difference between the closest market alternative (alternative funding cost) to the final recipient and the price of the loan provided by the implementing partner. The final recipient's alternative funding cost may be determined by direct reference to a liquid bond or recently signed loan from the same issuer for a duration similar to that of the loan provided by the implementing partner. In co-financings, the most relevant comparison is the parallel commercial facility, provided that the price is known and that the structures are reasonably comparable. Alternatively, if such instrument does not exist, a bond/loan issued by a comparable entity can be employed as a proxy. Market pricing will be derived from the primary and secondary trading levels of the selected bonds or loans including the annualised fees. As a high degree of pricing variability exists for most secondary market bonds, care should be taken that the selected alternative funding cost reflects either longer-term averages or current market conditions if they are expected to prevail.

Table 2

Intermediated financing

Indicators	Fair (= 1)	Good (= 2)	Very good (= 3)	Excellent (= 4)
1. Financial benefits generated by the intervention of the implementing partner (weight: 35 %)	Any other financing or investment operation not listed in the following sections.	Senior tranches.	Subordinated loans, mezzanine tranches, hybrid bonds, contingent loans and guarantee products.	Equity and quasi-equity operations.
2. Crowding-in and signalling effect (weight: 40 %)	The involvement of the implementing partner in the financing or investment operation is not expected to have: (i) catalytic effect on attracting other co-financiers/guarantors/investors. (e.g. IP co-finances with borrower's own funds only); and/or (ii) any signalling effect in the respective market.	The involvement of the implementing partner in the financing or investment operation is expected to have some impact on mobilising other co-financiers/guarantors/investors and signalling that the investments are expected to be sound and worth supporting, thereby facilitating the full financing and implementation.	The involvement of the implementing partner in the financing or investment operation is expected to have a significant impact on other financiers'/guarantors'/investors' decision to commit to or to co-invest alongside the operation, thus having a strong catalytic effect. This includes situations whereby the implementing partner has been instrumental in combining its funding with third party grants or other forms of external support for specific projects/programmes.	The involvement of the implementing partner in the financing or investment operation is expected to be key for the materialisation of the operation and/or achieving targeted financing level. This includes e.g. (i) implementing partner taking the role of corner stone investor; (ii) the combination of the loans by the implementing partner with third party public and/or private resources.
3. Financial advice and structuring expertise (weight: 12,5 %)	The financial structuring expertise of the implementing partner is not required, and the involvement of the implementing partner is expected to be marginal. Origination of the investment does not benefit from the expertise of the implementing partner.	The financial structuring expertise of the implementing partner is expected to have a positive impact on the financing structure of the investment and is expected to be of value to the counterparty, and/or origination of the investment is expected to benefit from the expertise of the implementing partner.	The financial structuring expertise of the implementing partner is expected to have a significant impact on the financing structure of the investment and is expected to be of significant value to the counterparty (e.g. through accelerating financial close or applying standardised structures, etc.) and/or origination of the investment is expected to benefit from the expertise of the implementing partner.	The contribution of the implementing partner with its financial structuring expertise is expected to be innovative and to have a high value to the counterparty (e.g. through accelerating financial close significantly or applying standardised structures to complex cases, technical assistance or advisory support for the financial structuring of the operation, financial sector experts, etc.).

4. Technical advice and contribution (weight: 12,5 %)	The implementing partner is not expected to provide any technical advice or capacity building to the intermediary.	The implementing partner is expected to set particular conditions related to the implementation of the underlying transactions and provides advice to the intermediary to select them or expects that advice in the implementation of the criteria related to the financing or investment operation will be needed by the intermediary.	The implementing partner expects to participate in the technical assistance or training provided to the intermediary in order to improve its performance or capacity to meet requirements (e.g. on reporting, eligibility, sustainability aspects and procurement standards). The assistance is expected to go beyond the standard due diligence of the IP at appraisal stage.	Extensive technical assistance or advice is expected to be provided to support the intermediary to develop business segments of particular impact as reflected in InvestEU policy areas. The assistance is expected to go beyond the standard due diligence of the IP at appraisal stage.
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Pillar 5 – Impact of the financing or investment operation

Table 1

Direct Financing

Impact of the financing or investment operation					
		Fair (= 1)	Good (= 2)	Very good (= 3)	Excellent (= 4)
1. Economic and growth impact (ERR) (weight: 40 %) OR Qualitative assessment ⁽¹⁾		> 0 % – 5 %	5 %-7 %	7 %-10 %	> 10 %
		The scoring will be done based on duly justified qualitative assessment of the project's socioeconomic costs and benefits, and its expected contribution to economic activity and growth.			
2. Employment impact (weight: 15 %)		Construction/implementation phase (FTE/EUR million) < 3	Construction/implementation phase (FTE/EUR million) 3-6	Construction phase/implementation (FTE/EUR million) 6-8	Construction phase/implementation (FTE/EUR million) > 8
		Operation phase (FTE/EUR million) < 0,4	Operation phase (FTE/EUR million) 0,4-0,7	Operation phase (FTE/EUR million) 0,7-1,1	Operation phase (FTE/EUR million) > 1,1
3. Sustainability proofing aspects (weight – 45 %) + bonus	a. Climate (weight: 15 %)	Negative impacts not fully mitigated, no significant positive impact.	Negative impacts partly mitigated, some positive impact.	Negative impacts fully mitigated, significant positive impact.	Negative impacts fully mitigated, very substantial positive impact.
	b. Environment (weight: 15 %)	Negative impacts not fully mitigated, no significant positive impact.	Negative impacts partly mitigated, some positive impact.	Negative impacts fully mitigated, significant positive impact.	Negative impacts fully mitigated, very substantial positive impact.
	c. Social dimension (weight: 15 %)	Negative impacts not fully mitigated, no significant positive impact.	Negative impacts partly mitigated, some positive impact.	Negative impacts fully mitigated, significant positive impact.	Negative impacts fully mitigated, very substantial positive impact.
	Bonus Positive agenda checklist (weight: 22,5 % in total for the three dimensions)	n/a	n/a	n/a	If yes, see Table 3 for more details

⁽¹⁾ The implementing partners should explain the reason why an ERR cannot be calculated.

Table 2

Sustainability proofing aspects – detailed information (direct financing)

		Fair	Good	Very good	Excellent
Climate 15 %	Negative impacts and risks related to the project ⁽¹⁾ (weight: 50 %)	— There are some significant climate change mitigation and/or adaptation concerns that cannot be fully mitigated or compensated. — The project faces high climate change related risks, and some mitigation measures are implemented that partially address those risks.	— Significant negative impacts were reduced or limited through measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects. — The project faces medium climate change related risks, and mitigation measures are implemented that partially address those risks.	— Some negative impacts still remain after the mitigation measures are implemented, but they are not significant and no further measure is considered necessary. — The project faces medium or high climate change related risks, and they are mitigated and well managed.	— No or only negligible negative impacts after mitigation measures (or not requiring mitigation), the project faces low climate change related risks. OR — High or medium risks that are fully mitigated.
	Positive impacts resulting from the project, no voluntary measures ⁽²⁾ taken by the project promoter/final recipient (weight: 50 %)	No significant positive impacts were identified.	Some positive impacts on climate change mitigation or adaptation could be identified.	Significant positive impacts (the objective of contribution to climate change mitigation or adaptation is explicitly stated, but it is not the fundamental reason for which the project is undertaken).	Substantial positive impacts (the project is entirely dedicated to climate change mitigation or adaptation, it is the fundamental reason for which the project is undertaken).
Voluntary measures taken to enhance the project's climate performance (weight: 7,5 % (bonus))		On a voluntary basis, the project promoter under the guidance of the implementing partner, will undergo one or more of the following actions, as relevant for the project: — undertaking the climate proofing (adaptation and/or mitigation) for direct financing projects under the threshold			
Environment 15 %	Negative impacts and risks related to the project (50 %)	there are some significant negative impacts or risks that were not fully mitigated	significant negative impacts or risks were reduced or limited through measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects))	some negative impacts or risks remain after the mitigation, but they are not significant and no further measures are necessary	no or only negligible negative impacts or risks after mitigation (or not requiring mitigation)

		Fair	Good	Very good	Excellent
	Positive impacts resulting from the project, no voluntary measures taken by the project promoter/final recipient (weight: 50 %)	no significant positive impacts	some positive impacts on the environment elements could be identified	significant positive impacts (the objective of contribution to environment objective is explicitly stated, but it is not the fundamental reason for which the project is undertaken)	substantial positive impacts (the project is entirely dedicated to environment objective, it is the fundamental reason for which the project is undertaken)
<i>Voluntary measures taken to enhance the project's environmental performance</i> (weight: 7,5 % (bonus)) (bonus)		<i>On a voluntary basis, the project promoter under the guidance of the implementing partner, will undergo one or more of the following actions, as relevant for the project:</i> — voluntary measures are taken by the project promoter/final recipient to enhance the environmental performance of the project, including by implementing measures in order to further mitigate/compensate for negative impacts			
Social 15 %	Negative impacts and risks related to the project (weight: 50 %)	There are some significant negative impacts that cannot be fully mitigated or compensated	Some significant negative impacts were reduced or limited through measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects	Some negative impacts still remain after the mitigation, but they are not significant and no compensation measures are necessary	No or only negligible negative temporary impacts after mitigation (or not requiring mitigation)
	Positive impacts resulting from the project, no voluntary measures taken by the project promoter/final recipient (weight: 50 %)	No significant positive impacts	Some positive impacts on the social aspects could be identified.	Significant positive impacts (the objective of contribution to social aspects is explicitly stated, but it is not the fundamental reason for which the project is undertaken)	Substantial positive impacts (the project is entirely dedicated to social objectives, it is the fundamental reason for which the project is undertaken)
<i>Voluntary measures taken to enhance the project's social performance</i> (weight: 7,5 % (bonus))		<i>On a voluntary basis, the project promoter under the guidance of the implementing partner, will undergo one or more of the following actions, as relevant for the project:</i> — voluntary measures are taken by the project promoter/final recipient to increase the social performance of the project			

⁽¹⁾ The project in a comprehensive meaning including for instance relevant compensatory and mitigating measures put in place to address climate change concerns on mitigation (i.e. greenhouse gas emissions) and adaptation (i.e. addressing climate change hazards, impacts and risks).

⁽²⁾ As described in the sustainability proofing guidance under the positive agenda recommendations.

Table 3

Intermediated financing

Impact of the financing or investment operation				
	Fair (= 1)	Good (= 2)	Very good (= 3)	Excellent (= 4)
1. Increasing access to finance and improving financing conditions for final recipients (weight: 80 %)				
a. Scale of finance expected to be made available by the financial intermediary to final recipients related to the InvestEU supported financing (weight: 30 %)	Limited expected scale of finance (< 2 times).	Moderate expected scale of finance (between 2 and 3 times).	High expected scale of finance, (between 3 to 5 times).	Considerably high-expected scale of finance, (beyond 5 times).
b. Benefits for the final recipients ⁽¹⁾ (weight: 30 %)	The financing or investment operation allows the intermediary(-ies) to offer more favourable terms to final recipients via: (a) flexibility of draw-downs, (b) sculpted repayments (c) length of availability period for disbursements, (d) length of grace period, (e) longer maturity, (f) financing in local currency within the EU,		(g) contribution to diversification and stability of final recipient's financing (h) increasing availability of non-banking alternative debt and/or equity financing, (i) subordinated position, (j) collateral requirements, (k) transfer of financial advantage by the intermediary to the final recipient, (l) other, to be specified (as they may arise in the context of the financing or investment operation).	
	None of the above elements are applicable.	One or two of the above elements are applicable.	Two to three of the above elements are applicable.	More than three of the above elements are applicable.
c. Expected impact on the financial ecosystem (weight: 20 %)	Financing/investment activities expected to support well-established intermediaries, maintaining existing financing channels mostly at local level with limited cross fertilisation or interactions with wider ecosystem.	Financing/investment activities expected to largely support well-established intermediaries, scaling up or expanding financing channels beyond their local ecosystem to address InvestEU policy objectives as defined in Articles 3 and 8 of the InvestEU Regulation.	Significant part of the financing/ investment activities are expected to be delivered by supporting new intermediaries, including new category of intermediaries, or by developing alternative financing mechanisms or investment channels to address InvestEU policy objectives as defined in Articles 3 and 8 of the InvestEU Regulation.	Financing/investments activities aim at supporting novel interventions in a sector in line with the policy priorities as defined in the guarantee agreements, or vertical, and/or by fostering partnerships, development of platforms or otherwise systematic collaborations within wider ecosystem to address InvestEU policy objectives as defined in Articles 3 and 8 of the InvestEU Regulation.

2. Employment (weight: 20 %)

Number of jobs expected to be supported at the level of final recipients (weight: 20 %)	Number of jobs (including seasonal ones and part-time jobs) and/or self-employed persons expected to be supported per EUR million of funding by the implementing partner, is expected to be: — for guarantees: less than 50, — for equity: less than 5.	Number of jobs (including seasonal ones and part-time jobs) and/or self-employed persons expected to be supported per EUR million of funding by the implementing partner, is expected to be: — for guarantees: between 50-100, — for equity: between 5 and 10.	Number of jobs (including seasonal ones and part-time jobs) and/or self-employed persons expected to be supported per EUR million of funding by the implementing partner, is expected to be: — for guarantees: between 100 and 175, — for equity: between 10 and 15.	Number of jobs (including seasonal ones and part-time jobs) and/or self-employed persons expected to be supported per EUR million of funding by the implementing partner, is expected to be: — for guarantees: more than 300, — for equity: more than 15.
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(¹) In the case of Framework Operations, the implementing partner should indicate what type of benefits are expected to be systematically achieved across the underlying sub-projects.

Pillar 6 – Financial profile of the financing or investment operation

The following table sets out examples of financial profile indicators that can be used for debt-type and equity-type operations. Depending on the characteristics of the financial products/portfolios, different indicators may be provided by an implementing partner. For Framework Operations the implementing partner will have to provide any of the following: the range of acceptable ratings of underlying sub-projects, average rating, the range of transfer rates, or other relevant features if available, such as expected loss and duration of the underlying portfolio/s.

Debt-type operations ⁽¹⁾		Example 1	Example 2
	Financial profile indicator (in line with the guarantee agreement)	Expected loss	Transfer rates
	Range (where relevant, as defined in the guarantee agreement)	$X \% \leq EL \leq Y \%$	n.a.
	Underlying Metrics	Expected loss of the financing or investment operation Expected loss of the financial product/ portfolio	Applicable transfer rate for the relevant portfolio/financial product based on the expected loss of the financing or investment operation
Equity-type operations	Financial profile indicator (in line with the guarantee agreement)	Internal Rate of Return (IRR), counterparty rating for funds or other relevant metric(s) to be agreed in the guarantee agreement Rating of the counterparty, where available	
	Range (where relevant, as defined in the guarantee agreement)	$X \leq IRR$ or other relevant metric(s) $\leq Y$	
	Underlying Metrics	Internal Rate of Return (IRR) for funds or other relevant metric(s) to be agreed in the guarantee agreement Rating of the counterparty	

⁽¹⁾ Including capped and uncapped guarantees.

Pillar 7 – Complementary indicators

Values expected to be achieved at the end of the operation lifetime ⁽¹⁾.

For all financing and investment operations:

- (a) leverage and multiplier effect
- (b) amount of investment mobilised
- (c) estimated [number] of targeted final recipients
- (d) investment supporting climate objectives ⁽²⁾
- (e) investment supporting environmental objectives²
- (f) investment supporting digitalisation²
- (g) investment supporting industrial transition²
- (h) investment supporting just transition²
- (i) investment for the provision of critical infrastructure²
- (j) investment in cybersecurity, space and defence²
- (k) in case of combination with other Union sources, indication of the non-repayable component or financial instrument component from other Union programmes²
- (l) other operation-specific indicators required by the financial product of the financing or investment operation, if applicable

Where applicable, depending on the window and policy area of the operation and the type of operation (direct or indirect operation):

Sustainable infrastructure window

Energy:

- (a) additional renewable and other safe and sustainable zero and low-emission energy generation capacity installed (in megawatts (MW))
- (b) number of households, number of public buildings and commercial premises with improved energy consumption classification
- (c) estimated energy savings generated by the project(s) (in kilowatt-hours (kWh))
- (d) annual green-house gas emissions reduced/avoided in tonnes of CO₂ equivalent
- (e) volume of investment in the development, smartening and modernisation of sustainable energy infrastructure

Digital:

additional households, enterprises or public buildings with broadband access of at least 100 Mbps upgradable to gigabit speed, or number of WIFI-hotspots created

Transport:

- (a) the financing or investment operation is cross-border and/or contributes to missing links projects (including projects relating to urban nodes, regional cross-border rail connections, multimodal platforms, maritime ports, inland ports, connections to airports and rail-road terminals of the TEN-T core and comprehensive network)
- (b) the financing or investment operation contributes to the digitalisation of transport, in particular through the deployment of European Rail Traffic Management System (ERTMS), River Information System (RIS), Intelligent Transportation System (ITS), vessel traffic monitoring and information system (VTMIS)/e-maritime services and Single European Sky ATM Research (SESAR)
- (c) number of alternative fuel supply points built or upgraded
- (d) the financing or investment operation contributes to the safety of transport

Environment:

the financing or investment operation contributing to the implementation of plans and programmes required by the Union environmental *acquis* relating to air quality, water, waste and nature

Research, innovation and digitisation window

- (a) number of enterprises carrying out research and innovation projects
- (b) contribution to the objective of 3 % of the Union's gross domestic product (GDP) invested in research, development and innovation

SME window

- (a) number of enterprises supported
- (b) allocation volume dedicated to SME/Mid-Caps [%], if it can be reasonably estimated at the moment of submission

Social investment and skills window

- (a) social infrastructure: Capacity and access to supported social infrastructure by sector: housing, education, health, other
- (b) microfinance and social enterprise finance: Number of microfinance recipients and social enterprises supported
- (c) skills: Number of individuals acquiring new skills or having their skills validated and certified: formal, education and training qualification

For direct operations, if applicable:

- (a) Start and end of works
- (b) Project investment cost
- (c) Gender ratio of the:
 - (i) management team of the Final Recipient;
 - (ii) work force;
 - (iii) ownership (entrepreneurship).

For intermediated operations:

ESG aspects

Member State compartment indicators: Other indicators as agreed between the Member State and the Commission under the contribution agreement and transposed into the relevant guarantee agreement with the implementing partner.

⁽¹⁾ For the calculation of these indicators, the technical methodology developed for InvestEU key performance and monitoring indicators shall be used.

⁽²⁾ Indication if the financing or investment operation contributes to the specific area (Yes, No or Not known) and if applicable, the amount expected to contribute to such area.

COMMISSION DELEGATED REGULATION (EU) 2021/1703**of 13 July 2021****amending Delegated Regulation (EU) 2020/692 as regards the animal health requirements for the entry into the Union of products of animal origin contained in composite products****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Articles 234(2), 237(4) and 239(2) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2020/692 ⁽²⁾ supplements the animal health rules laid down in Regulation (EU) 2016/429, as regards the entry into the Union, and the movement and handling after entry into the Union, of consignments of certain animals, germinal products and products of animal origin. In particular, Articles 162 and 163 of Delegated Regulation (EU) 2020/692 lay down specific requirements for the entry into the Union of products of animal origin contained in composite products. Articles 162 and 163 of Delegated Regulation (EU) 2020/692 do not provide specific requirements for colostrum-based products contained in composite products. This Regulation should therefore clarify the requirements that apply for the entry into the Union of those products when contained in composite products in accordance with the rules applicable to the entry into the Union of colostrum-based products provided for in Article 153 of Delegated Regulation (EU) 2020/692.
- (2) Gelatine and collagen fall within the definition of 'meat products' provided for in Article 2, point (44), of Delegated Regulation (EU) 2020/692 and therefore only consignments of gelatine and collagen complying with the requirements for entry into the Union of meat products are permitted to enter the Union. However, gelatine and collagen contained in shelf-stable composite products pose a very low animal health risk due to the treatments they undergo during their processing. For this reason, composite products containing only these kind of meat products should be added to the list of composite products covered by the derogation provided for in Article 163 of Delegated Regulation (EU) 2020/692 and therefore not be required to be accompanied by an animal health certificate, but only be required to be accompanied by a declaration instead.
- (3) In accordance with Article 163 of Delegated Regulation (EU) 2020/692 shelf-stable composite products not containing meat products are to be accompanied by a declaration prepared and signed by an operator. The processed products of animal origin must however be subject to a strict risk-mitigating treatment that ensures their safety from the animal health point of view. Nevertheless, it would appear disproportionate to require such strict risk-mitigating treatments to dairy products that originate from countries that are authorised for the entry into the Union of raw milk or dairy products. For those third countries, the requirements should be proportionate to the risk posed by the country of origin and the guarantees provided by the competent authorities should be considered. Therefore, Delegated Regulation (EU) 2020/692 should be amended to allow the entry into the Union of shelf-stable composite products containing dairy products that originate from third countries listed for the entry into the Union

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (OJ L 174, 3.6.2020, p. 379).

of raw milk and dairy products not subject to a risk-mitigating treatment, without undergoing any specific risk-mitigating treatment. In addition, Delegated Regulation (EU) 2020/692 should also be amended to allow the entry into the Union of shelf-stable composite products containing dairy products that originate from third countries listed for the entry into the Union of dairy products subject to a risk-mitigating treatment, if they have undergone a risk-mitigating treatment in accordance with Article 157 of Delegated Regulation (EU) 2020/692.

- (4) Dairy products that have undergone strict risk-mitigating treatments and egg products contained in shelf-stable composite products only represent a limited risk, both from an animal and public health point of view. Therefore, those goods should be permitted to enter the Union if they come from a third country, territory or zone thereof which is not listed for the entry into the Union of the particular species and category of products of animal origin, but is listed for the entry into the Union of either meat products, dairy products or egg products.
- (5) To avoid undue administrative burden for the entry into the Union of consignments of composite products posing a low animal health risk, it should be permitted that the operator responsible for the entry into the Union of the consignments signs the declaration referred to in Article 163 of Delegated Regulation (EU) 2020/692.
- (6) The rules provided in Delegated Regulation (EU) 2020/692 supplement those laid down in Regulation (EU) 2016/429. As those rules are interrelated, they are laid down together in one single act. In the interest of clarity and for their effective application, it is appropriate for the rules amending Delegated Regulation (EU) 2020/692 to be also laid down in a single delegated act providing a comprehensive set of requirements for the entry into the Union of products of animal origin.
- (7) Delegated Regulation (EU) 2020/692 should therefore be amended accordingly.
- (8) As Delegated Regulation (EU) 2020/692 applies from 21 April 2021, in the interest of legal certainty, this Regulation should enter into force as a matter of urgency,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2020/692 is amended as follows:

- (1) Article 162 is amended as follows:

- (a) the title is replaced by the following:

‘Article 162

Composite products containing meat products, dairy products, colostrum-based products and/or egg products’

- (b) paragraph 1 is replaced by the following:

‘1. Consignments of the following composite products shall only be permitted to enter the Union if the composite products of the consignments come from a third country or territory or zone thereof listed for entry into the Union of the specific products of animal origin contained in those composite products:

- (a) composite products containing meat products;
 - (b) non-shelf stable composite products containing dairy products, and/or egg products
 - (c) composite products containing colostrum-based products.’;

(2) Article 163 is replaced by the following:

'Article 163

Specific requirements for shelf-stable composite products

1. By way of derogation from Article 3, point (c)(i), consignments of composite products that do not contain meat products, except gelatine and collagen, or colostrum-based products, and that have been treated to become shelf-stable at ambient temperature, shall be permitted to enter the Union accompanied by a declaration, as provided for in paragraph 2, if they contain:

(a) dairy products that comply with one of the following conditions:

- (i) they have not undergone a risk-mitigating treatment provided for in Annex XXVII, provided that the dairy products have been obtained either:
 - in the Union; or
 - in a third country or territory or zone thereof listed for the entry into the Union of dairy products without undergoing a specific risk-mitigating treatment, in accordance with Article 156, and the third country or territory or zone thereof where the composite product is produced, if different, is also listed for entry into the Union of those products without the obligation to apply a specific risk-mitigating treatment;
- (ii) they have undergone a risk-mitigating treatment provided for in column A or B of Annex XXVII, relevant for the species of origin of the milk, provided that they have been obtained in a third country or territory or zone thereof listed for entry into the Union of dairy products that have undergone a specific risk-mitigating treatment, in accordance with Article 157, and the third country or territory or zone thereof where the composite product is produced, if different, is also listed for entry into the Union of those products if they have undergone a specific risk-mitigating treatment;
- (iii) they have undergone a risk-mitigating treatment at least equivalent to those referred to in column B of Annex XXVII, regardless of the species of origin of the milk, if the dairy products do not comply with all the requirements provided for in points (i) or (ii) or they have been obtained in a third country, territory or zone thereof which is not authorised for the entry into the Union of dairy products but is authorised for the entry into the Union of other products of animal origin in accordance with this Regulation;

(b) egg products that have undergone a risk-mitigating treatment equivalent to those provided for in Annex XXVIII.

2. The declaration referred to in paragraph 1:

- (a) shall only accompany consignments of composite products in cases when the final destination of the composite products is in the Union;
- (b) shall be issued by the operator responsible of the entry into the Union of the composite products, attesting that the composite products in the consignment comply with the requirements provided for in paragraph 1.

3. By way of derogation from of Article 3, point (a)(i), dairy products referred to in paragraph 1, point (a)(iii), of this Article, and egg products contained in composite products that have been treated to become shelf-stable at ambient temperature shall be permitted to enter the Union if they come from a third country, territory or zone thereof which is not specifically listed for the entry into the Union of those products of animal origin but listed for the entry into the Union of either:

- (a) meat products, dairy products or egg products;
 - or
- (b) fishery products in accordance with Regulation (EU) 2017/625.'

Article 2

References to former Article 163(a) of Delegated Regulation (EU) 2020/692 shall be construed as references to Article 163(1) of that Delegated Regulation.

Article 3

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, 13 July 2021.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION DELEGATED REGULATION (EU) 2021/1704**of 14 July 2021****supplementing Regulation (EU) 2019/2152 of the European Parliament and of the Council by further specifying the details for the statistical information to be provided by tax and customs authorities and amending its Annexes V and VI****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/2152 of the European Parliament and of the Council of 27 November 2019 on European business statistics, repealing 10 legal acts in the field of business statistics ⁽¹⁾, and in particular Article 5(2) and (3) thereof,

Whereas:

- (1) Annexes V and VI to Regulation (EU) 2019/2152 specify the information for statistical purposes related to exports and imports of goods that the tax and customs authorities in each Member State shall provide to the competent national statistical authorities (NSAs).
- (2) The details for the statistical information related to exports and imports of goods to be provided by the tax and customs authorities in each Member State to the competent NSAs, included in Annexes V and VI to Regulation (EU) 2019/2152, should be further specified.
- (3) To ensure that the information provided by the tax authorities to NSAs for statistical purposes contains information on intra-Community distance sales of goods, it is necessary to amend Annex V to Regulation (EU) 2019/2152.
- (4) It is necessary to amend Annex VI to Regulation (EU) 2019/2152 to ensure that under centralised clearance pursuant to Article 179 of Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽²⁾, where more than one Member State is involved, the obligation on customs authorities to provide customs declarations data to their NSAs applies also in the Member State where the goods are located.
- (5) It is also necessary to amend Annex VI to Regulation (EU) 2019/2152 to ensure that NSAs can receive information from their customs authorities on applied customs simplifications and on the involved trade operators.
- (6) Annexes V and VI to Regulation (EU) 2019/2152 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1***Subject matter**

This Delegated Regulation further specifies the details for the statistical information related to exports and imports of goods to be provided by the tax and customs authorities in each Member State to the competent NSAs.

⁽¹⁾ OJ L 327, 17.12.2019, p. 1.

⁽²⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

*Article 2***Information from VAT returns**

The information from value added tax (VAT) returns on taxable persons or non-taxable legal persons, as referred to in point (a) of Annex V to Regulation (EU) 2019/2152 shall include at least:

- (a) the full name of the taxable person or non-taxable legal person;
- (b) the full address, including post code;
- (c) the identification number allocated to that person in accordance with Article 214 of Council Directive 2006/112/EC ⁽³⁾;
- (d) for each taxable person or non-taxable legal person:
 - (i) the taxable amount of intra-Union supplies and acquisitions of goods collected from VAT returns in accordance with Article 251(a) and (c) of Directive 2006/112/EC;
 - (ii) the tax period.

*Article 3***Information from recapitulative statements**

1. The information on intra-Union supplies collected from the recapitulative VAT statements, as referred to in point (b) of Annex V to Regulation (EU) 2019/2152, shall include at least:

- (a) the tax period;
- (b) the VAT identification number of each national supplier;
- (c) the VAT identification number of the partner Member State acquirer;
- (d) the taxable amount between each national supplier and partner Member State acquirer;
- (e) the identification of subsequent supplies.

2. The information on intra-Union acquisitions communicated by all other Member States, as referred to in point (c) of Annex V to Regulation (EU) 2019/2152, shall include at least:

- (a) the tax period;
- (b) the VAT identification number of each national acquirer;
- (c) the total taxable amount by national acquirer aggregated by partner Member State.

*Article 4***Information relating to customs declarations**

The information referred to in point (c) of Annex VI to Regulation (EU) 2019/2152 shall include any information required by the NSA for the production of European statistics on international trade in goods and shall include at least the information set out in Annex I to this Regulation.

*Article 5***Amendment to Regulation (EU) 2019/2152**

Annexes V and VI to Regulation (EU) 2019/2152 are replaced by the text in Annex II to this Regulation.

⁽³⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

*Article 6***Entry into force**

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

It shall apply from 1 January 2022.

