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⁽¹⁾ Text with EEA relevance.

EN

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2022/2073**of 27 October 2022****implementing Regulation (EU) No 101/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 101/2011 of 4 February 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia ⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 4 February 2011, the Council adopted Regulation (EU) No 101/2011.
- (2) On the basis of a review by the Council, the entries for seven persons and the information regarding their rights of defence and their right to effective judicial protection should be deleted.
- (3) Annex I to Regulation (EU) No 101/2011 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 101/2011 is amended as 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*.

⁽¹⁾ OJ L 31, 5.2.2011, p. 1.

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

Done at Brussels, 27 October 2022.

For the Council
The President
M. BEK

ANNEX

In sections A and B of Annex I to Regulation (EU) No 101/2011, the entries for the following persons are deleted:

- '4. Mohamed Ben Moncef Ben Mohamed TRABELSI;
 - '36. Kaïs Ben Slaheddine Ben Haj Hamda BEN ALI';
 - '37. Hamda Ben Slaheddine Ben Haj Hamda BEN ALI';
 - '38. Najmeddine Ben Slaheddine Ben Haj Hamda BEN ALI';
 - '39. Najet Bent Slaheddine Ben Haj Hamda BEN ALI';
 - '43. Imed Ben Habib Ben Bouali LTAIEF';
 - '44. Naoufel Ben Habib Ben Bouali LTAIEF'.
-

COMMISSION DELEGATED REGULATION (EU) 2022/2074
of 20 July 2022
amending Regulation (EU) No 139/2014, as regards the definition of SNOWTAM

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ⁽¹⁾, and in particular Article 39(1), point (a), thereof,

Whereas:

- (1) Commission Regulation (EU) No 139/2014 ⁽²⁾ lays down requirements and administrative procedures related to aerodromes, including provisions addressing the reporting of the runway surface conditions and origination of a notice notifying the presence or removal of hazardous conditions due to snow, ice, slush or standing water (SNOWTAM), as part of the global reporting format.
- (2) SNOWTAM should be originated under certain conditions, according to the provisions of Annex 15 to the Convention on International Civil Aviation, signed on 7 December 1944 in Chicago ('the Chicago Convention') and the provisions of the Procedures for Air Navigation Services – Aeronautical Information Management (PANS-AIM, Doc 10066), adopted by the International Civil Aviation Organization (ICAO).
- (3) The definition of SNOWTAM contained in Annex I to Regulation (EU) No 139/2014 should be amended to be in line with that of Annex 15 to the Chicago Convention and consistent with that of other Union legal acts in the field, such as Commission Implementing Regulation (EU) 2017/373 ⁽³⁾.
- (4) Regulation (EU) No 139/2014 should therefore be amended accordingly.
- (5) In accordance with Article 75(2), points (b) and (c), and Article 76(1) of Regulation (EU) 2018/1139, the European Union Aviation Safety Agency prepared and submitted to the Commission Opinion No 03/2022 ⁽⁴⁾ as regards draft implementing rules,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EU) No 139/2014, point (41b) is replaced by the following:

‘(41b) “SNOWTAM” means a special series NOTAM given in a standard format, which provides a surface condition report notifying the presence or cessation of hazardous conditions due to snow, ice, slush, frost, standing water or water associated with snow, slush, ice, or frost on the movement area;’.

⁽¹⁾ OJ L 212, 22.8.2018, p. 1.

⁽²⁾ Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 44, 14.2.2014, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OJ L 62, 8.3.2017, p. 1).

⁽⁴⁾ <https://www.easa.europa.eu/document-library/opinions>

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, 20 July 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2075**of 21 October 2022****entering a name in the register of protected designations of origin and protected geographical indications ('Oktoberfestbier' (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Germany's application to register the name 'Oktoberfestbier' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Oktoberfestbier' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Oktoberfestbier' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 2.1 – Beer, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*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, 21 October 2022.

For the Commission,
On behalf of the President,
Janusz WOJCIECHOWSKI
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.⁽²⁾ OJ C 252, 1.7.2022, p. 21.⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2076
of 25 October 2022
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

Article 3

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, 25 October 2022.

For the Commission,
Gerassimos THOMAS
Director-General
Directorate-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
An article consisting of different insulated electric wires made of copper, bundled together, specially designed for installation of a fixed hands-free, voice-controlled, touchscreen device (referred to as a car kit) in a motor vehicle. The article includes two fuses and different connectors, including bullet connectors. The exact composition of the article (the number of wires and specific connectors) depends on the specific model of the motor vehicle. Upon installation, the article interconnects the existing cabling of the car radio system with the car kit (which enables operation of a Bluetooth connected mobile phone). This allows for the transmission of electric signals from the car kit to the car radio system (also to mute other sounds during phone calls) and provides a power supply.	8544 30 00	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8544 and 8544 30 00. The article consists of wires of heading 8544 made up in a set (see also the Harmonised System Explanatory Notes to heading 8544, eighth paragraph, last sentence). The article is also specially designed for installation in a motor vehicle to create an interconnection between various apparatuses of the motor vehicle and to conduct electricity and electric signals. The article has therefore the objective characteristics of 'other wiring sets of a kind used in vehicles' of CN code 8544 30 00. Classification under subheading 8544 42 as 'other electric conductors, for a voltage not exceeding 1 000 V, fitted with connectors' is consequently excluded. The article is therefore to be classified under CN code 8544 30 00 as 'other wiring sets of a kind used in vehicles, aircraft or ships'.

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2077**of 27 October 2022****designating the European Union reference centre responsible for the scientific and technical contribution to the establishment and harmonisation of the methods for the preservation of endangered breeds, and the preservation of the genetic diversity existing within those breeds****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ('Animal Breeding Regulation') ⁽¹⁾, and in particular Article 29(2) thereof,

Whereas:

- (1) Member States and stakeholders expressed the need to promote the establishment and harmonisation of the methods used by breed societies and third parties designated by breed societies in accordance with Article 27(1), point (b), of Regulation (EU) 2016/1012, for the preservation of endangered breeds or the preservation of the genetic diversity existing within those breeds.
- (2) The Commission, in accordance with Article 29(3) of Regulation (EU) 2016/1012, carried out a public call for selection and designation of the European Union reference centre responsible for the scientific and technical contribution to the establishment and harmonisation of the methods for the preservation of endangered breeds, and the preservation of the genetic diversity existing within those breeds ('the European Union reference centre for endangered animal breeds').
- (3) The evaluation and selection committee appointed for that call concluded that the consortium led by Stichting Wageningen Research, Wageningen Livestock Research, the Netherlands, which comprises Institut de l'Elevage, France and the Federal Office of Agriculture and Food, Germany, complies with the requirements set out in point 1 of Annex IV to Regulation (EU) 2016/1012 and has the capacity to carry out the tasks set out in point 3 of that Annex.
- (4) The consortium led by Stichting Wageningen Research, Wageningen Livestock Research, the Netherlands, which comprises Institut de l'Elevage, France and the Federal Office of Agriculture and Food, Germany, should therefore be designated as the European Union reference centre for endangered animal breeds. The scope of Regulation (EU) 2016/1012 is limited to breeding animals of bovine, porcine, ovine, caprine and equine species and therefore the activities of that European Union reference centre should be related to endangered breeds of those animal species only.
- (5) The designation of the European Union reference centre for endangered animal breeds should not be limited in time but should be reviewed regularly as referred to in Article 29(3) of Regulation (EU) 2016/1012.

⁽¹⁾ OJ L 171, 29.6.2016, p. 66.

- (6) The European Union reference centre for endangered animal breeds should commence its activities from 1 January 2023 as it contributes to the European Green Deal policy initiatives, and therefore this Regulation should be applicable from that date.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Zootechnics,

HAS ADOPTED THIS REGULATION:

Article 1

The following centre shall be designated as the European Union reference centre responsible for the scientific and technical contribution to the establishment and harmonisation of the methods for the preservation of endangered breeds, and the preservation of the genetic diversity existing within those breeds:

Consortium led by Stichting Wageningen Research, Wageningen Livestock Research, P.O. Box 338, 6700 AH Wageningen, the Netherlands, which comprises Institut de l'Elevage, 149 Rue de Bercy, 75012 Paris, France and the Federal Office of Agriculture and Food, Deichmanns Aue 29, 53179 Bonn, Germany.

Article 2

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

It shall apply from 1 January 2023.

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

Done at Brussels, 27 October 2022.

For the Commission
The President
Ursula VON DER LEYEN

DECISIONS

COUNCIL DECISION (EU) 2022/2078

of 24 October 2022

on the position to be taken on behalf of the European Union within the International Maritime Organization's Maritime Safety Committee during its 106th session and within the International Maritime Organization's Marine Environment Protection Committee during its 79th session as regards the amendment of the International Convention for the Safety of Life at Sea (SOLAS), of the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (the '2011 ESP Code') and of Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Action by the Union in the sector of maritime transport should aim to improve maritime safety and to protect the marine environment and human health.
- (2) The Maritime Safety Committee of the International Maritime Organization (IMO) is expected to adopt, during its 106th session ('MSC 106') from 2 to 11 November 2022, amendments to Chapter II-2 of the International Convention for the Safety of Life at Sea (SOLAS) and to the International Code on the enhanced programme of inspections during surveys of Bulk carriers and Oil tankers, 2011 (the '2011 ESP Code').
- (3) The Marine Environment Protection Committee of the IMO is expected to adopt, during its 79th session ('MEPC 79') from 12 to 16 December 2022, amendments to Regulation 14 of the International Convention for the Prevention of Pollution from Ships (MARPOL) and to Appendices VII and IX of Annex VI to MARPOL.
- (4) It is appropriate to establish the position to be taken on the Union's behalf during MSC 106, as the amendments to Chapter II-2 of SOLAS and to the 2011 ESP Code are capable of decisively influencing the content of Union law, namely Directive 2009/45/EC of the European Parliament and of the Council ⁽¹⁾ and Regulation (EU) No 530/2012 of the European Parliament and of the Council ⁽²⁾.
- (5) The amendments to Chapter II-2 of SOLAS will take into account oil fuel suppliers who have failed to meet the flashpoint requirements, actions against oil fuel suppliers that have been found to deliver oil fuel that does not comply with minimum flashpoint requirements, and documentation of the flashpoint of the actual fuel batch when bunkering. The Union should support those amendments as they will enhance the safety of ships.
- (6) The amendments to the 2011 ESP Code are intended to implement stricter requirements for survey of ballast tanks and void spaces in order to address the safety issues that were identified during the flag State's marine safety investigation of the loss of the bulk carrier MV Stellar Daisy in 2017. The Union should support those amendments as they will enhance the safety of ships.

⁽¹⁾ Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (OJ L 163, 25.6.2009, p. 1).

⁽²⁾ Regulation (EU) No 530/2012 of the European Parliament and of the Council of 13 June 2012 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers (OJ L 172, 30.6.2012, p. 3).

- (7) It is appropriate to establish the position to be taken on the Union's behalf during MEPC 79, as the amendments to Regulation 14 of MARPOL and to Appendices VII and IX of Annex VI to MARPOL are capable of decisively influencing the content of Union law, namely Regulation (EU) 2015/757 of the European Parliament and of the Council ⁽³⁾ and Directive (EU) 2016/802 of the European Parliament and of the Council ⁽⁴⁾.
- (8) The amendments to Regulation 14 of MARPOL and to Appendix VII of Annex VI to MARPOL concern the designation of the Mediterranean Sea, as a whole, as an Emission Control Area for Sulphur Oxides (Med SOX ECA). The Union should support those amendments as that designation will result in significant reductions in ambient levels of air pollution in the Mediterranean Sea as a whole and in the Mediterranean coastal States, which will lead to substantial benefits to human health and the environment.
- (9) The amendments to Appendix IX of Annex VI to MARPOL will enhance information on the carbon intensity performance of ships in the IMO Ship Fuel Oil Consumption Data Collection System (DCS). The Union should support those amendments as enhanced information on carbon intensity of ships will provide essential data regarding the global fleet's energy efficiency and carbon intensity performance. Thus, such information should be reported to the IMO DCS.
- (10) The Union is neither a member of the IMO, nor a contracting party to SOLAS, to the 2011 ESP Code or to MARPOL. The Council should therefore authorise the Member States to express the position of the Union.
- (11) The scope of this Decision should be limited to the content of the proposed amendments, to the extent that those amendments are capable of affecting Union common rules and fall under the exclusive competence of the Union. This Decision should not affect the division of competences between the Union and the Member States,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Maritime Safety Committee of the International Maritime Organization (IMO) during its 106th session ('MSC 106') shall be to agree to the adoption of the amendment of Chapter II-2 of the International Convention for the Safety of Life at Sea (SOLAS), as set out in Annex 1 to IMO document MSC 106/3, and of the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (the '2011 ESP Code'), as set out in Annex 5 to IMO document MSC 106/3.

Article 2

The position to be taken on the Union's behalf within the Marine Environment Protection Committee of the IMO during its 79th session ('MEPC 79') shall be to agree to the adoption of the amendment of Regulation 14 of the International Convention for the Prevention of Pollution from Ships (MARPOL) and of Appendix VII of Annex VI to MARPOL, as set out in the Annex to IMO document MEPC 79/3/2, and to the adoption of the amendment of Appendix IX of Annex VI to MARPOL, as set out in the Annex to IMO document MEPC 79/3/3.

Article 3

1. The positions to be taken on behalf of the Union specified in this Decision cover the amendments concerned to the extent that those amendments fall under the exclusive competence of the Union and are capable of affecting Union common rules. Those positions shall be expressed by the Member States, which are all members of the IMO, acting jointly in the interests of the Union.

⁽³⁾ Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

⁽⁴⁾ Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels (OJ L 132, 21.5.2016, p. 58).

2. Minor changes to the positions referred to in Articles 1 and 2 may be agreed upon without further decision of the Council.

Article 4

Member States are hereby authorised to give their consent to be bound, in the interests of the Union, by the amendments referred to in Articles 1 and 2, to the extent that those amendments fall under the exclusive competence of the Union.

Article 5

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

Done at Luxembourg, 24 October 2022.

For the Council
The President
A. HUBÁČKOVÁ

COUNCIL IMPLEMENTING DECISION (EU) 2022/2079**of 25 October 2022****amending Implementing Decision (EU) 2020/1348 granting temporary support under Regulation (EU) 2020/672 to the Republic of Croatia to mitigate unemployment risks in the emergency following the COVID-19 outbreak**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) 2020/672 of 19 May 2020 on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak ⁽¹⁾, and in particular Article 6(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Further to a request from Croatia on 6 August 2020, the Council, by means of Implementing Decision (EU) 2020/1348 ⁽²⁾, granted financial assistance to Croatia in the form of a loan amounting to a maximum of EUR 1 020 600 000 with a maximum average maturity of 15 years, and with an availability period of 18 months, with a view to complementing Croatia's national efforts to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of that outbreak for workers and the self-employed.
- (2) The loan was to be used by Croatia to finance short-time work schemes and similar measures, as referred to in Article 3 of Implementing Decision (EU) 2020/1348.
- (3) The COVID-19 outbreak has immobilised a substantial part of the labour force in Croatia. This has led to repeated sudden and severe increases in public expenditure in Croatia in respect of the measures referred to in Article 3, points (a) and (b), of Implementing Decision (EU) 2020/1348.
- (4) The COVID-19 outbreak and the extraordinary measures implemented by Croatia in 2020, 2021 and 2022 to contain that outbreak and its socioeconomic and health-related impact have had a dramatic impact on public finances. In 2020, Croatia had a general government deficit and debt of 7,3 % and 87,3 % of gross domestic product (GDP) respectively, which narrowed to 2,9 % and 79,8 % respectively at the end of 2021. According to the Commission's 2022 spring forecast, Croatia is expected to have a general government deficit and debt of 1,8 % and 73,1 % of GDP respectively by the end of 2022. According to the Commission's 2022 summer interim forecast, Croatia's GDP is projected to increase by 3,4 % in 2022.
- (5) On 25 July 2022 Croatia requested further financial assistance from the Union in the amount of EUR 550 000 000 with a view to continuing to complement its national efforts undertaken in 2020, 2021 and 2022 to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of the outbreak for workers. In particular, Croatia further extended and amended the short-time work schemes and similar measures set out in recitals (6) to (7).
- (6) On the basis of the 'Labour Market Act' ⁽³⁾, Croatia introduced a measure that provides co-financing of workers' salaries to businesses that experience a drop in revenue compared with 2019. The drop in revenue criteria are: a drop of 20 % in the period from March to May 2020, of 50 % in the period from June to December 2020, and starting from January 2021 the only requirement is a decrease in revenues compared to the corresponding month in 2019, on condition that the employment relationship is not terminated. For March 2020, the amount of support was set at HRK 3 250 per full-time employee, and starting from the month of April 2020 the monthly amount of

⁽¹⁾ OJ L 159, 20.5.2020, p. 1.

⁽²⁾ Council Implementing Decision (EU) 2020/1348 of 25 September 2020 granting temporary support under Regulation (EU) 2020/672 to the Republic of Croatia to mitigate unemployment risks in the emergency following the COVID-19 outbreak (OJ L 314, 29.9.2020, p. 28).

⁽³⁾ OG 118/18, 32/20, 18/22.

support has been set at HRK 4 000 per full-time employee. The amount of support per employee remains unchanged over the period the measure remains active, but sectors that are eligible for support change over time, depending on economic conditions. For the period between November 2020 and June 2021, companies that are in lockdown by decision of the national authorities received support per full-time employee depending on the number of days of lockdown but not higher than HRK 4 000 for a full month of lockdown. The measure is an extension of the measure described in Article 3, point (a), of Implementing Decision (EU) 2020/1348, as provided for in the Administrative Council of Croatia Employment Service (CES) Decision adopted on 20 March 2020 and amended on 25 March, 7 April, 9 April, 6 May, 28 May, 18 June, 25 June, 10 July and 29 July, 7 September, 22 October, 4 November and 4 December 2020. Subsequent amendments by the CES were also adopted in 2021 through decisions taken on 8 January, 21 January, 3 March, 15 April, 30 April, 31 May, 23 July, 25 August, 29 September, 15 October, 4 November, and in 2022 through decisions taken on 27 January and 31 May. The measure was discontinued at the end of June 2022.

- (7) Additionally, on the basis of the 'Labour Market Act', Croatia introduced a measure that provides support for the temporary reduction of working time in the period between June 2020 and December 2022 to businesses employing 10 or more employees operating in any sector. The requirement to benefit from this measure is an expected decline in the aggregate monthly working hours of all full-time workers of at least 10 % at employer level, or 20 % at the level of a business unit, in the month for which the support is applied for. The employer applying for the support is furthermore required to demonstrate a link between the impact of the COVID-19 outbreak on their business and the expected decline by, most notably, providing evidence of a drop in revenue in the month for which the support is applied for of at least 20 % compared to the corresponding month in 2019 or, exceptionally, in the case of January and February 2022, compared to the corresponding month in 2020. The application for the measure is submitted in the month preceding that for which the support is applied for. Up to HRK 2 000 per month per employee can be financed by the measure. The measure is an extension of the measure described in Article 3, point (b), of Implementing Decision (EU) 2020/1348, as provided for in the Administrative Council of Croatia Employment Service (CES) Decision adopted on 29 June 2020 and amended on 10 July and 22 October 2020, amended further on 8 January 2021 and 27 January 2022. The measure is planned to be enforced until the end of December 2022.
- (8) Croatia fulfils the conditions for requesting financial assistance set out in Article 3 of Regulation (EU) 2020/672. Croatia has provided the Commission with appropriate evidence that the actual public expenditure has increased by EUR 2 220 567 523 as of 1 February 2020 until the end of April 2022 as a result of the national measures taken to address the socioeconomic effects of the COVID-19 outbreak. This constitutes a sudden and severe increase because it is also related to an extension or amendment of existing national measures directly related to the short-time work scheme and similar measures that cover a significant proportion of undertakings and of the labour force in Croatia. Croatia intends to finance EUR 631 536 540 of the increased amount of expenditure through Union funds and EUR 18 430 983 through its own financing.
- (9) The Commission has consulted Croatia and verified the sudden and severe increase in the actual public expenditure directly related to the short-time work schemes and similar measures, as referred to in the request of 25 July 2022, in accordance with Article 6 of Regulation (EU) 2020/672.
- (10) Financial assistance should therefore be provided with a view to helping Croatia to address the socioeconomic effects of the severe economic disturbance caused by the COVID-19 outbreak. The Commission should take the decisions concerning maturities, size and release of instalments and tranches in close cooperation with national authorities.
- (11) Given that the availability period indicated in Implementing Decision (EU) 2020/1348 has expired, a new availability period for the additional financial assistance is needed. The availability period for financial assistance of 18 months granted by Implementing Decision (EU) 2020/1348 should be extended by 21 months and, as a consequence, the total availability period should be 39 months starting from the first day after Implementing Decision (EU) 2020/1348 has taken effect.
- (12) Croatia and the Commission should take this Decision into account in the loan agreement referred to in Article 8(2) of Regulation (EU) 2020/672.

- (13) This Decision should be without prejudice to the outcome of any procedures relating to distortions of the operation of the internal market that may be undertaken, in particular pursuant to Articles 107 and 108 of the Treaty. It does not override the requirement for Member States to notify instances of potential State aid to the Commission under Article 108 of the Treaty.
- (14) Croatia should inform the Commission on a regular basis of the implementation of the planned public expenditure, in order to enable the Commission to assess the extent to which Croatia has implemented that expenditure.
- (15) The decision to provide financial assistance has been reached taking into account the existing and expected needs of Croatia, as well as requests for financial assistance pursuant to Regulation (EU) 2020/672 already submitted or planned to be submitted by other Member States, while applying the principles of equal treatment, solidarity, proportionality and transparency,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2020/1348 is amended as follows:

(1) Article 2 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

‘1. The Union shall make available to Croatia a loan amounting to a maximum of EUR 1 570 600 000. The loan shall have a maximum average maturity of 15 years.

2. The availability period for financial assistance granted by this Decision shall be 39 months starting from the first day after this Decision has taken effect.’;

(b) paragraph 4 is replaced by the following:

‘4. The first instalment shall be released subject to the entry into force of the loan agreement provided for in Article 8(2) of Regulation (EU) 2020/672. Any further instalments shall be released in accordance with the terms of that loan agreement or, where relevant, be subject to the entry into force of an addendum thereto, or of an amended loan agreement concluded between Croatia and the Commission replacing the original loan agreement.’;

(2) Article 3 is replaced by the following:

‘Article 3

Croatia may finance the following measures:

- (a) the job preservation subsidies in sectors affected by COVID-19, pursuant to Articles 35 and 36 of the “Labour Market Act” and as provided for in the Croatian “Employment Service decision of 20 March 2020” as last amended by a decision adopted on 31 May 2022; and
- (b) the aid for reduced working hours, pursuant to Articles 35 and 36 of the “Labour Market Act” and as provided for in the Croatian “Employment Service decision of 29 June 2020” as last amended by a decision adopted on 27 January 2022.’.

Article 2

This Decision is addressed to the Republic of Croatia.

This Decision shall take effect on the date of its notification to the addressee.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 25 October 2022.

For the Council
The President
J. SÍKELA

COUNCIL IMPLEMENTING DECISION (EU) 2022/2080**of 25 October 2022****amending Implementing Decision (EU) 2020/1350 granting temporary support under Regulation (EU) 2020/672 to the Republic of Lithuania to mitigate unemployment risks in the emergency following the COVID-19 outbreak**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) 2020/672 of 19 May 2020 on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak ⁽¹⁾, and in particular Article 6(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Further to a request from Lithuania on 7 August 2020, the Council, by means of Implementing Decision (EU) 2020/1350 ⁽²⁾, granted financial assistance to Lithuania in the form of a loan amounting to a maximum of EUR 602 310 000 with a maximum average maturity of 15 years, and with an availability period of 18 months, with a view to complementing Lithuania's national efforts to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of that outbreak for workers and the self-employed.
- (2) The loan was to be used by Lithuania to finance short-time work schemes and similar measures, as referred to in Article 3 of Implementing Decision (EU) 2020/1350.
- (3) Further to a second request from Lithuania on 11 March 2021, the Council, by means of Implementing Decision (EU) 2021/678 ⁽³⁾ amending Implementing Decision (EU) 2020/1350, granted additional financial assistance of EUR 354 950 000 to Lithuania by increasing the maximum loan amount to EUR 957 260 000 with a maximum average maturity of 15 years, and with an availability period of 18 months, with a view to complementing Lithuania's national efforts to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of that outbreak for workers and the self-employed.
- (4) The additional loan was to be used by Lithuania to finance the short-time work schemes and similar measures, as referred to in Article 3 of Implementing Decision (EU) 2020/1350, as amended by Implementing Decision (EU) 2021/678.
- (5) The COVID-19 outbreak has immobilised a substantial part of the labour force in Lithuania. This has led to repeated sudden and severe increases in public expenditure in Lithuania in respect of the measures referred to in Article 3, points (a) and (b), of Implementing Decision (EU) 2020/1350.

⁽¹⁾ OJ L 159, 20.5.2020, p. 1.

⁽²⁾ Council Implementing Decision (EU) 2020/1350 of 25 September 2020 granting temporary support under Regulation (EU) 2020/672 to the Republic of Lithuania to mitigate unemployment risks in the emergency following the COVID-19 outbreak (OJ L 314, 29.9.2020, p. 35).

⁽³⁾ Council Implementing Decision (EU) 2021/678 of 23 April 2021 amending Implementing Decision (EU) 2020/1350 granting temporary support under Regulation (EU) 2020/672 to the Republic of Lithuania to mitigate unemployment risks in the emergency following the COVID-19 outbreak (OJ L 144, 27.4.2021, p. 12).

- (6) The COVID-19 outbreak and the extraordinary measures implemented by Lithuania in 2020, 2021 and 2022 to contain that outbreak and its socioeconomic and health-related impact had and are still having a dramatic impact on public finances. In 2020, Lithuania had a general government deficit and debt of 7,3 % and 46,6 % of gross domestic product (GDP) respectively, which narrowed to 1,0 % and 44,3 % respectively at the end of 2021. According to the Commission's 2022 spring forecast, Lithuania is expected to have a general government deficit and debt of 4,6 % and 42,7 % of GDP respectively by the end of 2022. According to the Commission's 2022 summer interim forecast, Lithuania's GDP is projected to increase by 1,9 % in 2022.
- (7) On 8 August 2022 Lithuania requested further financial assistance from the Union in the amount of EUR 141 800 000 with a view to continuing to complement its national efforts undertaken in 2020, 2021 and 2022 to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of the outbreak for workers. In particular, Lithuania further extended or amended the short-time work schemes and similar measures set out in recitals (8) to (9).
- (8) In the 'Law on Employment No XII-2470' of 21 June 2016, as amended by 'Law No XIII-2822' of 17 March 2020, 'Law No XIII-2846' of 7 April 2020, 'Law No XIII-3005' of 4 June 2020 and 'Law No XIV-131' of 23 December 2020, as referred to in Article 3, point (a), of Implementing Decision (EU) 2020/1350 and subsequently amended by 'Law No XIV-351' of 27 May 2021, and 'Law No XIV-911' of 20 January 2022, Lithuania introduced a scheme to pay subsidies to employers to cover estimated wages for each employed person facing time without work, as a means of support during the quarantine and state of emergency. Before 1 January 2021, an employer could choose between subsidies to cover 70 % of the salary, up to a maximum of 1,5 times the minimum wage, or 90 % of the salary (100 % in the case of employees aged 60 and above), up to a maximum of the minimum wage. From 1 January 2021, an employer could receive subsidies to cover 100 % of the salary, up to a maximum of 1,5 times the minimum wage. Employers that have participated in the scheme must retain at least 50 % of their employees for at least 3 months after the pay subsidy ends.
- (9) Under the 'Law on Employment No XII-2470' of 21 June 2016, as amended by 'Law No XIII-3005' of 4 June 2020, as referred to in Article 3, point (b), of Implementing Decision (EU) 2020/1350 and subsequently amended by 'Law No XIV-351' of 27 May 2021, before 1 July 2021 subsidies were also paid for employees returning from time without work, for a period of up to 6 months following their return to work. Subject to a cap of the minimum wage or twice the minimum wage, depending on the economic activity carried out by the employer, the amount of the subsidies paid in the first and second months following return to work could be as high as 100 % of an employee's salary, in the third and fourth months as high as 50 %, and in the fifth and sixth months as high as 30 %. From 1 July 2021 subsidies were paid for employees returning from time without work, for a period of up to 2 months following their return to work. The subsidy in the first month consists of 100 % of the employee's salary, but not more than 0,9 times the minimum wage, and in the second month 100 % of the employee's salary, but not more than 0,6 times the minimum wage. Those subsidies can be considered to be a similar measure to the short-time work schemes, as referred to in Regulation (EU) 2020/672, as they aimed to provide income support to employees and help maintain existing employment relationships.
- (10) Lithuania fulfils the conditions for requesting financial assistance set out in Article 3 of Regulation (EU) 2020/672. Lithuania has provided the Commission with appropriate evidence that the actual and planned public expenditure has increased by EUR 1 264 915 309 as of 1 February 2020 as a result of the national measures taken to address the socioeconomic effects of the COVID-19 outbreak. This constitutes a sudden and severe increase because it is also related to an extension or amendment of existing national measures directly related to the short-time work scheme and similar measures that cover a significant proportion of undertakings and of the labour force in Lithuania. Lithuania intends to finance EUR 144 350 000 of the increased amount of expenditure through Union funds and EUR 21 505 309 through its own financing.
- (11) The Commission has consulted Lithuania and verified the sudden and severe increase in the actual and planned public expenditure directly related to the short-time work schemes and similar measures, as referred to in the request of 8 August 2022, in accordance with Article 6 of Regulation (EU) 2020/672.

- (12) Financial assistance should therefore be provided with a view to helping Lithuania to address the socioeconomic effects of the severe economic disturbance caused by the COVID-19 outbreak. The Commission should take the decisions concerning maturities, size and release of instalments and tranches in close cooperation with national authorities.
- (13) Given that the availability period indicated in Implementing Decision (EU) 2020/1350 has expired, a new availability period for the additional financial assistance is needed. The availability period for financial assistance of 18 months granted by Implementing Decision (EU) 2020/1350 should be extended by 21 months and, as a consequence, the total availability period should be 39 months starting from the first day after Implementing Decision (EU) 2020/1350 has taken effect.
- (14) Lithuania and the Commission should take this Decision into account in the loan agreement referred to in Article 8(2) of Regulation (EU) 2020/672.
- (15) This Decision should be without prejudice to the outcome of any procedures relating to distortions of the operation of the internal market that may be undertaken, in particular pursuant to Articles 107 and 108 of the Treaty. It does not override the requirement for Member States to notify instances of potential State aid to the Commission under Article 108 of the Treaty.
- (16) Lithuania should inform the Commission on a regular basis of the implementation of the planned public expenditure, in order to enable the Commission to assess the extent to which Lithuania has implemented that expenditure.
- (17) The decision to provide financial assistance has been reached taking into account the existing and expected needs of Lithuania, as well as requests for financial assistance pursuant to Regulation (EU) 2020/672 already submitted or planned to be submitted by other Member States, while applying the principles of equal treatment, solidarity, proportionality and transparency,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2020/1350 is amended as follows:

(1) Article 2 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

‘1. The Union shall make available to Lithuania a loan amounting to a maximum of EUR 1 099 060 000. The loan shall have a maximum average maturity of 15 years.

2. The availability period for financial assistance granted by this Decision shall be 39 months starting from the first day after this Decision has taken effect.’;

(b) paragraph 4 is replaced by the following:

‘4. The first instalment shall be released subject to the entry into force of the loan agreement provided for in Article 8(2) of Regulation (EU) 2020/672. Any further instalments shall be released in accordance with the terms of that loan agreement or, where relevant, be subject to the entry into force of an addendum thereto, or of an amended loan agreement concluded between Lithuania and the Commission replacing the original loan agreement.’;

(2) Article 3 is replaced by the following:

Article 3

Lithuania may finance the following measures:

- (a) wage subsidies during time without work, as provided for in Article 41 of “Law on Employment No XII-2470” of 21 June 2016, as last amended by “Law No XIV-911” of 20 January 2022;

- (b) wage subsidies after time without work, as provided for in Article 41 of “Law on Employment No XII-2470” of 21 June 2016, as last amended by “Law No XIV-351” of 27 May 2021;
- (c) benefits to the self-employed, as provided for in Article 5-1 of “Law on Employment No XII-2470” of 21 June 2016, as amended in 2020;
- (d) benefits to the self-employed engaged in agriculture, as provided for in Article 5-2 of “Law on Employment No XII-2470” of 21 June 2016, as amended in 2020.’.

Article 2

This Decision is addressed to the Republic of Lithuania.

This Decision shall take effect on the date of its notification to the addressee.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 25 October 2022.

For the Council
The President
J. SÍKELA

COUNCIL IMPLEMENTING DECISION (EU) 2022/2081**of 25 October 2022****amending Implementing Decision (EU) 2020/1346 granting temporary support under Regulation (EU) 2020/672 to the Hellenic Republic to mitigate unemployment risks in the emergency following the COVID-19 outbreak**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) 2020/672 of 19 May 2020 on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak ⁽¹⁾, and in particular Article 6(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Further to a request from Greece on 6 August 2020, the Council, by means of Implementing Decision (EU) 2020/1346 ⁽²⁾, granted financial assistance to Greece in the form of a loan amounting to a maximum of EUR 2 728 000 000 with a maximum average maturity of 15 years, and with an availability period of 18 months, with a view to complementing Greece's national efforts to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of that outbreak for workers and the self-employed.
- (2) The loan was to be used by Greece to finance the short-time work schemes and similar measures, as referred to in Article 3 of Implementing Decision (EU) 2020/1346.
- (3) Further to a second request from Greece on 9 March 2021, the Council, by means of Implementing Decision (EU) 2021/679 ⁽³⁾ amending Implementing Decision (EU) 2020/1346, granted additional financial assistance of EUR 2 537 000 000 to Greece by increasing the maximum loan amount to EUR 5 265 000 000 with a maximum average maturity of 15 years, and with an availability period of 18 months, with a view to complementing Greece's national efforts to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of that outbreak for workers.
- (4) The additional loan was to be used by Greece to finance the short-time work schemes and similar measures, as referred to in Article 3 of Implementing Decision (EU) 2020/1346, as amended by Implementing Decision (EU) 2021/679.
- (5) The COVID-19 outbreak has immobilised a substantial part of the labour force in Greece. This has led to repeated sudden and severe increases in public expenditure in Greece in respect of the measures referred to in Article 3, points (a) and (b), of Implementing Decision (EU) 2020/1346.
- (6) The COVID-19 outbreak and the extraordinary measures implemented by Greece in 2020, 2021 and 2022 to contain that outbreak and its socioeconomic and health-related impact had and are still having a dramatic impact on public finances. In 2020, Greece had a general government deficit and debt of 10,2 % and 206,3 % of gross domestic product (GDP) respectively, which narrowed to 7,4 % and 193,3 % respectively at the end of 2021. According to the Commission's 2022 spring forecast, Greece is forecast to have a general government deficit and debt of 4,3 % and 185,7 % of GDP respectively by the end of 2022. According to the Commission's 2022 summer interim forecast, Greece's GDP is projected to increase by 4,0 % in 2022.

⁽¹⁾ OJ L 159, 20.5.2020, p. 1.

⁽²⁾ Council Implementing Decision (EU) 2020/1346 of 25 September 2020 granting temporary support under Regulation (EU) 2020/672 to the Hellenic Republic to mitigate unemployment risks in the emergency following the COVID-19 outbreak (OJ L 314, 29.9.2020, p. 21).

⁽³⁾ Council Implementing Decision (EU) 2021/679 of 23 April 2021 amending Implementing Decision (EU) 2020/1346 granting temporary support under Regulation (EU) 2020/672 to the Hellenic Republic to mitigate unemployment risks in the emergency following the COVID-19 outbreak (OJ L 144, 27.4.2021, p. 16).

- (7) On 1 September 2022 Greece requested further financial assistance from the Union in the amount of EUR 900 000 000 with a view to continuing to complement its national efforts undertaken in 2020, 2021 and 2022 to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of the outbreak for workers. In particular, Greece further extended the short-time work schemes and similar measures set out in recitals (8) and (9).
- (8) More specifically, Greece's request pertains to 'Legal Act of 14 March 2020' ⁽⁴⁾, as referred to in Article 3, point (a), of Implementing Decision (EU) 2020/1346, which introduced a special allowance for private sector employees whose labour contracts have been suspended. That measure aims to protect employment in companies that cease their operations by public order or belong to economic sectors that are heavily affected by the COVID-19 outbreak, and concerns the provision of a special monthly allowance of EUR 534 to employees whose labour contracts have been suspended. The precondition to benefit from the scheme is that the employer retains the same number of employees, meaning the same exact employees, for a period equal to that for which the labour contract was suspended. The measure has been extended until 31 January 2022.
- (9) The authorities additionally introduced State financing of the social security coverage of employees that benefit from the special allowance referred to in recital (8), as referred to in Article 3, point (b), of Implementing Decision (EU) 2020/1346. The precondition to benefit from the scheme is that the employer retains the same number of employees, meaning the same exact employees, for a period equal to that for which the labour contract was suspended.
- (10) Greece fulfils the conditions for requesting the financial assistance set out in Article 3 of Regulation (EU) 2020/672. Greece has provided the Commission with appropriate evidence that the actual and planned public expenditure has increased by EUR 6 477 014 989 as of 1 February 2020 as a result of the national measures taken to address the socioeconomic effects of the COVID-19 outbreak. This constitutes a sudden and severe increase because it is also related to an extension of existing national measures directly related to short-time work scheme and similar measures that cover a significant proportion of undertakings and of the labour force in Greece. Greece intends to finance EUR 312 014 989 through its own financing.
- (11) The Commission has consulted Greece and verified the sudden and severe increase in the actual and planned public expenditure directly related to the short-time work schemes and similar measures referred to in the request of 1 September 2022, in accordance with Article 6 of Regulation (EU) 2020/672.
- (12) Financial assistance should therefore be provided with a view to helping Greece address the socioeconomic effects of the severe economic disturbance caused by the COVID-19 outbreak. The Commission should take the decisions concerning maturities, size and release of instalments and tranches in close cooperation with national authorities.
- (13) Given that the availability period indicated in Implementing Decision (EU) 2020/1346 has expired, a new availability period for the additional financial assistance is needed. The availability period for financial assistance of 18 months granted by Implementing Decision (EU) 2020/1346 should be extended by 21 months and, as a consequence, the total availability period should be 39 months starting from the first day after Implementing Decision (EU) 2020/1346 has taken effect.