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

Done at Brussels, 14 July 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

1. General information

1.1 Declaration type

1.2 Additional declaration type

1.3 Procedure

1.4 Additional procedure(s)

1.5 Date of acceptance of the customs declaration

2. Authorisations

2.1 In case of Centralised Clearance, where more than one Member State is involved: number of the authorisation for Centralised Clearance

3. Parties

3.1 Exporter identification No.

3.2 Importer identification No.

3.3 Buyer identification No.

3.4 Consignee identification No. ⁽¹⁾**4. Valuation information/Taxes**

4.1 Invoice currency

4.2 Preference (preferential treatment applied by customs)

5. Countries

5.1 Country of destination code

5.2 Country of dispatch/export code

5.3 Country of origin code

5.4 Country of preferential origin code

5.5 In case of Centralised Clearance: either the code of the customs office of presentation or the code of the Member State in which the goods are presented to customs

6. Goods identification

6.1 Net mass (kg)

6.2 Supplementary units

6.3 Commodity code – Combined Nomenclature code

6.4 Commodity code – TARIC code

6.5 Commodity code HS6, where TARIC or Combined Nomenclature is not available

7. Transport information

7.1 Container

7.2 Mode of transport at the border

7.3 Inland mode of transport

8. Statistical data

8.1 Nature of transaction

8.2 Statistical value

(¹) Only for the customs data requirements under 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 Union Customs 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).

ANNEX II

‘ANNEX V

Information to be provided by the tax authorities responsible in each Member State to the NSA referred to in Article 5(2):

- (a) information from VAT returns on taxable persons or non-taxable legal persons who have declared, for the period in question, intra-Union supplies of goods in accordance with point (a) of Article 251 of Directive 2006/112/EC or intra-Union acquisition of goods in accordance with point (c) of Article 251 of that Directive;
- (b) information from recapitulative statements on intra-Union supplies collected from the recapitulative VAT statements in accordance with Articles 264 and 265 of Directive 2006/112/EC;
- (c) information on intra-Union acquisitions communicated by all other Member States in accordance with Article 21(2) of Council Regulation (EU) No 904/2010 ⁽¹⁾;
- (d) information from VAT returns on taxable persons not established in the Member State of consumption making use of the special scheme, provided for in Section 3 of Chapter 6 of Title XII of Directive 2006/112/EC, who have declared, for the period in question, supplies of goods under that scheme in accordance with Article 369g of that Directive;
- (e) information on supplies of goods related to the special scheme, provided for in Section 3 of Chapter 6 of Title XII of Council Directive 2006/112/EC, communicated by all other Member States in accordance with Article 21(1) of Regulation (EU) No 904/2010.

⁽¹⁾ Council Regulation (EU) No 904/2010 of 7 October 2010 on administrative cooperation and combating fraud in the field of value added tax (OJ L 268, 12.10.2010, p. 1).

ANNEX VI

Information to be provided by the customs authorities responsible in each Member State to the NSA referred to in Article 5(3):

- (a) information identifying the person who carries out intra-Union exports and intra-Union imports of goods covered by the customs procedure of inward processing;
 - (b) the registration and identification data of economic operators provided for under Union customs provisions available in the electronic system relating to EORI number as referred to in Article 7 of Commission Implementing Regulation (EU) 2015/2447 ⁽¹⁾;
 - (c) the records on imports and exports from customs declarations which were accepted or were subject to decisions by the national customs authorities and:
 - (i) which were lodged with them; or
 - (ii) for which the supplementary declaration is, in accordance with Article 225 of Implementing Regulation (EU) 2015/2447, available to them through direct electronic access in the authorisation holder's system; or
 - (iii) which were received by them in application of Article 179 of Regulation (EU) No 952/2013.
 - (d) information on applied procedures, simplifications or authorisations granted to trade operators and information identifying those trade operators.
-

⁽¹⁾ 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).

COMMISSION DELEGATED REGULATION (EU) 2021/1705**of 14 July 2021****amending Delegated Regulation (EU) 2020/692 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Articles 234(2), 237(4), 239(2) and 279(2) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2020/692 ⁽²⁾ supplements the animal health rules laid down in Regulation (EU) 2016/429, as regards the entry into the Union, and the movement and handling after entry, of consignments of certain animals, germinal products and products of animal origin.
- (2) After the publication of Delegated Regulation (EU) 2020/692 on 3 June 2020 in the *Official Journal of the European Union*, certain minor mistakes or omissions were spotted in the provisions of that Delegated Regulation. Those mistakes and omissions should be corrected and Delegated Regulation (EU) 2020/692 should therefore be amended accordingly.
- (3) In addition, certain rules laid down in Delegated Regulation (EU) 2020/692 should be amended in order to ensure that they are consistent with rules laid down in other delegated acts adopted pursuant to Regulation (EU) 2016/429, and Regulation (EU) 2017/625 of the European Parliament and of the Council ⁽³⁾.
- (4) It is also necessary to amend Delegated Regulation (EU) 2020/692 to cover certain circumstances that were initially omitted from the scope of that act, and to cover certain possibilities that are provided for in Union acts that were adopted prior to Regulation (EU) 2016/429, and that should be maintained in the framework of Regulation (EU) 2016/429. This is important in order to ensure a smooth transition from the requirements laid down in those earlier Union acts concerning the entry into the Union of animals, germinal products and products of animal origin, or to clarify the species and categories of animals and products of animal origin to which certain requirements should apply or should not apply.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (OJ L 174, 3.6.2020, p. 379).

⁽³⁾ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

- (5) Delegated Regulation (EU) 2020/692 should also ensure a smooth transition from the requirements laid down in earlier Union acts concerning the entry into the Union of aquatic animals and products of animal origin thereof, as they have proven to be effective. Therefore, the aim and substance of those existing rules should be maintained in that Delegated Regulation, but adapted to suit the new legislative framework established by Regulation (EU) 2016/429.
- (6) In addition, the animal health requirements laid down in Delegated Regulation (EU) 2020/692 should not apply to products of animal origin from aquatic animals other than live aquatic animals, except those which are intended for further processing in the Union, given that there are no significant animal health reasons to include such products within the scope of that Delegated Regulation. Article 1(6) of Delegated Regulation (EU) 2020/692, setting out the scope of that act, should therefore be amended.
- (7) The definition of a porcine animal, as currently laid down in Article 2, point (8), of Delegated Regulation (EU) 2020/692 is suitable only for the purpose of the entry into the Union of those animals. Commission Delegated Regulation (EU) 2020/686 ⁽⁴⁾, which lays down rules on the movement within the Union of germinal products, provides for a different definition of porcine animals, which is appropriate for donors of germinal products. Therefore, the definition of porcine animals in Delegated Regulation (EU) 2020/692 should be amended to cover the entry into the Union of both porcine animals and germinal products of porcine animals.
- (8) The definition of 'well-boat' currently laid down in Article 2, point (48), of Delegated Regulation (EU) 2020/692 is not in line with the definition of 'well-boat' set out in Article 2, point (2), of Commission Delegated Regulation (EU) 2020/990 ⁽⁵⁾. In the interests of consistency of Union rules, the definition in Article 2, point (48), of Delegated Regulation (EU) 2020/692 should be amended to bring it into line with the definition set out in Delegated Regulation (EU) 2020/990.
- (9) Delegated Regulation (EU) 2020/692 lays down requirements in relation to the inspection of terrestrial animals prior to their dispatch to the Union, which in the case of poultry cover also their flock of origin. It should, however, be clarified that those requirements do not apply to the flock of origin of day-old chicks, in accordance with the requirements applicable until 21 April 2021, laid down in Commission Regulation (EC) No 798/2008 ⁽⁶⁾. Article 13(1) of Delegated Regulation (EU) 2020/692 should therefore be amended accordingly.
- (10) Delegated Regulation (EU) 2020/692, which applies from 21 April 2021, should ensure a smooth transition from the requirements laid down in earlier Union acts concerning the entry into the Union of terrestrial animals, and germinal products and products of animal origin from terrestrial animals, as they have proved to be effective. Therefore, the aim and substance of those rules should be maintained in that Delegated Regulation, but adapted to suit the new legislative framework established by Regulation (EU) 2016/429. Article 11(1) of Commission Regulation (EU) No 206/2010 ⁽⁷⁾ provided that, following their introduction into the Union, consignments of ungulates, other than ungulates intended for confined establishments, are to remain on the holding of destination for a period of at least 30 days, unless they are dispatched directly to a slaughterhouse. Regulation (EU) No 206/2010 was repealed by Delegated Regulation (EU) 2020/692. However, Delegated Regulation (EU) 2020/692 does not provide for the possibility to move ungulates to a slaughterhouse during the 30-day period after their entry into the Union. Article 26 of Delegated Regulation (EU) 2020/692 should therefore be amended to provide for that possibility, as movements during that period do not give rise to any significant animal health concerns.

⁽⁴⁾ Commission Delegated Regulation (EU) 2020/686 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards the approval of germinal product establishments and the traceability and animal health requirements for movements within the Union of germinal products of certain kept terrestrial animals (OJ L 174, 3.6.2020, p. 1).

⁽⁵⁾ Commission Delegated Regulation (EU) 2020/990 of 28 April 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health and certification requirements for movements within the Union of aquatic animals and products of animal origin from aquatic animals (OJ L 221, 10.7.2020, p. 42).

⁽⁶⁾ Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (OJ L 226, 23.8.2008, p. 1).

⁽⁷⁾ Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements (OJ L 73, 20.3.2010, p. 1).

- (11) In addition, the derogation from the requirement regarding the 30-day period of residency in the establishment of destination after entry into the Union provided for in Article 26 of Delegated Regulation (EU) 2020/692 that currently applies only to equine animals intended for competition, races and cultural events should be extended to all equine animals, and that Article should be amended accordingly.
- (12) Delegated Regulation (EU) 2020/692 provides for a derogation from the requirements laid down in that act for the entry into the Union of consignments of poultry and hatching eggs of poultry in the case consignments of less than 20 heads of poultry other than ratites, and consignments of less than 20 hatching eggs of poultry other than ratites. Certain requirements in relation to the means of transport, the containers in which they are transported to the Union, vaccination against highly pathogenic avian influenza and disinfection that apply for poultry and hatching eggs, should, however, also apply for the entry into the Union of consignments of less than 20 heads of poultry, other than ratites, and less than 20 hatching eggs of poultry, other than ratites. Articles 49 and 101 of Delegated Regulation (EU) 2020/692 should therefore be amended accordingly.
- (13) Delegated Regulation (EU) 2020/692 provides that all captive birds dispatched to the Union should have been vaccinated against infection with Newcastle disease virus. This, however, is not practically possible and is inconsistent with the requirements for the entry into Member States with status free from infection against Newcastle disease virus without vaccination. Article 57 of Delegated Regulation (EU) 2020/692 should therefore be amended to clarify that the requirements as regards the vaccines used against infection with Newcastle disease virus apply in the case where captive birds have been vaccinated against that disease.
- (14) Racing pigeons fall within the definition of 'captive birds' laid down in Article 4, point (10), of Regulation (EU) 2016/429. Therefore, the specific animal health requirements for captive birds laid down in Part II, Title 3, Chapter 2, of Delegated Regulation (EU) 2020/692 apply also to those animals. However, those requirements limit the possibility for the entry into the Union of racing pigeons from a third country or territory or zone thereof with the intention that they will fly back to that third country or territory or zone. Moreover, racing pigeons introduced into the Union with the intention to fly back to the third country or territory of origin or zone thereof do not pose the same animal health risk as other captive birds. Delegated Regulation (EU) 2020/692 should therefore be amended to provide for a derogation from the specific animal health requirements for captive birds for the entry into the Union of racing pigeons from a third country or territory or zone thereof where they are normally kept, with the intention to be immediately released with the expectation that they will fly back to that third country or territory or zone thereof.
- (15) Article 74 of Delegated Regulation (EU) 2020/692 lays down the identification requirements for the entry into the Union of dogs, cats and ferrets. As regards the requirements for their means of identification, it refers to implementing acts adopted by the Commission pursuant to Article 120 of Regulation (EU) 2016/429. However, such implementing acts have not yet been adopted, as Article 277 of Regulation (EU) 2016/429 provides that Regulation (EU) No 576/2013 of the European Parliament and of the Council⁽⁸⁾ is to continue to apply until 21 April 2026 in respect of non-commercial movements of pet animals of those species. Article 74 of Delegated Regulation (EU) 2020/692 should therefore be amended in order to refer to the requirements of Regulation (EU) No 576/2013.
- (16) Due to an omission, there are no provisions in Delegated Regulation (EU) 2020/692 concerning the inspection of consignments of germinal products prior to their dispatch to the Union. In order to ensure that consignments of germinal products comply with the requirements of Delegated Regulation (EU) 2020/692 before they are permitted to enter the Union, that Delegated Regulation should therefore be amended so that it lays down rules related to necessary examinations and checks of those consignments.
- (17) Article 86 of Delegated Regulation (EU) 2020/692 provides that consignments of oocytes and embryos of bovine animals should be allowed to enter the Union if a donor animal comes from an establishment free from enzootic bovine leukosis. Article 87(2) of that Delegated Regulation provides for a derogation for an establishment not free from enzootic bovine leukosis subject to the conditions that the donor animals are less than 2 years of age, and that

⁽⁸⁾ Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 (OJ L 178, 28.6.2013, p. 1).

there has been no clinical case of enzootic bovine leukosis during a period of at least the preceding 3 years. That derogation should apply for bovine donor animals regardless of their age. Article 87(2) of Delegated Regulation (EU) 2020/692 should therefore be amended accordingly.

- (18) Delegated Regulation (EU) 2020/692 provides that hatching eggs of poultry must originate from flocks that have been subjected to a clinical inspection within a period of 24 hours prior to the time of loading of the consignment of hatching eggs for dispatch to the Union. However, third countries and stakeholders have indicated that that requirement unjustifiably increases the administrative burden for competent authorities and operators and constitutes a risk to the biosecurity of the establishments. Considering that those eggs originate in approved establishments that apply strict biosecurity rules, it is appropriate to allow for a wider timeframe for the clinical inspection of the flock of origin of the hatching eggs, similar to what is provided for in Commission Delegated Regulation (EU) 2020/688 ^(*) for the movement of those products between Member States. Therefore, Article 107 of Delegated Regulation (EU) 2020/692 should be amended accordingly.
- (19) Chapter 4 of Title 2 of Part III of Delegated Regulation (EU) 2020/692 lays down requirements for the entry into the Union of specified pathogen-free eggs, including requirements in relation to the establishment of origin of those eggs. Delegated Regulation (EU) 2020/692 should be amended to provide that those establishments in third countries are approved in accordance with the rules that apply for those establishments in the Union.
- (20) Aquatic animals as defined in Article 4, point (3), of Regulation (EU) 2016/429 includes kept animals and wild animals. Aquatic animals may therefore, be permitted to enter the Union from aquaculture establishments and from wild habitats. Hence, they may be dispatched from a 'place of origin' or from an 'establishment of origin'. Delegated Regulation (EU) 2020/692 should permit that possibility and Article 167, points (a) and (d), of Delegated Regulation (EU) 2020/692 should therefore be amended accordingly.
- (21) Article 172 of Delegated Regulation (EU) 2020/692 provides for derogations for certain categories of aquatic animals and products thereof from the requirement to originate from a disease-free third country, territory, zone or compartment. In all cases, however, aquaculture animals and products thereof, that fall within the scope of Delegated Regulation (EU) 2020/692, must originate from an establishment, that is either registered or approved in accordance with Part IV, Title II, Chapter 1, of Regulation (EU) 2016/429. This Regulation should therefore, amend Article 172 of Delegated Regulation (EU) 2020/692 to make it clear that the derogation it provides, applies not to Article 170, but specifically to Article 170(1) of that Delegated Regulation.
- (22) Due to an omission, Article 174(3) of Delegated Regulation (EU) 2020/692 should be amended so that it refers to paragraph Article 170(1)(a)(iii), rather than to Article 170(a)(iii).
- (23) Article 226(3) of Regulation (EU) 2016/429 provides for Member States to have approved national measures for a disease other than a listed disease referred to in Article 9(1), point (d), of that Regulation. Article 175 of Delegated Regulation (EU) 2020/692 and Annex XXIX thereto should be amended to clarify that Member States may take such measures not only for non-listed diseases, but also for diseases listed in Article 9(1), point (e), of Regulation (EU) 2016/429.

^(*) Commission Delegated Regulation (EU) 2020/688 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health requirements for movements within the Union of terrestrial animals and hatching eggs (OJ L 174, 3.6.2020, p. 140).

- (24) Due to the lengthy stocking capabilities for semen, oocytes and embryos, Part IV of Delegated Regulation (EU) 2020/692 should lay down certain transitional measures regarding germinal products collected, produced, processed and stored in accordance with Council Directives 88/407/EEC ⁽¹⁰⁾, 89/556/EEC ⁽¹¹⁾, 90/429/EEC ⁽¹²⁾ and 92/65/EEC ⁽¹³⁾. Those measures should concern the approval of semen collection centres, semen storage centres, embryo collection teams and embryo production teams under those Directives, and the marking of straws and other packages in which semen, oocytes or embryos are placed, stored and transported. Those measures should also concern the requirements for the collection, production, processing and storage of germinal products, for the animal health of donor animals and for the laboratory and other tests carried out on donor animals and germinal products under those Directives. It is necessary to ensure that there is no disruption in trade in those germinal products, given their importance for the animal breeding sector. Therefore, to ensure the continuity of the entry into the Union of consignments of germinal products collected or produced before 21 April 2021 that fulfil the requirements laid down in Directives 88/407/EEC, 89/556/EEC, 90/429/EEC and 92/65/EEC, certain transitional provisions should be laid down in Delegated Regulation (EU) 2020/692. That Delegated Regulation should be amended accordingly.
- (25) Table 1 of Annex III to Delegated Regulation (EU) 2020/692 lays down, amongst other things, the requirements as regards the residency periods of equine animals before their entry into the Union. In particular, specific residency periods are laid down for equine animals other than registered equine animals, registered equine animals and the re-entry after temporary export of registered horses. Those residency periods should be more detailed to target the risks arising from the entry of equine animals not intended for slaughter, registered horses and equine animals intended for slaughter, as well as for the re-entry after temporary export of registered horses. That Annex should be amended accordingly.
- (26) Table 2 of Annex III to Delegated Regulation (EU) 2020/692 lays down the requirements as regards the residency periods of poultry before their entry into the Union. In particular, specific residency periods are laid down for productive poultry for the production of meat or eggs for consumption and for productive poultry for restocking supplies of game birds, but not for productive poultry for the production of other products. A specific residency period should, therefore, be laid down also for the category of productive poultry for the production of other products. That Annex should be amended accordingly.
- (27) Point 2 of Annex XV to Delegated Regulation (EU) 2020/692 lays down the animal health requirements for poultry and hatching eggs originating in a third country or territory or zone thereof where vaccines used against infection with Newcastle disease virus do not meet the specific criteria set out in point 1 of that Annex. Further clarification should, however, be provided on which of those requirements apply to poultry, hatching eggs and their flocks of origin. That Annex should be amended accordingly.
- (28) The rules provided in Delegated Regulation (EU) 2020/692 supplement those laid down in Regulation (EU) 2016/429. As those rules are interrelated, they are laid down together in one single act. In the interest of clarity and for their effective application, it is appropriate for the rules amending Delegated Regulation (EU) 2020/692 to be also laid down in a single delegated act providing a comprehensive set of requirements for the entry into the Union of animals, germinal products and products of animal origin.
- (29) Delegated Regulation (EU) 2020/692 should therefore be amended accordingly.
- (30) Delegated Regulation (EU) 2020/692 applies from 21 April 2021. In the interest of legal certainty, this Regulation should enter into force as a matter of urgency,

⁽¹⁰⁾ Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species (OJ L 194, 22.7.1988, p. 10).

⁽¹¹⁾ Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species (OJ L 302, 19.10.1989, p. 1).

⁽¹²⁾ Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species (OJ L 224, 18.8.1990, p. 62).

⁽¹³⁾ Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC (OJ L 268, 14.9.1992, p. 54).

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2020/692 is amended as follows:

(1) Article 1 is amended as follows:

(a) in paragraph 6, the introductory phrase is replaced by the following:

‘6. Part V lays down the animal health requirements for the entry into the Union, as well as the movement and handling after the entry, and derogations from those requirements for the following species of aquatic animals at all life stages as well as their products of animal origin, excluding products of animal origin other than live aquatic animals which are intended for direct human consumption and wild aquatic animals and products of animal origin from those wild aquatic animals landed from fishing vessels intended for direct human consumption;’;

(b) paragraph 8 is replaced by the following:

‘8. Part VII lays down transitional and final provisions.’;

(2) Article 2 is amended as follows:

(a) point (8) is replaced by the following:

‘(8) “porcine animal” means an animal of the species of ungulates belonging to the family *Suidae* listed in Annex III to Regulation (EU) 2016/429 for the purpose of entry into the Union of an animal or an animal of the species *Sus scrofa*, for the purpose of entry into the Union of germinal products;’;

(b) point (48) is replaced by the following:

‘(48) “well-boat” means a “well-boat” as defined in Article 2, point 2, of Commission Delegated Regulation (EU) 2020/990 (*);’;

(*) Commission Delegated Regulation (EU) 2020/990 of 28 April 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health and certification requirements for movements within the Union of aquatic animals and products of animal origin from aquatic animals (OJ L 221, 10.7.2020, p. 42).’;

(3) in Article 3, point (a)(i) is replaced by the following:

‘(i) in the case of terrestrial animals, germinal products and products of animal origin, a listed third country or territory or zone thereof for the particular species and category of animals, germinal products and products of animal origin;’;

(4) in Article 13(1), the second subparagraph is replaced by the following:

‘In the case of poultry, except day-old chicks, and captive birds, that inspection shall also cover the flock of origin of the animals intended for dispatch to the Union.’;

(5) Article 26 is replaced by the following:

‘Article 26

Movement and handling of ungulates after their entry into the Union

Following their entry into the Union, ungulates, except equine animals, shall remain in their establishment of destination for a period of at least 30 days from the date of their arrival in that establishment, unless they are moved for slaughter.’;

(6) Article 49 is amended as follows:

(a) the introductory phrase is replaced by the following:

‘By way of derogation from Article 14(3), Article 40 and Articles 43 to 48, consignments containing less than 20 heads of poultry other than ratites, shall be permitted to enter the Union provided that such consignments comply with the following requirements;’;

(b) point (c) is replaced by the following:

‘(c) as regards vaccination against highly pathogenic avian influenza:

- (i) the poultry have not been vaccinated against highly pathogenic avian influenza;
- (ii) the flock of origin of the poultry, except day-old chicks, has not been vaccinated against highly pathogenic avian influenza;
- (iii) where the parent flocks of the day-old chicks have been vaccinated against highly pathogenic avian influenza, guarantees for compliance with the minimum requirements for vaccination programmes and additional surveillance set out in Annex XIII have been provided by the third country or territory of origin;’

(c) point (e)(iii) is replaced by the following:

‘(iii) *Salmonella Pullorum* and *Salmonella Gallinarum* in case of *Numida meleagris*, *Coturnix coturnix*, *Phasianus colchicus*, *Perdix perdix*, *Anas* spp.;’

(d) the following point (f) is added:

‘(f) the day-old chicks come from hatching eggs which prior to incubation have been disinfected in accordance with the instructions of the competent authority of the third country or territory of origin.’

(7) Article 57 is replaced by the following:

‘Article 57

Specific animal health requirements for the captive birds

Consignments of captive birds shall only be permitted to enter the Union if the animals of the consignment comply with the following requirements:

- (a) they have not been vaccinated against highly pathogenic avian influenza;
- (b) where they have been vaccinated against infection with Newcastle disease virus, the competent authority of the third country or territory of origin has provided guarantees that the vaccines used comply with the general and specific criteria for vaccines against infection with Newcastle disease virus set out in point 1 of Annex XV;
- (c) they have been subjected to a virus detection test for highly pathogenic avian influenza and infection with Newcastle disease virus with negative results, within a period of 7 to 14 days prior to the date of loading for dispatch to the Union.’

(8) in Article 60, point (b)(vi) is renumbered as point (c) as follows:

‘(c) release the captive birds from quarantine only on the written authorisation of an official veterinarian.’

(9) Article 62 is replaced by the following:

‘Article 62

Derogations from the animal health requirements for the entry into the Union of captive birds

1. By way of derogation from requirements laid down in Articles 3 to 10, except point (a)(i) of Article 3, Articles 11 to 19 and Articles 53 to 61, consignments of captive birds which do not comply with those requirements shall be permitted to enter the Union if they originate from third countries or territories specifically listed for the entry into the Union of captive birds based on equivalent guarantees.

2. By way of derogation from the requirements laid down in Article 11 and Articles 54 to 58, consignments of racing pigeons which enter the Union from a third country or territory or zone thereof where they are normally kept, with the intention to be immediately released with the expectation that they will fly back to that third country or territory or zone thereof and which do not comply with those requirements, shall be permitted to enter the Union if they comply with the following requirements:

- (a) the Member State of destination has determined that the racing pigeons may enter into its territory from that third country or territory or zone thereof in accordance with Article 230(2) of Regulation (EU) 2016/429;

- (b) they come from a registered establishment, within a 10 km radius of which, including, where appropriate, the territory of any neighbouring country, there has been no outbreak of highly pathogenic avian influenza or infection with Newcastle disease virus for a period of at least the preceding 30 days prior to the date of loading for dispatch to the Union;
- (c) they have not been vaccinated against highly pathogenic avian influenza;
- (d) they have been vaccinated against infection with Newcastle disease virus and the competent authority of the third country or territory of origin has provided guarantees that the vaccines used comply with the general and specific criteria for vaccines against infection with Newcastle disease virus set out in point 1 of Annex XV;
- (e) they come from an establishment where vaccination against infection with Newcastle disease virus is carried out.

3. By way of derogation from the requirements laid down in Articles 59, 60 and 61, the competent authority of the Member State of entry into the Union may authorise the entry into the Union of racing pigeons which will not be transported directly to a quarantine establishment approved in accordance with Article 14 of Delegated Regulation (EU) 2019/2035 if they are:

- (a) racing pigeons which have entered into the Union from a third country or territory or zone thereof where they are normally kept in accordance with paragraph 2;
- (b) released immediately, under the control of the competent authority, with the expectation that they will fly back to the third country or territory of origin or zone thereof.;

(10) in Article 74, paragraph 1 is replaced by the following:

‘1. Consignments of dogs, cats and ferrets shall only be permitted to enter the Union if each animal in the consignment is individually identified by an injectable transponder as listed in point (e) of Annex III to Delegated Regulation (EU) 2019/2035, which was implanted by a veterinarian and which fulfils the technical requirements referred to in Annex II to Regulation (EU) No 576/2013.;

(11) in Article 80, point (a) is replaced by the following:

- ‘(a) prior to the date of collection, remained in a third country or territory or zone thereof which is listed for the entry into the Union of the particular species and category of germinal product:
 - (i) in the case of bovine, ovine and caprine animals, for a period of at least 6 months;
 - (ii) in the case of porcine and equine animals, for a period of at least 3 months.;

(12) in Article 83, point (a)(iii) is replaced by the following:

- ‘(iii) the unique approval number of the germinal product establishment of collection or production, processing and storage of those germinal products.;

(13) after Article 85, the following Article 85a is inserted:

‘Article 85a

Inspection of consignments of germinal products prior to dispatch to the Union

Consignments of semen, oocytes and embryos of bovine, porcine, ovine, caprine and equine animals shall only be permitted to enter the Union if those consignments were subjected to a visual examination and documentary check, carried out by an official veterinarian in the third country or territory of origin or zone thereof within the period of 72 hours prior to the time of dispatch to the Union as follows:

- (a) a visual examination of the transport container in order to verify compliance with the requirements laid down in Article 84;
- (b) a documentary check of the data submitted by the centre or team veterinarian to ensure that:
 - (i) the information to be certified is supported by the records kept in accordance with:
 - Article 8(1)(a) of Delegated Regulation (EU) 2020/686, and
 - point (d) of Article 8 of this Regulation;

(ii) the mark on the straws or other packages, applied in accordance with point (a) of Article 83, corresponds with the number provided in the animal health certificate and on the container in which they are transported;

(iii) the animal health requirements referred to in Part III, Title 1, have been fulfilled.;

(14) in Article 87, paragraph 2 is replaced by the following:

‘2. By way of derogation from point (b)(iii) of Article 86, consignments of oocytes and embryos of bovine animals shall be permitted to enter the Union if a donor animal comes from an establishment which is not free from enzootic bovine leukosis provided that the official veterinarian responsible for the establishment of origin has certified that there has been no clinical case of enzootic bovine leukosis in that establishment during a period of at least the preceding 3 years.’;

(15) Article 91 is replaced by the following:

‘Article 91

The establishment of origin of donor ovine and caprine animals

Consignments of semen, oocytes and embryos of ovine and caprine animals shall only be permitted to enter the Union if they were collected from donor animals which come from an establishment that was free from infection with *Brucella abortus*, *B. melitensis* and *B. suis* and they were never previously in any establishment of a lower status.’;

(16) in Article 100, point (b)(ii) is replaced by the following:

‘(ii) the hatching eggs were transferred directly and as soon as possible to the vessel or aircraft to be used for onward travel to the Union, which complies with requirements laid down in point (a) of Article 102, without leaving the premises of the port or airport.’;

(17) in Article 102, in point (a), the introductory phrase is replaced by the following:

‘(a) the hatching eggs must have been transported in means of transport which’;

(18) in Article 107, point (f) is replaced by the following:

‘(f) they have either:

(i) been subjected to a clinical inspection, carried out by an official veterinarian in the third country or territory of origin or zone thereof, within a period of 72 hours prior to the time of loading of the consignment of hatching eggs for dispatch to the Union for the purpose of the detection of signs indicative of the occurrence of diseases, including the relevant listed diseases referred to in Annex I and emerging diseases and they showed no disease symptoms or grounds for suspecting the presence of any of those diseases;

or

(ii) had

— monthly clinical inspections carried out by an official veterinarian in the third country or territory of origin or zone thereof, the most recent carried out within a period of 31 days prior to the time of loading of the consignment of hatching eggs for dispatch to the Union, for the purpose of the detection of signs indicative of the occurrence of diseases, including the relevant listed diseases referred to in Annex I and emerging diseases and they showed no disease symptoms or grounds for suspecting the presence of any of those diseases,

— an evaluation of their current health status carried out by an official veterinarian in the third country or territory of origin or zone thereof, within a period of 72 hours prior to the time of loading of the consignment of hatching eggs for dispatch to the Union, as assessed by up-to-date information supplied by the operator and by documentary checks of the health and production records kept on the establishment, for the purpose of the detection of signs indicative of the occurrence of diseases, including emerging diseases and the relevant listed diseases referred to in Annex I.’;

(19) Article 110 is amended as follows:

(a) the introductory phrase is replaced by the following:

‘By way of derogation from Articles 101, 106, 107 and 108, consignments of less than 20 hatching eggs of poultry other than ratites shall be permitted to enter the Union if they comply with the following requirements:’;

(b) point (d) is replaced by the following:

‘(d) they come from flocks which have been subjected to a clinical inspection, carried out by an official veterinarian in the third country or territory of origin or zone thereof, within a period of 24 hours prior to the time of loading of the consignments of hatching eggs for dispatch to the Union for the purpose of the detection of signs indicative of the occurrence of diseases, including the relevant listed diseases referred to in Annex I and emerging diseases, and the flocks showed no disease symptoms or grounds for suspecting the presence of any of those diseases;’;

(c) in point (e)(ii), the third hyphen is replaced by the following:

‘— *Salmonella Pullorum* and *Salmonella Gallinarum* in the case of *Numida meleagris*, *Coturnix coturnix*, *Phasianus colchicus*, *Perdix perdix*, *Anas* spp.’;

(d) the following point (f) is added:

‘(f) the hatching eggs must have been disinfected in accordance with the instructions of the competent authority of the third country or territory of origin.’;

(20) in Article 111, point (a)(iii) is replaced by the following:

‘(iii) have been kept for a continuous period of at least six weeks prior to the date of collection of the eggs for dispatch to the Union in establishments which:

— comply with the conditions described in the European Pharmacopoeia,

— are approved by the competent authority of the third country or territory of origin in accordance with requirements which are at least equivalent to those laid down in Article 8 of Delegated Regulation (EU) 2019/2035, the approval of which has not been suspended or withdrawn;’;

(21) after Article 119, the following Article 119a is inserted:

‘Article 119a

Inspection of consignments of germinal products prior to dispatch to the Union

Consignments of semen, oocytes and embryos referred to in Article 117 shall only be permitted to enter the Union if those consignments have been subjected to visual examination and documentary check, carried out by an official veterinarian in the third country or territory of origin or zone thereof within the period of 72 hours prior to the time of dispatch to the Union as follows:

(a) a visual examination of the transport container in order to verify compliance with the requirements laid down in Article 119;

(b) a documentary check of the data submitted by the establishment veterinarian responsible for the activities carried out at the confined establishment to ensure that:

(i) the information to be certified is supported by the records kept at the confined establishment;

(ii) the mark on the straws or other packages, applied in accordance with point (a) of Article 119, corresponds with the number provided in the animal health certificate and on the container in which they are transported;

(iii) the animal health requirements referred to in Title 3 of Part III have been fulfilled.’;

(22) in Article 125(c), point (i) is replaced by the following:

‘(i) they were cleaned and disinfected, with a disinfectant authorised by the competent authority of the third country or territory of origin, before the loading of the carcasses for dispatch to the game handling establishment;’;

(23) in Article 154, the following paragraph 3 is added:

‘3. The animals of origin of raw milk, colostrum or colostrum-based products intended for entry into the Union shall not be required to comply with the residency period referred to in paragraph 2, provided that they were introduced into the third country or territory or zone thereof from:

- (a) another third country or territory or zone thereof which is listed for entry into the Union of raw milk, colostrum or colostrum-based products and the animals remained there for at least 3 months prior to milking; or
- (b) a Member State.’;

(24) Article 167 is amended as follows:

(a) points (a) and (b) are replaced by the following:

‘(a) they were dispatched directly from their place of origin to the Union;

(b) they were not unloaded from their container when transported by air, sea, railway or by road, and the water in which they are transported was not changed, in a third country or territory, zone or compartment which is not listed for entry of the particular species and category of aquatic animals into the Union.’;

(b) point (d) is replaced by the following:

‘(d) from the time of loading at the place of origin until the time of arrival in the Union, they must not have been transported in the same water or container or well-boat together with aquatic animals which were of a lower health status or which were not intended for entry into the Union.’;

(25) in Article 169(3), point (b) is replaced by the following:

‘(b) the legible label referred to in point (a) must also contain the following statements, as relevant:

- (i) ‘fish intended for human consumption after further processing in the European Union’;
- (ii) ‘molluscs intended for human consumption after further processing in the European Union’;
- (iii) ‘crustaceans intended for human consumption after further processing in the European Union’.’;

(26) in Article 172, the introductory phrase is replaced by the following:

‘By way of derogation from Article 170(1), the requirements laid down in that Article shall not apply to the following categories of aquatic animals.’;

(27) in Article 173, point (b) is replaced by the following:

‘(b) fish intended for human consumption after further processing in the Union which were slaughtered and eviscerated prior to dispatch to the Union.’;

(28) in Article 174, paragraph 3 is replaced by the following:

‘3. The competent authority of the Member State may only grant the authorisation provided for in paragraph 2 of this Article where the release or immersion in natural waters does not jeopardise the health status of the aquatic animals at the place of release or immersion and in all cases, release into the wild shall comply with the requirement laid down in Article 170(1)(a)(iii).’;

(29) Article 175 is amended as follows:

(a) the title is replaced by the following:

‘Article 175

Additional animal health requirements to limit the impact of diseases for which Member States have national measures approved in accordance with Article 226(3) of Regulation (EU) 2016/429’

(b) paragraph 1 is replaced by the following:

‘1. The competent authorities of Member States that have national measures approved in accordance with Article 226(3) of Regulation (EU) 2016/429, against diseases other than the listed diseases which are referred to in Article 9(1)(d) of that Regulation, shall take measures to prevent the introduction of those diseases through the application of additional animal health requirements for the entry into those Member States, of consignments of aquatic animals and products of animal origin from aquatic animals other than live aquatic animals, of species listed in the second column of the table set out in Annex XXIX to this Regulation.’;

(30) Part VII is amended as follows:

(a) the title of Part VII is replaced by the following:

‘PART VII

TRANSITIONAL AND FINAL PROVISIONS’;

(b) the following Article 182a is inserted after the title of Part VII and before Article 183:

‘Article 182a

Transitional measures

1. Semen collection centres, semen storage centres, embryo collection teams and embryo production teams which have been approved prior to 21 April 2021 in accordance with Council Directives 88/407/EEC (*), 89/556/EEC (**), 90/429/EEC (***) and 92/65/EEC (****) referred to in the 6th, 7th, 8th and 12th indents of Article 270(2) of Regulation (EU) 2016/429 shall be deemed to be approved germinal product establishments as referred to in Article 82(1) of this Regulation.

In all other respects, they shall be subject to the rules provided for in Article 82(2) of this Regulation, and in Article 233 of Regulation (EU) 2016/429.

2. Consignments of semen, oocytes and embryos collected, produced, processed and stored prior to 21 April 2021 shall be allowed to enter into the Union, provided they fulfil, as regards the collection, production, processing and storage of germinal products, animal health requirements of donor animals and laboratory and other tests carried out on donor animals and germinal products, the requirements laid down in Directives 88/407/EEC, 89/556/EEC, 90/429/EEC and 92/65/EEC respectively to the species of donor animals.

3. Straws and other packages in which semen, oocytes or embryos, whether or not separated into individual doses, are placed, stored and transported, marked prior to 21 April 2021 in accordance with Directives 88/407/EEC, 89/556/EEC, 90/429/EEC and 92/65/EEC respectively to the species of donor animals, shall be considered to have been marked in accordance with point (a) of Article 83 of this Regulation.

(*) Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species (OJ L 194, 22.7.1988, p. 10).

(**) Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species (OJ L 302, 19.10.1989, p. 1).

(***) Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species (OJ L 224, 18.8.1990, p. 62).

(****) Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC (OJ L 268, 14.9.1992, p. 54).’;

(c) in Article 184, the following title is added:

‘Entry into force and application’;

(31) Annexes III, VIII, XV, XXVIII and XXIX are amended in accordance with the Annex to this Regulation.

Article 2

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, 14 July 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes III, VIII, XV, XXVIII and XXIX to Delegated Regulation (EU) 2020/692 are amended as follows:

(1) Annex III is amended as follows:

- (a) in Table 1, in the third, fourth and fifth rows, the entries for equine animals other than registered equine animals, registered equine animals and registered horses re-entering after temporary export for competition, races or cultural equestrian events, are replaced by the following:

<i>Species and category of animals</i>	<i>Minimum residency period in the third country or territory of origin or zone thereof, as referred to Article 11(b)(i)</i>	<i>Minimum residency period in the establishment of origin, as referred to in Article 11(b)(ii)</i>	<i>Minimum period without contact with animals of a lower health status as referred to in Article 11(b)(iii)</i>
Equine animals not intended for slaughter	40 days or since birth, if the animals are less than 40 days of age, or since entry from the Union	30 days (40 days from African horse sickness risk areas) or since birth, if the animals are less than 30 days (40 days) of age, or since entry from the Union	15 days
Registered horses	40 days or since birth if the animals are less than 40 days of age or since entry from the Union or certain listed third countries	30 days (40 days from African horse sickness risk areas) or since birth, if the animals are less than 30 days (40 days) of age, or since entry from the Union or certain listed third countries	15 days
Registered horses re-entering after temporary export for competition, races or cultural equestrian events	up to 30 days or up to 90 days in case of specific competitions, races or cultural equestrian events	Not established	During the entire period of temporary export
Equine animals intended for slaughter	90 days	30 days (40 days from African horse sickness risk areas)	30 days (40 days from African horse sickness risk areas)

(b) Table 2 is amended as follows:

- (i) in the second row, the entry for productive poultry for the production of meat and eggs for consumption is replaced by the following:

<i>Category of birds</i>	<i>The residency period applies to</i>	<i>Minimum residency period in the third country or territory of origin or zone thereof, as referred to Article 11(b)(i)</i>	<i>Minimum residency period in the establishment of origin, as referred to Article 11(b)(ii)</i>	<i>Minimum period without contact with animals of a lower health status as referred to in Article 11(b)(iii)</i>
Productive poultry for the production of meat, eggs for consumption and other products	AC	3 months, or since hatching, if the animals are less than 3 months of age	6 weeks, or since hatching, if the animals are less than 6 weeks of age	6 weeks, or since hatching, if the animals are less than 6 weeks of age

(ii) in the fifth row, the entry for day-old chicks is replaced by the following:

<i>Category of birds</i>	<i>The residency period applies to</i>	<i>Minimum residency period in the third country or territory of origin or zone thereof, as referred to Article 11(b)(i)</i>	<i>Minimum residency period in the establishment of origin, as referred to Article 11(b)(ii)</i>	<i>Minimum period without contact with animals of a lower health status as referred to in Article 11(b)(iii)</i>
‘Day-old chicks	AC	Since hatching	Since hatching	Since hatching
	FO	3 months prior to the date of collection of the eggs from which the day-old chicks have hatched	6 weeks prior to the date of collection of the eggs from which the day-old chicks have hatched	-’

(2) in Annex VIII, point 1, footnote (**) is replaced by the following:

‘(**) not applicable if the animals originate from a third country, territory or zone recognised as free or seasonally free of the disease in the list of third countries or territories or zones thereof authorised for the entry into the Union of consignments of ungulates.’;

(3) in Annex XV, point 2 is replaced by the following:

2. ANIMAL HEALTH REQUIREMENTS FOR POULTRY AND HATCHING EGGS ORIGINATING FROM A THIRD COUNTRY OR TERRITORY OR ZONE THEREOF WHERE VACCINES USED AGAINST INFECTION WITH NEWCASTLE DISEASE VIRUS DO NOT MEET THE SPECIFIC CRITERIA SET OUT IN POINT 1

Poultry and hatching eggs originating from a third country or territory or zone thereof where vaccines used against infection with Newcastle disease virus do not meet the specific criteria set out in point 1.2 must meet the requirements set out below:

- (a) poultry, the flock of origin of the day-old chicks and the flock of origin of hatching eggs must not have been vaccinated with such vaccines for a period of at least 12 months prior to the date the consignment is loaded for dispatch to the Union;
- (b) the flock of origin of poultry and of hatching eggs must have undergone a virus isolation test for infection with Newcastle disease virus not earlier than 2 weeks prior to the date of loading of the consignment for dispatch to the Union or, in the case of hatching eggs, not earlier than 2 weeks prior to the date the eggs were collected. The test must have been carried out in an official laboratory on a random sample of cloacal swabs taken from at least 60 birds in each flock, and no avian paramyxoviruses with an ICPI of more than 0,4 have been found;
- (c) poultry, except day-old chicks, the flock of origin of the day-old chicks and the flocks of origin of hatching eggs must have been kept in isolation under official surveillance on the establishment of origin during the two-week period referred to in point (b);
- (d) poultry, except day-old chicks, the flock of origin of the day-old chicks and the flock of origin of hatching eggs must not have been in contact with poultry not meeting the requirements set out in points (a) and (b):
 - (i) in the case of poultry, during the period of 60 days prior to the date the consignment was loaded for dispatch to the Union;
 - (ii) in the case of hatching eggs, during the period of 60 days prior to the date the eggs were collected;
- (e) the hatching eggs from which the day-old chicks are derived must not have been in contact in the hatchery or during transport to the hatchery with poultry or hatching eggs not meeting the requirements set out in points (a) to (d).’;

- (4) in Annex XXVIII, in point 1, in the table, in the third row, the entry for dried egg white is replaced by the following:

Egg product	Treatment	Duration of treatment (in seconds (s) or hours (hr))
	Core temperature (in degrees Celsius (°C))	
Dried egg white	67 °C	20 hr
	54,4 °C	50,4 hr'

- (5) in Annex XXIX, the table is amended by including the text below directly above the line which refers to the disease Spring viraemia of carp (SVC) and its susceptible species:

Koi herpes virus disease	As set out in column 3 of the table in the Annex to Commission Implementing Regulation (EU) 2018/1882'
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COMMISSION DELEGATED REGULATION (EU) 2021/1706**of 14 July 2021****amending and correcting Delegated Regulation (EU) 2020/688 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health requirements for movements within the Union of terrestrial animals and hatching eggs****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Article 131(1), Article 135, Article 136(2), Article 140, Article 144(1), Article 147 and Article 156(1) thereof,

Whereas:

- (1) Regulation (EU) 2016/429 lays down rules for the prevention and control of animal diseases that are transmissible to animals or humans. That Regulation lays down in its Part IV, Title I, Chapters 3, 4 and 5 the animal health requirements for movements within the Union of kept and wild terrestrial animals and germinal products thereof.
- (2) Commission Delegated Regulation (EU) 2020/688 ⁽²⁾ supplements the rules for the prevention and control of animal diseases transmissible to animals or to humans laid down in Article 5(1) of Regulation (EU) 2016/429 as regards movements within the Union of kept terrestrial animals, wild terrestrial animals and hatching eggs.
- (3) Part II, Chapter 3, Section 1 of Delegated Regulation (EU) 2020/688 lays down the requirements for movements of productive poultry, including the residency period in the establishment of origin. In particular, specific residency periods are laid down for productive poultry for the production of meat or eggs for consumption and for productive poultry for restocking supplies of game birds, but not for productive poultry for the production of other products. A specific residency period should, therefore, be laid down also for that category of productive poultry.
- (4) Article 36 of Delegated Regulation (EU) 2020/688 lays down the requirements for the movement of day-old chicks to another Member State and Article 37 thereof provides for a the derogation from the requirements for the movements of poultry in case of movements of less than 20 heads of poultry other than ratites, including day-old chicks, and lays down specific requirements for such movements. Articles 112 to 114 of Commission Delegated Regulation (EU) 2020/692 ⁽³⁾ lay down the animal health requirements for movement and handling of poultry hatched from hatching eggs which have entered the Union from a third country or territory or zone thereof. In order to comply with those requirements Article 36 of Delegated Regulation (EU) 2020/688 provides that, in the case of day-old chicks that have hatched from hatching eggs which had entered the Union from a third country, territory or zone thereof and which are moved to another Member State, the competent authority of the Member State of origin should inform the competent authority of the Member State of intended destination. This requirement is, however, not included in Article 37 of that Regulation for the movements of less than 20 heads of poultry other than ratites when the movement concerns day-old chicks. For the sake of consistency, the information requirement in Delegated Regulation (EU) 2020/688 should, therefore, similarly apply to the movement between Member States of less than 20 heads of poultry other than ratites.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/688 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health requirements for movements within the Union of terrestrial animals and hatching eggs (OJ L 174, 3.6.2020, p. 140).

⁽³⁾ Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (OJ L 174, 3.6.2020, p. 379).

- (5) The definition of 'assembly operation', laid down in Article 4, point (49), of Regulation (EU) 2016/429, refers to a period which is shorter than the residency period established for the species of animals concerned for the purposes of assembling of kept terrestrial animals from more than one establishment. However, Delegated Regulation (EU) 2020/688 does not lay down a specific residency period for kept ungulates intended for slaughter, except for ovine and caprine animals intended for slaughter not individually identified in accordance with Article 45 of Commission Delegated Regulation (EU) 2019/2035 ⁽⁴⁾, for which a residency period is laid down in Article 18 of Delegated Regulation (EU) 2020/688. It is, therefore, necessary to specify the residency period in relation to the definition of assembly operation for those kept ungulates intended for slaughter for which a residency period is not laid down in Delegated Regulation (EU) 2020/688. This should only apply after the animals leave the establishment of origin.
- (6) 'Assembly centre of dogs, cats and ferrets' is defined in Article 2, point (7), of Delegated Regulation (EU) 2019/2035 and the requirements for granting the approval are laid down in Article 10 of that Regulation. Delegated Regulation (EU) 2020/688, however, does not provide for movements of dogs, cats and ferrets to another Member State from such assembly centres. In order to make the assembly centre of dogs, cats and ferrets functional, it is necessary to lay down requirements for the movement of dogs, cats and ferrets to other Member States when animals from more than one establishment are assembled after leaving the establishment of origin.
- (7) Delegated Regulation (EU) 2020/688 provides that racing pigeons moved to sporting events in another Member State are to comply with the requirements for the movement of captive birds, including the residency period, and are accompanied by an animal health certificate. However, these obligations limit the possibility for those animals to train for and participate in sporting events. Delegated Regulation (EU) 2020/688 should, therefore, be amended to exclude racing pigeons moved to sporting events in another Member State from the requirements to comply with a residency period and to be accompanied by an animal health certificate.
- (8) Article 101 of Delegated Regulation (EU) 2020/688 lays down requirements for movements of wild terrestrial animals from their habitat to a habitat or an establishment in another Member State. The rules in that Article apply to all species of terrestrial animals. However, the animal health requirements established in Article 101(4), point (c), and in Article 101(5) of Delegated Regulation (EU) 2020/688 are more specific and are only relevant for, and therefore should apply only to, animals of certain species. Therefore, it is necessary to amend Delegated Regulation (EU) 2020/688 and clarify that Article 101(4), point (c) and Article 101(5) of that Delegated Regulation apply only to wild animals of the species which are listed for each specific disease in accordance with Commission Implementing Regulation (EU) 2018/1882 ⁽⁵⁾.
- (9) Annex II to Delegated Regulation (EU) 2020/688 lays down the minimum pre-movement requirements as regards infection with *Mycobacterium tuberculosis* complex (*M. bovis*, *M. caprae* and *M. tuberculosis*) in caprine, camelid and cervid animals. However, the testing regime established in case of caprine and camelid animals kept on establishments where the disease has been reported is more restrictive than that for cervid animals. This difference is unnecessary and unjustified, and the testing regimes for caprine and camelid animals in Annex II of Delegated Regulation (EU) 2020/688 should, therefore, be corrected to provide for the same possibility of tests to be performed as that for cervid animals for that particular disease.
- (10) Furthermore, Part 1, point 2, of Annex II to Delegated Regulation (EU) 2020/688 provides for a derogation from the requirement for annual testing of all caprine animals kept on the establishment for breeding purposes, under specific conditions. It is necessary to amend Part 1, point 2(a), of Annex II to Delegated Regulation (EU) 2020/688 to clarify which of the provisions of Part 1, point 1, of that Annex should be fulfilled in case of such a derogation.

⁽⁴⁾ Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for establishments keeping terrestrial animals and hatcheries, and the traceability of certain kept terrestrial animals and hatching eggs (OJ L 314, 5.12.2019, p. 115).

⁽⁵⁾ Commission Implementing Regulation (EU) 2018/1882 of 3 December 2018 on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases (OJ L 308, 4.12.2018, p. 21).

- (11) Delegated Regulation (EU) 2020/688 contains certain references to Commission Delegated Regulation (EU) 2020/689 ⁽⁶⁾ that are not accurate and should, therefore, be corrected.
- (12) In the interests of simplicity and transparency, as well as to facilitate the application of the rules and avoid duplication, these rules should be laid down in a single act rather than in a number of cross-referenced separate acts. This approach is also in line with the approach adopted in Regulation (EU) 2016/429, which favours the streamlining of Union rules to facilitate their application and reduce the administrative burden, as well as in Delegated Regulation (EU) 2020/688,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2020/688 is amended as follows:

- (1) in Article 34, paragraph 1 is amended as follows:

- (a) in point (a)(ii), the first intend is replaced by the following:

‘— 42 days prior to departure, in the case of breeding poultry and productive poultry for the production of meat, eggs for consumption or other products;’;

- (b) point (e) is replaced by the following:

‘(e) the surveillance provided for in Article 3(1) of Delegated Regulation (EU) 2020/689 has not detected any confirmed case of infection with low pathogenic avian influenza viruses in the flock of origin of the animals during the last 21 days prior to departure;’;

- (2) Article 37 is replaced by the following:

‘Article 37

Derogation for movements of less than 20 heads of poultry other than ratites

1. By way of derogation from the requirements set out in Articles 34, 35 and 36, operators may move less than 20 heads of poultry other than ratites to another Member State when the following requirements are fulfilled:

- (a) the animals come from flocks which have been continuously resident in a single registered establishment since hatching or for at least 21 days prior to departure;
- (b) the animals come from flocks which show no clinical signs or suspicion of listed diseases relevant for the species;
- (c) the surveillance provided for in Article 3(1) of Delegated Regulation (EU) 2020/689 has not detected any confirmed case of infection with low pathogenic avian influenza viruses in the flock of origin of the animals during the last 21 days prior to departure;
- (d) the animals have had no contact with newly-arrived poultry or with birds of lower health status during the last 21 days prior to departure;
- (e) in the case of ducks and geese, except those intended for slaughter, the animals have been subjected to a test for highly pathogenic avian influenza according to Annex IV, with negative results;
- (f) the animals have been subjected to tests for infection with *Salmonella Pullorum*, *S. Gallinarum* and *S. arizonae* and for avian mycoplasmosis (*Mycoplasma gallisepticum* and *M. meleagridis*) in accordance with Annex V, with negative results;
- (g) the relevant requirements related to vaccination as provided for in Article 41 and 42 for the specific category of poultry.

⁽⁶⁾ Commission Delegated Regulation (EU) 2020/689 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for surveillance, eradication programmes, and disease-free status for certain listed and emerging diseases (OJ L 174, 3.6.2020, p. 211).

2. In the case of day-old chicks hatched from hatching eggs which have entered into the Union from a third country or territory or zone thereof, the competent authority of the Member State of origin of those day-old chicks shall inform the competent authority of the Member State of intended destination that the hatching eggs had entered the Union from a third country.;

(3) in Article 43, the following paragraph (4) is added:

‘4. In case of kept ungulates intended for slaughter, except ovine and caprine animals not individually identified in accordance with Article 45 of Delegated Regulation (EU) 2019/2035, the assembly of animals from more than one establishment for a period of less than 20 days, after leaving the establishment of origin, shall be considered as an assembly operation.’;

(4) in Article 53, the following point is added:

‘(c) animals that are assembled after leaving their establishment of origin, are assembled in assembly centres of dogs, cats and ferrets approved in accordance with Article 10 of Delegated Regulation (EU) 2019/2035.’;

(5) Article 68 is replaced by the following:

Article 68

Specific requirements for movements of racing pigeons to sporting events in another Member State

Operators shall only move racing pigeons to sporting events in another Member State when those animals fulfil the conditions in Article 59, with the exception of the residency period laid down in Article 59(1), point (a).;

(6) in Article 71, paragraph 1 is replaced by the following:

‘1. Operators shall only move captive birds except racing pigeons to sporting events, honeybees, bumble bees except bumble bees from approved environmentally isolated production establishments, primates, dogs, cats, ferrets or other carnivores to another Member State if they are accompanied by an animal health certificate issued by the competent authority of the Member State of origin.’;

(7) Article 81 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The animal health certificate for captive birds, except those referred to in paragraph 2, that is issued by the competent authority of the Member State of origin in accordance with Article 71(1), shall contain the general information provided for in Part 1, point 1, of Annex VIII and an attestation of compliance with the requirements provided for in Article 59, and in Articles 61 and 62 where applicable for the specific category of birds.’;

(b) paragraph 3 is deleted;

(8) Article 101 is amended as follows:

(a) in paragraph 4, point (c), the introduction phrase is replaced by the following:

‘(c) animals that are of listed species for the relevant diseases, come from a habitat in which the following diseases and infections have not been reported during the stipulated timeframes.’;

(b) in paragraph 5, the introduction phrase is replaced by the following:

‘5. By way of derogation from paragraph 4(d) of this Article, the competent authority of the Member State of origin may authorise the movement of wild terrestrial animals belonging to the families of *Antilocapridae*, *Bovidae*, *Camelidae*, *Cervidae*, *Giraffidae*, *Moschidae* or *Tragulidae*, originating in a habitat which is not in compliance with at least one of the requirements for infection with Bluetongue virus (serotype 1-24) set out in Part II, Chapter 2, Section 1, points 1 to 3, of Annex V to Delegated Regulation (EU) 2020/689 to another Member State or zone thereof.’.

Article 2

Annex II to Delegated Regulation (EU) 2020/688 is corrected in accordance with the Annex to this Regulation.

Article 3

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, 14 July 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex II to Delegated Regulation (EU) 2020/688 is corrected as follows:

(1) Part 1 is corrected as follows:

(a) point 2(a) is replaced by the following:

‘(a) the elements referred to in points 1(a), (b) and (c), that constitute a part of the pre-movement surveillance programme established in point 1, have been carried out on the establishment referred to in point 1 for at least 24 months, and infection with *Mycobacterium tuberculosis* complex (*M. bovis*, *M. caprae* and *M. tuberculosis*) in caprine animals kept on that establishment has not been reported during this period;’;

(b) point 3 is replaced by the following:

‘3. If infection with *Mycobacterium tuberculosis* complex (*M. bovis*, *M. caprae* and *M. tuberculosis*) in caprine animals kept on the establishment referred to in point 1 has been reported, such animals may be moved to another Member State only when all caprine animals older than 6 weeks kept on that establishment have been tested, with negative results. These tests must be carried out on caprine animals or on samples collected from caprine animals no earlier than 42 days after the removal of the last confirmed case and of the last animal which tested positive using a diagnostic method.’;

(2) in Part 2, point 3 is replaced by the following:

‘3. If infection with *Mycobacterium tuberculosis* complex (*M. bovis*, *M. caprae* and *M. tuberculosis*) in camelid animals kept on the establishment referred to in point 1 has been reported, such animals may be moved to another Member State only when all camelid animals older than 6 weeks kept on that establishment have been tested, with negative results. These tests must be carried out on camelid animals or on samples collected from camelid animals no earlier than 42 days after the removal of the last confirmed case and of the last animal which tested positive using a diagnostic method.’.

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1707**of 22 September 2021****amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 183(b) thereof,

Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ⁽²⁾, and in particular Article 5(6)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.
- (3) Regulation (EC) No 1484/95 should therefore be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 150, 20.5.2014, p. 1.

⁽³⁾ Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC (OJ L 145, 29.6.1995, p. 47).

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

Done at Brussels, 22 September 2021.

*For the Commission,
On behalf of the President,
Wolfgang BURTSCHER
Director-General
Directorate-General for Agriculture and Rural
Development*

ANNEX

‘ANNEX I

NC code	Description of goods	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin ⁽¹⁾
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	196,7	32	BR

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7).’

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1708**of 23 September 2021****adding to the 2021 fishing quotas certain quantities withheld in the year 2020 pursuant to Article 4(2) of Council Regulation (EC) No 847/96**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas ⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) Pursuant to Article 4(2) of Regulation (EC) No 847/96, Member States may, before 31 October of the year of application of a fishing quota allocated to them, ask the Commission to withhold a maximum of 10 % of the quota and to transfer it to the following year.
- (2) Council Regulations (EU) 2018/2025 ⁽²⁾, (EU) 2019/1838 ⁽³⁾, (EU) 2019/2236 ⁽⁴⁾ and (EU) 2020/123 ⁽⁵⁾ fix fishing quotas for certain stocks for 2020 and specify which stocks may be subject to the measures provided for in Regulation (EC) No 847/96.
- (3) Council Regulations (EU) 2020/1579 ⁽⁶⁾, (EU) 2021/90 ⁽⁷⁾, (EU) 2021/91 ⁽⁸⁾ and (EU) 2021/92 ⁽⁹⁾ fix fishing quotas for certain stocks for 2021.
- (4) Certain Member States have requested, before 31 October 2020, pursuant to Article 4(2) of Regulation (EC) No 847/96, that part of their quotas for 2020 for the stocks listed in the Annex to this Regulation be withheld and transferred to the following year. Subject to the limits indicated in that Regulation, the quantities withheld should be added to the quotas for 2021.
- (5) For the purposes of this flexibility exercise, the eligibility of requested stock transfers and the state of exploitation of these stocks have been verified and taken into account. Therefore these stocks can be subject to the transfer of quota withheld from 2020 to 2021 in line with Article 4(2) of Regulation (EC) No 847/96.

⁽¹⁾ OJ L 115, 9.5.1996, p. 3.

⁽²⁾ Council Regulation (EU) 2018/2025 of 17 December 2018 fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (OJ L 325, 20.12.2018, p. 7).

⁽³⁾ Council Regulation (EU) 2019/1838 of 30 October 2019 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2019/124 as regards certain fishing opportunities in other waters (OJ L 281, 31.10.2019, p. 1).

⁽⁴⁾ Council Regulation (EU) 2019/2236 of 16 December 2019 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 336, 30.12.2019, p. 14).

⁽⁵⁾ 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).

⁽⁶⁾ Council Regulation (EU) 2020/1579 of 29 October 2020 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2020/123 as regards certain fishing opportunities in other waters (OJ L 362, 30.10.2020, p. 3).

⁽⁷⁾ Council Regulation (EU) 2021/90 of 28 January 2021 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 31, 29.1.2021, p. 1).