⁽⁴⁾ 'Legal Act of 14 March 2020' (OJ A' 64/2020) ratified by Article 3 of 'Law 4682/2020' (OJ A' 76/2020); 'Legal Act of 1 May 2020' (OJ A' 90/2020) ratified by Article 2 of Law 4690/2020 (OJ A' 104/2020); 'Law 4714/2020' (OJ A' 148/2020); 'Law 4722/2020' (OJ A' 177/2020); 'Law 4756/2020' (OJ A' 235/2020); 'Law 4778/2021' (OJ A' 26/2021); 'Ministerial Decision 12998/232/2020' (OJ B' 1078/2020), 'Ministerial Decision 16073/287/2020' (OJ B' 1547/2020), 'Ministerial Decision 17788/346/2020' (OJ B' 1779/2020), 'Ministerial Decision 23102/477/2020' (OJ B' 2268/2020), 'Ministerial Decision 49989/1266/2020' (OJ B' 5391/2020), 'Ministerial Decision 45742/1748/2020' (OJ B' 5515/2020), 'Ministerial Decision 3208/108' (OJ B' 234/2021); 'Ministerial Decision 4374/131' (OJ B' 345); 'Ministerial Decision 9500/322/2021' (OJ B' 821/2021); 'Ministerial Decision 22547/2021' (OJ B' 1683/2021); 'Ministerial Decision 28631' (OJ B' 2012/2021); 'Ministerial Decision 47100/2021' (OJ B' 2975/2021); 'Ministerial Decision 51320/2021' (OJ B' 3127/2021); 'Ministerial Decision 58921/2021' (OJ B' 3637/2021); 'Ministerial Decision 74831/2021' (OJ B' 4593/2021); 'Ministerial Decision 105596/2021' (OJ B' 6076/2021); 'Ministerial Decision 109412/2021' (OJ B' 6368/2021); and 'Ministerial Decision 3512/2022' (OJ B' 103/2022).

- (14) Greece and the Commission should take this Decision into account in the loan agreement referred to in Article 8(2) of Regulation (EU) 2020/672.
- (15) This Decision should be without prejudice to the outcome of any procedures relating to distortions of the operation of the internal market that may be undertaken, in particular pursuant to Articles 107 and 108 of the Treaty. It does not override the requirement for Member States to notify instances of potential State aid to the Commission under Article 108 of the Treaty.
- (16) Greece should inform the Commission on a regular basis of the implementation of the planned public expenditure, in order to enable the Commission to assess the extent to which Greece has implemented that expenditure.
- (17) The decision to provide financial assistance has been reached taking into account existing and expected needs of Greece, as well as requests for financial assistance pursuant to Regulation (EU) 2020/672 already submitted or planned to be submitted by other Member States, while applying the principles of equal treatment, solidarity, proportionality and transparency,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2020/1346 is amended as follows:

(1) Article 2 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

‘1. The Union shall make available to Greece a loan amounting to a maximum of EUR 6 165 000 000. The loan shall have a maximum average maturity of 15 years.

2. The availability period for financial assistance granted by this Decision shall be 39 months starting from the first day after this Decision has taken effect.’;

(b) paragraph 4 is replaced by the following:

‘4. The first instalment shall be released subject to the entry into force of the loan agreement provided for in Article 8(2) of Regulation (EU) 2020/672. Any further instalments shall be released in accordance with the terms of that loan agreement or, where relevant, be subject to the entry into force of an addendum thereto, or of an amended loan agreement concluded between Greece and the Commission replacing the original loan agreement.’;

(2) Article 3 is replaced by the following:

Article 3

Greece may finance the following measures:

- (a) a special allowance provided to employees whose labour contracts have been suspended, as provided for in Article 13 of Legal Act of 14 March 2020, as last extended by Law 4778/2021 of 19 February 2021 and “Ministerial Decision 3512/2022”;
- (b) the social security coverage of employees under the measure referred to in point (a) of this Article, as provided for in Article 13 of Legal Act of 14 March 2020, as last extended by Law 4778/2021 of 19 February 2021 and “Ministerial Decision 3512/2022”;
- (c) a special allowance to professionals who are self-employed, as provided for in Article 8 of “Legal Act of 20 March 2020”;

- (d) a short-time work scheme, as provided for in Article 31 of “Law 4690/2020”;
- (e) the employer social security contributions for employees in seasonal enterprises in the tertiary sector, as provided for in Article 123 of “Law 4714/2020”.

Article 2

This Decision is addressed to the Hellenic Republic.

This Decision shall take effect on the date of its notification to the addressee.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 25 October 2022.

For the Council
The President
J. SÍKELA

COUNCIL IMPLEMENTING DECISION (EU) 2022/2082**of 25 October 2022****amending Implementing Decision (EU) 2020/1344 granting temporary support under Regulation (EU) 2020/672 to the Republic of Cyprus to mitigate unemployment risks in the emergency following the COVID-19 outbreak**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) 2020/672 of 19 May 2020 on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak ⁽¹⁾, and in particular Article 6(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Further to a request from Cyprus on 6 August 2020, the Council, by means of Implementing Decision (EU) 2020/1344 ⁽²⁾, granted financial assistance to Cyprus in the form of a loan amounting to a maximum of EUR 479 070 000 with a maximum average maturity of 15 years, and with an availability period of 18 months, with a view to complementing Cyprus' national efforts to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of that outbreak for workers and the self-employed.
- (2) The loan was to be used by Cyprus to finance the short-time work schemes and similar measures, as referred to in Article 3 of Implementing Decision (EU) 2020/1344.
- (3) Further to a second request from Cyprus on 10 March 2021, the Council, by means of Implementing Decision (EU) 2021/680 ⁽³⁾ amending Implementing Decision (EU) 2020/1344, granted additional financial assistance of EUR 124 700 000 to Cyprus by increasing the maximum loan amount to EUR 603 770 000 with a maximum average maturity of 15 years, and with an availability period of 18 months, with a view to complementing Cyprus' national efforts to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of that outbreak for workers and the self-employed.
- (4) The additional loan was to be used by Cyprus to finance the short-time work schemes and similar measures, as referred to in Article 3 of Implementing Decision (EU) 2020/1344, as amended by Implementing Decision (EU) 2021/680.
- (5) The COVID-19 outbreak has immobilised a substantial part of the labour force in Cyprus. This has led to repeated sudden and severe increases in public expenditure in Cyprus in respect of the measures referred to in Article 3, points (c), (e), (f), (g), (h) and (i), of Implementing Decision (EU) 2020/1344.
- (6) The COVID-19 outbreak and the extraordinary measures implemented by Cyprus in 2020, 2021 and 2022 to contain that outbreak and its socioeconomic and health-related impact had and are still having a dramatic impact on public finances. In 2020, Cyprus had a general government deficit and debt of 5,8 % and 115,0 % of gross domestic product (GDP) respectively, which narrowed to 1,7 % and 103,6 % respectively at the end of 2021. According to the Commission's 2022 spring forecast, Cyprus is forecast to have a general government deficit and debt of 0,3 % and 93,9 % of GDP respectively by the end of 2022. According to the Commission's 2022 summer interim forecast, Cyprus' GDP is projected to increase by 3,2 % in 2022.

⁽¹⁾ OJ L 159, 20.5.2020, p. 1.

⁽²⁾ Council Implementing Decision (EU) 2020/1344 of 25 September 2020 on granting temporary support under Regulation (EU) 2020/672 to the Republic of Cyprus to mitigate unemployment risks in the emergency following the COVID-19 outbreak (OJ L 314, 29.9.2020, p. 13).

⁽³⁾ Council Implementing Decision (EU) 2021/680 of 23 April 2021 amending Implementing Decision (EU) 2020/1344 granting temporary support under Regulation (EU) 2020/672 to the Republic of Cyprus to mitigate unemployment risks in the emergency following the COVID-19 outbreak (OJ L 144, 27.4.2021, p. 19).

- (7) On 5 September 2022 Cyprus requested further financial assistance from the Union in the amount of EUR 29 200 000 with a view to continuing to complement its national efforts undertaken in 2020, 2021 and 2022 to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of the outbreak for workers and the self-employed. In particular, Cyprus further extended or amended the short-time work schemes and similar measures set out in recitals 8 to 13.
- (8) 'Law 27(I)/2020' ⁽⁴⁾, 'Law 49(I)/2020' ⁽⁵⁾, 'Law 140(I)/2020' ⁽⁶⁾, 'Law 36(I)/2021' ⁽⁷⁾ and 'Law 120(I)/2021' ⁽⁸⁾ have been the basis for the introduction of a number of monthly regulatory administrative acts ⁽⁹⁾, outlining measures to address the impact of the COVID-19 outbreak. On the basis of those laws, the authorities have introduced the 'scheme supporting companies for partial suspension of operations', as referred to in Article 3, point (c), of Implementing Decision (EU) 2020/1344. It provides wage compensation to the employees of businesses experiencing a decline in turnover as a result of the pandemic, conditional on employment retention. The compensation covers 60 % of the employee's salary or 60 % of the employee's social insurance units earned in 2018, whichever is the greater. The compensation ranges between a maximum of EUR 1 214 and a minimum of EUR 360 per month. The measure was initially in force for the period from March 2020 to June 2020 and was subsequently extended to cover the period from January 2021 to August 2021.
- (9) Furthermore, 'Law 27(I)/2020', 'Law 49(I)/2020', 'Law 140(I)/2020', 'Law 36(I)/2021' and 'Law 120(I)/2021' and a number of monthly regulatory administrative acts ⁽¹⁰⁾ have been the basis for the 'special scheme for hotel units and tourist accommodation', as referred to in Article 3, point (e), of Implementing Decision (EU) 2020/1344. It provides wage compensation to support employees in the hotel industry and other businesses providing tourist accommodation whose employer has fully suspended operations or experienced a decline in turnover of more than 40 %. Participation in the scheme is conditional on employment retention. The measure was initially in force for the period from June 2020 to October 2020 and was subsequently extended to cover the period from November 2020 to October 2021.
- (10) Furthermore, 'Law 27(I)/2020', 'Law 49(I)/2020', 'Law 140(I)/2020', 'Law 36(I)/2021' and 'Law 120(I)/2021' and a number of monthly regulatory administrative acts ⁽¹¹⁾, have been the basis for the 'special scheme to support businesses related to the tourism industry or affected by tourism or associated with businesses that are subject to mandatory total suspension', as referred to in Article 3, point (f), of Implementing Decision (EU) 2020/1344. The scheme provides wage compensation to the employees in the hotel industry and other businesses providing tourist accommodation that have fully suspended operations or experienced a decline in turnover of more than 40 % as opposed to 55 % in the original scheme, conditional on employment retention. The measure was initially in force for the period from June 2020 to August 2020 and was extended and amended to cover the period from September 2020 to October 2021.
- (11) Furthermore, 'Law 27(I)/2020', 'Law 49(I)/2020', 'Law 140(I)/2020', 'Law 36(I)/2021' and 'Law 120(I)/2021' and a number of monthly regulatory administrative acts ⁽¹²⁾, have been the basis for a 'Special Scheme for supporting businesses exercising special predefined activities', as referred to in Article 3, point (g), of Implementing Decision (EU) 2020/1344. That scheme provides income compensation for 50 % of the staff of the businesses joining the scheme. The support covers 60 % of the employee's salary or 60 % of the employee's social insurance units earned

⁽⁴⁾ E.E., Παρ.Ι(Ι), Αρ.4748, 27/3/2020

⁽⁵⁾ E.E., Παρ.Ι(Ι), Αρ.4756, 26/5/2020

⁽⁶⁾ E.E., Παρ.Ι(Ι), Αρ.4780, 12/10/2020

⁽⁷⁾ E.E., Παρ.Ι(Ι), Αρ.4823, 29/3/2021

⁽⁸⁾ E.E., Παρ.Ι(Ι), Αρ.4846, 16/7/2021

⁽⁹⁾ Regulatory Administrative Acts, 131/188/239/2020 and Regulatory Administrative Acts 16/84/124/169/219/276/331/370/2021.

⁽¹⁰⁾ Regulatory Administrative Acts 269/317/393/418/498/533/631/2020 and 13/81/121/166/216/271/329/368/402/431/2021.

⁽¹¹⁾ Regulatory Administrative Acts, 270/318/394/419/499/534/632/2020 and Regulatory Administrative Acts 14/82/122/167/217/274/330/369/403/432/2021.

⁽¹²⁾ Regulatory Administrative Acts, 272/320/396/420/500/535/633/2020 and Regulatory Administrative Acts, 404/433/2021.

in the appropriate reference year, whichever is greater. The compensation ranges between a maximum of EUR 1 214 and a minimum of EUR 360 per month. Participation in the scheme is conditional on employment retention. The measure, initially in force from June 2020 to August 2020, was extended to cover the period from September 2020 to October 2021.

- (12) Moreover, the 'subsidisation scheme' set by 'Supplementary budget, Temporary framework for State aid measures to support the economy in the current COVID-19 outbreak', as referred to in Article 3, point (h), of Implementing Decision (EU) 2020/1344 introduced subsidies for very small and small enterprises and the self-employed that employ up to 50 employees. Only the part of expenditure related to the support of the self-employed and one-person companies has been requested. Those subsidies provide a lump sum grant to support operating expenses of small businesses and the self-employed. The amounts of the lump-sum grants have been reviewed for various categories of businesses based on the number of employees. In addition, grants have been agreed for businesses which have suspended their operations since March 2020 with an amount of EUR 10 000 for up to 9 employees and EUR 15 000 for more than 9 employees. The subsidisation scheme can be considered to be a similar measure to short-time work schemes, as referred to in Regulation (EU) 2020/672, as it aims to protect the self-employed or similar categories of workers from reduction or loss of income. The measure, initially in force for the period from April 2020 to May 2020, was extended and amended for November 2020 in November 2020. The scheme was extended again in March 2021 and April 2021, and covered businesses of any number of employees that had to totally suspend their operations according to Decrees of the Minister of Health.
- (13) Furthermore, 'Law 27(I)/2020', 'Law 49(I)/2020', 'Law 140(I)/2020', 'Law 36(I)/2021' and 'Law 120(I)/2021 and a number of monthly regulatory administrative acts ⁽¹³⁾ have been the basis for a 'sickness benefit scheme', as referred to in Article 3, point (i), of Implementing Decision (EU) 2020/1344. That scheme provides wage compensation to employees of the private sector and to the self-employed, on the condition that they are either classified as vulnerable individuals according to a list published by the Ministry of Health, placed in quarantine by the authorities, or infected by COVID-19. The measure was initially in force for the period from March 2020 to June 2020 and was extended to cover the period from November 2020 to June 2021.
- (14) Cyprus fulfils the conditions for requesting the financial assistance set out in Article 3 of Regulation (EU) 2020/672. Cyprus has provided the Commission with appropriate evidence that the actual and planned public expenditure has increased by EUR 777 840 000 as of 1 February 2020 as a result of the national measures taken to address the socioeconomic effects of the COVID-19 outbreak. This constitutes a sudden and severe increase because it is also related to an extension or amendment of existing national measures directly related to short-time work scheme and similar measures that cover a significant proportion of undertakings and of the labour force in Cyprus. Cyprus intends to finance EUR 144 870 000 of the increased amount of expenditure through Union funds.
- (15) The Commission has consulted Cyprus and verified the sudden and severe increase in the actual and planned public expenditure directly related to the short-time work schemes and similar measures referred to in the request of 5 September 2022, in accordance with Article 6 of Regulation (EU) 2020/672.
- (16) Financial assistance should therefore be provided with a view to helping Cyprus to address the socioeconomic effects of the severe economic disturbance caused by the COVID-19 outbreak. The Commission should take the decisions concerning maturities, size and release of instalments and tranches in close cooperation with national authorities.
- (17) Given that the availability period indicated in Implementing Decision (EU) 2020/1344 has expired, a new availability period for the additional financial assistance is needed. The availability period for financial assistance of 18 months granted by Implementing Decision (EU) 2020/1344 should be extended by 21 months and, as a consequence, the total availability period should be 39 months starting from the first day after Implementing Decision (EU) 2020/1344 has taken effect.

⁽¹³⁾ Regulatory Administrative Acts, 128/185/236/539/637/2020 and Regulatory Administrative Acts, 19/87/127/172/222/273/2021.

- (18) Cyprus and the Commission should take this Decision into account in the loan agreement referred to in Article 8(2) of Regulation (EU) 2020/672.
- (19) This Decision should be without prejudice to the outcome of any procedures relating to distortions of the operation of the internal market that may be undertaken, in particular pursuant to Articles 107 and 108 of the Treaty. It does not override the requirement for Member States to notify instances of potential State aid to the Commission under Article 108 of the Treaty.
- (20) Cyprus should inform the Commission on a regular basis of the implementation of the planned public expenditure, in order to enable the Commission to assess the extent to which Cyprus has implemented that expenditure.
- (21) The decision to provide financial assistance has been reached taking into account existing and expected needs of Cyprus, as well as requests for financial assistance pursuant to Regulation (EU) 2020/672 already submitted or planned to be submitted by other Member States, while applying the principles of equal treatment, solidarity, proportionality and transparency,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2020/1344 is amended as follows:

(1) Article 2 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

‘1. The Union shall make available to Cyprus a loan amounting to a maximum of EUR 632 970 000. The loan shall have a maximum average maturity of 15 years.

2. The availability period for financial assistance granted by this Decision shall be 39 months starting from the first day after this Decision has taken effect.’;

(b) paragraph 4 is replaced by the following:

‘4. The first instalment shall be released subject to the entry into force of the loan agreement provided for in Article 8(2) of Regulation (EU) 2020/672. Any further instalments shall be released in accordance with the terms of that loan agreement or, where relevant, be subject to the entry into force of an addendum thereto, or of an amended loan agreement concluded between Cyprus and the Commission replacing the original loan agreement.’;

(2) Article 3 is replaced by the following:

Article 3

Cyprus may finance the following measures:

- (a) the special leave scheme for parents, as provided for in “Law 27(I)/2020”, and in “Regulatory Administrative Acts, 127/148/151/184/192/212/213/235/2020”, as extended;
- (b) the schemes supporting companies for the total suspension of operations, as provided for in “Law 27(I)/2020” and in “Regulatory Administrative Acts, 130/148/151/187/212/213/238/243/271/273/2020”, as extended;
- (c) the schemes supporting companies for the partial suspension of operations, as provided for in “Law 27(I)/2020” and in “Regulatory Administrative Acts, 131/188/239/2020”, as last amended by “Law 120(I)/2021” and by “Regulatory Administrative Act 370/2021”;
- (d) the special scheme for the self-employed, as provided for in “Law 27(I)/2020” and in “Regulatory Administrative Acts, 129/148/151/186/237/322/2020”, as extended;

- (e) the special scheme for hotel units and tourist accommodation, as provided for in “Law 27(I)/2020” and in “Regulatory Administrative Acts, 269/317/393/418/498/533/631/2020”, as last amended by “Law 120(I)/2021” and by “Regulatory Administrative Act 431/2021”;
- (f) the special scheme to support businesses related to the tourism industry or affected by tourism or associated with businesses that are subject to mandatory total suspension, as provided for in “Law 27(I)/2020” and in “Regulatory Administrative Acts, 270/318/394/419/499/534/632/2020”, as last amended by “Law 120(I)/2021” and by “Regulatory Administrative Act 432/2021”;
- (g) the special scheme for supporting businesses exercising special predefined activities, as provided for in “Law 27(I)/2020” and in “Regulatory Administrative Acts, 272/320/396/420/500/535/633/2020”, as last amended by “Law 120(I)/2021” and by “Regulatory Administrative Act 433/2021”;
- (h) the subsidisation scheme of very small and small enterprises and the self-employed, as provided for in “Supplementary budget, Temporary framework for State aid measures to support the economy in the current COVID-19 outbreak”, for the part of expenditure related to the support of the self-employed and one-person companies, as extended and amended;
- (i) the sickness benefit scheme, as provided for in “Law 27(I)/2020” and in “Regulatory Administrative Acts, 128/185/236/539/637/2020” as last amended by “Law 120(I)/2021” and by “Regulatory Administrative Act 273/2021”.