⁽⁸⁾ 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).

⁽⁹⁾ 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).

- (6) In order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of living marine biological resources, hinder the achievement of the objectives of the Common Fisheries Policy and deteriorate the biological status of the stocks, the year-to-year flexibility provided for by Article 15(9) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽¹⁰⁾ is excluded for the stocks listed in the Annex to this Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quotas fixed for 2021 in Regulations (EU) 2020/1579, (EU) 2021/90, (EU) 2021/91 and (EU) 2021/92 are increased as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh 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, 23 September 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽¹⁰⁾ 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).

ANNEX

Country ID	Stock Id	Species	Zone name	Final Quota 2020 ⁽¹⁾ (in tonnes)	Catches 2020 (in tonnes)	Special condition ⁽²⁾ catches 2020 (in tonnes)	% final quota	Transferred quantity (in tonnes)
BE	ANF/*8ABDE	Anglerfish	8a, 8b, 8d and 8e (special condition to ANF/07.)	360,128	82,820	0	23	36,013
BE	ANF/07.	Anglerfish	7	2 761,522	1 111,675	82,820	43,25	276,152
BE	HAD/*2AC4.	Haddock	4; Union waters of 2a (special condition to HAD/5BC6A.)	0,445	0	0	0	0,045
BE	HAD/07A.	Haddock	7a	56,447	3,619	0	6,41	5,645
BE	HAD/2AC4.	Haddock	4; Union waters of 2a	236,000	40,005	0	16,95	23,600
BE	HAD/6B1214	Haddock	Union and international waters of 6b, 12 and 14	28,501	0	0	0	2,850
BE	HAD/7X7A34	Haddock	7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1	127,830	107,184	0	83,85	12,783
BE	HER/*04B.	Herring	4b (special condition to HER/4CXB7D)	4 803,427	10,906	0	0,23	480,343
BE	HER/*25B-F	Herring	2, 5b north of 62° N (Faroese waters) (special condition to HER/1/2-)	2,200	0	0	0	0,220
BE	HER/4CXB7D	Herring	4c, 7d except Blackwater stock	133,811	104,389	10,906	86,16	13,381
BE	HKE/*03A.	Hake	3a (special condition to HKE/2AC4-C)	6,310	0	0	0	0,631
BE	HKE/*57-14	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14 (special condition to HKE/8ABDE.)	4,544	0	0	0	0,454
BE	HKE/*8ABDE	Hake	8a, 8b, 8d and 8e (special condition to HKE/571214)	85,327	0	0	0	8,533
BE	HKE/2AC4-C	Hake	Union waters of 2a and 4	63,674	25,622	0	40,24	6,367
BE	HKE/571214	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14	646,932	41,880	0	6,47	64,693
BE	HKE/8ABDE.	Hake	8a, 8b, 8d and 8e	21,412	14,503	0	67,73	2,141
BE	JAX/2A-14	Horse mackerel and associated by-catches	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	4,076	0,055	0	1,35	0,408
BE	LEZ/2AC4-C	Megrim	Union waters of 2a and 4	9,992	0,859	0	8,60	0,999

BE	MAC/*02AN-	Mackerel	Norwegian waters of 2a (special condition to MAC/2A34.)	83,700	0	0	0	8,370
BE	MAC/*FRO1	Mackerel	Faroese waters (special condition to MAC/2A34.)	85,800	0	0	0	8,580
BE	MAC/2A34.	Mackerel	3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32	89,447	73,868	0	82,58	8,945
BE	MAC/2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	56,163	48,879	0	87,03	5,616
BE	NEP/07.	Norway lobster	7	3,468	2,795	0	80,59	0,347
BE	NEP/2AC4-C	Norway lobster	Union waters of 2a and 4	1 517,321	674,836	0	44,48	151,732
BE	NEP/8ABDE.	Norway lobster	8a, 8b, 8d and 8e	1,155	0	0	0	0,116
BE	PLE/07A.	Plaice	7a	184,890	84,258	0	45,57	18,489
BE	PLE/2A3AX4	Plaice	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and the Kattegat	6 183,279	2 569,217	0	41,55	618,328
BE	POK/2C3A4	Saithe	3a and 4; Union waters of 2a	8,581	4,612	0	53,75	0,858
BE	SOL/07E.	Common sole	7e	69,421	58,017	0	83,57	6,942
BE	SOL/24-C.	Common sole	Union waters of 2a and 4	1 570,085	240,245	0	15,30	157,009
BE	SOL/7FG.	Common sole	7f and 7g	1 183,919	1 121,309	0	94,71	62,610
BE	SOL/8AB.	Common sole	8a and 8b	330,680	299,178	0	90,47	31,502
BE	WHG/2AC4.	Whiting	4; Union waters of 2a	235,871	211,374	0	89,61	23,587
BE	WHG/7X7A-C	Whiting	7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k	212,388	127,086	0	59,84	21,239
DE	ANF/*8ABDE	Anglerfish	8a, 8b, 8d and 8e (special condition to ANF/07.)	40,180	0	0	0	4,018
DE	ANF/07.	Anglerfish	7	480,770	359,005	0	74,67	48,077
DE	BLI/5B67-	Blue ling	Union and international waters of 5b, 6 and 7	126,201	0	0	0	12,620
DE	GHL/2A-C46	Greenland halibut	Union waters of 2a and 4; Union and international waters of 5b and 6	16,304	0	0	0	1,630
DE	HAD/*2AC4.	Haddock	4; Union waters of 2a (special condition to HAD/5BC6A.)	0,547	0	0	0	0,055
DE	HAD/03A.	Haddock	3a	121,727	12,558	0	10,32	12,173
DE	HAD/2AC4.	Haddock	4; Union waters of 2a	779,741	140,387	231,534	47,70	77,974

DE	HAD/5BC6A.	Haddock	Union and international waters of 5b and 6a	3,466	0	0	0	0,347
DE	HAD/6B1214	Haddock	Union and international waters of 6b, 12 and 14	31,239	0	0	0	3,124
DE	HAD/7X7A34	Haddock	7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1	0,500	0,273	0	54,60	0,050
DE	HER/*04B.	Herring	4b (special condition to HER/4CXB7D)	356,955	175,000	0	49,03	35,696
DE	HER/*04-C.	Herring	Union waters of 4 (special condition to HER/03A.)	94,144	0	0	0	9,414
DE	HER/*25B-F	Herring	2, 5b north of 62° N (Faroeese waters) (special condition to HER/1/2-)	450,412	26,838	0	5,96	45,041
DE	HER/03A.	Herring	3a	165,834	155,239	0	93,61	10,595
DE	HER/03A-BC	Herring	3a	56,666	0	0	0	5,667
DE	HER/1/2-	Herring	Union, Faroeese, Norwegian and international waters of 1 and 2	2 916,692	2 774,269	26,838	96,04	115,585
DE	HER/3D-R30	Herring	Union waters of Subdivisions 25-27, 28.2, 29 and 32	927,872	835,268	0	90,02	92,604
DE	HER/4CXB7D	Herring	4c, 7d except Blackwater stock	8 649,383	8 421,322	175,000	99,39	53,061
DE	HER/7G-K.	Herring	7g, 7h, 7j and 7k	31,457	0	0	0	3,146
DE	HKE/*03A.	Hake	3a (special condition to HKE/2AC4-C)	29,680	3,291	0	11,09	2,968
DE	HKE/*8ABDE	Hake	8a, 8b, 8d and 8e (special condition to HKE/571214)	0,020	0	0	0	0,002
DE	HKE/2AC4-C	Hake	Union waters of 2a and 4	219,785	137,511	3,291	64,06	21,979
DE	HKE/571214	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14	16,314	14,691	0	90,05	1,623
DE	JAX/*07D.	Horse mackerel and associated by-catches	7d (special condition to JAX/2A-14)	266,747	0	0	0	26,675
DE	JAX/2A-14	Horse mackerel and associated by-catches	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	8 633,716	944,627	94,980	12,04	863,372
DE	LEZ/07.	Megrim	7	0,022	0	0	0	0,002
DE	LEZ/2AC4-C	Megrim	Union waters of 2a and 4	5,778	2,249	0	38,92	0,578
DE	MAC/*02AN-	Mackerel	Norwegian waters of 2a (special condition to MAC/2A34.)	89,127	0	0	0	8,913

DE	MAC/*2AN-	Mackerel	Norwegian waters of 2a (special condition to MAC/2CX14-)	2 058,188	0	0	0	205,819
DE	MAC/*4A-EN	Mackerel	Union waters of 2a; Union and Norwegian waters of 4a (special condition to MAC/2CX14-)	14 979,951	14 800,004	0	98,80	179,947
DE	MAC/*8ABD.	Mackerel	8a, 8b and 8d (special condition to MAC/8C3411)	989,015	895,731	0	90,57	93,284
DE	MAC/*8C910	Mackerel	8c, 9 and 10 and Union waters of CECAF 34.1.1 (special condition to MAC/2CX14-)	6 268,850	0	0	0	626,885
DE	MAC/*FRO1	Mackerel	Faroese waters (special condition to MAC/2A34.)	90,970	0	0	0	9,097
DE	MAC/*FRO2	Mackerel	Faroese waters (special condition to MAC/2CX14-)	2 104,887	168,707	0	8,02	210,489
DE	MAC/8C3411	Mackerel	8c, 9 and 10; Union waters of CECAF 34.1.1	989,468	0	895,731	90,53	93,737
DE	NEP/03A.	Norway lobster	3a	31,466	17,345	0	55,12	3,147
DE	NEP/2AC4-C	Norway lobster	Union waters of 2a and 4	435,277	258,235	0	59,33	43,528
DE	OTH/*07D.	By-catches of boarfish and whiting	7d (special condition to JAX/2A-14)	15,793	0	0	0	1,579
DE	OTH/*2A-14	By-catches of boarfish, haddock, whiting and mackerel	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 (special condition to JAX/2A-14)	324,109	94,980	0	29,30	32,411
DE	PLE/03AN.	Plaice	Skagerrak	97,726	49,454	0	50,60	9,773
DE	PLE/03AS.	Plaice	Kattegat	12,875	1,947	0	15,12	1,288
DE	PLE/2A3AX4	Plaice	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and the Kattegat	5 428,871	1 388,746	11,548	25,79	542,887
DE	PLE/3BCD-C	Plaice	Union waters of subdivisions 22-32	1 203,648	1 083,428	0	90,01	120,220
DE	PLE/7DE.	Plaice	7d and 7e	2,000	0,554	0	27,70	0,200
DE	POK/2C3A4	Saithe	3a and 4; Union waters of 2a	8 055,142	6 878,514	0	85,39	805,514
DE	POK/56-14	Saithe	6; Union and international waters of 5b, 12 and 14	44,968	0	0	0	4,497
DE	SOL/24-C.	Common sole	Union waters of 2a and 4	1 293,792	915,597	0	70,77	129,379
DE	SOL/3ABC24	Common sole	3a; Union waters of Subdivisions 22-24	26,311	23,752	0	90,27	2,559
DE	SPR/3BCD-C	Sprat	Union waters of Subdivisions 22-32	9 281,828	8 927,746	0	96,19	354,082

DE	WHB/*05-F.	Blue whiting	Faroese waters (special condition to WHB/1X14)	3 897,007	2 120,256	0	54,41	389,701
DE	WHB/1X14	Blue whiting	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	45 723,053	39 111,854	2 120,256	90,18	4 490,943
DE	WHG/2AC4.	Whiting	4; Union waters of 2a	237,286	178,425	35,823	90,29	23,038
DE	WHG/7X7A-C	Whiting	7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k	8,000	0,544	0	6,80	0,800
DK	GHL/2A-C46	Greenland halibut	Union waters of 2a and 4; Union and international waters of 5b and 6	15,578	0	0	0	1,558
DK	HAD/03A.	Haddock	3a	1 945,122	307,499	0	15,81	194,512
DK	HAD/2AC4.	Haddock	4; Union waters of 2a	1 643,265	553,909	620,727	71,48	164,327
DK	HER/*04B.	Herring	4b (special condition to HER/4CXB7D)	449,264	0	0	0	44,926
DK	HER/*04-C.	Herring	Union waters of 4 (special condition to HER/03A.)	5 851,356	4 750,019	0	81,18	585,136
DK	HER/*25B-F	Herring	2, 5b north of 62° N (Faroese waters) (special condition to HER/1/2-)	2 823,962	0	0	0	282,396
DK	HER/03A-BC	Herring	3a	6 324,353	913,891	0	14,45	632,435
DK	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	17 254,997	3 038,584	13 484,836	95,76	731,577
DK	HER/2A47DX	Herring	4, 7d and Union waters of 2a	9 821,258	9 804,086	0	99,83	17,172
DK	HER/3D-R30	Herring	Union waters of Subdivisions 25-27, 28.2, 29 and 32	10 729,369	9 232,276	0	86,05	1 072,937
DK	HER/4CXB7D	Herring	4c, 7d except Blackwater stock	88,885	0	0	0	8,889
DK	HKE/*03A.	Hake	3a (special condition to HKE/2AC4-C)	259,039	0	0	0	25,904
DK	HKE/03A.	Hake	3a	3 498,148	503,754	0	14,40	349,815
DK	HKE/2AC4-C	Hake	Union waters of 2a and 4	2 590,431	861,680	0	33,26	259,043
DK	HKE/571214	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14	0,531	0,392	0	73,82	0,053
DK	JAX/2A-14	Horse mackerel and associated by-catches	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	8 682,447	5 544,006	101,936	65,03	868,245
DK	LEZ/2AC4-C	Megrim	Union waters of 2a and 4	54,038	24,999	0	46,26	5,404
DK	MAC/2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	3 016,543	2 944,102	0	97,60	72,441

DK	NEP/03A.	Norway lobster	3a	11 198,756	3 980,089	0	35,54	1 119,876
DK	NEP/2AC4-C	Norway lobster	Union waters of 2a and 4	1 532,548	200,439	0	13,08	153,255
DK	OTH/*2A-14	By-catches of boarfish, haddock, whiting and mackerel	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 (special condition to JAX/2A-14)	404,578	101,936	0	25,20	40,458
DK	PLE/03AN.	Plaice	Skagerrak	14 784,742	5 068,120	0	34,28	1 478,474
DK	PLE/03AS.	Plaice	Kattegat	1 183,195	261,547	0	22,11	118,320
DK	PLE/2A3AX4	Plaice	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and the Kattegat	20 049,884	3 362,767	2 275,459	28,12	2 004,988
DK	PLE/3BCD-C	Plaice	Union waters of Subdivisions 22-32	5 473,160	2 754,146	0	50,32	547,316
DK	POK/2C3A4	Saithe	3a and 4; Union waters of 2a	4 400,658	3 790,835	0	86,14	440,066
DK	POK/56-14	Saithe	6; Union and international waters of 5b, 12 and 14	0,361	0	0	0	0,036
DK	SOL/24-C.	Common sole	Union waters of 2a and 4	723,091	122,816	0	16,98	72,309
DK	SOL/3ABC24	Common sole	3a; Union waters of Subdivisions 22-24	484,418	312,721	0	64,56	48,442
DK	SPR/3BCD-C	Sprat	Union waters of Subdivisions 22-32	28 441,408	26 509,027	0	93,21	1 932,381
DK	WHB/*05-F.	Blue whiting	Faroese waters (special condition to WHB/1X14)	5 831,437	0	0	0	583,144
DK	WHB/1X14	Blue whiting	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	63 233,761	58 126,115	10,827	91,94	5 096,819
DK	WHG/2AC4.	Whiting	4; Union waters of 2a	773,933	123,330	86,452	27,11	77,393
DK	WHG/7X7A-C	Whiting	7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k	2,210	2,171	0	98,24	0,039
EE	BLI/5B67-	Blue ling	Union and international waters of 5b, 6 and 7	18,989	0	0	0	1,899
EE	HER/03D.RG	Herring	Subdivision 28.1	13 922,798	12 230,565	0	87,85	1 392,280
EE	HER/3D-R30	Herring	Union waters of Subdivisions 25-27, 28.2, 29 and 32	19 057,889	16 377,400	0	85,94	1 905,789
EE	SPR/3BCD-C	Sprat	Union waters of Subdivisions 22-32	25 510,718	24 309,731	0	95,29	1 200,987
ES	ANE/08.	Anchovy	8	28 447,871	25 558,959	0	89,84	2 844,787
ES	ANF/*8ABDE	Anglerfish	8a, 8b, 8d and 8e (special condition to ANF/07.)	143,074	0	0	0	14,307
ES	ANF/07.	Anglerfish	7	3 035,909	2 864,065	0	94,34	171,844

ES	ANF/8ABDE.	Anglerfish	8a, 8b, 8d and 8e	1 383,530	744,639	0	53,82	138,353
ES	ANF/8C3411	Anglerfish	8c, 9 and 10; Union waters of CECAF 34.1.1	3 681,024	886,073	0	24,07	368,102
ES	BLI/5B67-	Blue ling	Union and international waters of 5b, 6 and 7	397,670	271,634	0	68,31	39,767
ES	GHL/2A-C46	Greenland halibut	Union waters of 2a and 4; Union and international waters of 5b and 6	109,700	25,406	0	23,16	10,970
ES	HER/*25B-F	Herring	2, 5b north of 62° N (Faroese waters) (special condition to HER/1/2-)	8,550	0	0	0	0,855
ES	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	41,654	0	0	0	4,165
ES	HKE/*57-14	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14 (special condition to HKE/8ABDE.)	4 670,694	0	0	0	467,069
ES	HKE/*8ABDE	Hake	8a, 8b, 8d and 8e (special condition to HKE/571214)	3 424,552	0	0	0	342,455
ES	HKE/571214	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14	21 873,305	16 355,164	0	74,77	2 187,331
ES	HKE/8ABDE.	Hake	8a, 8b, 8d and 8e	14 757,734	8 086,758	0	54,80	1 475,773
ES	HKE/8C3411	Hake	8c, 9 and 10; Union waters of CECAF 34.1.1	6 900,174	6 552,227	0	94,96	347,947
ES	JAX/*08C.	Horse mackerel and associated by-catches	8c (special condition to JAX/2A-14)	12 038,172	9 912,610	0	82,34	1 203,817
ES	JAX/*08C2	Horse mackerel and associated by-catches	8c (special condition to JAX/2A-14)	6 593,145	0	0	0	659,315
ES	JAX/*09.	Horse mackerel	9 (special condition to JAX/08C.)	1 178,295	0	0	0	117,830
ES	JAX/08C.	Horse mackerel	8c	12 686,421	11 417,780	0	90,00	1 268,641
ES	JAX/09.	Horse mackerel	9	41 818,039	17 203,046	9 912,610	64,84	4 181,804
ES	JAX/2A-14	Horse mackerel and associated by-catches	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	7 295,096	1 128,397	244,697	18,82	729,510
ES	LEZ/*8ABDE	Megrim	8a, 8b, 8d and 8e (special condition to LEZ/07.)	2 172,525	0	0	0	217,253
ES	LEZ/07.	Megrim	7	5 913,176	2 281,804	0	38,59	591,318
ES	LEZ/56-14	Megrim	Union and international waters of 5b; 6; international waters of 12 and 14	750,461	413,311	0	55,07	75,046

ES	LEZ/8ABDE.	Megrim	8a, 8b, 8d and 8e	941,107	719,935	0	76,50	94,111
ES	LEZ/8C3411	Megrim	8c, 9 and 10; Union waters of CECAF 34.1.1	2 312,295	869,491	0	37,60	231,230
ES	MAC/*08B.	Mackerel	8b (special condition to MAC/8C3411)	3 150,964	0	0	0	315,096
ES	MAC/*8ABD.	Mackerel	8a, 8b and 8d (special condition to MAC/8C3411)	9 379,337	0	0	0	937,934
ES	MAC/*8C910	Mackerel	8c, 9 and 10 and Union waters of CECAF 34.1.1 (special condition to MAC/2CX14-)	3 582,398	1 181,183	0	32,97	358,240
ES	MAC/2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	3 025,000	1 843,816	1 181,183	100,00	0,001
ES	MAC/8C3411	Mackerel	8c, 9 and 10; Union waters of CECAF 34.1.1	34 674,050	31 092,921	0	89,67	3 467,405
ES	NEP/*07U16	Norway lobster	Functional Unit 16 of ICES Subarea 7 (special condition to NEP/07.)	667,009	64,385	0	9,65	66,701
ES	NEP/07.	Norway lobster	7	1 021,656	31,623	64,385	9,40	102,166
ES	NEP/5BC6.	Norway lobster	6; Union and international waters of 5b	60,200	0	0	0	6,020
ES	NEP/8ABDE.	Norway lobster	8a, 8b, 8d and 8e	146,165	0,050	0	0,03	14,617
ES	OTH/*08C2	By-catches of boarfish and whiting	8c (special condition to JAX/2A-14)	324,270	0	0	0	32,427
ES	OTH/*2A-14	By-catches of boarfish, haddock, whiting and mackerel	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 (special condition to JAX/2A-14)	430,740	244,697	0	56,81	43,074
ES	SOL/7FG.	Common sole	7f and 7g	1,050	0,450	0	42,86	0,105
ES	SOL/8AB.	Common sole	8a and 8b	8,000	7,200	0	90,00	0,800
ES	WHB/*05-F.	Blue whiting	Faroese waters (special condition to WHB/1X14)	2 178,066	0	0	0	217,807
ES	WHB/1X14	Blue whiting	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	3 239,633	623,980	0	19,26	323,963
ES	WHB/8C3411	Blue whiting	8c, 9 and 10; Union waters of CECAF 34.1.1	39 857,581	22 147,942	0	55,57	3 985,758
ES	WHG/7X7A-C	Whiting	7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k	7,500	4,286	0	57,15	0,750
FI	HER/3D-R30	Herring	Union waters of subdivisions 25-27, 28.2, 29 and 32	34 415,928	31 886,256	0	92,65	2 529,672
FI	SPR/3BCD-C	Sprat	Union waters of Subdivisions 22-32	12 898,607	12 498,052	0	96,89	400,555
FR	ANE/08.	Anchovy	8	2 698,597	40,836	0	1,51	269,860

FR	ANF/*8ABDE	Anglerfish	8a, 8b, 8d and 8e (special condition to ANF/07.)	2 310,961	0	0	0	231,096
FR	ANF/07.	Anglerfish	7	21 281,821	12 094,559	0	56,83	2 128,182
FR	ANF/8ABDE.	Anglerfish	8a, 8b, 8d and 8e	8 561,348	3 202,831	0	37,41	856,135
FR	ANF/8C3411	Anglerfish	8c, 9 and 10; Union waters of CECAF 34.1.1	58,889	18,538	0	31,48	5,889
FR	BLI/5B67-	Blue ling	Union and international waters of 5b, 6 and 7	9 073,670	1 566,233	0	17,26	907,367
FR	GHL/2A-C46	Greenland halibut	Union waters of 2a and 4; Union and international waters of 5b and 6	341,134	136,515	0	40,02	34,113
FR	HAD/*2AC4.	Haddock	4; Union waters of 2a (special condition to HAD/5BC6A.)	23,957	0	0	0	2,396
FR	HAD/07A.	Haddock	7a	257,119	0	0	0	25,712
FR	HAD/2AC4.	Haddock	4; Union waters of 2a	1 608,101	146,249	0	9,09	160,810
FR	HAD/5BC6A.	Haddock	Union and international waters of 5b and 6a	231,995	87,114	0	37,55	23,200
FR	HAD/6B1214	Haddock	Union and international waters of 6b, 12 and 14	1 267,794	2,446	0	0,19	126,779
FR	HAD/7X7A34	Haddock	7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1	7 537,862	3 840,932	0	50,96	753,786
FR	HER/*04B.	Herring	4b (special condition to HER/4CXB7D)	5 743,000	0	0	0	574,300
FR	HER/*25B-F	Herring	2, 5b north of 62° N (Faroese waters) (special condition to HER/1/2-)	103,590	0	0	0	10,359
FR	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	1,002	0	0	0	0,100
FR	HER/2A47DX	Herring	4, 7d and Union waters of 2a	51,043	0	0	0	5,104
FR	HER/4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30' N	13 846,976	12 780,213	0	92,30	1 066,763
FR	HER/4CXB7D	Herring	4c, 7d except Blackwater stock	7 687,481	6 973,537	0	90,71	713,944
FR	HER/7G-K.	Herring	7g, 7h, 7j and 7k	90,103	0,011	0	0,01	9,010
FR	HKE/*03A.	Hake	3a (special condition to HKE/2AC4-C)	57,313	0	0	0	5,731
FR	HKE/*57-14	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14 (special condition to HKE/8ABDE.)	7 288,111	0	0	0	728,811
FR	HKE/*8ABDE	Hake	8a, 8b, 8d and 8e (special condition to HKE/571214)	3 424,570	0	0	0	342,457

FR	HKE/2AC4-C	Hake	Union waters of 2a and 4	1 381,635	1 305,008	0	94,45	76,627
FR	HKE/571214	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14	31 919,526	16 998,116	0	53,25	3 191,953
FR	HKE/8ABDE.	Hake	8a, 8b, 8d and 8e	33 098,312	11 649,236	0	35,20	3 309,831
FR	HKE/8C3411	Hake	8c, 9 and 10; Union waters of CECAF 34.1.1	195,311	49,247	0	25,21	19,531
FR	JAX/*07D.	Horse mackerel and associated by-catches	7d (special condition to JAX/2A-14)	162,514	85,828	0	52,81	16,251
FR	JAX/*08C2	Horse mackerel and associated by-catches	8c (special condition to JAX/2A-14)	2 427,258	0	0	0	242,726
FR	JAX/08C.	Horse mackerel	8c	206,015	0,411	0	0,20	20,602
FR	JAX/2A-14	Horse mackerel and associated by-catches	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	4 985,542	2 884,95	85,828	59,59	498,554
FR	LEZ/*2AC4C	Megrim	Union waters of 2a and 4 (special condition to LEZ/56-14)	143,565	6,138	0	4,28	14,357
FR	LEZ/*8ABDE	Megrim	8a, 8b, 8d and 8e (special condition to LEZ/07.)	2 633,577	462,501	0	17,56	263,358
FR	LEZ/07.	Megrim	7	7 545,798	3 362,219	462,501	50,69	754,580
FR	LEZ/2AC4-C	Megrim	Union waters of 2a and 4	104,020	76,264	0	73,32	10,402
FR	LEZ/56-14	Megrim	Union and international waters of 5b; 6; international waters of 12 and 14	2 897,750	162,131	6,138	5,81	289,775
FR	LEZ/8ABDE.	Megrim	8a, 8b, 8d and 8e	1 040,159	743,509	0	71,48	104,016
FR	LEZ/8C3411	Megrim	8c, 9 and 10; Union waters of CECAF 34.1.1	98,500	0,975	0	0,99	9,850
FR	MAC/*02AN-	Mackerel	Norwegian waters of 2a (special condition to MAC/2A34.)	267,481	0	0	0	26,748
FR	MAC/*08B.	Mackerel	8b (special condition to MAC/8C3411)	20,593	0	0	0	2,059
FR	MAC/*2AN-	Mackerel	Norwegian waters of 2a (special condition to MAC/2CX14-)	1 370,644	0	0	0	137,064
FR	MAC/*3A4BC	Mackerel	3a and 4bc (special condition to MAC/2A34.)	568,702	0	0	0	56,870
FR	MAC/*4A-EN	Mackerel	Union waters of 2a; Union and Norwegian waters of 4a (special condition to MAC/2CX14-)	10 197,197	7 023,249	0	68,87	1 019,720
FR	MAC/*8ABD.	Mackerel	8a, 8b and 8d (special condition to MAC/8C3411)	2,159	0	0	0	0,216

FR	MAC/*8C910	Mackerel	8c, 9 and 10 and Union waters of CECAF 34.1.1 (special condition to MAC/2CX14-)	4 179,600	0	0	0	417,960
FR	MAC/*FRO1	Mackerel	Faroese waters (special condition to MAC/2A34.)	272,828	0	0	0	27,283
FR	MAC/*FRO2	Mackerel	Faroese waters (special condition to MAC/2CX14-)	1 403,628	0	0	0	140,363
FR	MAC/2A34.	Mackerel	3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32	1 958,917	1 847,787	0	94,33	111,130
FR	MAC/2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	20 615,226	11 484,042	7 023,249	89,77	2 061,523
FR	MAC/8C3411	Mackerel	8c, 9 and 10; Union waters of CECAF 34.1.1	188,621	122,5	0	64,95	18,862
FR	NEP/*07U16	Norway lobster	Functional Unit 16 of ICES Subarea 7 (special condition to NEP/07.)	157,686	0	0	0	15,769
FR	NEP/07.	Norway lobster	7	4 647,529	127,635	0	2,75	464,753
FR	NEP/2AC4-C	Norway lobster	Union waters of 2a and 4	79,028	17,440	0	22,07	7,903
FR	NEP/5BC6.	Norway lobster	6; Union and international waters of 5b	142,328	0	0	0	14,233
FR	NEP/8ABDE.	Norway lobster	8a, 8b, 8d and 8e	4 166,955	2 307,013	0	55,36	416,696
FR	OTH/*07D.	By-catches of boarfish and whiting	7d (special condition to JAX/2A-14)	8,130	0	0	0	0,813
FR	OTH/*08C2	By-catches of boarfish and whiting	8c (special condition to JAX/2A-14)	122,353	0	0	0	12,235
FR	OTH/*2A-14	By-catches of boarfish, haddock, whiting and mackerel	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 (special condition to JAX/2A-14)	173,537	0	0	0	17,354
FR	PLE/07A.	Plaice	7a	56,013	0	0	0	5,601
FR	PLE/2A3AX4	Plaice	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and the Kattegat	1 155,441	24,844	0	2,15	115,544
FR	PLE/7DE.	Plaice	7d and 7e	5 553,886	1 063,11	0	19,14	555,389
FR	POK/2C3A4	Saithe	3a and 4; Union waters of 2a	19 734,340	9 782,782	0	49,57	1 973,434
FR	POK/56-14	Saithe	6; Union and international waters of 5b, 12 and 14	3 860,742	1 283,35	0	33,24	386,074
FR	SOL/07E.	Common sole	7e	458,741	194,394	0	42,38	45,874
FR	SOL/24-C.	Common sole	Union waters of 2a and 4	343,724	36,836	0	10,72	34,372