Article 2

This Decision is addressed to the Republic of Cyprus.

This Decision shall take effect on the date of its notification to the addressee.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 25 October 2022.

For the Council
The President
J. SÍKELA

COUNCIL IMPLEMENTING DECISION (EU) 2022/2083**of 25 October 2022****amending Implementing Decision (EU) 2020/1354 granting temporary support under Regulation (EU) 2020/672 to the Portuguese Republic to mitigate unemployment risks in the emergency following the COVID-19 outbreak**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) 2020/672 of 19 May 2020 on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak ⁽¹⁾, and in particular Article 6(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Further to a request from Portugal on 11 August 2020, the Council, by means of Implementing Decision (EU) 2020/1354 ⁽²⁾, granted financial assistance to Portugal in the form of a loan amounting to a maximum of EUR 5 934 462 488 with a maximum average maturity of 15 years, and with an availability period of 18 months, with a view to complementing Portugal's national efforts to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of that outbreak for workers and the self-employed.
- (2) The loan was to be used by Portugal to finance short-time work schemes, similar measures and health-related measures, as referred to in Article 3 of Implementing Decision (EU) 2020/1354.
- (3) Further to a second request from Portugal on 9 December 2021, the Council, by means of Implementing Decision (EU) 2022/99 ⁽³⁾, extended the list of measures for which financial assistance had already been granted by means of Implementing Decision (EU) 2020/1354, with a view to complementing Portugal's national efforts to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of that outbreak for workers and the self-employed.
- (4) The COVID-19 outbreak has immobilised a substantial part of the labour force in Portugal. This has led to repeated sudden and severe increases in public expenditure in Portugal in respect of the measures referred to in Article 3 of Implementing Decision (EU) 2020/1354.
- (5) The COVID-19 outbreak and the extraordinary measures implemented by Portugal in 2020, 2021 and 2022 to contain that outbreak and its socioeconomic and health-related impact had and are still having a dramatic impact on public finances. In 2020, Portugal had a general government deficit and debt of 5,8 % and 135,2 % of gross domestic product (GDP) respectively, which narrowed to 2,8 % and 127,4 % respectively at the end of 2021. According to the Commission's 2022 spring forecast, Portugal is expected to have a general government deficit and debt of 1,9 % and 119,9 % of GDP, respectively, by the end of 2022. According to the Commission's 2022 summer interim forecast, Portugal's GDP is projected to increase by 6,5 % in 2022.

⁽¹⁾ OJ L 159, 20.5.2020, p. 1.

⁽²⁾ Council Implementing Decision (EU) 2020/1354 of 25 September 2020 granting temporary support under Regulation (EU) 2020/672 to the Portuguese Republic to mitigate unemployment risks in the emergency following the COVID-19 outbreak (OJ L 314, 29.9.2020, p. 49).

⁽³⁾ Council Implementing Decision (EU) 2022/99 of 25 January 2022 amending Implementing Decision (EU) 2020/1354 granting temporary support under Regulation (EU) 2020/672 to the Portuguese Republic to mitigate unemployment risks in the emergency following the COVID-19 outbreak (OJ L 17, 26.1.2022, p. 47).

- (6) On 17 September 2022, Portugal requested further financial assistance from the Union in the amount of EUR 300 000 000 with a view to continuing to complement its national efforts undertaken in 2020, 2021 and 2022 to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of the outbreak for workers and the self-employed. In particular, Portugal further extended or amended the short-time work schemes and similar measures set out in recitals (7) to (21).
- (7) Articles 298 to 308 of 'Law No 7/2009 of 12 February', as further specified by Article 142 of 'Law No 75-B/2020 of 31 December', introduced a measure to support the maintenance of employment contracts through the temporary interruption of work or reduction of normal working time enshrined in Portugal's Labour Code. The measure is described in Article 3, point (a), of Implementing Decision (EU) 2020/1354. Initially, the measure provided a benefit to eligible firms to cover 70 % of employees' compensation, with employees' compensation equalling two-thirds of their normal gross salary. This two-thirds correction was subject to a lower limit equal to the national minimum salary and an upper limit equal to three times the national minimum salary. Eligible firms must have suspended their business activities or have suffered significant revenue losses. Subsequently, the measure was extended, including by temporarily increasing employees' compensation to 100 % of their normal gross salary.
- (8) 'Decree-Law No 10-G/2020 of 26 March', as amended by the 'Declaration of Rectification No 14/2020 of 28 March', Article 4 of 'Decree-Law No 14-F/2020 of 13 April', Article 3 of 'Decree-Law No 20/2020 of 1 May', Article 6 of 'Decree-Law 20-H/2020 of 14 May', Article 2 of 'Decree-Law No 27-B/2020 of 19 June', and Article 2 of 'Decree-Law No 6-C/2021 of 15 January', and as further specified by Article 142 of 'Law No 75-B/2020 of 31 December', introduced the new and simplified special support for the maintenance of employment contracts through the temporary interruption of work or reduction of normal working time. The measure is described in Article 3, point (b), of Implementing Decision (EU) 2020/1354. This measure was similar to the measure referred to in recital (7) but had simplified procedures to allow swifter access to funds. Initially, the measure provided a benefit to eligible firms to cover 70 % of employees' compensation, with employees' compensation equalling two-thirds of their normal gross salary, as well as the exemption from employer's social security contributions. This two-thirds correction was subject to a lower limit equal to the national minimum salary and an upper limit equal to three times the national minimum salary. Eligible firms must have suspended their business activities or have experienced revenue losses of at least 40 % in the period of 30 days preceding the request for support, compared with the same month of the previous year or with the monthly average of the 2 months prior to that period. Subsequently, the measure was extended a number of times, including by temporarily increasing employees' compensation to 100 % of their normal gross salary in specific circumstances. Since the relief of social security contributions constitutes foregone revenue for the general government, for the purposes of Regulation (EU) 2020/672 it can be considered to be equivalent to public expenditure.
- (9) Articles 5(2) and 7 to 9 of 'Decree-Law No 10-G/2020 of 26 March' established that, when firms were benefiting from the measures referred to in recitals (7) or (8), and had a training programme approved by the national public employment and training services ('*Instituto do Emprego e Formação Profissional*', IEFP), under the special vocational programmes, training allowances could be granted to cover income replacement, as well as the linked costs for training, to take place during working hours, as an alternative to reducing employees' working time. The measure is described in Article 3, point (c), of Implementing Decision (EU) 2020/1354.
- (10) Articles 4 and 5 of 'Decree-Law No 27-B/2020 of 19 June' and Article 14-A of 'Decree-Law No 46-A/2020 of 30 July', as amended by Article 4 of 'Decree-Law No 6-C/2021 of 15 January', Article 2 of 'Decree-Law No 23-A/2021 of 24 March', and Article 2 of 'Decree-Law No 32/2021 of 12 May', and as specified in 'Government Order No 102-A/2021 of 14 May', introduced a new special support measure for firms for the resumption of their business activities. The measure is described in Article 3, point (d), of Implementing Decision (EU) 2020/1354. Initially, in order to facilitate the transition back to work and support the retention of jobs, firms whose employees benefited from the measures referred to in recitals (7) or (8) could receive a benefit equal to either the national minimum salary per relevant employee paid in one single instalment, or to twice the national minimum salary per

such employee paid in a phased manner over 6 months. When support was provided in a phased manner, firms were also to benefit from a partial exemption of 50 % from the respective employer's social security contributions with reference to the relevant employees. Subsequently, the measure was extended a number of times, including by adding, as eligible firms, micro-enterprises whose employees had benefited from the measure referred to in recital (12), which could then receive a benefit equal to twice the national minimum salary per such employee paid in a phased manner over 6 months.

- (11) Article 3 of 'Decree-Law No 27-B/2020 of 19 June', as amended by Article 2 of 'Decree-Law No 58-A/2020 of 14 August', introduced a new income stabilisation supplement for employees benefiting from measures referred to in recitals (7) or (8) for at least 1 month (later specified as 30 consecutive days) in the period from April to June 2020. The measure is described in Article 3, point (e), of Implementing Decision (EU) 2020/1354. Eligible employees were those whose gross salary with reference to February 2020 did not exceed twice the national minimum salary. The employees were entitled to receive a benefit equal to the difference between the gross salary of February 2020 and that of the period in which the employee was covered by one of the two above-mentioned measures, with a lower limit of EUR 100 and an upper limit of EUR 351.
- (12) Article 4 of 'Decree-Law No 46-A/2020 of 30 July', as amended by Article 2 of 'Decree-Law No 90/2020 of 19 October', Article 142 of 'Law No 75-B/2020 of 31 December', Article 3 of 'Decree-Law No 6-C/2021 of 13 January', Article 2 of 'Decree-Law No 23-A/2021 of 24 March', and Article 2 of 'Decree-Law No 71-A/2021 of 13 August', introduced the new and progressive special support for the maintenance of employment contracts through the temporary reduction of normal working time. The measure is described in Article 3, point (f), of Implementing Decision (EU) 2020/1354. Initially, the measure provided a benefit to eligible firms to cover 70 % of the employees' compensation for hours not worked, with that compensation equalling two-thirds of their normal gross salary corresponding to hours not worked in August and September 2020, or to four-fifths of their normal gross salary corresponding to hours not worked in October to December 2020. The resulting overall gross salary of employees was subject to a lower limit equal to the national minimum salary.

The measure also provided for the total or partial exemption from the respective employer's social security contributions, calibrated according to eligible firms being either micro-, small- and medium-sized, or big enterprises. Eligible firms must have suspended their business activities or have experienced revenue losses of at least 40 % in the period of 30 days preceding the request for support, compared with the same month of the previous year or with the monthly average of the 2 months prior to that period. The maximum temporary reduction of normal working time was calibrated to increase according to the size of the revenue losses of eligible firms. Subsequently, the measure was extended a number of times, including by making eligible firms that had experienced revenue losses of at least 25 %, recalibrating the maximum temporary reduction of normal working time according to the size of the revenue losses of eligible firms, temporarily increasing employees' compensation to 100 % of their normal gross salary corresponding to hours not worked, and introducing the phasing-out of relief for employer's social security contributions. Since the relief of social security contributions constitutes foregone revenue for the general government, for the purposes of Regulation (EU) 2020/672, it can be considered to be equivalent to public expenditure.

- (13) Article 26 of 'Decree-Law No 10-A/2020 of 13 March', as amended by Article 2 of 'Decree-Law No 12-A/2020 of 6 April', Article 2 of 'Decree-Law No 14-F/2020 of 13 April', Article 4 of 'Decree-Law No 20-C/2020 of 7 May', Article 9 of 'Law No 27-A/2020 of 24 July', and Article 2 of 'Law No 31/2020 of 11 August', as well as Article 325-G of 'Law No 2/2020 of 31 March', as added by Article 3 of 'Law No 27-A/2020 of 24 July', introduced a new special support measure for self-employed persons, informal workers and managers. The measure is described in Article 3, point (g), of Implementing Decision (EU) 2020/1354. Initially, the measure provided a monthly benefit equal to the individuals' registered income, with an upper limit equal to Portugal's social support index ('*Indexante dos Apoios Sociais*', IAS, at EUR 438,81 in 2020). Eligible persons were the individuals suspending their business activities. Subsequently, the measure was extended a number of times, including by making eligible persons

experiencing revenue losses of at least 40 % in the period of 30 days preceding the request for support, compared with the same month of the previous year or with the monthly average of the 2 months prior to that period, recalibrated so as to make the monthly benefit equal to either the individual's registered income, with an upper limit equal to Portugal's social support index, when the individuals' registered income was lower than 1,5 times Portugal's social support index, or to two-thirds of the individual's registered income, with an upper limit equal to the national minimum salary, when the individual's registered income was equal or greater than 1,5 times Portugal's social support index, and setting a lower limit equal to 50 % of Portugal's social support index.

- (14) Article 23 of 'Decree-Law No 10-A/2020 of 13 March', as amended by Article 2 of 'Decree-Law No 12-A/2020 of 6 April', and Article 3 of 'Law No 16/2021 of 7 April', introduced a family allowance for employees prevented from working due to the need to assist their children or other dependants under the age of 12, or, regardless of age, with a disability or chronic illness. The measure is described in Article 3, point (h), of Implementing Decision (EU) 2020/1354. The measure provided a benefit corresponding to two-thirds of the normal gross salary, paid in equal parts by the employer and social security, with a lower limit equal to the national minimum salary and an upper limit equal to three times the national minimum salary. This measure can be considered to be a similar measure to short-time work schemes, as referred to in Regulation (EU) 2020/672, as it provides income support to employees, which will help to cover the costs of childcare during school closures and therefore help parents to continue working, preventing putting the employment relation at risk.
- (15) 'Government Order No 3485-C/2020 of 19 March', 'Government Order No 4395/2020 of 10 April', and 'Government Order No 5897-B/2020 of 28 May', introduced a special support measure for the maintenance of trainers' employment contracts in the light of the cancellation of vocational trainings. The measure is described in Article 3, point (i), of Implementing Decision (EU) 2020/1354. Public support consisted of a benefit covering the trainers' salary even if the vocational training did not take place.
- (16) 'Order of the Ministers of Labour, Solidarity and Social Security, and of Health No 2875-A/2020 of 3 March', Article 20 of 'Decree-Law 10-A/2020 of 13 March', as amended by Article 2 of 'Decree-Law No 62-A/2020 of 3 September', and Article 325-F of 'Law No 2/2020 of 31 March', as amended by Article 3 of 'Law No 27-A/2020 of 24 July', introduced a sickness allowance owing to the contraction of COVID-19. The measure is described in Article 3, point (m), of Implementing Decision (EU) 2020/1354. Compared with Portugal's standard sickness allowance scheme, the granting of the COVID-19 sickness allowance was not subject to a waiting period. The public support consisted of a benefit equal to the beneficiaries' normal gross salary.
- (17) Article 19 of 'Decree-Law No 10-A/2020 of 13 March', as amended by Article 2 of 'Decree-Law No 62-A/2020 of 3 September', and Article 325-F of 'Law No 2/2020 of 31 March', as amended by Article 3 of 'Law No 27-A/2020 of 24 July', introduced an allowance for employees and self-employed persons who were temporarily prevented from exercising their professional activities as a result of being in prophylactic isolation. The measure is described in Article 3, point (l), of Implementing Decision (EU) 2020/1354. The granting of the allowance was not subject to a waiting period. The benefiting employees or self-employed persons were entitled to an allowance equal to their normal gross salary.
- (18) 'Resolution of the Council of the Regional Government of the Azores No 97/2020 of 8 April', 'Resolution of the Council of the Regional Government of the Azores No 120/2020 of 28 April', 'Resolution of the Council of the Regional Government of the Azores No 128/2020 of 5 May', 'Resolution of the Council of the Regional Government of the Azores No 129/2020 of 5 May', 'Resolution of the Council of the Regional Government of the Azores No 195/2020 of 15 July', 'Resolution of the Council of the Regional Government of the Azores No 196/2020 of 15 July', and 'Resolution of the Council of the Regional Government of the Azores No 200/2020 of 17 July', introduced a number of regional employment-related measures in the autonomous region of the Azores. The measures are described in Article 3, point (j), of Implementing Decision (EU) 2020/1354. The specific measures, including a regional top-up on nation-wide schemes, namely on short-time work, support for the self-employed and for firms for the resumption of their business activities, were intended to preserve employment in the Azores during the COVID-19 outbreak. Support under those measures was conditional on firms preserving employment contracts and maintaining their business activities.

- (19) 'Resolution of the Regional Government of Madeira No 101/2020 of 13 March' and 'Ordinance No 133-B/2020 of the Vice-Presidency of the Regional Government of Madeira and of the Regional Secretariat for Social Inclusion and Citizenship of 22 April' introduced a number of regional employment-related measures in the autonomous region of Madeira. The measures are described in Article 3, point (k), of Implementing Decision (EU) 2020/1354. The specific measures, including a regional top-up on nation-wide schemes, namely on short-time work, support for the self-employed and for firms for the resumption of their business activities, were intended to preserve employment in Madeira during the COVID-19 outbreak. Support under these measures was conditional on firms preserving employment contracts and maintaining their business activities.
- (20) Article 156 of 'Law No 75-B/2020 of 31 December', and subject to the conditions set out in points (2)(c) to (f) therein, as further specified in 'Government Ordinance No 19-A/2021 of 25 January', and as extended by Article 12 of 'Decree-Law No 104/2021 of 27 November', introduced an extraordinary support scheme for self-employed workers, workers without access to other social protection mechanisms, and managers whose income was particularly affected by the COVID-19 pandemic. The measure is described in Article 3, point (r), of Implementing Decision (EU) 2020/1354. In the case of self-employed workers, the measure provided a benefit equal to two-thirds of the drop in the workers' monthly income, with an upper limit equal to EUR 501,16. Eligible self-employed workers were those who experienced a drop in income of at least 40 % in the period from March to December 2020, compared with 2019.

In the case of workers without access to other social protection mechanisms, the measure provided: (i) for employees, a benefit equal to the difference between the monthly reference value of EUR 501,16 and the average monthly wage per adult in the respective household; and, (ii) for self-employed workers, a benefit equal to two-thirds of the drop in the workers' monthly income, with an upper limit of EUR 501,16. In the case of managers, the measure provided a benefit equal to either their reference average monthly income, when it was below 1,5 times Portugal's social support index (*Indexante dos Apoios Sociais*, IAS, at EUR 438,81 in 2021), or two-thirds of their reference average monthly income, when it was equal to or above that index. Eligible managers were those whose business activities had been temporarily suspended as a result of the COVID-19 pandemic, or who had experienced revenue losses of at least 40 % in the period of 30 days preceding the request for support, compared with the same month of the previous year, or with the monthly average of the 2 months prior to that period. In all cases, the benefit had a lower limit equal to EUR 50, increased to 50 % of the observed monthly income drop when the latter fell between 50 % and 100 % of Portugal's social support index, or to 50 % of Portugal's social support index when the income drop exceeded that index.

- (21) Point 2.5.1 of 'Annex to the Resolution of the Council of Ministers No 41/2020 of 6 June', as further specified by Articles 10 to 12 of 'Government Ordinance No 180/2020 of 3 August', and extended by Articles 5 to 7 of 'Annex to Government Ordinance No 37-A/2021 of 15 February', introduced a social support scheme for artists, authors, technicians and other art professionals. The measure is described in Article 3, point (s), of Implementing Decision (EU) 2020/1354. The measure provided for a monthly benefit equal to Portugal's social support index (*Indexante dos Apoios Sociais*, IAS, at EUR 438,81 in 2021).
- (22) Portugal further extended or amended a series of health-related measures to address the COVID-19 outbreak. In particular, this concerns the measures set out in recitals (23) to (27).
- (23) 'Norm No 012/2020 of 6 May', as amended on 14 May 2020, and 'Norm No 013/2020 of 10 June', as amended on 23 June 2020, both issued by the Portuguese Directorate-General for Health, as well as 'Decree-Law No 10-A/2020 of 13 March', provided for the purchase of personal protective equipment to be used in the workplace, notably in public hospitals, line ministries, municipalities and the autonomous regions of the Azores and Madeira. The measure is described in Article 3, point (n), of Implementing Decision (EU) 2020/1354.
- (24) 'Decree-Law No 10-A/2020 of 13 March' introduced a school hygiene campaign aimed at ensuring the safe return to work of lecturers, other staff members, and students. The measure is described in Article 3, point (o), of Implementing Decision (EU) 2020/1354.