FR	SOL/7FG.	Common sole	7f and 7g	63,729	43,565	0	68,36	6,373
FR	SOL/8AB.	Common sole	8a and 8b	3 752,751	2 901,092	0	77,31	375,275
FR	WHB/*05-F.	Blue whiting	Faroese waters (special condition to WHB/1X14)	3 661,363	495	0	13,52	366,136
FR	WHB/1X14	Blue whiting	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	13 862,406	11 757,603	495,000	88,39	1 386,241
FR	WHG/2AC4.	Whiting	4; Union waters of 2a	2 131,637	677,414	0	31,78	213,164
FR	WHG/7X7A-C	Whiting	7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k	7 512,895	3 977,612	0	52,94	751,290
IE	ANF/07.	Anglerfish	7	4 268,700	3 749,680	0	87,84	426,870
IE	BLI/5B67-	Blue ling	Union and international waters of 5b, 6 and 7	34,634	0	0	0	3,463
IE	GHL/2A-C46	Greenland halibut	Union waters of 2a and 4; Union and international waters of 5b and 6	0,011	0	0	0	0,001
IE	HAD/07A.	Haddock	7a	1 541,462	759,029	0	49,24	154,146
IE	HAD/5BC6A.	Haddock	Union and international waters of 5b and 6a	676,517	440,958	0	65,18	67,652
IE	HAD/6B1214	Haddock	Union and international waters of 6b, 12 and 14	966,844	679,481	0	70,28	96,684
IE	HAD/7X7A34	Haddock	7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1	2 918,358	2 651,852	0	90,87	266,506
IE	HER/07A/MM	Herring	7a	2 351,965	1 933,970	0	82,23	235,197
IE	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	2 998,687	2 703,594	0	90,16	295,093
IE	HER/4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30' N	257,429	234,576	0	91,12	22,853
IE	HER/7G-K.	Herring	7g, 7h, 7j and 7k	750,000	136,828	0	18,24	75,000
IE	HKE/571214	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14	3 995,112	3 594,334	0,207	89,97	399,511
IE	JAX/2A-14	Horse mackerel and associated by-catches	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	20 555,568	17 357,985	0	84,44	2 055,557
IE	LEZ/07.	Megrim	7	3 415,371	1 861,256	0	54,50	341,537
IE	LEZ/56-14	Megrim	Union and international waters of 5b; 6; international waters of 12 and 14	950,054	716,278	0	75,39	95,005
IE	MAC/*2AN-	Mackerel	Norwegian waters of 2a (special condition to MAC/2CX14-)	6 863,698	0	0	0	686,370

IE	MAC/*4A-EN	Mackerel	Union waters of 2a; Union and Norwegian waters of 4a (special condition to MAC/2CX14-)	50 633,347	15 453,633	0	30,52	5 063,335
IE	MAC/*FRO2	Mackerel	Faroese waters (special condition to MAC/2CX14-)	7 017,736	0	0	0	701,774
IE	MAC/2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	76 657,050	59 019,562	15 453,633	97,15	2 183,855
IE	NEP/*07U16	Norway lobster	Functional Unit 16 of ICES Subarea 7 (special condition to NEP/07.)	1 590,483	1 433,368	0	90,12	157,115
IE	NEP/07.	Norway lobster	7	7 166,915	4 085,628	1 433,368	77,01	716,692
IE	NEP/5BC6.	Norway lobster	6; Union and international waters of 5b	237,287	147,202	0	62,04	23,729
IE	PLE/07A.	Plaice	7a	1 588,546	177,225	0	11,16	158,855
IE	POK/56-14	Saithe	6; Union and international waters of 5b, 12 and 14	435,457	125,263	0	28,77	43,546
IE	SOL/7FG.	Common sole	7f and 7g	58,728	50,837	0	86,56	5,873
IE	WHB/1X14	Blue whiting	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	43 029,787	39 180,089	0	91,05	3 849,698
IE	WHG/7X7A-C	Whiting	7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k	3 883,173	2 657,978	0	68,45	388,317
LT	MAC/2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	749,069	4,153	0	0,55	74,907
NL	ANF/*8ABDE.	Anglerfish	8a, 8b, 8d and 8e (special condition to ANF/07.)	46,591	0	0	0	4,659
NL	ANF/07.	Anglerfish	7	37,230	4,652	0	12,50	3,723
NL	BLI/5B67-	Blue ling	Union and international waters of 5b, 6 and 7	7,700	0	0	0	0,770
NL	GHL/2A-C46	Greenland halibut	Union waters of 2a and 4; Union and international waters of 5b and 6	1,426	0,204	0	14,31	0,143
NL	HAD/03A.	Haddock	3a	3,009	0,824	0	27,38	0,301
NL	HAD/2AC4.	Haddock	4; Union waters of 2a	260,505	90,727	127,330	83,71	26,051
NL	HAD/5BC6A.	Haddock	Union and international waters of 5b and 6a	25,426	23,377	0	91,94	2,049
NL	HAD/7X7A34	Haddock	7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1	62,996	42,392	0	67,29	6,300
NL	HER/*04B.	Herring	4b (special condition to HER/4CXB7D)	10 081,411	6 447,295	0	63,95	1 008,141

NL	HER/*25B-F	Herring	2, 5b north of 62° N (Faroeese waters) (special condition to HER/1/2-)	940,200	446,187	0	47,46	94,020
NL	HER/1/2-	Herring	Union, Faroeese, Norwegian and international waters of 1 and 2	5 510,587	1 562,146	3 398,030	90,01	550,411
NL	HER/2A47DX	Herring	4, 7d and Union waters of 2a	92,218	92,126	0	99,90	0,092
NL	HER/7G-K.	Herring	7g, 7h, 7j and 7k	75,435	0,154	0	0,20	7,544
NL	HKE/*03A.	Hake	3a (special condition to HKE/2AC4-C)	14,760	12,920	0	87,53	1,476
NL	HKE/*8ABDE.	Hake	8a, 8b, 8d and 8e (special condition to HKE/571214)	43,094	0	0	0	4,309
NL	HKE/2AC4-C	Hake	Union waters of 2a and 4	136,351	38,200	12,920	37,49	13,635
NL	HKE/571214	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14	346,132	134,032	0	38,72	34,613
NL	HKE/8ABDE.	Hake	8a, 8b, 8d and 8e	43,023	0	0	0	4,302
NL	JAX/2A-14	Horse mackerel and associated by-catches	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	21 318,126	14 065,356	2 336,907	76,94	2 131,813
NL	LEZ/07.	Megrim	7	0,457	0,390	0	85,34	0,046
NL	LEZ/2AC4-C	Megrim	Union waters of 2a and 4	69,335	1,726	0	2,49	6,934
NL	MAC/*02AN-	Mackerel	Norwegian waters of 2a (special condition to MAC/2A34.)	248,000	0	0	0	24,800
NL	MAC/*3A4BC	Mackerel	3a and 4bc (special condition to MAC/2A34.)	1 622,290	918,086	0	56,59	162,229
NL	MAC/*4A-EN	Mackerel	Union waters of 2a; Union and Norwegian waters of 4a (special condition to MAC/2CX14-)	20 383,815	15 673,174	0	76,89	2 038,382
NL	MAC/*8C910	Mackerel	8c, 9 and 10 and Union waters of CECAF 34.1.1 (special condition to MAC/2CX14-)	5 756,725	0	0	0	575,673
NL	MAC/*FRO1	Mackerel	Faroeese waters (special condition to MAC/2A34.)	254,000	0	0	0	25,400
NL	MAC/*FRO2	Mackerel	Faroeese waters (special condition to MAC/2CX14-)	2 841,000	0	0	0	284,100
NL	MAC/2A34.	Mackerel	3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32	2 560,658	1 635,849	918,354	99,75	6,455
NL	MAC/2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	27 881,983	9 792,605	15 673,174	91,33	2 416,204

NL	NEP/07.	Norway lobster	7	2,510	0,003	0	0,12	0,251
NL	NEP/2AC4-C	Norway lobster	Union waters of 2a and 4	1 378,250	930,659	0	67,52	137,825
NL	OTH/*07D.	By-catches of boarfish and whiting	7d (special condition to JAX/2A-14)	63,353	0	0	0	6,335
NL	PLE/03AN.	Plaice	Skagerrak	2 515,299	2 111,838	0	83,96	251,530
NL	PLE/07A.	Plaice	7a	0,010	0	0	0	0,001
NL	PLE/2A3AX4	Plaice	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and the Kattegat	41 488,820	14 370,487	2 639,831	41,00	4 148,882
NL	PLE/7DE.	Plaice	7d and 7e	114,053	49,985	0	43,83	11,405
NL	POK/2C3A4	Saithe	3a and 4; Union waters of 2a	237,735	180,532	0	75,94	23,774
NL	POK/56-14	Saithe	6; Union and international waters of 5b, 12 and 14	1,572	0,186	0	11,83	0,157
NL	SOL/24-C.	Common sole	Union waters of 2a and 4	13 929,930	6 706,835	0	48,15	1 392,993
NL	SOL/3ABC24	Common sole	3a; Union waters of Subdivisions 22-24	52,000	44,489	0	85,56	5,200
NL	WHB/*05-F.	Blue whiting	Faroese waters (special condition to WHB/1X14)	5 658,807	0	0	0	565,881
NL	WHB/1X14	Blue whiting	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	68 833,098	61 946,216	0	89,99	6 883,310
NL	WHG/2AC4.	Whiting	4; Union waters of 2a	993,017	770,641	9,125	78,52	99,302
NL	WHG/7X7A-C	Whiting	7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k	532,924	460,676	0	86,44	53,292
PL	BLI/5B67-	Blue ling	Union and international waters of 5b, 6 and 7	3,400	0	0	0	0,340
PL	GHL/2A-C46	Greenland halibut	Union waters of 2a and 4; Union and international waters of 5b and 6	30,800	0	0	0	3,080
PL	HER/3D-R30	Herring	Union waters of Subdivisions 25-27, 28.2, 29 and 32	42 143,526	36 963,658	0	87,71	4 214,353
PL	JAX/2A-14	Horse mackerel and associated by-catches	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	2 819,600	989,350	25,000	35,97	281,960
PL	PLE/3BCD-C	Plaice	Union waters of Subdivisions 22-32	902,639	369,699	0	40,96	90,264
PL	SPR/3BCD-C	Sprat	Union waters of Subdivisions 22-32	63 519,309	60 607,717	0	95,42	2 911,592
PL	WHB/1X14	Blue whiting	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	51 681,791	45 341,264	1 224,384	90,10	5 116,143
PT	ANF/8C3411	Anglerfish	8c, 9 and 10; Union waters of CECAF 34.1.1	743,369	739,131	0	99,43	4,238

PT	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	0,023	0	0	0	0,002
PT	JAX/08C.	Horse mackerel	8c	347,500	89,574	0	25,78	34,750
PT	JAX/09.	Horse mackerel	9	85 091,041	17 267,137	0	20,29	8 509,104
PT	JAX/2A-14	Horse mackerel and associated by-catches	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	0,248	0	0	0	0,025
PT	LEZ/8C3411	Megrim	8c, 9 and 10; Union waters of CECAF 34.1.1	112,063	105,315	0	93,98	6,748
PT	MAC/8C3411	Mackerel	8c, 9 and 10; Union waters of CECAF 34.1.1	5 569,390	4 841,746	34,684	87,56	556,939
PT	WHB/1X14	Blue whiting	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	1,286	0,214	0	16,64	0,129
PT	WHB/8C3411	Blue whiting	8c, 9 and 10; Union waters of CECAF 34.1.1	9 950,263	2 687,716	0	27,01	995,026
SE	HAD/03A.	Haddock	3a	228,687	57,157	0	24,99	22,869
SE	HAD/2AC4.	Haddock	4; Union waters of 2a	156,432	27,250	0,459	17,71	15,643
SE	HER/03A.	Herring	3a	16 459,076	10 864,988	5 187,389	97,53	406,699
SE	HER/03A-BC	Herring	3a	1 017,768	778,230	0	76,46	101,777
SE	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	3 272,520	223,483	2 946,903	96,88	102,134
SE	HER/2A47DX	Herring	4, 7d and Union waters of 2a	69,708	54,962	0	78,85	6,971
SE	HER/3D-R30	Herring	Union waters of Subdivisions 25-27, 28.2, 29 and 32	48 739,637	44 099,887	0	90,48	4 639,750
SE	HER/4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30' N	7 007,631	6 920,034	71,312	99,77	16,285
SE	HKE/03A.	Hake	3a	303,150	37,034	0	12,22	30,315
SE	JAX/2A-14	Horse mackerel and associated by-catches	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	162,366	1,647	0	1,01	16,237
SE	MAC/2A34.	Mackerel	3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32	3 941,910	3 342,000	346,580	93,57	253,330
SE	NEP/03A.	Norway lobster	3a	4 006,618	1 792,927	0	44,75	400,662
SE	PLE/03AN.	Plaice	Skagerrak	784,185	65,78	0	8,39	78,419
SE	PLE/03AS.	Plaice	Kattegat	132,838	17,475	0	13,16	13,284
SE	PLE/3BCD-C	Plaice	Union waters of Subdivisions 22-32	398,173	19,024	0	4,78	39,817

SE	POK/2C3A4	Saithe	3a and 4; Union waters of 2a	508,246	340,73	0	67,04	50,825
SE	SOL/3ABC24	Common sole	3a; Union waters of Subdivisions 22-24	18,890	9,019	0	47,74	1,889
SE	SPR/3BCD-C	Sprat	Union waters of Subdivisions 22-32	44 396,305	41 863,569	0	94,30	2 532,736
SE	WHB/1X14	Blue whiting	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	85,868	79,339	0	92,40	6,529
SE	WHG/2AC4.	Whiting	4; Union waters of 2a	27,053	20,092	0	74,27	2,705

⁽ⁱ⁾ Quotas available to a Member State pursuant to the relevant fishing opportunities Regulations after taking into account exchanges of fishing opportunities in accordance with Article 16(8) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council (OJ L 354, 28.12.2013, p. 22), quota transfers from 2019 to 2020 in accordance with Article 4(2) of Council Regulation (EC) No 847/96 (OJ L 115, 9.5.1996, p. 3), with Article 15(9) of Regulation (EU) N° 1380/2013 or reallocation and deduction of fishing opportunities in accordance with Articles 37 and 105 of Regulation (EC) No 1224/2009 (OJ L 343, 22.12.2009, p. 1).

^(j) Special condition set out in the Annexes of the relevant fishing opportunities Regulations.

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1709**of 23 September 2021****amending Implementing Regulation (EU) 2019/627 as regards uniform practical arrangements for the performance of official controls on products of animal origin****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) ⁽¹⁾, and in particular Article 18(8) thereof,

Whereas:

- (1) Regulation (EU) 2017/625 lays down rules for the official controls and other official activities performed by the competent authorities of the Member States to verify compliance with Union legislation, inter alia, in the area of food safety at all stages of production, processing and distribution. In particular, it provides for official controls in relation to products of animal origin intended for human consumption.
- (2) Commission Implementing Regulation (EU) 2019/627 ⁽²⁾ lays down rules on the practical arrangements for the performance of official controls on products of animal origin in accordance with Article 18(8) of Regulation (EU) 2017/625.
- (3) Since the date of application of Implementing Regulation (EU) 2019/627 on 14 December 2019, experiences on the practical implementation of this Regulation highlighted the need for more clarity of certain legal provisions, in particular with regard to certain practical arrangements for post-mortem inspection and recognised methods for detection of marine biotoxins in bivalve molluscs.
- (4) As regards practical arrangements for post-mortem inspection, Implementing Regulation (EU) 2019/627 should not specify who is to carry out the additional practical arrangements for post-mortem inspection in case of a possible risk to human health, animal health or animal welfare. Whether the official veterinarian or the official auxiliary should carry out post-mortem inspection is already laid down in Article 18.2(c) of Regulation (EU) 2017/625, supplemented by Articles 7 and 8 of Commission Delegated Regulation (EU) 2019/624 ⁽³⁾ and is therefore not required in Implementing Regulation (EU) 2019/627. In addition, a duplication of the requirement for an incision of the bronchial and mediastinal lymph nodes in Article 19(1)(b) and (2)(b) should be avoided.

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2019/627 of 15 March 2019 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No 2074/2005 as regards official controls (OJ L 131, 17.5.2019, p. 51).

⁽³⁾ Commission Delegated Regulation (EU) 2019/624 of 8 February 2019 concerning specific rules for the performances of official controls on the production of meat and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council (OJ L 131, 17.5.2019, p. 1).

- (5) In addition, requirements for post-mortem inspection for farmed game contain duplications in particular with regard to requirements applicable to the family of *Suidae*. The requirements should be further clarified to facilitate implementation of the Regulation.
- (6) Article 22 of Council Regulation (EC) No 1099/2009 ⁽⁴⁾ has been deleted from 14 December 2019 on by Regulation (EU) 2017/625. Measures in cases of noncompliance with the requirements for animal welfare, referred to in that Article were replaced by provisions in Article 138 of Regulation (EU) 2017/625. The reference to Article 22 of Regulation (EC) No 1099/2009 in Article 44(1) of Implementing Regulation (EU) 2019/627 should therefore be deleted accordingly.
- (7) Article 48 of Implementing Regulation (EU) 2019/627 lays down conditions for health marking. These conditions are as already established in Commission Implementing Regulation (EU) 2015/1375 ⁽⁵⁾ in case of *Trichinella* testing, and in Regulation (EC) No 999/2001 of the European Parliament and of the Council ⁽⁶⁾ for the testing of transmissible spongiform encephalopathy (TSE). For reasons of clarity, it is appropriate to replace the wordings concerned in Article 48 of Implementing Regulation (EU) 2019/627 by references to the relevant Regulations.
- (8) Article 4 of Directive 2010/63/EU of the European Parliament and of the Council ⁽⁷⁾ requires Member States to ensure that, wherever possible, a method not entailing the use of live animals is to be used. Taking into account that for the detection of Paralytic Shellfish Poisoning (PSP) toxins the Standard EN 14526 is available as an alternative method, complying with the conditions of Article 4 of Directive 2010/63/EU, the use of the mouse bioassay should therefore be discontinued.
- (9) Live bivalve molluscs placed on the market are not to contain marine biotoxins that exceed the limits established in Annex III, Section VII, Chapter V (2) of Regulation (EC) No 853/2004 of the European Parliament and of the Council ⁽⁸⁾. Regarding Pectenotoxins (PTX), the European Food Safety Authority (EFSA) has concluded that there are no reports on adverse effects in humans associated with Pectenotoxins (PTX) group toxins ⁽⁹⁾. As PTX have been removed from the health standards for live bivalve molluscs in Commission Delegated Regulation (EU) 2021/1374 ⁽¹⁰⁾, it is therefore appropriate to remove them as well from the provisions of Implementing Regulation (EU) 2019/627.
- (10) Fishery products derived from aquaculture are to be tested in accordance with Council Directive 96/23/EC ⁽¹¹⁾ and Commission Decision 97/747/EC ⁽¹²⁾ as regards contaminants and pesticides. Wild caught fishery products should also be tested to establish compliance as regards contaminants in accordance with Commission Regulation (EC) No 1881/2006 ⁽¹³⁾. The current legislation should be modified accordingly.
- (11) Implementing Regulation (EU) 2019/627 should be amended accordingly.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽⁴⁾ Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (OJ L 303, 18.11.2009, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) 2015/1375 of 10 August 2015 laying down specific rules on official controls for *Trichinella* in meat (OJ L 212, 11.8.2015, p. 7).

⁽⁶⁾ Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.5.2001, p. 1).

⁽⁷⁾ Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (OJ L 276, 20.10.2010, p. 33).

⁽⁸⁾ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55)

⁽⁹⁾ <https://doi.org/10.2903/j.efsa.2009.1109>

⁽¹⁰⁾ Commission Delegated Regulation (EU) 2021/1374 of 12 April 2021 amending Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council on specific hygiene requirements for food of animal origin (OJ L 297, 20.8.2021, p. 1).

⁽¹¹⁾ Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJ L 125, 23.5.1996, p. 10)

⁽¹²⁾ Commission Decision 97/747/EC of 27 October 1997 fixing the levels and frequencies of sampling provided for by Council Directive 96/23/EC for the monitoring of certain substances and residues thereof in certain animal products (OJ L 303, 6.11.1997, p. 12)

⁽¹³⁾ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5)

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2019/627 is amended as follows:

- (1) in Articles 18(3), 19(2), 20(2), 21(2), 22(2) and 23(2), the introductory sentence is replaced by the following:

‘Post-mortem inspection procedures shall be carried out in accordance with Article 18(2)(c) of Regulation (EU) 2017/625 and Article 7 and 8 of Regulation (EU) 2019/624, using incision and palpation of the carcase and offal, when there are indications of a possible risk to human health, animal health or animal welfare indicated in accordance with Article 24;’

- (2) in Article 19(2), point (b), the words ‘an incision of the bronchial and mediastinal lymph nodes (*Lnn. bifurcationes, eparteriales and mediastinales*);’ are deleted.

- (3) in Article 24, the introductory sentence is replaced by the following:

‘The additional post-mortem inspection procedures referred to in Articles 18(3), 19(2), 20(2), 21(2), 22(2) and 23(2) shall be carried out using incision and palpation of the carcase and offal, where, in the opinion of the official veterinarian, a possible risk to human health, animal health or animal welfare is indicated by one of the following;’

- (4) In Article 27(1), point(c) is replaced by the following:

‘(c) in the case of other game ungulates, not covered by points (a) and (b) the post-mortem procedures for bovine animals laid down in Article 19;’

- (5) in Article 44, paragraph 1 is replaced by the following:

‘1. In cases of non-compliance with the rules concerning the protection of animals at the time of slaughter or killing laid down in Articles 3 to 9 and Articles 14 to 17 and 19 of Regulation (EC) No 1099/2009, the official veterinarian shall verify that the food business operator immediately takes the necessary corrective measures and prevents recurrence.’

- (6) in Article 48(2), point (a) is replaced by the following:

‘(a) the health mark is applied only to domestic ungulates and farmed game mammals other than lagomorphs, having undergone ante-mortem and post-mortem inspection, and large wild game having undergone post mortem inspection, in accordance with Article 18(2)(a), (b) and (c) of Regulation (EU) 2017/625, where there are no grounds for declaring the meat unfit for human consumption. However, the mark may be applied before the results of any examination for *Trichinella* and/or TSE testing are available, in accordance with the provisions laid down respectively in Article 4(3) of Implementing Regulation (EU) 2015/1375 and in Chapter A of Annex III to Regulation (EC) No 999/2001, points 6.2 and 6.3 of point I and points 7.2 and 7.3 of point II.’

- (7) Annex V is amended in accordance with the text set out in the Annex to this Regulation;

- (8) Annex VI is amended in accordance with the text set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 23 September 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex V and Annex VI to Implementing Regulation (EU) 2019/627 are amended as follows:

(1) in Annex V Chapter I is replaced by the following:

CHAPTER I

PARALYTIC SHELLFISH POISON DETECTION METHOD

- A. The paralytic shellfish poisoning (PSP) toxins content of the whole body or any part edible separately of bivalve molluscs shall be determined using the method described in the Standard EN 14526 (*) or any other internationally recognised validated method not entailing the use of a live animal.
- B. The abovementioned methods shall determine at least the following compounds:
 - (a) Toxins Carbamate STX, NeoSTX, gonyautoxin 1 and 4 (GTX1 and GTX4 isomers determined together) and gonyautoxin 2 and 3 (GTX2 and GTX3 isomers determined together);
 - (b) Toxins N-sulfo-carbamoyl (B1), gonyautoxin-6 (B2), N-sulfocarbamoyl-gonyautoxin 1 and 2 (C1 and C2 isomers determined together), N-sulfocarbamoyl-gonyautoxin 3 and 4 (C3 and C4 isomers determined together);
 - (c) Toxins decarbamoyl dcSTX, dcNeoSTX, decarbamoylgonyautoxin-2 and -3 (isomers determined together).
- B.1. If new analogues of the above toxins, for which a toxicity equivalent factor (TEF) has been established, appear, they shall be included in the analysis;
- B.2. Total toxicity will be expressed in µg STX 2HCL equivalents/Kg and shall be calculated using TEFs as recommended in the most recent EFSA opinion or FAO OMS report, upon proposal of the European Reference Laboratory for marine biotoxins and its National Reference Laboratories network and acceptance by the European Commission. The TEFs used will be published in the European Reference Laboratory for marine biotoxins website (**);
- C. If the results are challenged, the reference method shall be the method described in the Standard EN 14526 as referred in Part A.

(*) Determination of saxitoxin-group toxins in shellfish – HPLC method using pre-column derivatization with peroxide or periodate oxidation.

(**) <http://www.aecosan.msssi.gob.es/en/CRLMB/web/home.html>;

(2) in Annex V, Chapter III, point (b) of Part A is deleted;

(3) in Annex VI, Part D of Chapter I, a new paragraph is added at the end:

‘For wild caught fishery products monitoring arrangements shall be established to control compliance with the EU legislation on contaminants, in accordance with Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in food’.

DECISIONS

COUNCIL DECISION (EU) 2021/1710

of 21 September 2021

establishing the position to be adopted on behalf of the European Union in the Specialised Committee on Social Security Coordination established by the 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 Northern Ireland, of the other part, as regards the adoption of a decision to amend the Annexes to the Protocol on Social Security Coordination

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 48 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The 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 Northern Ireland, of the other part ('the Trade and Cooperation Agreement') was concluded by the Union by means of Council Decision (EU) 2021/689 ⁽¹⁾ and entered into force on 1 May 2021, having been provisionally applied since 1 January 2021.
- (2) Pursuant to Article 778(1) of the Trade and Cooperation Agreement, the Protocols and Annexes to that Agreement form an integral part thereof. Pursuant to Article 783(3) of the Trade and Cooperation Agreement, as from the date from which the Agreement is provisionally applied, references to the date of its entry into force are to be understood as references to the date from which it is provisionally applied.
- (3) Article 8(4), point (c), of the Trade and Cooperation Agreement empowers the Specialised Committee on Social Security Coordination to adopt decisions, including amendments, and recommendations in respect of all matters where the Trade and Cooperation Agreement so provides. Pursuant to Article SSC.68 of the Protocol on Social Security Coordination, the Specialised Committee on Social Security Coordination is able to amend the Annexes and Appendices to that Protocol. Pursuant to Article 10 of the Trade and Cooperation Agreement, the decisions adopted by a Committee are binding on the Parties.
- (4) Annexes SSC-1, SSC-3, SSC-4, SSC-5 and SSC-6 to the Protocol on Social Security Coordination, insofar as they reflect the national legislation of the Member States and the United Kingdom, should be amended, in particular to take into account recent changes to national legislation. The title of Annex SSC-1 should be corrected so as not to refer only to benefits 'in cash'. Appendix SSCI-1 to Annex SSC-7 should be amended to reflect the decision of one of the Parties to an arrangement listed therein.
- (5) Article SSC.11(6) of the Protocol on Social Security Coordination requires the Parties to publish an updated Annex SSC-8 as soon as possible after a period of one month from the entry into force of the Trade and Cooperation Agreement. The Specialised Committee on Social Security Coordination should adopt a decision to comply with that obligation.

⁽¹⁾ Council Decision (EU) 2021/689 of 29 April 2021 on the conclusion, on behalf of the Union, of the 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 Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (OJ L 149, 30.4.2021, p. 2).

- (6) It is therefore appropriate to establish the position to be adopted on the Union's behalf in the Specialised Committee on Social Security Coordination regarding the amendment of Annexes SSC-1, SSC-3, SSC-4, SSC-5, SSC-6 and SSC-8 as well as Appendix SSCI-1 to Annex SSC-7 to the Protocol on Social Security Coordination,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf in the Specialised Committee on Social Security Coordination established by Article 8(1), point (p), of the Trade and Cooperation Agreement is attached to this Decision.

Article 2

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

Done at Brussels, 21 September 2021.

For the Council
The President
G. DOVŽAN

DRAFT**DECISION NO 1/2021 OF THE SPECIALISED COMMITTEE ESTABLISHED BY ARTICLE 8(1)(P) OF THE 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 NORTHERN IRELAND, OF THE OTHER PART,****of ...****as regards the amendment of the Annexes to the Protocol on Social Security Coordination**

THE SPECIALISED COMMITTEE,

Having regard to the 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 Northern Ireland, of the other part ⁽¹⁾ (the 'Trade and Cooperation Agreement'), and in particular Article SSC.68 of its Protocol on Social Security Coordination,

Whereas:

- (1) Pursuant to Article SSC.68 of the Protocol on Social Security Coordination to the Trade and Cooperation Agreement, the Specialised Committee on Social Security Coordination may amend the Annexes and Appendices to that Protocol.
- (2) Annexes SSC-1, SSC-3, SSC-4, SSC-5 and SSC-6 to the Protocol on Social Security Coordination, insofar as they reflect the national legislation of the Member States and the United Kingdom, should be amended, in particular to take into account recent changes to national legislation. The title of Annex SSC-1 should be corrected so as not to refer only to benefits 'in cash'. Appendix SSCI-1 to Annex SSC-7 should be amended to reflect the decision of one of the Parties to an arrangement listed therein.
- (3) Article SSC.11(6) of the Protocol on Social Security Coordination requires the Parties to publish an updated Annex SSC-8 as soon as possible after a period of one month from the entry into force of the Trade and Cooperation Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The entries of the Member States and the United Kingdom in Annexes SSC-1, SSC-3, SSC-4, SSC-5 and SSC-6 as well as the entries in Appendix SSCI-1 to Annex SSC-7 to the Protocol on Social Security Coordination are updated as provided for in Annex I to this Decision.

Annex SSC-8 to the Protocol on Social Security Coordination is updated as provided for in Annex II to this Decision.

Article 2

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

Done at ...,

*For the Partnership Council
The Co-chairs*

⁽¹⁾ OJ L 444, 31.12.2020, p. 14.