- (25) 'Norm No 012/2020 of 6 May', as amended on 14 May 2020, and 'Norm No 013/2020 of 10 June', as amended on 23 June 2020, both issued by the Portuguese Directorate-General for Health, provided for the testing for the contraction of COVID-19 of inpatients and workers of public hospitals, as well as of employees of nursing homes and childcare facilities. The measure is described in Article 3, point (p), of Implementing Decision (EU) 2020/1354.
- (26) Article 42-A of 'Law No 2/2020 of 31 March', as amended by Article 3 of 'Law No 27-A/2020 of 24 July', and Article 291 of 'Law No 75-B/2020 of 31 December', introduced a new special compensation for workers in the National Health Service involved in fighting the COVID-19 outbreak. The measure is described in Article 3, point (q), of Implementing Decision (EU) 2020/1354. The measure consisted of a performance bonus, paid only once, corresponding to an amount equal to 50 % of the employee's normal gross salary.
- (27) Article 6 of 'Decree-Law No 10-A/2020 of 13 March', and Articles 4 to 8 of 'Decree-Law No 10-A/2021 of 2 February', provided for the hiring of additional health professionals and overtime work in the National Health Service to help address pandemic-related challenges. The measure is described in Article 3, point (t), of Implementing Decision (EU) 2020/1354.
- (28) Portugal fulfils the conditions for requesting financial assistance set out in Article 3 of Regulation (EU) 2020/672. Portugal has provided the Commission with appropriate evidence that the actual and planned public expenditure has increased by EUR 6 920 192 416 as of 1 February 2020 as a result of the national measures taken to address the socioeconomic effects of the COVID-19 outbreak. This constitutes a sudden and severe increase because it is also related to an extension or amendment of existing national measures directly related to the short-time work scheme and similar measures that cover a significant proportion of undertakings and of the labour force in Portugal. Portugal intends to finance EUR 386 417 324 of the increased amount of expenditure through Union funds and EUR 299 312 604 through its own financing.
- (29) The Commission has consulted Portugal and verified the sudden and severe increase in the actual and planned public expenditure directly related to short-time work schemes and similar measures, as well as the recourse to relevant health-related measures related to the COVID-19 outbreak, as referred to in the request of 17 September 2022, in accordance with Article 6 of Regulation (EU) 2020/672.
- (30) The expenditure on health-related measures, as referred to in Portugal's request of 17 September 2022 and in recitals (23) to (27), amounts to EUR 1 382 230 075.
- (31) Financial assistance should therefore be provided with a view to helping Portugal to address the socioeconomic effects of the severe economic disturbance caused by the COVID-19 outbreak. The Commission should take the decisions concerning maturities, size and release of instalments and tranches in close cooperation with national authorities.
- (32) Given that the availability period indicated in Implementing Decision (EU) 2020/1354 has expired, a new availability period for the additional financial assistance is needed. The availability period for financial assistance of 18 months granted by Implementing Decision (EU) 2020/1354 should be extended by 21 months and, as a consequence, the total availability period should be 39 months starting from the first day after Implementing Decision (EU) 2020/1354 has taken effect.
- (33) Portugal and the Commission should take this Decision into account in the loan agreement referred to in Article 8(2) of Regulation (EU) 2020/672.
- (34) This Decision should be without prejudice to the outcome of any procedures relating to distortions of the operation of the internal market that may be undertaken, in particular pursuant to Articles 107 and 108 of the Treaty. It does not override the requirement for Member States to notify instances of potential State aid to the Commission under Article 108 of the Treaty.
- (35) Portugal should inform the Commission on a regular basis of the implementation of the planned public expenditure, in order to enable the Commission to assess the extent to which Portugal has implemented that expenditure.

- (36) The decision to provide financial assistance has been reached taking into account existing and expected needs of Portugal, as well as requests for financial assistance pursuant to Regulation (EU) 2020/672 already submitted or planned to be submitted by other Member States, while applying the principles of equal treatment, solidarity, proportionality and transparency,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2020/1354 is amended as follows:

- (1) Article 2 is amended as follows:

- (a) paragraphs 1 and 2 are replaced by the following:

‘1. The Union shall make available to Portugal a loan amounting to a maximum of EUR 6 234 462 488. The loan shall have a maximum average maturity of 15 years.

2. The availability period for financial assistance granted by this Decision shall be 39 months starting from the first day after this Decision has taken effect.’;

- (b) paragraph 4 is replaced by the following:

‘4. The first instalment shall be released subject to the entry into force of the loan agreement provided for in Article 8(2) of Regulation (EU) 2020/672. Any further instalments shall be released in accordance with the terms of that loan agreement or, where relevant, be subject to the entry into force of an addendum thereto, or of an amended loan agreement concluded between Portugal and the Commission replacing the original loan agreement.’;

- (2) Article 3 is replaced by the following:

Article 3

Portugal may finance the following measures:

- (a) the support for the maintenance of employment contracts through the temporary interruption of work or reduction of normal working time, as provided for in Articles 298 to 308 of “Law No 7/2009 of 12 February”, as further specified by Article 142 of “Law No 75-B/2020 of 31 December”;
- (b) the new and simplified special support for the maintenance of employment contracts through the temporary interruption of work or reduction of normal working time, as provided for in “Decree-Law No 10-G/2020 of 26 March”, as last amended by Article 2 of “Decree-Law No 27-B/2020 of 19 June”, and as further specified by Article 142 of “Law No 75-B/2020 of 31 December”;
- (c) the special vocational programmes for the maintenance of employment contracts through the temporary interruption of work or reduction of normal working time, as provided for in Articles 5(2) and 7 to 9 of “Decree-Law No 10-G/2020 of 26 March”;
- (d) the new special support for firms for the resumption of their business activities, as provided for in Articles 4 and 5 of “Decree-Law No 27-B/2020 of 19 June” and in Article 14-A of “Decree-Law No 46-A/2020 of 30 July”, as last amended by Article 2 of “Decree-Law No 32/2021 of 12 May”, and as specified in “Government Order No 102-A/2021 of 14 May”;
- (e) the new income stabilisation supplement for employees benefiting from measures referred to in points (a) or (b) for the maintenance of employment contracts through the temporary interruption of work or reduction of normal working time, as provided for in Article 3 of “Decree-Law No 27-B/2020 of 19 June”, as amended by Article 2 of “Decree-Law No 58-A/2020 of 14 August”;

- (f) the new and progressive special support for the maintenance of employment contracts through the temporary reduction of normal working time, as provided for in Article 4 of “Decree-Law No 46-A/2020 of 30 July”, as last amended by Article 2 of “Decree-Law No 71-A/2021 of 13 August”;
- (g) the new special support for self-employed persons, informal workers and managers, as provided for in Article 26 of “Decree-Law No 10-A/2020 of 13 March”, as last amended by Article 2 of “Law No 31/2020 of 11 August”, as well as Article 325-G of “Law No 2/2020 of 31 March”, as added by Article 3 of “Law No 24-A/2020 of 24 July”;
- (h) the new family allowance for employees prevented from working due to the need to assist their children or other dependants under the age of 12, or, regardless of age, with a disability or chronic illness, as provided for in Article 23 of “Decree-Law No 10-A/2020 of 13 March”, as last amended by Article 3 of “Law No 16/2021 of 7 April”;
- (i) the new special support for the maintenance of trainers’ employment contracts in the light of the cancellation of vocation trainings, as provided for in “Government Order No 3485-C/2020 of 19 March”, “Government Order No 4395/2020 of 10 April”, and “Government Order No 5897-B/2020 of 28 May”;
- (j) the regional employment-related measures in the autonomous region of the Azores as provided for in “Resolution of the Council of the Regional Government of the Azores No 97/2020 of 8 April”, “Resolution of the Council of the Regional Government of the Azores No 120/2020 of 28 April”, “Resolution of the Council of the Regional Government of the Azores No 128/2020 of 5 May”, “Resolution of the Council of the Regional Government of the Azores No 129/2020 of 5 May”, “Resolution of the Council of the Regional Government of the Azores No 195/2020 of 15 July”, “Resolution of the Council of the Regional Government of the Azores No 196/2020 of 15 July” and “Resolution of the Council of the Regional Government of the Azores No 200/2020 of 17 July”;
- (k) the regional employment-related measures in the autonomous region of Madeira, as provided for in “Resolution of the Regional Government of Madeira No 101/2020 of 13 March” and “Ordinance No 133-B/2020 of the Vice-Presidency of the Regional Government of Madeira and of the Regional Secretariat for Social Inclusion and Citizenship of 22 April”;
- (l) the new allowance for employees and self-employed persons that were temporarily prevented from exercising their professional activities due to being in prophylactic isolation, as provided for in Article 19 of “Decree-Law No 10-A/2020 of 13 March”, as amended by Article 2 of “Decree-Law No 62-A/2020 of 3 September”, and Article 325-F of “Law No 2/2020 of 31 March”, as amended by Article 3 of “Law No 27-A/2020 of 24 July”;
- (m) the new sickness allowance owing to the contraction of COVID-19, as provided for in “Order of the Ministers of Labour, Solidarity and Social Security, and of Health No 2875-A/2020 of 3 March”, Article 20 of “Decree-Law No 10-A/2020 of 13 March”, as amended by Article 2 of “Decree-Law No 62-A/2020 of 3 September”, and Article 325-F of “Law No 2/2020 of 31 March”, as amended by Article 3 of “Law No 27-A/2020 of 24 July”;
- (n) the purchase of personal protective equipment to be used in the workplace, notably in public hospitals, line ministries, municipalities and the autonomous regions of the Azores and Madeira, as provided for in “Norm No 012/2020 of 6 May”, as amended on 14 May 2020, and “Norm No 013/2020 of 10 June”, as amended on 23 June 2020, both issued by the Portuguese Directorate-General for Health, as well as “Decree-Law No 10-A/2020 of 13 March”;
- (o) the school hygiene campaign aimed at ensuring the safe return to work of lecturers, other staff members, and students, as provided for in “Decree-Law No 10-A/2020 of 13 March”;
- (p) the testing for contraction of COVID-19 of inpatients and workers of public hospitals, as well as of employees of nursing homes and childcare facilities, as provided for in “Norm No 012/2020 of 6 May”, as amended on 14 May 2020, and “Norm No 013/2020 of 10 June”, as amended on 23 June 2020, both issued by the Portuguese Directorate-General for Health;

- (q) the new special compensation for workers in the National Health Service involved in fighting the COVID-19 outbreak, as provided for in Article 42-A of “Law No 2/2020 of 31 March”, as amended by Article 3 of “Law No 27-A/2020 of 24 July”, and Article 291 of “Law No 75-B/2020 of 31 December”;
- (r) the new extraordinary support scheme for self-employed workers, workers without access to other social protection mechanisms, and managers whose income has been particularly affected by the COVID-19 pandemic, as provided for in Article 156 of “Law No 75-B/2020 of 31 December”, and subject to the conditions set out in points (2)(c) to (f) therein, as further specified in “Government Ordinance No 19-A/2021 of 25 January”, and as extended by Article 12 of “Decree-Law No 104/2021 of 27 November”;
- (s) the new social support scheme for artists, authors, technicians and other art professionals, as provided for in point 2.5.1 of “Annex to the Resolution of the Council of Ministers No 41/2020 of 6 June”, as further specified by Articles 10 to 12 of “Government Ordinance No 180/2020 of 3 August”, and extended by Articles 5 to 7 of “Annex to Government Ordinance No 37-A/2021 of 15 February”;
- (t) the hiring of additional health professionals and overtime work in the National Health Service to help address pandemic-related challenges, as provided for in Article 6 of “Decree-Law No 10-A/2020” of 13 March and in Articles 4 to 8 of “Decree-Law No 10-A/2021 of 2 February”.

Article 2

This Decision is addressed to the Portuguese Republic.

This Decision shall take effect on the date of its notification to the addressee.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 25 October 2022.

For the Council
The President
J. SÍKELA

COUNCIL IMPLEMENTING DECISION (EU) 2022/2084**of 25 October 2022****amending Implementing Decision (EU) 2020/1345 granting temporary support under Regulation (EU) 2020/672 to the Czech Republic to mitigate unemployment risks in the emergency following the COVID-19 outbreak**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) 2020/672 of 19 May 2020 on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak ⁽¹⁾, and in particular Article 6(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Further to a request from Czechia on 7 August 2020, the Council, by means of Implementing Decision (EU) 2020/1345 ⁽²⁾, granted financial assistance to Czechia in the form of a loan amounting to a maximum of EUR 2 000 000 000 with a maximum average maturity of 15 years, and with an availability period of 18 months, with a view to complementing Czechia's national efforts to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of that outbreak for workers and the self-employed.
- (2) The loan was to be used by Czechia to finance short-time work schemes and similar measures, as referred to in Article 3 of Implementing Decision (EU) 2020/1345.
- (3) The COVID-19 outbreak has immobilised a substantial part of the labour force in Czechia. This has led to repeated sudden and severe increase in public expenditure in Czechia in respect of the measures referred to in Article 3, points (a), (c), (d) and (e), of Implementing Decision (EU) 2020/1345.
- (4) The COVID-19 outbreak and the extraordinary measures implemented by Czechia in 2020, 2021 and 2022 to contain that outbreak and its socioeconomic and health-related impact had and are still having a dramatic impact on public finances. In 2020, Czechia had a general government deficit and debt of 5,8 % and 37,7 % of gross domestic product (GDP) respectively, which expanded to 5,9 % and 41,9 % respectively at the end of 2021. According to the Commission's 2022 spring forecast, Czechia is expected to have a general government deficit and debt of 4,3 % and 42,8 % of GDP respectively by the end of 2022. According to the Commission's 2022 summer interim forecast, Czechia's GDP is projected to increase by 2,3 % in 2022.
- (5) On 22 September 2022 Czechia requested further financial assistance from the Union in the amount of EUR 2 500 000 000 with a view to continuing to complement its national efforts undertaken in 2020, 2021 and 2022 to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of the outbreak for workers and the self-employed. In particular, Czechia further extended and amended the short-time work schemes and similar measures set out in recitals (6) to (9).

⁽¹⁾ OJ L 159, 20.5.2020, p. 1.

⁽²⁾ Council Implementing Decision (EU) 2020/1345 of 25 September 2020 granting temporary support under Regulation (EU) 2020/672 to the Czech Republic to mitigate unemployment risks in the emergency following the COVID-19 outbreak (OJ L 314, 29.9.2020, p. 17).

- (6) The short-time work scheme known as 'Antivirus' Programme, as referred to in Article 3, point (a), of Implementing Decision (EU) 2020/1345, was designed to compensate wage costs of private employers forced to suspend or significantly scale down their economic activity as a direct consequence of measures taken by the authorities (Option 'A'), or indirectly as a result of adverse economic effects of the COVID-19 pandemic (Option 'B'). It had as its legal basis the Government Resolution No 353 of 31 March 2020, as amended, and Article 120 of Act No 435/2004 Coll. ⁽³⁾, on employment, as amended. The Programme was extended and amended with Option 'A plus' through Government Resolution No 1039 of 14 October 2020 in order to provide full compensation of wage costs to employers forced to suspend or scale down their activity as a result of measures taken by the authorities. The Programme was also extended through several government decisions, with Option 'A' being active from 12 March 2020 until 28 February 2022, Option 'A plus' from 1 October 2020 until 31 May 2021 and Option 'B' from 12 March 2020 until 31 May 2021 and from 1 November 2021 until 31 December 2021.
- (7) The first compensatory bonus for the self-employed, the so-called 'Pětadvacítka' Programme, as referred to in Article 3, point (c), of Implementing Decision (EU) 2020/1345, introduced by 'Law No 159/2020 Coll.' ⁽⁴⁾, provided the self-employed who have been forced to suspend or significantly scale down their economic activity beyond normal business volatility as a result of COVID-19 public health risks or crisis measures taken by public authorities with a compensation bonus of CZK 500 per calendar day per person. 'Pětadvacítka' was active from 12 March 2020 until 8 June 2020. Introduced by Law No 461/2020 Coll. ⁽⁵⁾, its subsequent amendment, the 'autumn compensatory bonus' Programme ran from 5 October 2020 until 15 February 2021 and provided a tax bonus of CZK 500 per calendar day for the self-employed forced to suspend or significantly scale down their economic activity as a result of public health risks or crisis measures taken by public authorities. Law No 95/2021 Coll. ⁽⁶⁾ and the related Government resolutions (No 154/2021 ⁽⁷⁾ and 188/2021 ⁽⁸⁾) introduced another amendment, called the 'new compensatory bonus for 2021' which was active from 1 February 2021 to 31 May 2021 and which raised the amount of the tax bonus to CZK 1 000 per day. The last amendment of this compensatory bonus for the self-employed, the 'compensatory bonus for 2022', introduced by Law No 519/2021 Coll. ⁽⁹⁾, also amounted to CZK 1 000 per day and ran from 22 November 2021 until 31 January 2022.
- (8) The partial waiver of social and health security contributions due by the self-employed, as referred to in Article 3, point (d), of Implementing Decision (EU) 2020/1345, had as legal basis 'Law No 136/2020 Coll.' ⁽¹⁰⁾ (for social security) and 'Law No 134/2020 Coll.' ⁽¹¹⁾ (for health security). The State assumed payment of the corresponding contribution due each month from March to August 2020 of social and health security contributions due by the self-employed. While the Programme ended in August 2020, additional amounts had to be paid in 2021 as a result of settlements related to advanced payments paid by the self-employed in 2020. The measure consists of foregone revenues for the Government, which for the purpose of the implementation of Regulation (EU) 2020/672 can be considered equivalent to public expenditure.

⁽³⁾ Law No 435/2004 Coll. the Employment Act, as amended, published in the Collection of laws number 143 from 23 July 2004.

⁽⁴⁾ Law No 159/2020 Coll. on a compensation bonus related to crisis measures related to the incidence of SARS CoV-2 coronavirus, as amended, published in the Collection of laws number 59 of 14 April 2020.

⁽⁵⁾ Law No 461/2020 Coll. on a compensation bonus in connection with the prohibition or restriction of business activities related to the occurrence of the SARS CoV-2 coronavirus, as amended, published in the Collection of laws number 189 of 13 November 2020.

⁽⁶⁾ Law No 95/2021 Coll. on a compensation bonus for 2021, as amended, published in the Collection of laws number 38 of 26 February 2021.

⁽⁷⁾ Government Resolution No 154/2021 Coll. on the Compensation Bonus for 2021, as amended, published in the Collection of laws number 60 of 31 March 2021.

⁽⁸⁾ Government Resolution No 188/2021 Coll. on the determination of the next bonus period of the compensation bonus for 2021, as amended, published in the Collection of laws number 79 of 7 May 2021.

⁽⁹⁾ Law No 519/2021 Coll. on a compensation bonus for 2022, as amended, published in the Collection of laws number 226 of 23 December 2021.

⁽¹⁰⁾ Law No 136/2020 Coll. on Certain adjustments in the field of social security contributions and contributions to the state employment and pension insurance policy in connection with emergency measures during the epidemic in 2020, as amended, published in the Collection of laws number 48 of 27 March 2020.

⁽¹¹⁾ Law No 134/2020 Coll. amending Law No 592/1992 Coll., on Public health insurance premiums, as amended, published in the Collection of laws number 48 of 27 March 2020.

- (9) The 'Care allowance' for the self-employed, as referred to in Article 3, point (e), of Implementing Decision (EU) 2020/1345, had as legal basis Government Resolutions No 262 of 19 March 2020 ⁽¹²⁾, No 311 of 26 March 2020, No 354 of 31 March 2020, No 514 of 4 May 2020, No 552 of 18 May 2020, No 1053 of 16 October 2020, No 1260 of 30 November 2020 and No 446 of 10 May 2021 and Article 14 of Act No 218/2000 Coll. ⁽¹³⁾ on budgetary rules, as amended, which applies to the self-employed in primary agricultural and forestry production, and Article 3 point (h) of Law No 47/2002 Coll. ⁽¹⁴⁾, as amended, on support to SMEs, which applies to all other self-employed. The Programme compensates the loss of income incurred by the self-employed as a consequence of the need to take care of children or care-dependent people as a result of the closure of childcare and social care facilities. The daily amount of support was CZK 424 for March 2020 and CZK 500 for the period from April to June 2020. The Programme was extended to the period from October 2020 to May 2021 when it provided a daily support of CZK 400.
- (10) Czechia fulfils the conditions for requesting financial assistance set out in Article 3 of Regulation (EU) 2020/672. Czechia has provided the Commission with appropriate evidence that the actual and planned public expenditure has increased by EUR 5 349 588 352 as of 1 February 2020 as a result of the national measures taken to address the socioeconomic effects of the COVID-19 outbreak. This constitutes a sudden and severe increase because it is also related to an extension or amendment of existing national measures directly related to the short-time work scheme and similar measures that cover a significant proportion of undertakings and of the labour force in Czechia. Czechia intends to finance EUR 215 333 982 of the increased amount of expenditure through Union funds and EUR 634 254 370 through its own financing.
- (11) The Commission has consulted Czechia and verified the sudden and severe increase in the actual and planned public expenditure directly related to short-time work schemes and similar measures, as referred to in the request of 22 September 2022, in accordance with Article 6 of Regulation (EU) 2020/672.
- (12) Financial assistance should therefore be provided with a view to helping Czechia to address the socioeconomic effects of the severe economic disturbance caused by the COVID-19 outbreak. The Commission should take the decisions concerning maturities, size and release of instalments and tranches in close cooperation with national authorities.
- (13) Given that the availability period indicated in Implementing Decision (EU) 2020/1345 has expired, a new availability period for the additional financial assistance is needed. The availability period for financial assistance of 18 months granted by Implementing Decision (EU) 2020/1345 should be extended by 21 months and as a consequence the total availability period should be 39 months starting from the first day after Implementing Decision (EU) 2020/1345 has taken effect.
- (14) Czechia and the Commission should take this Decision into account in the loan agreement referred to in Article 8(2) of Regulation (EU) 2020/672.
- (15) This Decision should be without prejudice to the outcome of any procedures relating to distortions of the operation of the internal market that may be undertaken, in particular pursuant to Articles 107 and 108 of the Treaty. It does not override the requirement for Member States to notify instances of potential State aid to the Commission under Article 108 of the Treaty.
- (16) Czechia should inform the Commission on a regular basis of the implementation of the planned public expenditure, in order to enable the Commission to assess the extent to which Czechia has implemented that expenditure.

⁽¹²⁾ Government Resolution No 262/2020 Coll. on the adoption of a crisis measure, as amended, published in the Collection of laws number 42 of 19 March 2020.

⁽¹³⁾ Law No 218/2000 Coll. on budgetary rules, as amended, published in the Collection of laws number 65 of 21 July 2000.

⁽¹⁴⁾ Law No 47/2002 Coll. on the support of small and medium-sized enterprises, as amended, published in the Collection of laws number 20 of 8 February 2002.

- (17) The decision to provide financial assistance has been reached taking into account existing and expected needs of Czechia, as well as requests for financial assistance pursuant to Regulation (EU) 2020/672 already submitted or planned to be submitted by other Member States, while applying the principles of equal treatment, solidarity, proportionality and transparency,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2020/1345 is amended as follows:

- (1) Article 2 is amended as follows:

- (a) paragraphs 1 and 2 are replaced by the following:

‘1. The Union shall make available to Czechia a loan amounting to a maximum of EUR 4 500 000 000. The loan shall have a maximum average maturity of 15 years.

2. The availability period for financial assistance granted by this Decision shall be 39 months starting from the first day after this Decision has taken effect.’;

- (b) paragraph 4 is replaced by the following:

‘4. The first instalment shall be released subject to the entry into force of the loan agreement provided for in Article 8(2) of Regulation (EU) 2020/672. Any further instalments shall be released in accordance with the terms of that loan agreement or, where relevant, be subject to the entry into force of an addendum thereto, or of an amended loan agreement concluded between Czechia and the Commission replacing the original loan agreement.’;

- (2) Article 3 is replaced by the following:

Article 3

Czechia may finance the following measures:

- (a) the “Antivirus” Programme as provided for in “Government Resolution No 353 of 31 March 2020”, as amended, the legal basis of which is Article 120 of “Law No 435/2004 Coll. on employment”, as amended and extended by Government Resolution No 1039 of 14 October 2020 and several government decisions;
- (b) the “Antivirus” Programme Option C, as provided for in “Law No 300/2020 Coll.”;
- (c) the “Pětadvacítka” Programme, the compensation bonus for the self-employed, as provided for in “Law No 159/2020 Coll.”, as amended with the “autumn compensatory bonus” as provided for in “Law No 461/2020 Coll.”, the “new compensatory bonus for 2021” as provided for in “Law No 95/2021 Coll.” and the related “Government resolutions No 154/2021 and 188/2021” and the “compensatory bonus for 2022” as provided for in “Law No 519/2021 Coll.”;
- (d) the partial waiver of social and health security contributions due by the self-employed, as provided for in “Law No 136/2020 Coll.” (for social security) and “Law No 134/2020 Coll.” (for health security);
- (e) the “Care allowance” for the self-employed, as provided for in “Government Resolutions No 262 of 19 March 2020, No 311 of 26 March 2020, No 354 of 31 March 2020, No 514 of 4 May 2020, No 552 of 18 May 2020”, and as last amended and extended by “Government Resolution No 446 of 10 May 2021”, and Article 14 of “Law No 218/2000 Coll.” on budgetary rules, as amended, which applies to the self-employed in primary agricultural and forestry production, and Article 3 point (h) of “Law No 47/2002 Coll.” on support to SMEs, as amended, which applies to all other self-employed.’.

Article 2

This Decision is addressed to the Czech Republic.

This Decision shall take effect on the date of its notification to the addressee.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 25 October 2022.

For the Council
The President
J. SÍKELA

COUNCIL DECISION (CFSP) 2022/2085**of 27 October 2022****amending Decision 2010/573/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 27 September 2010, the Council adopted Decision 2010/573/CFSP ⁽¹⁾.
- (2) On the basis of a review of Decision 2010/573/CFSP, the restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova should be extended until 31 October 2023. The Council will carry out a review of the situation with regard to the restrictive measures after 6 months.
- (3) Decision 2010/573/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 4(2) of Decision 2010/573/CFSP is hereby replaced by the following:

‘2. This Decision shall apply until 31 October 2023. It shall be kept under constant review. It shall be renewed or amended, as appropriate, if the Council deems that its objectives have not been met.’

Article 2

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

Done at Brussels, 27 October 2022.

For the Council
The President
M. BEK

⁽¹⁾ Council Decision 2010/573/CFSP of 27 September 2010 concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova (OJ L 253, 28.9.2010, p. 54).

COUNCIL IMPLEMENTING DECISION (CFSP) 2022/2086**of 27 October 2022****implementing Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision 2011/72/CFSP of 31 January 2011 concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia ⁽¹⁾, and in particular Article 2(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 31 January 2011, the Council adopted Decision 2011/72/CFSP.
- (2) On the basis of a review by the Council, the entries for seven persons and the information regarding their rights of defence and their right to effective judicial protection should be deleted.
- (3) The Annex to Decision 2011/72/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2011/72/CFSP is amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 27 October 2022.

For the Council
The President
M. BEK

⁽¹⁾ OJ L 28, 2.2.2011, p. 62.

ANNEX

In sections A and B of the Annex to Decision 2011/72/CFSP, the entries for the following persons are deleted:

- '4. Mohamed Ben Moncef Ben Mohamed TRABELSI;
 - '36. Kaïs Ben Slaheddine Ben Haj Hamda BEN ALI;
 - '37. Hamda Ben Slaheddine Ben Haj Hamda BEN ALI;
 - '38. Najmeddine Ben Slaheddine Ben Haj Hamda BEN ALI;
 - '39. Najet Bent Slaheddine Ben Haj Hamda BEN ALI;
 - '43. Imed Ben Habib Ben Bouali LTAIEF;
 - '44. Naoufel Ben Habib Ben Bouali LTAIEF.
-

COMMISSION IMPLEMENTING DECISION (EU) 2022/2087**of 26 September 2022**

confirming or amending the provisional calculation of the average specific emissions of CO₂ and the specific emissions targets for manufacturers of passenger cars and light commercial vehicles for the calendar year 2020 and informing manufacturers of the values to be used for the calculation of the specific emissions targets and derogation targets for the calendar years 2021 to 2024 pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council

(notified under document C(2022) 6754)

(Only the Czech, Dutch, English, French, German, Hungarian, Italian, Polish, Spanish and Swedish texts are authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting emission performance standards for new passenger cars and for new light commercial vehicles and repealing Regulation (EC) No 443/2009 and (EU) No 510/2011 ⁽¹⁾, and in particular the second subparagraph of Article 7(5) thereof,

Whereas:

- (1) In accordance with Regulation (EU) 2019/631, the Commission is required to determine, each year, the average specific emissions of CO₂ and the specific emissions target for each manufacturer responsible for new passenger cars and light commercial vehicles registered in the Union, Iceland, Norway and, until calendar year 2020, the United Kingdom, as well as for each pool of manufacturers. On that basis, the performance of manufacturers or pools of manufacturers in complying with their obligation not to exceed their respective specific emissions targets is established.
- (2) The calculation of the average specific emissions of CO₂ and the specific emissions targets for the calendar year 2020 is based on the reporting authorities' detailed data regarding the registrations of new passenger cars and new light commercial vehicles during that calendar year.
- (3) All countries submitted their 2020 data to the Commission, however, in some cases with some delays as compared to the reporting deadline of 28 February 2021. Where, as a result of the verification of the data by the Commission, it was evident that certain data were missing or manifestly incorrect, the Commission has contacted the reporting authorities concerned and, subject to their agreement, adjusted or completed the data accordingly. Where no agreement could be reached with a reporting authority, the provisional data submitted by that country was not adjusted.
- (4) On 29 June 2021, the provisional data was made public and the Commission notified 93 manufacturers of passenger cars and 68 manufacturers of light commercial vehicles, as well as the respective pools, of the provisional calculations of their average specific emissions of CO₂ and their specific emissions targets in 2020.

⁽¹⁾ OJ L 111, 25.4.2019, p. 13.

- (5) Manufacturers were asked to verify the provisional data in accordance with Article 7(5) of Regulation (EU) 2019/631 and to notify the Commission of any errors within three months of receipt of the notification. 63 manufacturers of passenger cars and 42 manufacturers of light commercial vehicles submitted a notification of errors.
- (6) The provisional data included correction factors, both for passenger cars, calculated in accordance with Article 7(2) of Commission Implementing Regulation (EU) 2017/1153 ⁽²⁾, and for light commercial vehicles, calculated in accordance with Article 6(2) of Commission Implementing Regulation (EU) 2017/1152 ⁽³⁾. Considering that the final correction factors were equal to one for all manufacturers and their pools, there was no need to correct the calculation of the average specific emissions.
- (7) For 2 manufacturers of passenger cars and 1 manufacturer of light commercial vehicles, all vehicles reported in the provisional dataset were outside the scope of Regulation (EU) 2019/631. For 1 manufacturer of passenger cars, none of the vehicles in the provisional dataset had NEDC specific emissions of CO₂ values reported and, therefore, this manufacturer is not included in this Decision.
- (8) For the remaining 30 manufacturers of passenger cars and 26 manufacturers of light commercial vehicles that did not notify any errors in the datasets or respond otherwise, the provisional data and provisional calculations of the average specific emissions and the specific emissions targets should be confirmed.
- (9) The Commission has verified the errors notified by the manufacturers and the reasons for their correction, and the provisional dataset has been confirmed or amended as appropriate. As a result, for 93 manufacturers of passenger cars and 68 manufacturers of light commercial vehicles the provisional data should be confirmed or amended.
- (10) In accordance with Article 4 of Regulation (EU) 2019/631, a manufacturer should be considered as compliant with its specific emissions target where its average specific emissions of CO₂ specified in this Decision do not exceed its specific emissions target. For manufacturers that are members of a pool, compliance should be assessed at the level of the pool in accordance with Article 6 of that Regulation. For manufacturers or pools that were granted a derogation from their specific emissions targets for calendar year 2020 in accordance with Article 10 of that Regulation, the average specific emissions of CO₂ are assessed for compliance against their granted derogations targets.
- (11) In accordance with Article 4(3) of Regulation (EU) 2019/631, for each manufacturer or pool, only 95% of its new passenger cars registered during calendar year 2020, selected on the basis of their emission levels, are taken into account for the purposes of determining the average specific emissions of CO₂ for that manufacturer or pool.
- (12) In accordance with Article 5 of Regulation (EU) 2019/631, in calculating the average specific emissions of CO₂ of manufacturers of passenger cars, each new passenger car with specific emissions of CO₂ of less than 50 g CO₂/km (NEDC) is counted as 2 passenger cars in calendar year 2020, up to a 'super-credits' contribution of 7,5 g CO₂/km for each manufacturer or pool.
- (13) The CO₂ savings achieved through the use of innovative technologies that make a verified contribution to CO₂ reductions and that have been approved by the Commission in accordance with Article 11 of Regulation (EU) 2019/631 ('eco-innovations') are taken into account for the calculation of the average specific emissions of CO₂, up to a total contribution of 7 g CO₂/km for each manufacturer or pool. In calendar year 2020, only eco-innovation CO₂ savings determined by reference to the NEDC are taken into account.

⁽²⁾ Commission Implementing Regulation (EU) 2017/1153 of 2 June 2017 setting out a methodology for determining the correlation parameters necessary for reflecting the change in regulatory test procedure and amending Implementing Regulation (EU) No 1014/2010 (OJ L 175, 7.7.2017, p. 679).

⁽³⁾ Commission Implementing Regulation (EU) 2017/1152 of 2 June 2017 setting out a methodology for determining the correlation parameters necessary for reflecting the change in regulatory test procedure with regard to light commercial vehicles and amending Implementing Regulation (EU) No 293/2012 (OJ L 175, 7.7.2017, p. 644).

- (14) Records with error code B, i.e. with complete data on mass in running order and CO₂ emissions but with missing or incorrect vehicle identification numbers should also be included in the calculation of the specific emissions targets and the average specific emissions of CO₂. However, the fact that manufacturers cannot verify or correct those records should be taken into account. Therefore, it is appropriate to apply an error margin when determining the distance to target of the manufacturer concerned.
- (15) The error margin is calculated as the difference between the distances between the average specific emissions of CO₂ and the specific emissions target calculated on the one hand including all vehicle registrations that cannot be verified by the manufacturer and on the other hand excluding those registrations. Regardless of whether that difference is positive or negative, the error margin is applied so that it always improves the manufacturer's position with regard to its specific emissions target.
- (16) Where, after taking into account the error margin, the distance to target of a manufacturer or a pool, as the case may be, is above zero, an excess emission premium is to be imposed in accordance with Article 8 of Regulation (EU) 2019/631. This is the case for 6 individual manufacturers of passenger cars (Subaru, Jaguar Land Rover, Bentley, DR Motor, Lamborghini and McLaren), 2 pools of passenger car manufacturers (Suzuki pool and Volkswagen-SAIC pool), and 1 individual manufacturer of light commercial vehicles (Ssangyong).
- (17) In accordance with Article 2(4) of Regulation (EU) 2019/631, manufacturers responsible for less than 1 000 new vehicle registrations are exempt from meeting a specific emissions target. It is, however, appropriate to calculate and report their average specific emissions as well as the number of new vehicles registered.
- (18) Manufacturers should also be informed of the values to be used for the calculation of the specific emissions targets and derogation targets for the calendar years 2021 to 2024 in accordance with points 4 and 5 of Parts A and B of Annex I to Regulation (EU) 2019/631.
- (19) The values relating to the performance of a manufacturer as confirmed or amended by this Decision could be revised in the event that the relevant national authorities confirm the existence of irregularities in the CO₂ emission values or mass values provided for the purpose of determining the manufacturer's compliance with the specific emissions target,

HAS ADOPTED THIS DECISION:

Article 1

1. The values relating to the performance of manufacturers and pools of passenger cars and light commercial vehicles in respect of the 2020 calendar year are specified in Parts A and B of Annex I to this Decision.
2. The values to be used for the calculation of the specific emissions targets and derogation targets for the calendar years 2021 to 2024 in accordance with points 4 and 5 of Parts A and B of Annex I to Regulation (EU) 2019/631 are specified in Parts A and B of Annex II to this Decision.