ANNEX I TO DECISION No 1/2021

ANNEX SSC-1

CERTAIN BENEFITS
TO WHICH THIS PROTOCOL SHALL NOT APPLY

PART 1

SPECIAL NON-CONTRIBUTORY CASH BENEFITS

(Point (a) of Article SSC.3(4) of this Protocol)

(i) UNITED KINGDOM

- (a) State Pension Credit (State Pension Credit Act 2002 and State Pension Credit Act (Northern Ireland) 2002)
- (b) Income-based allowances for jobseekers (Jobseekers Act 1995 and Jobseekers (Northern Ireland) Order 1995)
- (c) Disability Living Allowance, mobility component (Social Security Contributions and Benefits Act 1992 and Social Security Contributions and Benefits (Northern Ireland) Act 1992)
- (d) Personal Independence Payment, mobility component (Welfare Reform Act 2012 (Part 4) and Welfare Reform (Northern Ireland) Order 2015 (Part 5))
- (e) Employment and Support Allowance Income-related (Welfare Reform Act 2007 and Welfare Reform Act (Northern Ireland) 2007)
- (f) Best Start Foods payment (Welfare Foods (Best Start Foods) (Scotland) Regulations 2019 (SSI 2019/193))
- (g) Best Start Grants (pregnancy and baby grant, early learning grant, school-age grant) (The Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018 (SSI 2018/370))
- (h) Funeral Support Payment (Funeral Expense Assistance (Scotland) Regulations 2019 (SSI 2019/292))
- (i) Scottish Child Payment (The Scottish Child Payment Regulations 2020 (SSI 2020/351))

(ii) MEMBER STATES

AUSTRIA

Compensatory supplement (Federal Act of 9 September 1955 on General Social Insurance — ASVG, Federal Act of 11 October 1978 on Social insurance for persons engaged in trade and commerce — GSVG and Federal Act of 11 October 1978 on Social insurance for farmers — BSVG).

BELGIUM

- (a) Income replacement allowance (Law of 27 February 1987) (Inkomensvervangende tegemoetkoming/Allocation de remplacement de revenus);
- (b) Guaranteed income for elderly persons (Law of 22 March 2001) (Inkomensgarantie voor ouderen/ Revenu garanti aux personnes âgées).

BULGARIA

Social Pension for old age (Article 89a of the Social Insurance Code).

CYPRUS

- (a) Social Pension (Social Pension Law of 1995 (Law 25(I)/95), as amended);
- (b) Severe motor disability allowance (Council of Ministers' Decisions Nos 38210 of 16 October 1992, 41370 of 1 August 1994, 46183 of 11 June 1997 and 53675 of 16 May 2001);
- (c) Special grant to blind persons (Special Grants Law of 1996 (Law 77(I)/96), as amended).

DENMARK

Accommodation expenses for pensioners (Law on individual accommodation assistance, consolidated by Law No 204 of 29 March 1995).

ESTONIA

State unemployment allowance (Labour Market Services and Support Act of 29 September 2005).

FINLAND

- (a) Housing allowance for pensioners (Act concerning the Housing Allowance for pensioners, 571/2007);
- (b) Labour market support (Act on Unemployment Benefits 1290/2002).

FRANCE

- (a) Supplementary allowances of:
 - (i) the Special Invalidity Fund; and
 - (ii) the Old Age Solidarity Fund in respect of acquired rights;
(Law of 30 June 1956, codified in Book VIII of the Social Security Code);
- (b) Disabled adults' allowance (Law of 30 June 1975, codified in Book VIII of the Social Security Code);
- (c) Special allowance (Law of 10 July 1952, codified in Book VIII of the Social Security Code) in respect of acquired rights;
- (d) Old-age solidarity allowance (ordinance of 24 June 2004, codified in Book VIII of the Social Security Code) as of 1 January 2006.

GERMANY

- (a) Basic subsistence income for the elderly and for persons with reduced earning capacity under Chapter 4 of Book XII of the Social Code (Leistungen der Grundsicherung im Alter und bei Erwerbsminderung nach dem Vierten Kapitel des Zwölften Buches Sozialgesetzbuch);
- (b) Benefits to cover subsistence costs under the basic provision for jobseekers in accordance with Book II of the Social Code (Leistungen zur Sicherung des Lebensunterhalts in der Grundsicherung für Arbeitssuchende nach dem Zweiten Buch Sozialgesetzbuch).

GREECE

Special benefits for the elderly (Law 1296/82).

HUNGARY

- (a) Invalidity annuity (Decree No 83/1987 (XII 27) of the Council of Ministers on Invalidity Annuity);
- (b) Old age allowance (Act III of 1993 on Social Administration and Social Benefits).

IRELAND

- (a) Jobseekers' allowance (Social Welfare Consolidation Act 2005, Part 3, Chapter 2);
- (b) State pension (non-contributory) (Social Welfare Consolidation Act 2005, Part 3, Chapter 4);
- (c) Widow's, widower's, or surviving civil partners (non-contributory) pension (Social Welfare Consolidation Act 2005, Part 3, Chapter 6);
- (d) Disability allowance (Social Welfare Consolidation Act 2005, Part 3, Chapter 10);
- (e) Mobility allowance (Health Act 1970 (as amended), Section 61);
- (f) Blind pension (Social Welfare Consolidation Act 2005, Part 3, Chapter 5).

ITALY

- (a) Social pensions for persons without means (Law No 153 of 30 April 1969);
- (b) Pensions and allowances for the civilian disabled or invalids (Laws No 118 of 30 March 1971, No 18 of 11 February 1980 and No 508 of 23 November 1988);
- (c) Pensions and allowances for the deaf and dumb (Laws No 381 of 26 May 1970 and No 508 of 23 November 1988);
- (d) Pensions and allowances for the civilian blind (Laws No 382 of 27 May 1970 and No 508 of 23 November 1988);
- (e) Benefits supplementing the minimum pensions (Laws No 218 of 4 April 1952, No 638 of 11 November 1983 and No 407 of 29 December 1990);
- (f) Benefits supplementing disability allowances (Law No 222 of 12 June 1984);
- (g) Social allowance (Law No 335 of 8 August 1995);
- (h) Social increase (Article 1(1) and (12) of Law No 544 of 29 December 1988 and successive amendments).

LATVIA

- (a) State Social Security Benefit (Law on State Social Benefits of 1 January 2003);
- (b) Allowance for the compensation of transportation expenses for disabled persons with restricted mobility (Law on State Social Benefits of 1 January 2003).

LITHUANIA

- (a) Social assistance disability and old age pensions (Law of 1994 on Social Assistance Pensions No 1-675, Article 5 and 6, as amended);
- (b) Relief compensation (Law of 1994 on Social Assistance Pensions No I-675, Article 12, as amended);
- (c) Transport compensation for the disabled who have mobility problems (Law of 2000 on Transport Compensation, Article 7 and 7¹, as amended).

LUXEMBOURG

Income for the seriously disabled (Article 1(2), Law of 12 September 2003), with the exception of persons recognised as being disabled workers and employed on the mainstream labour market or in a sheltered environment.

MALTA

- (a) Supplementary allowance (Section 73 of the Social Security Act (Cap. 318) 1987);
- (b) Age pension (Social Security Act (Cap. 318) 1987).

NETHERLANDS

- (a) Work and Employment Support for Disabled Young Persons Act of 24 April 1997 (Wet Wajong);
- (b) Supplementary Benefits Act of 6 November 1986 (TW).

POLAND

- (a) Social pension (Renta socjalna) Act of 27 June 2003 on social pensions (Ustawa o rencie socjalnej);
- (b) Supplementary parental benefit (Rodzicielskie świadczenie uzupełniające Mama 4+) Act of 31 January 2019 on supplementary parental benefit (Ustawa o rodzicielskim świadczeniu uzupełniającym);
- (c) Supplementary benefit for persons unable to live independently (Świadczenie uzupełniające dla osób niezdolnych do samodzielnej egzystencji) Act of 31 July on supplementary benefit for persons unable to live independently (Ustawa o świadczeniu uzupełniającym dla osób niezdolnych do samodzielnej egzystencji).

PORTUGAL

- (a) Non-contributory State old-age pension (Decree-Law No 464/80 of 13 October 1980, amended);
- (b) Non-contributory widowhood pension (Regulatory Decree No 52/81 of 11 November 1981);
- (c) Solidarity supplement for the elderly (Decree – Law No 232/2005 of 29 December 2005, amended).

SLOVAKIA

- (a) Adjustment awarded before 1 January 2004 to pensions constituting the sole source of income;
- (b) Social pension which has been awarded before 1 January 2004.

SPAIN

- (a) Minimum income guarantee (Law No 13/82 of 7 April 1982);
- (b) Cash benefits to assist the elderly and invalids unable to work (Royal Decree No 2620/81 of 24 July 1981):
 - (i) Non-contributory invalidity and retirement pensions as provided for in Chapter II of Title VI of the Consolidated Text of the General Law on Social Security, approved by Royal Legislative Decree No 8/2015 of 30 October 2015; and
 - (ii) the benefits which supplement the above pensions, as provided for in the legislation of the Comunidades Autónomas, where such supplements guarantee a minimum subsistence income having regard to the economic and social situation in the Comunidades Autónomas concerned;
- (c) Allowances to promote mobility and to compensate for transport costs (Law No 13/1982 of 7 April 1982).

SWEDEN

- (a) Housing supplement (Chapters 100-103 of the Social Insurance Code [2010:110]);
- (b) Financial support for the elderly (Chapter 74 of the Social Insurance Code [2010:110]).

PART 2

LONG-TERM CARE BENEFITS

(Point (d) of Article SSC.3(4) of this Protocol)

(i) UNITED KINGDOM

- (a) Attendance Allowance (Social Security Contributions and Benefits Act 1992, Social Security (Attendance Allowance) Regulations 1991, Social Security Contributions and Benefits (Northern Ireland) Act 1992 and Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992)
- (b) Carer's Allowance (Social Security Contributions and Benefits Act 1992, The Social Security (Invalid Care Allowance) Regulations 1976, Social Security Contributions and Benefits (Northern Ireland) Act 1992 and The Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976)
- (c) Disability Living Allowance, care component (Social Security Contributions and Benefits Act 1992, Social Security (Disability Living Allowance) Regulations 1991, Social Security Contributions and Benefits (Northern Ireland) Act 1992 and Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992)
- (d) Personal Independence Payment, daily living component (Welfare Reform Act 2012 (Part 4), Social Security (Personal Independence Payment) Regulations 2013, The Personal Independence Payment (Transitional Provisions) Regulations 2013, Personal Independence Payment (Transitional Provisions) (Amendment) Regulations 2019, Welfare Reform (Northern Ireland) Order 2015 (Part 5), The Personal Independence Payment Regulations (Northern Ireland) 2016, The Personal Independence Payment (Transitional Provisions) Regulations (Northern Ireland) 2016 and Personal Independence Payment (Transitional Provisions) (Amendment) Regulations (Northern Ireland) 2019)

- (e) Carer's Allowance Supplement (The Social Security (Scotland) Act 2018)
- (f) Young Carer's Grant (The Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2020 (as amended))
- (g) Child Winter Heating Assistance (The Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020 (SSI 2020/352))

(ii) MEMBER STATES

AUSTRIA

Federal Long-term care allowance Act (Bundespflegegeldgesetz, BPGG), original version BGBl. no. 110/1993, as amended: Pflegegeld (§1), Pflegekarengeld (§21c).

BELGIUM

- (a) Article 93 paragraph 8 and Chapter Vbis of the Health Care and Sickness Benefit Compulsory Insurance Act (Loi relative à l'assurance obligatoire soins de santé et indemnités/Wet betreffende de verplichte verzekering voor geneeskundige verzorging en uitkeringen), coordinated on 14 July 1994.
- (b) Act of 27 February 1987 on allowances for persons with disabilities (Loi relative aux allocations aux personnes handicapées/Wet betreffende de tegemoetkomingen aan gehandicapten).
- (c) Flemish social protection (Vlaamse sociale bescherming): Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection (Decreet houdende Vlaamse sociale bescherming/) and Orders of the Flemish government of 30 November 2018;
 - Title II Benefits in cash, Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection (Decreet houdende Vlaamse sociale bescherming):
 - art. 4, 1° and 77 – 83, Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection (Decreet van 18 mei 2018 houdende Vlaamse sociale bescherming) Care budget for severely dependent people;
 - art. 4, 2° and 84 – 90 Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection (Decreet van 18 mei 2018 houdende Vlaamse sociale bescherming) Care budget for elderly people with a care need;
 - art.4, 3° and 91 – 94 Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection (Decreet van 18 mei 2018 houdende Vlaamse sociale bescherming, Basic support budget;
- (d) Decree of 13 December 2018 on offers to elderly or dependent persons as well as on palliative care (Dekret über die Angebote für Senioren und Personen mit Unterstützungsbedarf sowie über die Palliativpflege).
- (e) Decree of 4th June 2007 on psychiatric nursing homes (Dekret über die psychiatrischen Pflegewohnheime).
- (f) Government Decree of 20 June 2017 on mobility aids (Erlass über die Mobilitätshilfen).
- (g) Decree of 13 December 2016 on the establishment of a German Community Office for self-determined life (Dekret zur Schaffung einer Dienststelle der Deutschsprachigen Gemeinschaft für selbstbestimmtes Leben).
- (h) Royal Decree of 5th March 1990 on the allowance for assistance to the elderly (Königliches Dekret vom 5. März 1990 über die Beihilfe für ältere Menschen).
- (i) Order of 21 December 2018 on Brussels health insurance bodies in the field of health care and assistance to people (Ordonnantie van 21 december 2018 betreffende de Brusselse verzekeringsinstellingen in het domein van de gezondheidszorg en de hulp aan personen/Ordonnance du 21 décembre 2018 relative aux organismes assureurs bruxellois dans le domaine des soins de santé et de l'aide aux personnes).
- (j) Article 215 bis Royal Decree of 3 July 1996 implementing the law on compulsory insurance for health care and benefits, coordinated on 14 July 1994 (Artikel 215 bis Koninklijk Besluit van 3 juli 1996 tot uitvoering van de wet betreffende de verplichte verzekering voor geneeskundige verzorging en uitkeringen, gecoördineerd op 14 juli 1994/ Article 215 bis Arrêté royal du 3 juillet 1996 portant application de la loi sur l'assurance obligatoire des soins de santé et des prestations, coordonné le 14 juillet 1994).

- (k) Article 12 Royal Decree of 20 July 1971 concerning the implementation of a benefit insurance and maternity insurance for the benefit of the self-employed and the assisting spouses (Artikel 12 Koninklijk Besluit van 20 juli 1971 betreffende de uitvoering houdende instelling van een uitkeringsverzekering en een moederschapsverzekering ten voordele van de zelfstandigen en van de meewerkende echtgenoten/ Article 12 Arrêté royal du 20 juillet 1971 relatif à la mise en place de l'assurance de prévoyance et de l'assurance maternité au profit des indépendants et des conjoints aidants).
- (l) Art. 43/32 - 43/46 of the Walloon Code of Social Action and Health: Allowance for Assistance to the Elderly.
- (m) Art. 799 of the Walloon Regulatory Code for Social Action and Health: Personal Assistance Budget.
- (n) Decree of 8 February 2018 on the administration and payment of family benefits.
- (o) Law of 19 December 1939 on family allowances (LGAF): Family allowance.
- (p) Order of 10 December 2020 on the allowance for assistance to the elderly (Ordonnantie van 10 december betreffende de tegemoetkoming voor hulp aan bejaarden/Ordonnance du 10 décembre 2020 relative à l'allocation pour l'aide aux personnes âgées).
- (q) Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection (Decreet van 18 mei 2018 houdende Vlaamse sociale bescherming) and Orders of the Flemish government of 30 November 2018:
 - art. 4, 4° and 140 - 153 of the Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection: financing residential care centers;
 - art 4, 5° of the Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection and article 54 - 72 of the Decree of 6 July 2018 regarding the takeover of the sectors of psychiatric care homes, sheltered housing initiatives, rehabilitation agreements, rehabilitation hospitals and multidisciplinary palliative care counseling teams with regard to the financing of psychiatric care homes and sheltered living initiatives (Decreet van 6 juli 2018 betreffende de overname van de sectoren psychiatrische verzorgingstehuizen, initiatieven van beschut wonen, revalidatieovereenkomsten, revalidatieziekenhuizen en multidisciplinaire begeleidingsequipes voor palliatieve verzorging voor wat betreft de financiering van de psychiatrische verzorgingstehuizen en de initiatieven van beschut wonen);
 - art. 4, 9° and 105 - 135 of the Decree of the Flemish Parliament of 18 May 2018 concerning the mobility aids;
- (r) Decree of 13 December 2018 on offers for the elderly and people in need of support and on palliative care (Dekret vom 13. Dezember 2018 über die Angebote für Senioren und Personen mit Unterstützungsbedarf sowie über die Palliativpflege).
- (s) Decree 4 June 2007 on Psychiatric Nursing Homes (Dekret über die psychiatrischen Pflegewohnheime).
- (t) Government decree of 20 June 2017 relating to mobility aids (Erlass über die Mobilitätshilfen).
- (u) Decree of 13 December 2016 establishing an Office of the German-speaking Community for a self-determined life (Dekret zur Schaffung einer Dienststelle der Deutschsprachigen Gemeinschaft für selbstbestimmtes Leben).
- (v) Royal Decree of 5 March 1990 relating to the allowance for assistance to the elderly (Königliches Dekret vom 5. März 1990 über die Beihilfe für ältere Menschen).
- (w) Government decree of 19 December 2019 relating to the transitional regulation of the procedure for obtaining a prior authorization or consent to cover the costs or share the costs of long-term rehabilitation abroad (Erlass der Regierung zur übergangsweisen Regelung des Verfahrens zur Erlangung einer Vorabgenehmigung oder Zustimmung zwecks Kostenübernahme oder Kostenbeteiligung für eine Langzeitrehabilitation im Ausland).
- (x) Order of 21 December 2018 on Brussels health insurance bodies in the field of health care and assistance to people (Ordonnantie van 21 december 2018 betreffende de Brusselse verzekeringsinstellingen in het domein van de gezondheidszorg en de hulp aan personen/Ordonnance du 21 décembre 2018 relative aux organismes assureurs bruxellois dans le domaine des soins de santé et de l'aide aux personnes).

- (y) Coordinated Law on Hospitals and Other Care Institutions of 10 July 2008:
 - Benefits provided by Psychiatric Care Homes (MSP) and care in rest homes (MR) and day care centres (CSJ): Article 170;
 - Services provided by Protected Housing Initiatives (IHP): Article 6;
- (z) Law on Compulsory Health Care and Indemnity Insurance, coordinated on 14 July 1994:
 - Benefits provided by Psychiatric Care Homes (MSP): Article 34, 11e: benefits provided by MSP;
 - Care in rest homes (MR) and day care centres (CSJ): Articles 26, 34, 11 and 12, 37, §12 and 69, §4;
 - Smoking cessation: article 34, paragraph 1, 24°, (provides that health benefits include assistance and assistance with medication for smoking cessation);
- (aa) Royal Decree of 18 July 2001 laying down the rules according to which the budget of financial means, the quota of days of stay and the price per day of stay are determined for protected housing initiatives: Services provided by Protected Housing Initiatives (IHP).
- (bb) Royal Decree of 31 August 2009 relating to the intervention of health care and compensation insurance for assistance with smoking cessation.
- (cc) Walloon Code of Social Action and Health:
 - Benefits provided by Psychiatric Care Homes (MSP) and services provided by Protected Housing Initiatives (IHP): art. 43/7. [6°];
 - Care in rest homes (MR) and day care centres (CSJ): Article 43/7 [4°];

Functional re-education centres: art. 43/7, 3°: care necessitated by long-term revalidation care referred to in the revalidation agreements concluded with a functional re-education establishment provided for in article 43/2, paragraph 1, 11 of the Walloon Code of Social Action and Health;
 - Establishments for the reception and accommodation of the elderly: art. 334 to 410;
 - Care establishments: art. 411 to 418;
 - Integrated health associations: art. 419 to 433;
 - Mental health: art. 539 to 624;
 - Support for families and the elderly: Art. 219-260;
 - Smoking cessation: Art. 43/7 [9°];
 - Mobility aids: Article 43/7. [1°]; Order of the Walloon Government of 11 April 2019 establishing the nomenclature of benefits and interventions referred to in Article 43/7, 1° of the Code of Social Action and Health and Article 10/8 of the Walloon Regulatory Code of Social Action and Health;
 - Palliative care: Art. 491/4 and s;
- (dd) Walloon Regulatory Code for Social Action and Health: Art. 726:
 - Short Stay Services, Adult Residential Services (SRA), Adult Residential Night Services (SRNA), Supported Accommodation Services (SLS): art. 1192 to 1314;
 - Support Services for Activities of Daily Living: Art. 726;
 - Services organising respite care for family carers and people with disabilities: Art. 831/1;
 - Services providing support in family-type care: Art. 477;
 - Support services for adults: Art. 552 §2;
 - Early support services: Art. 552 §1;
 - Integration support services: Art. 630;
 - Services providing sign language interpretation: Art. 831/77;
 - Individual integration assistance: Art. 784;
 - Functional rehabilitation of persons with disabilities: Art. 832;

- Specialised reception services for young people, Youth Residential Services (SRJ): Art. 1314/97 to 1314/187;
- Day care services for adults (SAJA): Art. 1314/1 to 1314/96;
- (ee) Decree of 9 March 2017 relating to the price of accommodation and the financing of certain equipment for heavy medical-technical services in hospitals: Medico-social infrastructures.
- (ff) Order of the Walloon Government of 15 May 2008: Medico-social infrastructures.
- (gg) Royal Decree of 14 May 2003: Integrated home care services.
- (hh) Cooperation agreement of 31 December 2018 between the Flemish Community, the Walloon Region, the French Community Commission, the Joint Community Commission and the German-speaking Community concerning mobility aids (Samenwerkingsakkoord van 31 december 2018 tussen de Vlaamse Gemeenschap, de Franse Gemeenschapscommissie en de Gemeenschappelijke Gemeenschapscommissie betreffende de mobiliteitshulp-middelen/Accord de collaboration du 31 décembre 2018 entre la Communauté flamande, la Commission communautaire française et la Commission communautaire commune sur les aides à la mobilité).
- (ii) (Cooperation agreement of 31 December 2018 between the Flemish Community, the French Community Commission and the Joint Community Commission concerning the single point of contact for mobility aids in the bilingual Brussels-Capital region (Samenwerkingsakkoord van 31 december 2018 tussen de Vlaamse Gemeenschap, de Franse Gemeenschapscommissie en de Gemeenschappelijke Gemeenschapscommissie betreffende het uniek loket voor de mobiliteitshulpmiddelen in het tweetalige gebied Brussel-Hoofdstad/Accord de coopération du 31 décembre 2018 entre la Communauté flamande, la Commission communautaire française et la Commission communautaire commune relatif au guichet unique pour les aides à la mobilité dans la région bilingue de Bruxelles-Capitale).

BULGARIA

- (a) Article 103 of the Social Insurance Code (член 103 от Кодекса за социално осигуряване), 1999 title amended 2003.
- (b) Law on Social Assistance (Закон за социално подпомагане), 1998.
- (c) Regulation on the Implementation of the Law on Social Assistance (Правилник за прилагане на Закона за социално подпомагане), 1998.
- (d) Persons with Disabilities Act (Закон за хората с увреждания), 2019.
- (e) Personal Assistance Act (Закон за личната помощ), 2019.
- (f) Regulation on the Implementation of the Persons with Disabilities Act (Правилник за прилагане на Закона за интеграция на хората с увреждания), 2019.
- (g) Ordinance on the medical expertise (Наредба за медицинската експертиза), 2017.

CROATIA

- (a) The Social Welfare Act (Zakon o socijalnoj skrbi, OG 157/13, 152/14, 99/15, 52/16, 16/17, 130/17, 98/19, 64/20 and 138/20):
 - Guaranteed minimum benefit (zajamčena minimalna naknada);
 - Housing benefit (naknada za troškove stanovanja);
 - Right to fuel costs (pravo na troškove ogrjeva);
 - Assistance for vulnerable energy consumers (naknada za ugroženog kupca energenata);
 - One-off assistance payment;
 - Personal needs allowance for the beneficiary of accommodation (naknada za osobne potrebe korisnika smještaja);
 - Compensation regarding education (naknada u vezi s obrazovanjem);
 - Personal disability allowance (osobna invalidnina);

- Allowance for assistance and care (doplatak za pomoć i njegu);
 - Allowance for the status of parent-caregiver or a caregiver (naknada za status roditelja njegovatelja ili njegovatelja);
 - Jobseeker's allowances (naknada do zaposlenja);
- (b) The Foster Care Act (Zakon o udomiteljstvu OG 115/18):
- Fostering allowance (opskrbnina);
 - Foster care allowance (naknada za rad udomitelja).

CYPRUS

- (a) Social Welfare Services (Υπηρεσίες Κοινωνικής Ευημερίας).
- (b) The Guaranteed Minimum Income and in General the Social Benefits (Emergency Needs and Care Needs) Regulations and Decrees as they are amended or superseded. Homes for the Elderly and Disabled Persons Laws (Οι περί Στεγών για Ηλικιωμένους και Αναπήρους Νόμοι) of 1991 - 2011. [L. 222/91 and L. 65(I)/2011].
- (c) Adult Day-Care Centres Laws (Οι περί Κέντρων Ενηλίκων Νόμοι) (L. 38(I)/1997 and L.64(I)/2011).
- (d) State Aid Scheme, under the Regulation 360/2012 for the provision of services of general economic interest (*De minimis*) [Σχέδιο Κρατικών Ενισχύσεων Ήσσονος Σημασίας, βάση του Κανονισμού 360/2012 για την παροχή υπηρεσιών γενικού οικονομικού συμφέροντος].
- (e) Welfare Benefits Administration Service (Υπηρεσία Διαχείρισης Επιδομάτων Πρόνοιας).
- (f) The Guaranteed Minimum Income and generally for Welfare Benefits Law of 2014 as it is amended or superseded.
- (g) The Guaranteed Minimum Income and generally for Welfare Benefits Regulations and Decrees as they are amended or superseded.

CZECHIA

Care Allowance according to the Act. No. 108/2006 on social services (Zákon o sociálních službách).

DENMARK

- (a) Consolidation Act on Social Service (Lov om social service):
- Allowance for taking care of close relatives who wish to die in their own home (Vederlag til pasning af nærtstående, der ønsker at dø i eget hjem);
 - Assistance to cover lost earnings for persons caring for a child under 18 at home with significant and permanent impairment of physical or mental functioning or invasive chronic or long-term illness (Hjælp til dækning af tabt arbejdsfortjeneste til personer, som passer et barn under 18 med betydelig og varigt nedsat fysisk eller psykisk funktionsevne eller indgribende kronisk eller langvarig lidelse i hjemmet);
 - Coverage of additional expenses for children and young people with significant and permanent impairment of physical or mental functioning or intervening chronic or long-term illness (Dækning af merudgifter til børn og unge med betydelig og varigt nedsat fysisk eller psykisk funktionsevne eller indgribende kronisk eller langvarig lidelse);
 - Personal help and care, "care wills" and contact person for adults with physical or mental disabilities or with special social problems (Personlig hjælp og pleje, "plejetestamenter" og kontaktperson for voksne med nedsat fysisk eller psykisk funktionsevne eller med særlige sociale problemer);
 - Aids, help with interior design for housing for people with permanent physical or mental disabilities (Hjælpe midler, hjælp til indretning af bolig for personer med varigt nedsat fysisk eller psykisk funktionsevne);
 - Caring for close relative with disabilities or serious, including incurable, illness in the home (Pasning af nærtstående med handicap eller alvorlig, herunder uhelbredelig, lidelse i hjemmet);

- (b) Consolidation Act on Housing Subsidy (Lov om individuel boligstøtte):
 - Subsidy to costs of a dwelling in private housing cooperatives suitable for severely physically disabled persons (Støtte til udgifter til bolig i private andelsboligforeninger, der er egnet for stærkt bevægelseshæmmede);
- (c) Consolidation Act on Social Housing (Lov om almene boliger):
 - Access for disabled persons to different types of housing governed by the Act (Adgang for handicappede til boligtyper omfattet af loven).

ESTONIA

- (a) Social Welfare Act (Sotsiaalhoolekande seadus) 2016.
- (b) Social Benefits for Disabled Persons Act (Puuetega inimeste sotsiaaltoetuste seadus) 1999.

FRANCE

- (a) Supplement for a third party (majoration pour tierce personne, MTP): Articles L. 341-4 and L. 355-1 of the Social Security Code (Code de la sécurité sociale).
- (b) Supplementary benefit for recourse to a third party (prestation complémentaire pour recours à tierce personne): Article L. 434-2 of the Social Security Code.
- (c) Special education supplement for a disabled child (complément d'allocation d'éducation de l'enfant handicapé): Article L. 541-1 of the Social Security Code.
- (d) Disability compensation allowance (prestation de compensation du handicap, PCH): Articles L. 245-1 to L. 245-14 of the Social action and Family Code (Code de l'action sociale et des familles).
- (e) Allowance for loss of autonomy (allocation personnalisée d'autonomie, APA): Articles L. 232-1 to L. 232-28 of the Social action and Family Code (Code de l'action sociale et des familles).

GERMANY

Long term care benefits under Chapter 4 of Book XI of the Social Code (Leistungen der Pflegeversicherung nach Kapitel 4 des Elften Buches Sozialgesetzbuch).

GREECE

- (a) Law No. 1140/1981, as amended.
- (b) Legislative Decree No. 162/73 and Joint Ministerial Decision No. Π4β/5814/1997.
- (c) Ministerial Decision No. Π1γ/ΑΓΠ/οικ.14963 of 9 October 2001.
- (d) Law No. 4025/2011.
- (e) Law No. 4109/2013.
- (f) Law No. 4199/2013 art. 127.
- (g) Law No. 4368/2016 art. 334.
- (h) Law No. 4483/2017 art. 153.
- (i) Law No. 498/1-11-2018, art. 28, 30 and 31, for the "Unified Health Benefits Regulation" of the National Service Provider Organization Health (EOPYY).

HUNGARY

Long-term care benefits for persons providing personal care (Act III of 1993 on Social Administration and Social Assistance supplemented by Government and Ministerial decrees).

IRELAND

- (a) Nursing Homes Support Scheme Act 2009 (No. 15 of 2009).
- (b) Domiciliary Care Allowance (Social Welfare Consolidation Act 2005, Part 3, Chapter 8A).

ITALY

- (a) Law No. 118 of 30 March 1971 on civilian invalidity benefits (Legge 30 Marzo 1971, n. 118 - Conversione in Legge del D.L. 30 gennaio 1971, n. 5 e nuove norme in favore dei mutilati ed invalidi civili).
- (b) Law No. 18 of 11 February 1980 on Constant attendance allowance (Legge 11 Febbraio 1980, n. 18 - Indennità di accompagnamento agli invalidi civili totalmente inabili).
- (c) Law No. 104 of 5 February 1992, Article 33 (Framework law on disability) (Legge 5 Febbraio 1992, n. 104 - Legge-quadro per l'assistenza, l'integrazione sociale e i diritti delle persone handicappate).
- (d) Legislative Decree No. 112 of 31 March 1998 on the transfer of legislative tasks and administrative competences from the State to the Regions and local entities (Decreto Legislativo 31 Marzo 1998, n. 112 - Conferimento di funzioni e compiti amministrativi dello Stato alle regioni ed agli enti locali, in attuazione del capo I della Legge 15 Marzo 1997, n. 59).
- (e) Law No. 183 of 4 November 2010, Article 24, modifying the rules regarding the permits for the assistance to disabled persons in difficult situations (Legge n. 183 del 4 Novembre 2010, art. 24 - Modifiche alla disciplina in materia di permessi per l'assistenza a portatori di handicap in situazione di gravità).
- (f) Law No. 147 of 27 December 2013 containing provisions for drawing up the annual and pluri-annual budget of the State – Stability Law 2014 (Disposizioni per la formazione del bilancio annuale e pluriennale dello Stato - Legge di stabilità 2014).

LATVIA

- (a) Law on Social Services and Social Assistance (Sociālo pakalpojumu un sociālās palīdzības likums) 31/10/2002.
- (b) Medical Treatment Law (Ārstniecības likums) 12/06/1997.
- (c) Law on Patient Rights (Pacientu tiesību likums) 30/12/2009.
- (d) Regulations of the Cabinet of Ministers No. 555 on Health care organisation and payment procedure (Ministru kabineta 2018. gada 28.augusta noteikumi Nr.555 "Veselības aprūpes pakalpojumu organizēšanas un samaksas kārtība") 28/08/2018.
- (e) Regulations of the Cabinet of Ministers No. 275 on Procedures for Payment of Social Care and Social Rehabilitation Services and the Procedures for Covering Service Costs from a Local Government Budget (Ministru kabineta 2003. gada 27.maija noteikumi Nr.275 "Sociālās aprūpes un sociālās rehabilitācijas pakalpojumu samaksas kārtība un kārtība, kādā pakalpojuma izmaksas tiek segtas no pašvaldības budžeta") 27/05/2003.
- (f) Regulations of the Cabinet of Ministers No.138 on Receiving of Social Services and Social Assistance (Ministru kabineta 2019.gada 2.aprīļa noteikumi Nr 138 "Noteiku mi par sociālo pakalpojumu un sociālās palīdzības saņemšanu") 02/04/2019.
- (g) Law on State Social Benefits - allowance for a disabled person for whom care is necessary (Valsts sociālo pabalstu likums) 01/01/2003.

LITHUANIA

- (a) Law of the Republic of Lithuania of 29 June 2016 on Target Compensations No XII-2507 (Lietuvos Respublikos tikslinių kompensacijų įstatymas).
- (b) Law of the Republic of Lithuania of 21 May 1996 on Health Insurance No I-1343 (Lietuvos Respublikos sveikatos draudimo įstatymas).
- (c) Law of the Republic of Lithuania of 19 July 1994 on the Health System No I-552 (Lietuvos Respublikos sveikatos sistemos įstatymas).
- (d) Law of the Republic of Lithuania of 6 June 1996 on Health Care Institutions No I-1367 (Lietuvos Respublikos sveikatos priežiūros įstaigų įstatymas).

LUXEMBOURG

Benefits subject to long-term care insurance under the Social Security Code, Book V - Long-term care insurance, namely:

— Care and support to perform activities of daily living;

- Activities to support independence and autonomy;
- Activities for individual supervision, group supervision and night-time supervision;
- Activities of caregiver training;
- Activities of assistance with household chores;
- Support activities in long-term care facility;
- Lump-sum allowance for incontinence products;
- Assistive technology and assistive technology training;
- Home adaptations;
- Lump-sum cash benefit in replacing benefits in kind for activities of daily living and for activities of assistance with household chores provided by the caregiver in accordance with the summary of care and assistance;
- Coverage of caregiver's pension contributions;
- Lump sum cash benefits for certain disease.

MALTA

- (a) Social Security Act (Att dwar is-Sigurta' Socjali) (Cap. 318).
- (b) Subsidiary Legislation 318.19: State-Owned Institutions and Hostels Rates Regulations (Regolamenti dwar it-Trasferiment ta' Fondi għal Hostels Statali Indikati).
- (c) Subsidiary Legislation 318.17: Transfer of Funds (Government Financed Beds) Regulations (Regolamenti dwar it-Trasferiment ta' Fondi għal Sodod Iffinanzjati mill-Gvern).
- (d) Subsidiary Legislation 318.13: State Financed Residential Services Rates Regulations (Regolamenti dwar Rati għal Servizzi Residenzjali Finanzjali mill-Istat).
- (e) Carer's Allowance – Social Security Act Article 68(1)a.
- (f) Increased Carer's Allowance – Social Security Act Article 68(1)b.

THE NETHERLANDS

Long term care act (Wet langdurige zorg (WLZ)), Law of 3 December 2014.

POLAND

- (a) Medical Care Allowance (zasiłek pielęgnacyjny), Special Attendance Allowance (specjalny zasiłek opiekuńczy), Nursing Benefit (świadczenie pielęgnacyjne) Act of 28 November 2003 on Family Benefits (Ustawa o świadczeniach rodzinnych).
- (b) Allowance for Caregiver (zasiłek dla opiekuna) Act of 4 April 2014 on Determination and Payments of the Allowances for Caregivers (Ustawa o ustalaniu i wypłacaniu zasiłków dla opiekunów).

PORTUGAL

Social insurance and guaranteeing sufficient resources:

- (a) Dependency Supplement: Decree-Law No 265/99 of 14 July 1999, amended (complemento por dependência).
- (b) Dependency Supplement under the special protection system in case of disability: Act No 90/2009 of 31 August 2009, re-published in consolidated version by Decree-Law No 246/2015 of 20 October 2015, amended (regime especial de proteção na invalidez).

Social security system and National Health Service:

- (c) National network for integrated continuous care: Decree-Law No 101/06 of 6 June 2006, re-published in a consolidated version by Decree-Law No 136/2015 of 28 July 2015 (rede de cuidados continuados integrados).
- (d) Integrated continuous care in mental health: Decree-Law No 8/2010 of 28 January 2010, amended and republished by Decree-Law No 22/2011 of 10 February 2011 on the creation of units and teams for integrated continuous care in mental health (unidades e equipas de cuidados continuados integrados de saúde mental).

- (e) Pediatric Care (National Network for Integrated Continuous Care): Decree order No 343/2015 of 12 October 2015 on standards governing hospital and ambulatory paediatric care within the framework of the national network for integrated continuous care (condições de instalação e funcionamento das unidades de internamento de cuidados integrados e de ambulatório pediátricas da Rede Nacional de Cuidados Continuados Integrados).
- (f) Informal Carer (allowance): Act No 100/2019 of 6 September on the status of informal carer (Estatuto do cuidador informal).

ROMANIA

- (a) Law no. 448/2006 from 6 December 2006 on the Protection and Promotion of the Rights of Persons with Disabilities, with subsequent amendments and completions:
 - Indemnities granted to persons with disability, namely the monthly complementary personal budget for adults and children with disabilities and the monthly indemnity for adults with disability, provided by article 58 paragraph (4) from Law no.448/2006 on the protection and promotion of the rights of persons with disabilities, with subsequent amendments and completions;
 - Companion indemnity provided by article 42 paragraph (4) and article 43 from Law no.448/2006 on the protection and promotion of the rights of persons with disabilities, with subsequent amendments and completions;
 - Companion indemnity for the adult with severe visual disability, provided by article 42 paragraph (1) and article 58 paragraph (3) from Law no.448/2006 on the protection and promotion of the rights of persons with disabilities, with subsequent amendments and completions; Monthly food allowance granted to children with HIV/AIDS disability, provided by article 58 paragraph (2) from Law no.448/2006 on the protection and promotion of the rights of persons with disabilities, with subsequent amendments and completions;
- (b) Law no. 584/2002 on measures to prevent the spread of malady AIDS in Romania and to protect the persons infected with HIV or AIDS, with subsequent amendments and completions:
 - Monthly food indemnity granted based on the Law no. 584/2002 on measures to prevent the spread of malady AIDS in Romania and to protect the persons infected with HIV or AIDS.

SLOVENIA

No specific law related to long-term care.

Long-term care benefits are included in the following acts:

- (a) Pension and Disability Insurance Act (Zakon o pokojninskem in invalidskem zavarovanju) (Official Gazette of the Republic of Slovenia, no. 96/2012, and subsequent amendments).
- (b) Financial Social Assistance Act (Zakon o socialno varstvenih prejemkih) (Official Gazette of the Republic of Slovenia, no. 61/2010, and subsequent amendments).
- (c) Exercise of Rights to Public Funds Act (Zakon o uveljavljanju pravic iz javnih sredstev) (Official Gazette of the Republic of Slovenia, no. 62/2010, and subsequent amendments).
- (d) Social Protection Act (Zakon o socialnem varstvu) (Official Gazette of the Republic of Slovenia, no. 3/2004 – official consolidated text, and subsequent amendments).
- (e) Parental Care and Family Benefits Act (Zakon o starševskem varstvu in družinskih prejemkih) (Official Gazette of the Republic of Slovenia, no. 110/2006 – official consolidated text, and subsequent amendments).
- (f) Mentally and Physically Handicapped Persons Act (Zakon o družbenem varstvu duševno in telesno prizadetih oseb) (Official Gazette of the Republic of Slovenia, no. 41/83, and subsequent amendments).
- (g) Health Care and Health Insurance Act (Zakon o zdravstvenem varstvu in zdravstvenem zavarovanju) (Official Gazette of the Republic of Slovenia, no. 72/2006 – official consolidated text, and subsequent amendments).

- (h) War Veterans Act (Zakon o vojnih veteranih) (Official Gazette of the Republic of Slovenia, no 59/06 official consolidated text, and subsequent amendments).
- (i) War Disability Act (Zakon o vojnih invalidih) (Official Gazette of the Republic of Slovenia, no 63/59 official consolidated text, and subsequent amendments).
- (j) Fiscal Balance Act (Zakon za uravnoteženje javnih finance (ZUJF)) (Official Gazette of the Republic of Slovenia, no. 40/2012, and subsequent amendments).
- (k) Act Regulating Adjustments of Transfers to Individuals and Households in the Republic of Slovenia (Zakon o usklajevanju transferjev posameznikom in gospodinjstvom v Republiki Sloveniji) (Official Gazette of the Republic of Slovenia, no. 114/2006 – official consolidated text, and subsequent amendments).

SPAIN

- (a) Law No. 39/2006 on the Promotion of Personal Autonomy and Assistance to persons in situations of dependence of 14 December 2006, as amended.
- (b) Ministerial Order of 15 April 1969.
- (c) Royal Decree No. 1300/95 of 21 July 1995, as amended.
- (d) Royal Decree No. 1647/97 of 31 October 1997, as amended.

SWEDEN

- (a) Care allowance (Chapter 22 of the Social Insurance Code [2010:110]).
- (b) Extra cost allowance (Chapter 50 of the Social Insurance Code [2010:110]).
- (c) Assistance allowance (Chapter 51 of the Social Insurance Code [2010:110]).
- (d) Car allowance (Chapter 52 of the Social Insurance Code [2010:110]).

PART 3

PAYMENTS WHICH ARE CONNECTED TO A BRANCH
OF SOCIAL SECURITY LISTED IN ARTICLE SSC.3(1) OF THIS PROTOCOL
AND WHICH ARE PAID TO MEET EXPENSES FOR HEATING IN COLD WEATHER

(Point (f) of Article SSC.3(4) of this Protocol)

(i) UNITED KINGDOM

Winter Fuel Payment (Social Security Contributions and Benefits Act 1992, Social Fund Winter Fuel Payment Regulations 2000, Social Security Contributions and Benefits (Northern Ireland) Act 1992 and Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000).

(ii) MEMBER STATES

DENMARK

- (a) Act on Social and state pensions, LBK no. 983 of 23/09/2019.
- (b) Regulations on social and state pensions, BEK no. 1602 of 27/12/2019.

ANNEX SSC-3

MORE RIGHTS FOR PENSIONERS RETURNING TO THE COMPETENT STATE

(Article SSC.25(2) of this Protocol)

AUSTRIA

BELGIUM

BULGARIA

CYPRUS

CZECHIA

FRANCE

GERMANY
GREECE
HUNGARY
LATVIA
LITHUANIA
LUXEMBOURG
THE NETHERLANDS
POLAND
PORTUGAL
ROMANIA
SLOVENIA
SPAIN
SWEDEN

ANNEX SSC-4

CASES IN WHICH THE PRO RATA CALCULATION
SHALL BE WAIVED OR SHALL NOT APPLY

(Article SSC.47(4) and (5) of this Protocol)

PART 1

CASES IN WHICH THE PRO RATA CALCULATION SHALL BE WAIVED PURSUANT TO ARTICLE SSC.47(4)

AUSTRIA

- (a) All applications for benefits under the Federal Act of 9 September 1955 on General Social Insurance – ASVG, the Federal Act of 11 October 1978 on social insurance for self-employed persons engaged in trade and commerce – GSVG, the Federal Act of 11 October 1978 on social insurance for self-employed farmers – BSVG and the Federal Act of 30 November 1978 on social insurance for the self-employed in the liberal professions (FSVG);
- (b) All applications for survivors' pensions based on a pension account pursuant to the General Pensions Act (APG) of 18 November 2004, with the exception of cases under Part 2;
- (c) All applications for survivors' pensions of the Austrian Provincial Chambers of Physicians (Landesärztekammer) based on basic provision (basic and any supplementary benefit, or basic pension);
- (d) All applications for survivors' support from the pension fund of the Austrian Chamber of Veterinary Surgeons;
- (e) All applications for benefits from widows and orphans pensions according to the statutes of the welfare institutions of the Austrian bar associations, Part A;
- (f) All applications for benefits under the Notary Insurance Act of 3 February 1972 – NVG 1972.

CYPRUS

All applications for old age, widow's and widower's pensions.

DENMARK

All applications for pensions referred to in the law on social pensions, except for pensions mentioned in Annex SSC-5 to this Protocol.

IRELAND

All applications for state pension (contributory), widow's, widower's, and surviving civil partners (contributory) pension.

LATVIA

All applications for survivor's pensions (Law on State pensions of 1 January 1996; Law on State funded pensions of 1 July 2001).

LITHUANIA

All applications for State social insurance survivor's pensions calculated on the basis of the basic amount of survivor's pension (Law on State Social Insurance Pensions).

NETHERLANDS

All applications for old-age pensions under the law on general old-age insurance (AOW).

POLAND

All applications for old-age under the defined benefits scheme and survivors' pensions, except for the cases where the totalised periods of insurance completed under the legislation of more than one country are equal to or longer than 20 years for women and 25 years for men but the national periods of insurance are inferior to these limits (and not less than 15 years for women and 20 years for men), and the calculation is made under Articles 27 and 28 of the Act of 17 December 1998 (O.J. 2015, item 748).

PORTUGAL

All applications for old-age and survivors' pension claims, except for the cases where the totalised periods of insurance completed under the legislation of more than one country are equal to or longer than 21 calendar years but the national periods of insurance are equal or inferior to 20 years, and the calculation is made under Articles 32 and 33 of Decree-Law No 187/2007 of 10 May 2007, amended.

SLOVAKIA

- (a) All applications for survivors' pension (widow's pension, widower's and orphan's pension) calculated according to the legislation in force before 1 January 2004, the amount of which is derived from a pension formerly paid to the deceased;
- (b) All applications for pensions calculated pursuant to Act No 461/2003 Coll. on social security as amended.

SWEDEN

- (a) Applications for an old-age pension in the form of a guaranteed pension for persons born in or before 1937 (Chapter 66 of the Social Insurance Code [2010:110]).
- (b) Applications for an old-age pension in the form of a supplementary pension (Chapter 63 of the Social Insurance Code [2010:110]).

UNITED KINGDOM

All applications for retirement pension, state pension pursuant to Part 1 of the Pensions Act 2014, widows' and bereavement benefits, with the exception of those for which during a tax year beginning on or after 6 April 1975:

- (i) the party concerned had completed periods of insurance, employment or residence under the legislation of the United Kingdom and a Member State; and one (or more) of the tax years was not considered a qualifying year within the meaning of the legislation of the United Kingdom;
- (ii) the periods of insurance completed under the legislation in force in the United Kingdom for the periods prior to 5 July 1948 would be taken into account for the purposes of point (b) of Article SSC.47(1) of this Protocol by application of the periods of insurance, employment or residence under the legislation of a Member State.

All applications for additional pension pursuant to the Social Security Contributions and Benefits Act 1992, section 44, and the Social Security Contributions and Benefits (Northern Ireland) Act 1992, section 44.

PART 2

CASES IN WHICH ARTICLE SSC.47(5) APPLIES

AUSTRIA

- (a) Old-age pensions and survivor's pensions derived thereof based on a pension account pursuant to the General Pensions Act (APG) of 18 November 2004;
- (b) Compulsory allowances under Article 41 of the Federal Law of 28 December 2001, BGBl I Nr. 154 on the general salary fund of Austrian pharmacists (Pharmazeutische Gehaltskasse für Österreich);
- (c) Retirement and early retirement pensions of the Austrian Provincial Chambers of Physicians based on basic provision (basic and any supplementary benefit, or basic pension), and all pension benefits of the Austrian Provincial Chambers of Physicians based on additional provision (additional or individual pension);
- (d) Old-age support from the pension fund of the Austrian Chamber of Veterinary Surgeons;
- (e) Benefits according to the statutes of the welfare institutions of the Austrian bar associations, Parts A and B, with the exception of applications for benefits from widows' and orphans' pensions according to the statutes of the welfare institutions of the Austrian bar associations, Part A;
- (f) Benefits by the welfare institutions of the Federal Chamber of Architects and Consulting Engineers under the Austrian Civil Engineers' Chamber Act (Ziviltechnikerkammergesetz) 1993 and the statutes of the welfare institutions, with the exception of benefits on grounds of survivors' benefits deriving from the last-named benefits;
- (g) Benefits according to the statute of the welfare institution of the Federal Chamber of Professional Accountants and Tax Advisors under the Austrian Professional Accountants and Tax Advisors' Act (Wirtschaftstreuhandberufsgesetz).

BULGARIA

Old age pensions from the Supplementary Compulsory Pension Insurance, under Part II, Title II, of the Social Insurance Code.

CROATIA

Pensions from the compulsory insurance scheme based on the individual capitalised savings according to the Compulsory and Voluntary Pension Funds Act (OG 49/99, as amended) and the Act on Pension Insurance Companies and Payment of Pensions Based on Individual Capitalised Savings (OG 106/99, as amended), except in the cases provided by Articles 47 and 48 of the Compulsory and Voluntary Pension Funds Act and survivor's pension).

DENMARK

- (a) Personal pensions;
- (b) Benefits in the event of death (accrued based on contributions to Arbejdsmarkedets Tillægspension related to the time before 1 January 2002);
- (c) Benefits in the event of death (accrued based on contributions to Arbejdsmarkedets Tillægspension related to the time after 1 January 2002) referred to in the Consolidated Act on Labour Market Supplementary Pension (Arbejdsmarkedets Tillægspension) 942:2009.

ESTONIA

Mandatory funded old-age pension scheme.

FRANCE

Basic or supplementary schemes in which old-age benefits are calculated on the basis of retirement points.

HUNGARY

Pension benefits based on membership of private pension funds.

LATVIA

Old-age pensions (Law on State pensions of 1 January 1996; Law on State funded pensions of 1 July 2001).

POLAND

Old-age pensions under the defined contribution scheme.

PORTUGAL

Supplementary pensions granted pursuant to Decree-Law No 26/2008 of 22 February 2008, amended (public capitalisation scheme).

SLOVAKIA

Mandatory old-age pension saving.

SLOVENIA

Pension from compulsory supplementary pension insurance.

SWEDEN

Old-age pension in the form of an income pension and a premium pension (Chapters 62 and 64 of the Social Insurance Code[2010:110]).

UNITED KINGDOM

Graduated retirement benefits paid pursuant to the National Insurance Act 1965, sections 36 and 37, and the National Insurance Act (Northern Ireland) 1966, sections 35 and 36.

ANNEX SSC-5

BENEFITS AND AGREEMENTS WHICH ALLOW
THE APPLICATION OF ARTICLE SSC.49

- I. Benefits referred to in point (a) of Article SSC.49(2) of this Protocol, the amount of which is independent of the length of periods of insurance or residence completed

DENMARK

The full Danish national old-age pension acquired after 10 years' residence by persons who will have been awarded a pension by 1 October 1989

FINLAND

National pensions and spouse's pensions determined according to the transitional rules and awarded prior to the 1 of January 1994 (Act on Enforcement of the National Pensions Act, 569/2007)

The additional amount of child's pension when calculating independent benefit according to the National Pension Act (the National Pension Act, 568/2007)

FRANCE

Widower's or widow's invalidity pension under the general social security system or under the agricultural workers scheme where it is calculated on the basis of the deceased spouse's invalidity pension settled in accordance with point (a) of Article SSC.47(1)

GREECE

Benefits under Law No 4169/1961 relating to the agricultural insurance scheme (OGA)

NETHERLANDS

General Surviving Relatives Act of 21 December 1995 (ANW)

The Work and Income according to Labour Capacity Act of 10 November 2005 (WIA)

SPAIN

Survivors' pensions granted under the general and special schemes, with the exception of the Special Scheme for Civil Servants

SWEDEN

(a) Income-related sickness compensation and income-related activity compensation (Chapter 34 of the Social Insurance Code [2010:110])

(b) Guaranteed pension and guaranteed compensation which replaced the full state pension awarded under the legislation on state pension which applied before 1 January 1993, and the full state pension awarded under the transitional rules of the legislation applying from that date

- II. Benefits referred to in point (b) of Article SSC.49(2) of this Protocol, the amount of which is determined by reference to a credited period deemed to have been completed between the date on which the risk materialised and a later date

FINLAND

Employment pensions for which account is taken of future periods according to the national legislation

GERMANY

Survivors' pensions, for which account is taken of a supplementary period

Old-age pensions, for which account is taken of a supplementary period already acquired

ITALY

Italian pensions for total incapacity for work (inabilità)

LATVIA

Survivors' pension calculated on the basis of assumed insurance periods (Article 23(8) of the Law on State Pensions of 1 January 1996)

LITHUANIA

(a) State social insurance work incapacity pensions, paid under the Law on State Social Insurance Pensions

(b) State social insurance survivors' and orphans' pensions, calculated on the basis of the work incapacity pension of the deceased under the Law on State Social Insurance Pensions

LUXEMBOURG

Survivors' pensions

SLOVAKIA

Slovak survivors' pension derived from the invalidity pension

SPAIN

The pensions for retirement under the Special Scheme for Civil Servants due under Title I of the consolidated text of the Law on State Pensioners if at the time of materialisation of the risk the beneficiary was an active civil servant or treated as such; death and survivors' (widows'/widowers', orphans' and parents') pensions due under Title I of the consolidated text of the Law on State Pensioners if at the time of death the civil servant was active or treated as such

SWEDEN

- (a) Sickness compensation and activity compensation in the form of guaranteed compensation (Chapter 35 of the Social Insurance Code [2010:110])
- (b) Survivors' pension calculated on the basis of credited insurance periods (Chapters 76-85 of the Social Insurance Code [2010:110])

III. Agreements referred to in point (b)(i) of Article SSC.49(2) of this Protocol intended to prevent the same credited period being taken into account two or more times:

The Social Security Agreement of 28 April 1997 between the Republic of Finland and the Federal Republic of Germany

The Social Security Agreement of 10 November 2000 between the Republic of Finland and the Grand Duchy of Luxembourg

Nordic Convention on social security of 12 June 2012

ANNEX SSC-6

SPECIAL PROVISIONS FOR THE APPLICATION OF THE LEGISLATION
OF THE MEMBER STATES AND OF THE UNITED KINGDOM

Article SSC.3(2), Article SSC.51(1) and Article SSC.66)

AUSTRIA

1. For the purpose of acquiring periods in the pension insurance, attendance at a school or comparable educational establishment in another State shall be regarded as equivalent to attendance at a school or educational establishment pursuant to Articles 227(1)(1) and 228(1)(3) of the Allgemeines Sozialversicherungsgesetz (ASVG) (General Social Security Act), Article 116(7) of the Gewerbliches Sozialversicherungsgesetz (GSVG) (Federal Act on Social Insurance for Persons engaged in Trade and Commerce) and Article 107(7) of the Bauern-Sozialversicherungsgesetz (BSVG) (Social Security Act for Farmers), when the person concerned was subject at some time to Austrian legislation on the grounds that he pursued an activity as an employed or self-employed person, and the special contributions provided for under Article 227(3) of the ASVG, Article 116(9) of the GSVG and Article 107(9) of the BSVG for the purchase of such periods of education, are paid.
2. For the calculation of the pro rata benefit referred to in point (b) of Article SSC.47(1) of this Protocol, special increments for contributions for supplementary insurance and the miners' supplementary benefit under Austrian legislation shall be disregarded. In those cases the pro rata benefit calculated without those contributions shall, if appropriate, be increased by unreduced special increments for contributions for supplementary insurance and the miners' supplementary benefit.
3. Where pursuant to Article SSC.7 of this Protocol substitute periods under an Austrian pension insurance scheme have been completed but cannot form a basis for calculation pursuant to Articles 238 and 239 of the ASVG, Articles 122 and 123 of the GSVG and Articles 113 and 114 of the BSVG, the calculation basis for periods of childcare pursuant to Article 239 of the ASVG, Article 123 of the GSVG and Article 114 of the BSVG shall be used.
4. In the cases referred to in Article SSC 39, for the determination of the amount of invalidity benefits under the Austrian legislation, the provisions of Chapter 5 of the Protocol shall apply *mutatis mutandis*.

BULGARIA

Article 33(1) of the Bulgarian Health Insurance Act applies to all persons for whom Bulgaria is the competent Member State under Chapter 1 of Title III of this Protocol.

CYPRUS

For the purpose of applying the provisions of Articles SSC.7, SSC.46 and SSC.56 of this Protocol, for any period commencing on or after 6 October 1980, a week of insurance under the legislation of the Republic of Cyprus is determined by dividing the total insurable earnings for the relevant period by the weekly amount of the basic insurable earnings applicable in the relevant contribution year, provided that the number of weeks so determined shall not exceed the number of calendar weeks in the relevant period.

CZECHIA

1. For the purposes of defining members of the family in accordance with point (s) of Article SSC.1 of this Protocol, "spouse" includes registered partners as defined in the Czech act no. 115/2006 Coll., on registered partnership.
2. Notwithstanding Articles SSC.6 and SSC.7 of this Protocol, for the purposes of granting the supplementary benefit in respect of insurance periods completed under the legislation of the former Czech and Slovak Federal Republic, solely the insurance periods completed under the Czech legislation can be taken into account in order to meet the condition of at least one year of Czech pension insurance within the defined period after the date of dissolution of the federation (§ 106a, paragraph 1, letter b) of Act No. 155/1995 Coll., on pension insurance).
3. In the cases referred to in Article SSC 39, in determination of the amount of invalidity benefit according to the Act No. 155/1995 Coll., the provisions of Chapter 5 of the Protocol shall apply *mutatis mutandis*.

DENMARK

1. (a) For the purpose of calculating the pension under the "lov om social pension" (Social Pension Act), periods of activity as an employed or self-employed person completed under Danish legislation by a frontier worker or a worker who has gone to Denmark to do work of a seasonal nature are regarded as periods of residence completed in Denmark by the surviving spouse in so far as, during those periods, the surviving spouse was linked to the abovementioned worker by marriage without separation from bed and board or de facto separation on grounds of incompatibility, and provided that, during those periods, the spouse resided in the territory of another State. For the purposes of this point, "work of a seasonal nature" means work which, being dependent on the succession of the seasons, automatically recurs each year.
- (b) For the purpose of calculating the pension under the "lov om social pension" (Social Pension Act), periods of activity as an employed or self-employed person completed under Danish legislation before 1 January 1984 by a person to whom point (a) does not apply shall be regarded as periods of residence completed in Denmark by the surviving spouse, in so far as, during those periods, the surviving spouse was linked to that person by marriage without separation from bed and board or de facto separation on grounds of incompatibility, and provided that, during those periods, the spouse resided in the territory of another State.
- (c) Periods to be taken into account under points (a) and (b) shall not be taken into consideration if they coincide with the periods taken into account for the calculation of the pension due to the person concerned under the legislation on compulsory insurance of another State, or with the periods during which the person concerned received a pension under such legislation. Those periods shall, however, be taken into consideration if the annual amount of the said pension is less than half the basic amount of the social pension.
2. (a) Notwithstanding the provisions of Article SSC.7 of this Protocol, persons who have not been gainfully employed in one or more States are entitled to a Danish social pension only if they have been, or have previously been, permanent residents of Denmark for at least 3 years, subject to the age limits prescribed by Danish legislation. Subject to Article SSC.5 of this Protocol, Article SSC.8 of this Protocol does not apply to a Danish social pension to which entitlement has been acquired by such persons.
- (b) The provisions referred to in point (a) do not apply to Danish social pension entitlement for the members of the family of persons who are or have been gainfully employed in Denmark, or for students or the members of their families.

3. The temporary benefit for unemployed persons who have been admitted to the ledighedsydelse (flexible job' scheme) (Law No 455 of 10 June 1997) is covered by Chapter 6 of Title III of this Protocol.
4. Where the beneficiary of a Danish social pension is also entitled to a survivor's pension from another State, those pensions for the implementation of Danish legislation shall be regarded as benefits of the same kind within the meaning of Article SSC.48(1), subject to the condition, however, that the person whose periods of insurance or of residence serve as the basis for the calculation of the survivor's pension had also acquired a right to a Danish social pension.