Article 2

This Decision is addressed to the following individual manufacturers and pools formed in accordance with Article 6 of Regulation (EU) 2019/631:

-
- (1) ADAM OPEL GMBH
Bahnhofsplatz 1 IPC 39-13
65423 Rüsselsheim
Germany
- (2) ADDAX MOTOR NV
Kleine Tapuitstraat 18
8540 Deerlijk
Belgium
- (3) ADIDOR VOITURES SAS
2/4 Rue Hans List
78290 Croissy-sur-Seine
France
- (4) ALFA ROMEO SPA
C.so G. Agnelli, 200
10135 Torino
Italy
- (5) ALKE SRL
via Vigonovese 123
35127 Padova
Italy
- (6) ALPINA BURKARD BOVENSIEPEN GMBH E CO KG
Alpenstraße 35-37
86807 Buchloe
Germany
- (7) ANHUI JIANGHUAI AUTOMOBILE
Via Lanzo 27
10071 Borgaro Torinese
Italy
- (8) ASTON MARTIN LAGONDA LIMITED
Represented in the Union by:
Aston Martin Lagonda of Europe GmbH,
Unterschweinstiege 2-14
60549 Frankfurt am Main
Germany

-
- (9) AUDI AG
Letter box 011/1882
38436 Wolfsburg
Germany
- (10) AUDI HUNGARIA MOTOR KFT
Letter box 011/1882
38436 Wolfsburg
Germany
- (11) AUDI SPORT GMBH
Letter box 011/1882
38436 Wolfsburg
Germany
- (12) AUTOMOBILE DACIA SA
122-122 bis avenue du Général Leclerc
92100 Boulogne-Billancourt
France
- (13) AUTOMOBILES CITROEN
2-10 boulevard de l'Europe
78300 Poissy
France
- (14) AUTOMOBILES PEUGEOT
2-10 boulevard de l'Europe
78300 Poissy
France
- (15) AUTOMOBILI LAMBORGHINI SPA
via Modena 12
40019 Sant'Agata Bolognese (BO)
Italy
- (16) AVTOVAZ JSC
Represented in the Union by:
CS AUTOLADA
211 Konevova
130 00 Praha 3
Czech Republic

-
- (17) BAYERISCHE MOTOREN WERKE AG
Petuelring 130
80788 München
Germany
- (18) BEIJING BORGWARD AUTOMOTIVE CO LTD
Represented in the Union by:
Borgward Group AG
Kriegsbergstraße 11
70174 Stuttgart
Germany
- (19) BENTLEY MOTORS LTD
Represented in the Union by:
Bentley Motors Germany GmbH
Zeppelinstraße 1
85399 Hallbergmoos
Germany
- (20) BLUECAR SAS
31-32 quai de Dion Bouton
92800 Puteaux
France
- (21) BMW M GMBH
Petuelring 130
80788 München
Germany
- (22) BMW Pool (M1)
Pool manager:
Bayerische Motoren Werke AG
Petuelring 130
80788 München
Germany
- (23) BUGATTI AUTOMOBILES SAS
Letter box 011/1882
38436 Wolfsburg
Germany
- (24) BYD AUTO INDUSTRY COMPANY LIMITED
Represented in the Union by:
c/o BYD Europe B.V.
's-Gravelandseweg 256
3125 BK Schiedam
The Netherlands

- (25) CATERHAM CARS LIMITED
Represented in the Union by:
Caterham Competition France
Vallon de Fontanes
30520 Saint-Martin-de-Valgalgues
France
- (26) CHEVROLET ITALIA SPA
Viale Alexandre Gustave Eiffel 15
00148 Roma
Italy
- (27) CNG-TECHNIK GMBH
Henry Ford Street 1
50725 Köln
Germany
- (28) DFSK MOTOR CO LTD
Represented in the Union by:
Giotti Victoria Sr.l.
Pisana Road, 11/a
50021 Barberino, Val D' Elsa (FI)
Italy
- (29) DONKERVOORT AUTOMOBIELEN BV
Pascallaan 96
8218 NJ Lelystad
The Netherlands
- (30) DR AUTOMOBILES SRL
Zona Industriale, Snc
86070 Macchia d'Isernia
Italy
- (31) DR ING HCF PORSCHE AG
Letter box 011/1882
38436 Wolfsburg
Germany
- (32) DR MOTOR COMPANY SRL
SS 85 Venafrana km 37500
86070 Macchia d'Isernia
Italy

- (33) ESAGONO ENERGIA SRL
Via Puecher 9
20060 Pozzuolo Martesana (MI)
Italy
- (34) FABBRICA DALLARA SRL
Via Guglielmo Marconi 18
43040 Varano de' Melegari (PR)
Italy
- (35) FABRYKA SAMOCHODÓW OSOBOWYCH SPÓŁKA AKCYJNA
ul. Jagiellońska 88
00-992 Warszawa
Poland
- (36) FCA ITALY SPA
C.so G. Agnelli 200
10135 Torino
Italy
- (37) FCA Pool (M1)
Pool manager:
FCA Italy SpA
C.so G. Agnelli 200
10135 Torino
Italy
- (38) FCA-PSA Pool (N1)
Pool manager:
FCA Italy SpA
C.so G. Agnelli 200
10135 Torino
Italy
- (39) FCA US LLC
Represented in the Union by:
FCA Italy SpA
C.so G. Agnelli 200
10135 Torino
Italy
- (40) FERRARI SPA
Via Emilia Est 1163
41122 Modena
Italy

(41) FORD INDIA PRIVATE LIMITED

Represented in the Union by:
Ford-Werke GmbH
Henry Ford Street 1
50725 Köln
Germany

(42) FORD MOTOR COMPANY

Represented in the Union by:
Ford-Werke GmbH
Henry Ford Street 1
50725 Köln
Germany

(43) FORD MOTOR COMPANY OF AUSTRALIA LIMITED

Represented in the Union by:
Ford-Werke GmbH
Henry Ford Street 1
50725 Köln
Germany

(44) FORD-WERKE GMBH

Henry Ford Street 1
50725 Köln
Germany

(45) FORD-VOLKSWAGEN Pool (N1)

Pool manager:
Ford-Werke GmbH
Henry Ford Street 1
50725 Köln
Germany

(46) FORD-VOLVO Pool (M1)

Pool manager:
Ford-Werke GmbH
Henry Ford Street 1
50725 Köln
Germany

(47) GENERAL MOTORS HOLDINGS LLC

Represented in the Union by:
KnowMotive
Bouwhuispad 1
8121 PX Olst
The Netherlands

- (48) GOUPIL INDUSTRIE SAS
Route de Villeneuve
47 320 Bourran
France
- (49) GREAT WALL MOTOR COMPANY LIMITED
Represented in the Union by:
Great Wall Motor Europe Technical Center
Otto-Hahn-Str. 5
63128 Dietzenbach
Germany
- (50) GUMPERT AIWAYS AUTOMOBILE GMBH
Carl-Hahn-Straße 5
85053 Ingolstadt
Germany
- (51) HENAN SUDA ELECTRIC VEHICLE TECHNOLOGY CO LTD
Represented in the Union by:
DCKD GmbH
Am Falder 4
40589 Düsseldorf
Germany
- (52) HONDA MOTOR CO LTD
Represented in the Union by:
Honda Motor Europe Ltd
Wijngaardveld 1 (Noord V)
9300 Aalst
Belgium
- (53) HYUNDAI ASSAN OTOMOTIV SANAYI VE TICARET AS
Hyundai-Platz
65428 Rüsselsheim am Main
Germany
- (54) HYUNDAI Pool (M1)
Pool manager:
Hyundai Motor Company
Represented in the Union by:
Hyundai Motor Europe Technical Center GmbH
Hyundai-Platz
65428 Rüsselsheim am Main
Germany

(55) HYUNDAI Pool (N1)

Pool manager:
Hyundai Motor Company
Represented in the Union by:
Hyundai Motor Europe Technical Center GmbH
Hyundai-Platz
65428 Rüsselsheim am Main
Germany

(56) HYUNDAI MOTOR COMPANY

Represented in the Union by:
Hyundai Motor Europe Technical Center GmbH
Hyundai-Platz
65428 Rüsselsheim am Main
Germany

(57) HYUNDAI MOTOR MANUFACTURING CZECH SRO

Hyundai-Platz
65428 Rüsselsheim am Main
Germany

(58) ISUZU MOTORS LIMITED

Represented in the Union by:
Isuzu Motors Europe NV
Bist 12
2630 Aartselaar
Belgium

(59) IVECO SPA

Via Puglia 35
10156 Torino
Italy

(60) JAGUAR LAND ROVER LIMITED

Represented in the Union by:
JLR Ireland (Services) Ltd, Software Engineering Centre,
Three Airport Avenue, Shannon Industrial Estate
V14 YH92 Shannon (Co. Clare)
Ireland

(61) JIANGLING MOTOR HOLDING CO LTD

Represented in the Union by:
Aiways Automobile Europe GmbH,
Moosacher Straße 82 a
80809 München
Germany

(62) KIA Pool (M1)

Pool manager:

Kia Corporation

Represented in the Union by:

Hyundai Motor Europe Technical Center GmbH

Hyundai-Platz

65428 Rüsselsheim am Main

Germany

(63) KIA Pool (N1)

Pool manager:

Kia Corporation

Represented in the Union by:

Hyundai Motor Europe Technical Center GmbH

Hyundai-Platz

65428 Rüsselsheim am Main

Germany

(64) KIA CORPORATION

Represented in the Union by:

Hyundai Motor Europe Technical Center GmbH

Hyundai-Platz

65428 Rüsselsheim am Main

Germany

(65) KIA SLOVAKIA SRO

Hyundai-Platz

65428 Rüsselsheim am Main

Germany

(66) LADA AUTOMOBILE GMBH

Erlengrund 7

21614 Buxtehude

Germany

(67) LANZHOU ZHIDOU ELECTRIC VEHICLE CO LTD

Represented in the Union by:

Nextem Italia Srl

Via Marradi 14

57126 Livorno

Italy

(68) LIGIER GROUP

Route d'Hauterive 105

3200 Abrest

France

(69) LONDON EV COMPANY

Represented in the Union by:
China-Euro Vehicle Technology (CEVT)
Theres Svenssons Gata 7
41755 Göteborg
Sweden

(70) LOTUS CARS LIMITED

Represented in the Union by:
China-Euro Vehicle Technology (CEVT)
Theres Svenssons Gata 7
41755 Göteborg
Sweden

(71) MAGYAR SUZUKI CORPORATION LTD

Schweidel József u. 52.
2500 Esztergom
Hungary

(72) MAHINDRA & MAHINDRA LTD

Represented in the Union by:
Mahindra Europe Srl
Via Cancelliera 35
00072 Ariccia (Roma)
Italy

(73) MAN-SAIC Pool (N1)

Pool manager:
MAN Truck & Bus SE
Letter box 011/1882
38436 Wolfsburg
Germany

(74) MAN TRUCK & BUS SE

Letter box 011/1882
38436 Wolfsburg
Germany

(75) MARUTI SUZUKI INDIA LTD

Represented in the Union by:
Magyar Suzuki Corporation Ltd.
Schweidel József u. 52.
2500 Esztergom
Hungary

(76) MASERATI SPA

Viale Ciro Menotti 322
41122 Modena
Italy

(77) MAZDA MOTOR CORPORATION

Represented in the Union by:
Mazda Motor Europe GmbH
European R&D Centre
Hiroshimastr. 1
61440 Oberursel/Taunus
Germany

(78) MAZDA MOTOR LOGISTIC EUROPE N.V.

Blaasveldstraat 162
2830 Willebroek
Belgium

(79) MCLAREN AUTOMOTIVE LIMITED

Represented in the Union by:
McLaren Automotive Europe S.L.U.
Pol. Ind. L'Albornar S/N 43710,
Santa Oliva, Tarragona
Spain

(80) MERCEDES-AMG GMBH

Daimlerstrasse 1,
71563 Affalterbach
Germany

(81) MERCEDES-BENZ AG

Mercedesstraße 120
70372 Stuttgart
Germany

(82) MERCEDES-BENZ Pool (M1)

Pool manager:
Mercedes-Benz AG
Mercedesstraße 120
70372 Stuttgart
Germany

(83) MERCEDES-BENZ Pool (N1)

Pool manager:
Mercedes-Benz AG
Mercedesstraße 120
70372 Stuttgart
Germany

(84) MG MOTOR UK LIMITED

Represented in the Union by:
SAIC Motor Europe B.V.
Professor W.H. Keesomlaan 12
Amstelveen
The Netherlands

(85) MITSUBISHI MOTORS CORPORATION MMC

Represented in the Union by:
Mitsubishi Motor R&D Europe GmbH
Diamantstraße 1
65468 Trebur
Germany

(86) MITSUBISHI MOTORS THAILAND CO LTD

Represented in the Union by:
Mitsubishi Motor R&D Europe GmbH
Diamantstraße 1
65468 Trebur
Germany

(87) MORGAN TECHNOLOGIES LTD

Represented in the Union by:
Corbital Limited
8 Priory Office Park
Stillgorgan Road
Blackrock
Co. Dublin
Ireland

(88) NEXT E.GO MOBILE SE

Lilienthalstraße 1
52068 Aachen
Germany

(89) NISSAN INTERNATIONAL SA

Nissan Automotive Europe SAS
8 rue Jean-Pierre Timbaud,
78180 Montigny-le-Bretonneux
France

(90) OPEL AUTOMOBILE GMBH

Bahnhofplatz 1 IPC 39-13
65423 Rüsselsheim am Main
Germany

(91) PAGANI AUTOMOBILI SPA

Via dell' Artigianato 5
41018 San Cesario sul Panaro (Modena)
Italy

(92) PIAGGIO & C SPA

Viale Rinaldo Piaggio, 25
56025 Pontedera (Pisa)
Italy

(93) PSA AUTOMOBILES SA

2-10 boulevard de l'Europe
78300 Poissy
France

(94) PSA-OPEL Pool (M1)

Pool manager:
PSA Automobiles SA
2-10 boulevard de l'Europe
78300 Poissy
France

(95) RENAULT-NISSAN-MITSUBISHI Pool (M1)

Pool manager:
Renault SAS
122-122 bis avenue du Général Leclerc
92100 Boulogne-Billancourt
France

(96) RENAULT-NISSAN-MITSUBISHI Pool (N1)

Pool manager:
Renault SAS
122-122 bis avenue du Général Leclerc
92100 Boulogne-Billancourt
France

(97) RENAULT SAS

122-122 bis avenue du Général Leclerc
92100 Boulogne-Billancourt
France

(98) RENAULT TRUCKS

99 Route de Lyon TER L10 0 01
69806 Saint Priest Cedex
France

(99) ROLLS-ROYCE MOTOR CARS LTD

Petuelring 130
80788 München
Germany

(100) ROMANITAL SRL

Via delle Industrie, 107
90040 Isola delle Femmine PA
Italy

(101) SAIC MAXUS AUTOMOTIVE CO LTD

Represented in the Union by:
SAIC Europe Sarl
Rue Robert Stümper 4,
2557 Luxembourg
Luxembourg

(102) SAIC MOTOR CORPORATION

Represented in the Union by:
SAIC Motor Europe BV
Professor W.H. Keesomlaan 12,
1183 DJ Amstelveen
The Netherlands

(103) SEAT SA

Letter box 011/1882
38436 Wolfsburg
Germany

(104) SECMA SAS

Rue Denfert Rochereau
59580 Aniche
France

(105) SKODA AUTO AS

Letter box 011/1882
38436 Wolfsburg
Germany

(106) SOCIETE DES AUTOMOBILES ALPINE

122-122 bis avenue du Général Leclerc
92100 Boulogne-Billancourt
France

(107) SSANGYONG MOTOR COMPANY

Represented in the Union by:
Ssangyong European Parts Center BV
IABC 5253 & 5254,
4814 RD Breda
The Netherlands

(108) STREETSCOOTER GMBH

Jülicher Straße 191
52070 Aachen
Germany

(109) SUBARU CORPORATION

Represented in the Union by:
Subaru Europe NV/SA
Leuvensesteenweg 555 B/8
1930 Zaventem
Belgium

(110) SUZUKI MOTOR CORPORATION

Represented in the Union by:
Suzuki Magyar Corporation Ltd.
Schweidel József u. 52.
2500 Esztergom
Hungary

(111) SUZUKI MOTOR THAILAND CO LTD

Represented in the Union by:
Suzuki Magyar Corporation Ltd.
Schweidel József u. 52.
2500 Esztergom
Hungary

(112) SUZUKI Pool (M1)

Pool manager:
Suzuki Motor Corporation
Represented in the Union by:
Suzuki Magyar Corporation Ltd.
Schweidel József u. 52.
2500 Esztergom
Hungary

(113) TECNO MECCANICA IMOLA SPA

Via Selice, Provinciale 42E
40026 Imola, Bologna
Italy

(114) TESLA INC

Represented in the Union by:
Tesla Motors Netherlands B.V.,
Burgemeester Stramanweg 122
1101 EN Amsterdam
The Netherlands

(115) TOYOTA-MAZDA Pool (M1)

Pool manager:
Toyota Motor Europe NV SA
Avenue du Bourget 60
1140 Brussel
Belgium

(116) TOYOTA MOTOR EUROPE NV SA

Avenue du Bourget 60
1140 Brussel
Belgium

(117) UAZ

Represented in the Union by:
C&P Motor Group s.n.c.
Via E. Mattei 65
Asciano (SI)
Italy

(118) UNIVERS VE HELEM

14 rue Federico Garcia Lorca
32000 Auch
France

(119) VOLKSWAGEN AG

Letter box 011/1882
38436 Wolfsburg
Germany

(120) VOLKSWAGEN-SAIC Pool (M1)

Pool manager:
Volkswagen AG
Letter box 011/1882
38436 Wolfsburg
Germany

(121) VOLVO CAR CORPORATION

Regulatory Affairs Environment (Dep 58832)
PV3A1, PVE Reception, Assar Gabrielssons väg
40531 Göteborg
Sweden

(122) XYT

6 ruelle de l'église
91350 Grigny
France

Done at Brussels, 26 September 2022.

For the Commission
Frans TIMMERMANS
Executive Vice-President

ANNEX I

Part A

PERFORMANCE OF MANUFACTURERS OF PASSENGER CARS

Table 1

Performance in the calendar year 2020 of individual manufacturers of passenger cars in accordance with Article 9 of Regulation (EU) 2019/631

A	B	C	D	E	F	G	H	I	J	K
Manufacturer name	Pools Derogations Exemptions	Total number of registrations	Number of registrations considered (95%)	Average mass	NEDC average specific emissions of CO ₂	Specific emissions target	Distance to target	Super-credits	CO ₂ savings from eco-innovations	Error margin
ADAM OPEL GMBH		2	1	1 691,00	0	105,36	- 105,36	0	0	0
ADIDOR VOITURES SAS	DMD	16	15	1 315,00	137,000			0	0	
ALFA ROMEO SPA	P2	34 483	32 758	1 622,57	143,334	103,082	40,252	0	0,619	0
ALPINA BURKARD BOVENSIEPEN GMBH E CO KG	D	605	574	2 053,02	199,279	214,000	- 14,721	0	0	0
ANHUI JIANGHUAI AUTOMOBILE	DMD	114	108	1 535,00	0			0	0	
ASTON MARTIN LAGONDA LTD	D	1 487	1 412	1 962,08	255,471	290,000	- 34,529	0	0	0
AUDI AG	P11	564 595	536 365	1 683,79	104,588	105,120	- 0,532	7,5	0,646	0
AUDI HUNGARIA MOTOR KFT	P11	3 824	3 632	1 416,83	148,052	96,230	51,822	0	0,001	0
AUDI SPORT GMBH	P11	13 505	12 829	1 905,33	227,140	112,497	114,643	0	0	0
AUTOMOBILE DACIA SA	P8	278 828	264 886	1 184,74	111,233	88,502	22,730	0,729	0,955	0,001
AUTOMOBILES CITROEN	P7	340 836	323 794	1 167,80	95,997	87,938	8,058	0,607	0,971	0,001
AUTOMOBILES PEUGEOT	P7	351 543	333 965	1 395,74	94,306	95,528	- 1,222	3,073	0,481	0
AUTOMOBILI LAMBORGHINI SPA	D	1 537	1 460	2 021,67	319,607	304,000	15,607	0	0,241	0
AVTOVAZ JSC	P8	884	839	1 313,44	183,838	92,788	91,050	0	0	0
BAYERISCHE MOTOREN WERKE AG	P1	801 925	761 828	1 647,62	98,137	103,916	- 5,779	7,5	2,114	0
BEIJING BORGWARD AUTOMOTIVE CO LTD	DMD	1	0	1 854,00						