FINLAND

1. For the purposes of determining entitlement and of calculating the amount of the Finnish national pension under Articles SSC.47, SSC.48 and 49 of this Protocol, pensions acquired under the legislation of another State are treated in the same way as pensions acquired under Finnish legislation.
2. When applying point (b)(i) of Article SSC.47(1) of this Protocol for the purpose of calculating earnings for the credited period under Finnish legislation on earnings-related pensions, where an individual has pension insurance periods based on activity as an employed or self-employed person in another State for part of the reference period under Finnish legislation, the earnings for the credited period shall be equivalent to the sum of earnings obtained during the part of the reference period in Finland, divided by the number of months for which there were insurance periods in Finland during the reference period.

FRANCE

1. For persons receiving benefits in kind in France pursuant to Article SSC.15 or SSC.24 of this Protocol who are resident in the French departments of Haut-Rhin, Bas-Rhin or Moselle, benefits in kind provided on behalf of the institution of another State which is responsible for bearing their cost include benefits provided by both the general sickness insurance scheme and the obligatory supplementary local sickness insurance scheme of Alsace-Moselle.
2. French legislation applicable to a person engaged, or formerly engaged, in an activity as an employed or self-employed person for the application of Chapter 5 of Title III of this Protocol includes both the basic old-age insurance scheme(s) and the supplementary retirement scheme(s) to which the person concerned was subject.

GERMANY

1. Notwithstanding point (a) of Article SSC.6 of this Protocol and point 1 of Article 5(4) of the Sozialgesetzbuch VI (Volume VI of the Social Code), a person who receives a full old-age pension under the legislation of another State may request to be compulsorily insured under the German pension insurance scheme.
2. Notwithstanding point (a) of Article SSC.6 of this Protocol and Article 7 of the Sozialgesetzbuch VI (Volume VI of the Social Code), a person who is compulsorily insured in another State, or receives an old-age pension under the legislation of another State may join the voluntary insurance scheme in Germany.
3. For the purpose of granting cash benefits under §47(1) of SGB V, §47(1) of SGB VII and §24i of SGB V to insured persons who live in another State, German insurance schemes calculate net pay, which is used to assess benefits, as if the insured person lived in Germany, unless the insured person requests an assessment on the basis of the net pay which he actually receives.
4. Nationals of other States whose place of residence or usual abode is outside Germany and who fulfil the general conditions of the German pension insurance scheme may pay voluntary contributions only if they had been voluntarily or compulsorily insured in the German pension insurance scheme at some time previously; this also applies to stateless persons and refugees whose place of residence or usual abode is in another State.
5. The pauschale Anrechnungszeit (fixed credit period) pursuant to Article 253 of the Sozialgesetzbuch VI (Volume VI of the Social Code) shall be determined exclusively with reference to German periods.
6. In cases where the German pension legislation, in force on 31 December 1991, is applicable for the recalculation of a pension, only the German legislation applies for the purposes of crediting German Ersatzzeiten (substitute periods).

7. The German legislation on accidents at work and occupational diseases to be compensated for under the law governing foreign pensions and on benefits for insurance periods which can be credited under the law governing foreign pensions in the territories named in paragraph 1(2)(3) of the Act on affairs of displaced persons and refugees (Bundesvertriebengesetz) continues to apply within the scope of application of this Protocol, notwithstanding the provisions of paragraph 2 of the Act on foreign pensions (Fremdrentengesetz).
8. For the calculation of the theoretical amount referred to in point (b)(i) of Article SSC.47(1) of this Protocol, in pension schemes for liberal professions, the competent institution shall take as a basis, in respect of each of the years of insurance completed under the legislation of any other State, the average annual pension entitlement acquired during the period of membership of the competent institution through the payment of contributions.

GREECE

1. Law No 1469/84 concerning voluntary affiliation to the pension insurance scheme for Greek nationals and foreign nationals of Greek origin is applicable to nationals of other States, stateless persons and refugees, where the persons concerned, regardless of their place of residence or stay, have at some time in the past been compulsorily or voluntarily affiliated to the Greek pension insurance scheme.
2. Notwithstanding point (a) of Article SSC.6 of this Protocol and Article 34 of Law 1140/1981, a person who receives a pension in respect of accidents at work or occupational diseases under the legislation of another State may request to be compulsorily insured under the legislation applied by OGA, to the extent that they pursue an activity falling within the scope of that legislation.

IRELAND

Notwithstanding Article SSC.19(2) and Article SSC.57 of this Protocol, for the purposes of calculating the prescribed reckonable weekly earnings of an insured person for the grant of sickness or unemployment benefit under Irish legislation, an amount equal to the average weekly wage of employed persons in the relevant prescribed year shall be credited to that insured person in respect of each week of activity as an employed person under the legislation of another State during that prescribed year.

MALTA

Special provisions for civil servants

- (a) Solely for the purposes of the application of Articles SSC.43 and SSC.55 of this Protocol, persons employed under the Malta Armed Forces Act (Chapter 220 of the Laws of Malta), the Police Act (Chapter 164 of the Laws of Malta), the Prisons Act (Chapter 260 of the Laws of Malta) and the Civil Protection Act (Chapter 411 of the Laws of Malta) shall be treated as civil servants.
- (b) Pensions payable under the above Acts and under the Pensions Ordinance (Chapter 93 of the Laws of Malta) shall, solely for the purposes of point (cc) of Article SSC.1 of this Protocol, be considered as "special schemes for civil servants".

NETHERLANDS

1. Health care insurance

- (a) As regards entitlement to benefits in kind under Dutch legislation, persons entitled to benefits in kind for the purpose of the implementation of Chapters 1 and 2 of Title III of this Protocol shall mean:
 - (i) persons who, under Article 2 of the Zorgverzekeringswet (Health Care Insurance Act), are obliged to take out insurance under a health care insurer; and
 - (ii) in so far as they are not already included under point (i), members of the family of active military personnel who are living in another State and persons who are resident in another State and who, under this Protocol, are entitled to health care in their state of residence, the costs being borne by the Netherlands.
- (b) The persons referred to in point 1(a)(i) must, in accordance with the provisions of the Zorgverzekeringswet (Health Care Insurance Act), take out insurance with a health care insurer, and the persons referred to in point 1(a)(ii) must register with the College voor zorgverzekeringen (Health Care Insurance Board).

- (c) The provisions of the Zorgverzekeringswet (Health Care Insurance Act) and the Algemene Wet Bijzondere Ziektekosten (General Act on Exceptional Medical Expenses) concerning liability for the payment of contributions shall apply to the persons referred to in point (a) and the members of their families. In respect of members of the family, the contributions shall be levied on the person from whom the right to health care is derived with the exception of the members of the family of military personnel living in another State, who shall be levied directly.
- (d) The provisions of the Zorgverzekeringswet (Health Care Insurance Act) concerning late insurance shall apply *mutatis mutandis* in the event of late registration with the College voor zorgverzekeringen (Health Care Insurance Board) in respect of the persons referred to in point (a)(ii).
- (e) Persons entitled to benefits in kind by virtue of the legislation of a State other than the Netherlands who reside in the Netherlands or stay temporarily in the Netherlands shall be entitled to benefits in kind in accordance with the policy offered to insured persons in the Netherlands by the institution of the place of residence or the place of stay, taking into account Article 11(1), (2) and (3) and Article 19(1) of the Zorgverzekeringswet (Health Care Insurance Act), as well as to benefits in kind provided for by the Algemene Wet Bijzondere Ziektekosten (General Act on Exceptional Medical Expenses).
- (f) For the purposes of Articles SSC.21 to SSC.27 of this Protocol, the following benefits, in addition to pensions covered by Chapters 4 and 5 of Title III of this Protocol, shall be treated as pensions due under Dutch legislation:
 - pensions awarded under the Law of 6 January 1966 on pensions for civil servants and their survivors (Algemene burgerlijke pensioenwet) (Netherlands Civil Service Pensions Act),
 - pensions awarded under the Law of 6 October 1966 on pensions for military personnel and their survivors (Algemene militaire pensioenwet) (Military Pensions Act),
 - benefits for incapacity for work awarded under the Law of 7 June 1972 on benefits for incapacity for work for military personnel (Wetarbeidsongeschiktheidsvoorziening militairen) (Military Personnel Incapacity for Work Act),
 - pensions awarded under the Law of 15 February 1967 on pensions for employees of the NV Nederlandse Spoorwegen (Dutch Railway Company) and their survivors (Spoorwegpensioenwet) (Railway Pensions Act),
 - pensions awarded under the Reglement Dienstvoorwaarden Nederlandse Spoorwegen (governing conditions of employment of the Netherlands Railway Company),
 - benefits awarded to retired persons before reaching the pensionable age of 65 years under a pension designed to provide income for former employed persons in their old age, or benefits provided in the event of premature exit from the labour market under a scheme set up by the state or by an industrial agreement for persons aged 55 or over,
 - benefits awarded to military personnel and civil servants under a scheme applicable in the event of redundancy, superannuation and early retirement.
- (g) For the purposes of Article SSC.16(1) of this Protocol, the persons referred to in point (a)(ii) of this paragraph who stay temporarily in the Netherlands shall be entitled to benefits in kind in accordance with the policy offered to insured persons in the Netherlands by the institution of the place of stay, taking into account Article 11(1), (2) and (3) and Article 19(1) of the Zorgverzekeringswet (Health Care Insurance Act), as well as to benefits in kind provided for by the Algemene Wet Bijzondere Ziektekosten (General Act on Exceptional Medical Expenses).

2. Application of the Algemene Ouderdomswet (AOW) (General Old Age Pensions Act)

- (a) The reduction referred to in Article 13(1) of the AOW (General Old Age Pensions Act) shall not be applied for calendar years before 1 January 1957 during which a recipient not satisfying the conditions for having such years treated as periods of insurance:
 - resided in the Netherlands between the ages of 15 and 65,
 - while residing in another State, worked in the Netherlands for an employer established in the Netherlands, or
 - worked in another State during periods regarded as periods of insurance under the Dutch social security system.

By way of derogation from Article 7 of the AOW, anyone who resided or worked in the Netherlands in accordance with the above conditions only prior to 1 January 1957 shall also be regarded as being entitled to a pension.

- (b) The reduction referred to in Article 13(1) of the AOW shall not apply to calendar years prior to 2 August 1989 during which a person, between the ages of 15 and 65, who is or was married was not insured under the above legislation, while being resident in the territory of a State other than the Netherlands, if these calendar years coincide with periods of insurance completed by the person's spouse under the above legislation or with calendar years to be taken into account under point 2(a), provided that the couple's marriage subsisted during that time.

By way of derogation from Article 7 of the AOW, such a person shall be regarded as being entitled to a pension.

- (c) The reduction referred to in Article 13(2) of the AOW shall not apply to calendar years before 1 January 1957 during which a pensioner's spouse who fails to satisfy the conditions for having such years treated as periods of insurance:

- resided in the Netherlands between the ages of 15 and 65, or
- while residing in another State, worked in the Netherlands for an employer established in the Netherlands, or
- worked in another State during periods regarded as periods of insurance under the Netherlands social security system.

- (d) The reduction referred to in Article 13(2) of the AOW shall not apply to calendar years prior to 2 August 1989 during which a pensioner's spouse resident in a State other than the Netherlands, between the ages of 15 and 65, was not insured under the AOW, if those calendar years coincide with periods of insurance completed by the pensioner under that legislation or with calendar years to be taken into account under point 2(a), provided that the couple's marriage subsisted during that time.

- (e) Points 2(a), 2(b), 2(c) and 2(d) shall not apply to periods which coincide with:

- periods which may be taken into account for calculating pension rights under the old-age insurance legislation of a State other than the Netherlands, or
- periods for which the person concerned has drawn an old-age pension under such legislation.

Periods of voluntary insurance under the system of another State shall not be taken into account for the purposes of this point.

- (f) Points 2(a), 2(b), 2(c) and 2(d) shall apply only if the person concerned has resided in one or more States for 6 years after the age of 59 and only for such time as that person is resident in one of those States.
- (g) By way of derogation from Chapter IV of the AOW, anyone resident in a State other than the Netherlands whose spouse is covered by compulsory insurance under that legislation shall be authorised to take out voluntary insurance under that legislation for periods during which the spouse is compulsorily insured.

This authorisation shall not cease where the spouse's compulsory insurance is terminated as a result of their death and where the survivor receives only a pension under the *Algemene nabestaandenwet* (General Surviving Relatives Act).

In any event, the authorisation in respect of voluntary insurance ceases on the date on which the person reaches the age of 65.

The contribution to be paid for voluntary insurance shall be set in accordance with the provisions relating to the determination of the contribution for voluntary insurance under the AOW. However, if the voluntary insurance follows on from a period of insurance as referred to in point 2(b), the contribution shall be set in accordance with the provisions relating to the determination of the contribution for compulsory insurance under the AOW, with the income to be taken into account being deemed to have been received in the Netherlands.

- (h) The authorisation referred to in point 2(g) shall not be granted to anyone insured under another State's legislation on pensions or survivors' benefits.
- (i) Anyone wishing to take out voluntary insurance under point 2(g) shall be required to apply for it to the Social Insurance Bank (*Sociale Verzekeringsbank*) not later than 1 year after the date on which the conditions for participation are fulfilled.

3. Application of the Algemene nabestaandenwet (ANW) (General Surviving Relatives Act)

- (a) Where the surviving spouse is entitled to a survivor's pension under the ANW (General Surviving Relatives Act) pursuant to Article SSC.46(3) of this Protocol, that pension shall be calculated in accordance with point (b) of Article SSC.47(1) of this Protocol.

For the application of these provisions, periods of insurance prior to 1 October 1959 shall also be regarded as periods of insurance completed under Dutch legislation if during those periods the insured person, after the age of 15:

- resided in the Netherlands; or
- while resident in another State, worked in the Netherlands for an employer established in the Netherlands; or
- worked in another State during periods regarded as periods of insurance under the Dutch social security system.

- (b) Account shall not be taken of the periods to be taken into consideration under point 3(a) which coincide with periods of compulsory insurance completed under the legislation of another State in respect of survivor's pensions.

- (c) For the purposes of point (b) of Article SSC.47(1) of this Protocol, only periods of insurance completed under Dutch legislation after the age of 15 shall be taken into account as periods of insurance.

- (d) By way of derogation from Article 63a(1) of the ANW, a person resident in a State other than the Netherlands whose spouse is compulsorily insured under the ANW shall be authorised to take out voluntary insurance under the ANW provided that such insurance has already begun by the date of application of this Protocol, but only for periods during which the spouse is compulsorily insured.

That authorisation shall cease as from the date of termination of the spouse's compulsory insurance under the ANW, unless the spouse's compulsory insurance is terminated as a result of their death and where the survivor only receives a pension under the ANW.

In any event, the authorisation in respect of voluntary insurance ceases on the date on which the person reaches the age of 65.

The contribution to be paid for voluntary insurance shall be set in accordance with the provisions relating to the determination of contributions for voluntary insurance under the ANW. However, if the voluntary insurance follows on from a period of insurance as referred to in point 2(b), the contribution shall be set in accordance with the provisions relating to the determination of contributions for compulsory insurance under the ANW, with the income to be taken into account being deemed to have been received in the Netherlands.

4. Application of Dutch legislation relating to incapacity for work

In calculating benefits under either the WAO, WIA or the WAZ, the Netherlands institutions shall take account of:

- periods of paid employment, and periods treated as such, completed in the Netherlands before 1 July 1967,
- periods of insurance completed under the WAO,
- periods of insurance completed by the person concerned, after the age of 15, under the Algemene Arbeidsongeschiktheidswet (General Act on Incapacity for Work), in so far as they do not coincide with the periods of insurance completed under the WAO,
- periods of insurance completed under the WAZ,
- periods of insurance completed under the WIA.

SPAIN

1. For the purpose of implementing of this Protocol, the years which the worker lacks to reach the pensionable or compulsory retirement age as stipulated under Article 31(4) of the consolidated version of the Ley de Clases Pasivas del Estado (Law on State Pensioners) shall be taken into account as actual years of service to the State only if at the time of the event in respect of which death pensions are due, the beneficiary was covered by Spain's special scheme for civil

servants or was performing an activity assimilated under the scheme, or if, at the time of the event in respect of which the pensions are due, the beneficiary was performing an activity that would have required the person concerned to be included under the State's special scheme for civil servants, the armed forces or the judiciary, had the activity been performed in Spain.

2. (a) Under point (c) of Article SSC.51(1), the calculation of the theoretical Spanish benefit shall be carried out on the basis of the actual contributions of the person during the years immediately preceding payment of the last contribution to Spanish social security. Where, in the calculation of the basic amount for the pension, periods of insurance or residence under the legislation of other States have to be taken into account, the contribution basis in Spain which is closest in time to the reference periods shall be used for those periods, taking into account the development of the retail price index.

(b) The amount of the pension obtained shall be increased by the amount of the increases and revaluations calculated for each subsequent year for pensions of the same nature.
3. Periods completed in other States which must be calculated in the special scheme for civil servants, the armed forces and the judicial administration, will be treated in the same way, for the purposes of Article SSC.51 of this Protocol, as the periods closest in time covered as a civil servant in Spain.
4. The additional amounts based on age referred to in the Second Transitional Provision of the General Law on Social Security shall be applicable to all beneficiaries under this Protocol who have contributions to their name under the Spanish legislation prior to 1 January 1967; it shall not be possible, by application of Article SSC.6 of this Protocol, to treat periods of insurance credited in another State prior to 1 January 1967 as being the same as contributions paid in Spain, solely for the purposes of this Protocol. The date corresponding to 1 January 1967 shall be 1 August 1970 for the Special Scheme for Seafarers and 1 April 1969 for the Special Social Security Scheme for Coal Mining.

SWEDEN

1. The provisions of the Protocol on the aggregation of insurance periods and periods of residence shall not apply to the transitional provisions in the Swedish legislation on entitlement to guaranteed pension for persons born in or before 1937 who have been resident in Sweden for a specified period before applying for a pension (Chapter 6 of the Act [2010:111] on the introduction of the Social Insurance Code).
2. For the purpose of calculating income for notional income-related sickness compensation and income-related activity compensation in accordance with Chapter 34 of the Social Insurance Code (2010:110), the following shall apply. Where the insured person, during the reference period, has also been subject to the legislation of one or more other States on account of activity as an employed or self-employed person, income in the State(s) concerned shall be deemed to be equivalent to the insured person's average gross income in Sweden during the part of the reference period completed in Sweden, calculated by dividing the earnings in Sweden by the number of years over which those earnings accrued.
3. (a) For the purpose of calculating notional pension assets for income-based survivors' pension (Chapter 82 of the Social Insurance Code [2010:110]), if the requirement in Swedish legislation for pension entitlement in respect of at least three out of the five calendar years immediately preceding the insured person's death (reference period) is not met, account shall also be taken of insurance periods completed in other States as if they had been completed in Sweden. The insurance periods in other States shall be regarded as based on the average Swedish pension base. If the person concerned has only one year in Sweden with a pension base, each insurance period in another State shall be regarded as constituting the same amount.

(b) For the purpose of calculating notional pension credits for widows' pensions relating to deaths on or after 1 January 2003, if the requirement in Swedish legislation for pension credits in respect of at least two out of the four years immediately preceding the insured person's death (reference period) is not met and insurance periods were completed in another State during the reference period, those years shall be regarded as being based on the same pension credits as the Swedish year.

UNITED KINGDOM

1. Where, in accordance with United Kingdom legislation, a person may be entitled to a retirement pension if:
 - (a) the contributions of a former spouse are taken into account as if they were that person's own contributions; or
 - (b) the relevant contribution conditions are satisfied by that person's spouse or former spouse, then provided, in each case, that the spouse or former spouse is or had been exercising an activity as an employed or self-employed person, and had been subject to the legislation of two or more States, the provisions of Chapter 5 of Title III of this Protocol shall apply in order to determine entitlement under United Kingdom legislation. In that case, references in Articles SSC.44 to SSC.55 of this Protocol to "periods of insurance" shall be construed as references to periods of insurance completed by:
 - (1) a spouse or former spouse where a claim is made by:
 - (a) a married woman, or
 - (b) a person whose marriage has terminated otherwise than by the death of the spouse; or
 - (2) a former spouse, where a claim is made by:
 - (a) a widower who immediately before pensionable age is not entitled to a widowed parent's allowance, or
 - (b) a widow who immediately before pensionable age is not entitled to a widowed mother's allowance, widowed parent's allowance or widow's pension, or who is only entitled to an age-related widow's pension calculated pursuant to point (b) of Article SSC.47(1) of this Protocol, and for this purpose "age related widow's pension" means a widow's pension payable at a reduced rate in accordance with section 39(4) of the Social Security Contributions and Benefits Act 1992.
2. For the purposes of Article SSC.8 of this Protocol in the case of old-age or survivors' cash benefits, pensions for accidents at work or occupational diseases and death grants, any beneficiary under United Kingdom legislation who is staying in the territory of another State shall, during that stay, be considered as if they resided in the territory of that other State.
 - (1) For the purpose of calculating an earnings factor in order to determine entitlement to benefits under United Kingdom legislation, for each week of activity as an employed person under the legislation of a Member State, and which commenced during the relevant income tax year within the meaning of United Kingdom legislation, the person concerned shall be deemed to have paid contributions as an employed earner, or have earnings on which contributions have been paid, on the basis of earnings equivalent to two-thirds of that year's upper earnings limit.
 - (2) For the purposes of point (b) of Article SSC.47(1) of this Protocol, where:
 - (a) in any income tax year starting on or after 6 April 1975, a person carrying out activity as an employed person has completed periods of insurance, employment or residence exclusively in a Member State, and the application of point (1) of this paragraph results in that year being counted as a qualifying year within the meaning of United Kingdom legislation for the purposes of point (b)(i) of Article SSC.47(1) of this Protocol, they shall be deemed to have been insured for 52 weeks in that year in that Member State;
 - (b) any income tax year starting on or after 6 April 1975 does not count as a qualifying year within the meaning of United Kingdom legislation for the purposes of point (b)(i) of Article SSC.47(1) of this Protocol, any periods of insurance, employment or residence completed in that year shall be disregarded.
 - (3) For the purpose of converting an earnings factor into periods of insurance, the earnings factor achieved in the relevant income tax year within the meaning of United Kingdom legislation shall be divided by that year's lower earnings limit. The result shall be expressed as a whole number, any remaining fraction being ignored. The figure so calculated shall be treated as representing the number of weeks of insurance completed under United Kingdom legislation during that year, provided that such figure shall not exceed the number of weeks during which in that year the person was subject to that legislation.

3. Where receipt of Widowed Parent's Allowance or Bereavement Support Payment (higher rate) is contingent on entitlement to UK Child Benefit, a person meeting all other eligibility criteria, and who would be eligible to receive UK Child Benefit if they, or the relevant child, were resident in the UK, will not be prevented from claiming Widowed Parent's Allowance or Bereavement Support Payment (higher rate) in accordance with this Protocol, notwithstanding the fact that UK Child Benefit is excluded from the material scope of this Protocol under Article SSC.3(4)(g).

APPENDIX SSCI-1

ADMINISTRATIVE ARRANGEMENTS BETWEEN TWO OR MORE STATES

(referred to in Article SSCI.8 of this Annex)

BELGIUM — UNITED KINGDOM

The Exchange of Letters of 4 May and 14 June 1976 regarding Article 105(2) of Regulation (EEC) No 574/72 (waiving of reimbursement of the costs of administrative checks and medical examinations)

The Exchange of Letters of 18 January and 14 March 1977 regarding Article 36(3) of Regulation (EEC) No 1408/71 (arrangement for reimbursement or waiving of reimbursement of the costs of benefits in kind provided under the terms of Chapter 1 of Title III of Regulation (EEC) No 1408/71) as amended by the Exchange of Letters of 4 May and 23 July 1982 (agreement for reimbursement of costs incurred under Article 22(1)(a) of Regulation (EEC) No 1408/71)

DENMARK — UNITED KINGDOM

The Exchange of Letters of 30 March and 19 April 1977 as modified by an Exchange of Letters of 8 November 1989 and of 10 January 1990 on agreement of waiving of reimbursement of the costs of benefits in kind and administrative checks and medical examinations

ESTONIA — UNITED KINGDOM

The Arrangement finalised on 29 March 2006 between the Competent Authorities of the Republic of Estonia and of the United Kingdom under Article 36(3) and 63(3) of Regulation (EEC) No 1408/71 establishing other methods of reimbursement of the costs of benefits in kind provided under Regulation (EC) No 883/2004 by both countries with effect from 1 May 2004

FINLAND — UNITED KINGDOM

The Exchange of Letters 1 and 20 June 1995 concerning Article 36(3) and 63(3) of Regulation (EEC) No 1408/71 (reimbursement or waiving of reimbursement of the cost of benefits in kind) and Article 105(2) of Regulation (EEC) 574/72 (waiving of reimbursement of the cost of administrative checks and medical examinations)

FRANCE — UNITED KINGDOM

The Exchange of Letters of 25 March and 28 April 1997 regarding Article 105(2) of Regulation (EEC) No 574/72 (waiving of reimbursement of the costs of administrative checks and medical examinations)

The Agreement of 8 December 1998 on the specific methods of determining the amounts to be reimbursed for benefits in kind pursuant to Regulations (EEC) No 1408/71 and (EEC) No 574/72

HUNGARY — UNITED KINGDOM

The Arrangement finalised on 1 November 2005 between the Competent Authorities of the Republic of Hungary and of the United Kingdom under Article 35(3) and 41(2) of Regulation (EEC) No 883/2004 establishing other methods of reimbursement of the costs of benefits in kind provided under that Regulation by both countries with effect from 1 May 2004

IRELAND — UNITED KINGDOM

The Exchange of Letters of 9 July 1975 regarding Article 36(3) and 63(3) of Regulation (EEC) No 1408/71 (arrangement for reimbursement or waiving of reimbursement of the costs of benefits in kind provided under the terms of Chapter 1 or 4 of Title III of Regulation (EEC) No 1408/71) and Article 105(2) of Regulation (EEC) No 574/72 (waiving of reimbursement of the costs of administrative checks and medical examinations)

ITALY — UNITED KINGDOM

The Arrangement signed on 15 December 2005 between the Competent Authorities of the Italian Republic and of the United Kingdom under Article 36(3) and 63(3) of Regulation (EEC) No 1408/71 establishing other methods of reimbursement of the costs of benefits in kind provided under Regulation (EC) No 883/2004 by both countries with effect from 1 January 2005

LUXEMBOURG — UNITED KINGDOM

The Exchange of Letters of 18 December 1975 and 20 January 1976 regarding Article 105(2) of Regulation (EEC) No 574/72 (waiving of reimbursement of the costs entailed in administrative checks and medical examinations referred to in Article 105 of Regulation (EEC) No 574/72)

MALTA — UNITED KINGDOM

The Arrangement finalised on 17 January 2007 between the Competent Authorities of Malta and of the United Kingdom under Article 35(3) and 41(2) of Regulation (EEC) No 883/2004 establishing other methods of reimbursement of the costs of benefits in kind provided under that Regulation by both countries with effect from 1 May 2004

NETHERLANDS — UNITED KINGDOM

The second sentence of Article 3 of the Administrative Arrangement of 12 June 1956 on the implementation of the Convention of 11 August 1954

PORTUGAL — UNITED KINGDOM

The Arrangement of 8 June 2004 establishing other methods of reimbursement of the costs of benefits in kind provided by both countries with effect from 1 January 2003

SPAIN — UNITED KINGDOM

The Agreement of 18 June 1999 on the reimbursement of costs for benefits in kind granted pursuant to the provisions of Regulations (EEC) No 1408/71 and (EEC) No 574/72

ANNEX II TO DECISION No 1/2021

ANNEX SSC-8

TRANSITIONAL PROVISIONS
REGARDING THE APPLICATION OF ARTICLE SSC.11

MEMBER STATES

Austria

Belgium

Bulgaria

Croatia

Cyprus

Czechia

Denmark

Estonia

Finland

France

Germany

Greece

Hungary

Ireland

Italy

Latvia

Lithuania

Luxembourg

Malta

Netherlands

Poland

Portugal

Romania

Slovakia

Slovenia

Spain

Sweden

COMMISSION DECISION (EU) 2021/1711**of 23 September 2021****appointing members of the panel assisting the Commission in the selection of candidates to perform the duties of members of international investment courts and tribunals**

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) On 16 December 2020, the Commission adopted Decision C(2020) 8905 final setting up a panel to assist the Commission in the selection of candidates to perform the duties of members of international investment courts and tribunals and of rosters or other international courts and tribunals (the 'panel').
- (2) In accordance with Decision C(2020) 8905 final, the purpose of the panel is to ensure a rigorous selection process and ensure the highest standards of independent, impartiality and competence of the individuals selected.
- (3) Pursuant to Article 4(1) of Decision C(2020) 8905 final, the panel should be composed of four members, one of whom should be nominated by the Commission, one by Council, one by the Member States, and one by the European Parliament.
- (4) In January 2021, the Commission published an open call for application for the Commission's nominee to the panel ⁽¹⁾. In the meantime, both the European Parliament and the Council, together with the Member States, carried out their procedures for the selection of their respective nominees to the panel.
- (5) On 17 March 2021, the President of the European Parliament informed the President of the Commission of the names of a female and a male candidate for the Parliament's nominee to the panel, in order to allow the Commission to take into account the overall gender balance of the panel in its appointment decision.
- (6) On 17 May 2021, the Commission completed its selection process.
- (7) On 22 July 2021, the Council informed the Commission of the names of the respective nominees of the Council and of the Member States,

HAS ADOPTED THIS DECISION:

Article 1

The following persons are appointed as members of the panel established by Decision C(2020) 8905 final:

- (1) Mr Bruno Simma;
- (2) Ms Inge Govaere;
- (3) Mr Jan Klabbers;
- (4) Mr Pavel Šturma.

Article 2

In accordance with Article 4(6) of Decision C(2020) 8905 final and following determination by lot:

- (1) Ms Inge Govaere and Mr Pavel Šturma are appointed for a non-renewable period of six years starting from the date of publication of this Decision;

⁽¹⁾ Available at https://trade.ec.europa.eu/doclib/docs/2021/january/tradoc_159356.01.2021.pdf

- (2) Mr Bruno Simma and Mr Jan Klabbers are appointed for a non-renewable period of nine years starting from the date of publication of this Decision.

Article 3

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

Done at Brussels, 23 September 2021.

For the Commission
The President
Ursula VON DER LEYEN

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