A	B	C	D	E	F	G	H	I	J	K
Manufacturer name	Pools Derogations Exemptions	Total number of registrations	Number of registrations considered (95%)	Average mass	NEDC average specific emissions of CO ₂	Specific emissions target	Distance to target	Super-credits	CO ₂ savings from eco-innovations	Error margin
BENTLEY MOTORS LTD	D	2 753	2 615	2 452,10	255,614	245,000	10,614	0	0,006	0
BLUECAR SAS	DMD	6	5	1 515,00	0			0	0	
BMW M GMBH	P1	14 510	13 784	1 863,37	228,218	111,100	117,118	0	0,283	0
BUGATTI AUTOMOBILES SAS	P11	7	6	2 070,00	522,833	117,981	404,852	0	0	0
CATERHAM CARS LIMITED	DMD	127	120	693,70	167,142			0	0	
CNG-TECHNIK GMBH	P3	12 060	11 457	1 508,72	100,219	99,290	0,929	0	0	0
DESK MOTOR CO LTD	DMD	733	696	1 628,78	223,672			2,893	0	
DONKervoort AUTOMOBIELEN BV	DMD	1	0	865,00						
DR AUTOMOBILES SRL	D	3 329	3 162	1 409,93	139,400	148,000	- 8,600	0	0	0
DRINGHCF PORSCHÉ AG	P11	68 130	64 723	2 004,95	136,493	115,815	20,662	7,5	0,770	0,016
DR MOTOR COMPANY SRL	D	7	6	1 352,86	175,667	148,000	27,667	0	0	0
FABBRICA DALLARA SRL	DMD	12	11	1 010,00	230,000			0	0	
FABRYKA SAMOCHODÓW OSOBOWYCH SYRENA W KUTNIE SA	DMD	5	4	1 300,00	145,000			0	0	
FERRARI SPA	D	3 591	3 411	1 688,05	277,964	280,000	- 2,036	0	0	0
FCA ITALY SPA	P2	488 321	463 904	1 184,89	104,803	88,507	16,296	2,039	1,412	0
FCA US LLC	P2	105 438	100 166	1 612,46	132,733	102,745	29,988	3,182	0,905	0
FORD INDIA PRIVATE LIMITED	P3	53	50	1 149,79	118,380	87,338	31,042	0	0	0
FORD MOTOR COMPANY OF AUSTRALIA LIMITED	P3	2	1	2 370,50	204,000	127,988	76,012	0	0	0
FORD MOTOR COMPANY	P3	10 220	9 709	1 938,21	233,057	113,592	119,463	0	0,558	0,002
FORD-WERKE GMBH	P3	648 948	616 500	1 442,12	99,956	97,073	2,882	2,779	2,289	0,001
GENERAL MOTORS HOLDINGS LLC	D	53	50	1 816,57	167,360	245,000	- 77,640	0	0	0

A	B	C	D	E	F	G	H	I	J	K
Manufacturer name	Pools Derogations Exemptions	Total number of registrations	Number of registrations considered (95%)	Average mass	NEDC average specific emissions of CO ₂	Specific emissions target	Distance to target	Super-credits	CO ₂ savings from eco-innovations	Error margin
GREAT WALL MOTOR COMPANY LIMITED	DMD	371	352	1 605,90	160,000			0	0	
GUMPERT SPORTWAGENMA- NUFAKTUR GMBH	DMD	1	0	1 825,00						
HENAN SUDA ELECTRIC VEHICLES TECHNOLOGY	DMD	27	25	1 465,00	0			0	0	
HONDA MOTOR CO LTD	P2	78 277	74 363	1 425,25	102,240	96,511	5,729	5,410	0,677	0
HYUNDAI ASSAN OTOMOTIV SANAYI VE TICARET AS	P4	114 691	108 956	1 063,25	110,538	84,456	26,081	0	0,610	0,001
HYUNDAI MOTOR COMPANY	P4	143 251	136 088	1 505,31	68,226	99,177	- 30,964	7,5	0,057	0,013
HYUNDAI MOTOR MANUFACTURING CZECH SRO	P4	158 777	150 838	1 525,98	110,238	99,865	10,364	7,5	0,239	0,009
ISUZU MOTORS LTD	DMD	1	0	1 605,00						
JAGUAR LAND ROVER LIMITED	ND	157 013	149 162	2 096,03	134,657	131,823	2,834	7,5	0,571	0
JIANGLING MOTOR HOLDING CO LTD	P11	697	662	1 837,75	0	110,247	- 110,247	0	0	0
KIA CORPORATION	P5	273 022	259 370	1 358,97	83,073	94,304	- 11,301	7,5	0,077	0,070
KIA SLOVAKIA SRO	P5	144 848	137 605	1 460,96	110,891	97,700	13,189	7,5	0,074	0,002
LADA AUTOMOBILE GMBH	DMD	334	317	1 265,00	224,019			0	0	
LANZHOU ZHIDOU ELECTRIC VEHICLE	DMD	3	2	865,00	0			0	0	
LONDON EV COMPANY	P11	1	0	2 305,00						
LOTUS CARS LIMITED	D	484	459	1 099,88	199,200	225,000	- 25,800	0	0	0
MAGYAR SUZUKI CORPORATION LTD	P9/ND	58 881	55 936	1 273,35	111,247	90,283	20,964	0,005	1,997	0
MAHINDRA & MAHINDRA LTD	D	1 135	1 078	1 223,78	148,000	160,000	- 12,000	0	0	0

A	B	C	D	E	F	G	H	I	J	K
Manufacturer name	Pools Derogations Exemptions	Total number of registrations	Number of registrations considered (95%)	Average mass	NEDC average specific emissions of CO ₂	Specific emissions target	Distance to target	Super-credits	CO ₂ savings from eco-innovations	Error margin
MARUTI SUZUKI INDIA LTD	P9/ND	1 749	1 661	953,00	106,966	90,283	16,683	0	0,004	0
MASERATI SPA	D	3 152	2 994	2 144,94	234,649	235,000	- 0,452	0	0	0,101
MAZDA MOTOR CORPORATION	P10	132 705	126 069	1 438,36	105,609	96,947	8,662	7,5	0,669	0
MAZDA MOTOR LOGISTIC EUROPE N. V.	P10	11 823	11 231	1 377,24	111,346	94,912	16,434	0	1,236	0
MCLAREN AUTOMOTIVE LIMITED	D	571	542	1 533,52	258,530	250,000	8,530	0	0	0
MERCEDES-AMG GMBH	P6	3 251	3 088	1 920,49	244,803	113,002	131,748	0,475	0,001	0,053
MERCEDES-BENZ AG	P6	735 395	698 625	1 727,51	103,530	106,576	- 3,049	7,5	0,710	0,003
MG MOTOR UK LIMITED	P11	17 943	17 045	1 446,76	88,537	97,227	- 8,690	7,5	0	0
mitsubishi motors corporation MMC	P8	64 215	61 004	1 694,45	99,593	105,475	- 5,899	7,5	0,295	0,017
mitsubishi motors thailand co ltd mmth	P8	33 958	32 260	947,48	104,223	80,601	23,622	0	0,689	0
MORGAN TECHNOLOGIES LTD	DMD	353	335	1 125,45	179,042			0	0	
NEXT EGO MOBILE SE	P11	490	465	1 231,00	0	90,042	- 90,042	0	0	0
NISSAN INTERNATIONAL SA	P8	289 734	275 247	1 394,38	95,509	95,483	0,026	7,5	0,642	0
OPEL AUTOMOBILE GMBH	P7	276 745	262 907	1 382,49	98,496	95,087	3,406	3,402	1,600	0,003
PAGANI AUTOMOBILI SPA	DMD	8	7	1 471,63	343,000			0	0	
PSA AUTOMOBILES SA	P7	788 835	749 393	1 313,85	80,907	92,801	- 11,895	7,5	1,048	1E-03
RENAULT SAS	P8	961 689	913 604	1 352,49	88,321	94,088	- 5,769	7,5	0,765	0,002
RENAULT TRUCKS	DMD	5	4	2 226,00	171,250			0	0	
ROLLS-ROYCE MOTOR CARS LTD	P1	508	482	2 655,53	349,923	137,479	212,444	0	0	0
SAIC MAXUS AUTOMOTIVE CO LTD		121	114	1 889,55	0	111,972	- 111,972	0	0	0

A	B	C	D	E	F	G	H	I	J	K
Manufacturer name	Pools Derogations Exemptions	Total number of registrations	Number of registrations considered (95%)	Average mass	NEDC average specific emissions of CO ₂	Specific emissions target	Distance to target	Super-credits	CO ₂ savings from eco-innovations	Error margin
SAIC MOTOR CORPORATION LTD	P11	7 726	7 339	1 590,54	0	102,015	- 102,015	0	0	0
SEAT SA	P11	363 821	345 629	1 344,30	106,315	93,815	12,472	3,822	1,062	0,028
SKODA AUTO AS	P11	606 638	576 306	1 385,40	101,771	95,184	6,587	4,766	1,362	0
SOCIETE DES AUTOMOBILES ALPINE	P8	1 124	1 067	1 174,24	146,736	88,152	58,581	0	0	0,003
SSANGYONG MOTOR COMPANY	D	8 957	8 509	1 498,37	155,452	159,000	- 3,548	0	0	0
SUBARU CORPORATION	ND	17 028	16 176	1 646,44	154,605	120,718	33,886	0	1,378	0,001
SUZUKI MOTOR CORPORATION	P9/ND	107 242	101 879	1 013,49	95,445	90,283	5,162	1,396	2,028	0
SUZUKI MOTOR THAILAND CO LTD	P9/ND	1 150	1 092	890,08	89,016	90,283	- 1,267	0	0	0
TECNO MECCANICA IMOLA SPA	DMD	3	2	712,00	0			0	0	
TESLA INC	P2	92 526	87 899	1 928,15	0	113,257	- 113,257	0	0	0
TOYOTA MOTOR EUROPE NV SA	P10	684 726	650 489	1 372,60	91,781	94,758	- 2,981	0,728	0,220	0,004
VOLKSWAGEN AG	P11	1 307 003	1 241 652	1 461,45	96,833	97,716	- 0,888	7,5	0,467	0,005
VOLVO CAR CORPORATION	P3	286 645	272 312	1 873,11	95,900	111,425	- 15,532	7,5	0,149	0,007

Table 2

Performance in the calendar year 2020 of pools of manufacturers of passenger cars in accordance with Article 9 of Regulation (EU) 2019/631

A	B	C	D	E	F	G	H	I	J	K
Pool name	Pools Derogations	Total number of registrations	Number of registrations considered (95%)	Average mass	NEDC average specific emissions of CO ₂	Specific emissions target	Distance to target	Super-credits	CO ₂ savings from eco-innovations	Error margin
BMW	P1	816 943	776 095	1 652,08	99,211	104,064	- 4,853	7,5	2,130	0
FCA	P2	799 045	759 092	1 369,81	90,935	94,665	- 3,730	7,5	0,974	0
FORD-VOLVO	P3	957 928	910 031	1 577,21	96,090	101,571	- 5,484	7,5	1,497	0,003
HYUNDAI	P4	416 719	395 883	1 391,52	93,232	95,388	- 2,164	7,5	0,255	0,008
KIA	P5	417 870	396 976	1 394,32	92,716	95,481	- 2,800	7,5	0,076	0,035
MERCEDES-BENZ	P6	738 646	701 713	1 728,36	103,883	106,604	- 2,725	7,5	0,708	0,004
PSA-OPEL	P7	1 757 959	1 670 061	1 312,71	88,504	92,763	- 4,260	5,324	1,010	0,001
RENAULT-NISSAN- MITSUBISHI	P8	1 630 432	1 548 910	1 336,13	92,566	93,543	- 0,979	7,5	0,749	0,002
SUZUKI	P9/ND	169 022	160 570	1 102,55	100,713	90,283	10,430	0,953	1,983	0
TOYOTA-MAZDA	P10	829 254	787 791	1 383,19	93,992	95,110	- 1,121	1,745	0,318	0,003
VW-SAIC	P11	2 954 380	2 806 661	1 488,70	99,569	98,624	0,945	7,5	0,746	0

Explanatory notes to Tables 1 and 2:

For all calculations underlying the values listed in these Tables only those vehicles have been considered for which both NEDC CO₂ emissions and mass in running order values were reported.

Column A:

Table 1: 'Manufacturer name' means the name of the manufacturer as notified to the Commission by the manufacturer concerned or, where no such notification has taken place, the name reported by the reporting country.

Table 2: 'Pool name' means the name of the pool as declared by the pool manager.

Column B:

'D' means that a derogation has been granted in accordance with Article 10(3) of Regulation (EU) 2019/631 for the calendar year 2020 (small volume manufacturer);

'ND' means that a derogation has been granted in accordance with Article 10(4) of Regulation (EU) 2019/631 for the calendar year 2020 (niche manufacturer);

'DMD' means that a *de minimis* exemption applies in accordance with Article 2(4) of Regulation (EU) 2019/631, so that the manufacturer does not have to meet a specific emissions target in 2020;

'P' means that the manufacturer is a member of a pool formed pursuant to Article 6 of Regulation (EU) 2019/631 for which the pooling agreement is valid for the calendar year 2020.

Column C:

'Total number of registrations' means the total number of new passenger cars registered in the calendar year 2020 in the European Union, Iceland, Norway and the United Kingdom for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible.

Column D:

'Number of registrations considered (95%)' means 95% of the total number of new passenger cars registered in the calendar year 2020 in the European Union, Iceland, Norway and the United Kingdom for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible (95% of the number in column C). In accordance with Article 4(3) of Regulation (EU) 2019/631 and with Commission Notice 2017/C 218/01, for calendar year 2020 only the 95% lowest emitting new passenger cars registered are taken into account for the purpose of determining the average specific emissions of CO₂ of each manufacturer or pool.

Column E:

'Average mass' (kg) means the average of the mass in running order of all (100%) new passenger cars registered in the calendar year 2020 in the European Union, Iceland, Norway and the United Kingdom for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible.

Column F:

'NEDC average specific emissions of CO₂' (g CO₂/km) means the average specific emissions of CO₂ determined in accordance with Article 3 of Commission Implementing Regulation (EU) 2017/1153 for the 95% lowest emitting new passenger cars (in accordance with Article 4(3) of Regulation (EU) 2019/631) registered in 2020 in the European Union, Iceland, Norway and the United Kingdom for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible.

In calculating the NEDC average specific emissions of CO₂ account has been taken of the following, where applicable:

- the use of super-credits (column I);
- CO₂ emission savings resulting from the use of eco-innovations (column J).

Column G:

'Specific emissions target' (g CO₂/km) means the specific emissions target of the manufacturer (Table 1) or the pool (Table 2) calculated in accordance with points 1 and 2 of part A of Annex I to Regulation (EU) 2019/631 and with M₀ being 1 379,88, or, where applicable ('D' or 'ND' in column B), the derogation target granted pursuant to Article 10 of Regulation (EU) 2019/631. Where the manufacturer benefits from an exemption pursuant to Article 2(4) of Regulation (EU) 2019/631 ('DMD' in column B), no specific emissions target applies and therefore also no 'distance to target' (column H) or 'error margin' (column K) is mentioned.

Column H:

'Distance to target' (g CO₂/km) means the difference between the NEDC average specific emissions of CO₂ (column F) and the specific emissions target (column G), from which the error margin (column K) is subtracted.

Where the distance to target value is greater than zero, this means that the specific emissions target has been exceeded.

For a manufacturer, which is member of a pool ('P' in column B), compliance with the specific emissions target is assessed only at the level of the pool.

Column I:

'Super-credits' (g CO₂/km) means emission credits referred to in Article 5 of Regulation (EU) 2019/631 and determined in accordance with point 4.1(g) of Commission Notice 2017/C 218/01, which are taken into account for the calculation of the NEDC average specific emissions of CO₂ (column F), with a maximum of 7,5 g CO₂/km. For determining the amount of super-credits attributed to a manufacturer or pool, each of its new passenger cars registered in 2020 in the European Union, Iceland, Norway and the United Kingdom with specific emissions of CO₂ of less than 50 g CO₂/km (NEDC) is counted as 2 passenger cars.

Column J:

'CO₂ savings from eco-innovations' (g CO₂/km) means the emission savings taken into account for the calculation of the NEDC average specific emissions of CO₂ (column F), which are resulting from the use of innovative technologies that make a verified contribution to CO₂ reductions and that have been approved by the Commission in accordance with Article 11 of Regulation (EU) 2019/631. Only eco-innovations approved in relation to the NEDC emission test procedure have been taken into account. The CO₂ savings from eco-innovations are calculated in accordance with point 4.1(f) of Commission Notice 2017/C 218/01.

Column K:

'Error margin' (g CO₂/km) means the value by which the difference between the NEDC average specific emissions of CO₂ (column F) and the specific emissions target (column G) has been adjusted when calculating the distance to target (column H), in order to take into account records notified to the Commission by the manufacturer (Table 1) or the pool (Table 2) with error code B as set out in Article 6 of Commission Implementing Regulation (EU) 2021/392.

This error margin is calculated in accordance with the following formula:

$$\text{Error margin} = \text{absolute value of } [(AC1 - TG1) - (AC2 - TG2)]$$

AC1 = NEDC average specific emissions of CO₂ including the records with error code B (as specified in column F);

TG1 = specific emissions target including the records with error code B (as specified in column G);

AC2 = NEDC average specific emissions of CO₂ calculated after excluding the records with error code B;

TG2 = specific emissions target calculated after excluding the records with error code B.

Part B

PERFORMANCE OF MANUFACTURERS OF LIGHT COMMERCIAL VEHICLES

Table 1

Performance in the calendar year 2020 of individual manufacturers of light commercial vehicles in accordance with Article 9 of Regulation (EU) 2019/631

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools Derogations Exemptions	Total number of registrations	Average mass	NEDC average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Error margin
ADDAX MOTOR NV	DMD	26	1 104,14	0			0	
ALFA ROMEO SPA	P1	150	1 736,13	138,475	144,094	- 5,619	1,058	0
ALKE SRL	DMD	109	1 081,23	0			0	
AUDI AG	P5	36	1 859,58	140,839	155,945	- 15,106	0,633	0
AUDI SPORT GMBH	P5	1	2 390,00	276,000	206,866	69,134	0	0
AUTOMOBILE DACIA SA	P7	20 445	1 300,73	119,841	102,296	17,543	0,908	0,002
AUTOMOBILES CITROEN	P1	67 812	1 876,32	146,134	157,552	- 11,418	0,007	0
AUTOMOBILES PEUGEOT	P1	124 203	1 864,06	145,768	156,375	- 10,607	0,001	0
AVTOVAZ JSC	P7	98	1 271,94	226,122	99,532	126,590	0	0
BAYERISCHE MOTOREN WERKE AG	DMD	52	1 813,75	134,854			3,108	
BYD AUTO INDUSTRY COMPANY LIMITED	DMD	40	1 775,00	0			0	
CHEVROLET ITALIA SPA	DMD	1	2 445,00	243,000			0	
CNG-TECHNIK GMBH	P2	2	1 716,00	102,000	142,162	- 40,162	0	0
DFSK MOTOR CO LTD	DMD	333	1 267,36	195,360			0	
DR ING HCF PORSCHE AG		5	2 320,00	142,620	200,146	- 57,526	0,780	0
ESAGONO ENERGIA SRL	DMD	15	1 186,20	0			0	
FCA ITALY SPA	P1	110 365	1 816,94	160,447	151,852	8,595	0,788	0
FCA US LLC	P1	680	1 553,87	124,113	126,597	- 2,484	0,918	0
FORD MOTOR COMPANY OF AUSTRALIA LIMITED	P2	38 859	2 372,22	210,323	205,159	5,163	0	0,001
FORD-WERKE GMBH	P2	214 364	1 973,38	157,615	166,870	- 9,255	0,007	0
GOUPIL INDUSTRIE SAS	P5	691	1 019,78	0,000	75,324	- 75,387	0	0,063

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools Derogations Exemptions	Total number of registrations	Average mass	NEDC average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Error margin
GREAT WALL MOTOR COMPANY LIMITED	DMD	386	1 948,72	235,396			0	
HONDA MOTOR CO LTD	DMD	2	1 521,50	104,000			0	
HYUNDAI ASSAN OTOMOTIV SANAYI VE	P3/DMD	99	1 084,58	116,424			0	
HYUNDAI MOTOR COMPANY	P3/DMD	296	1 797,87	153,283			0,004	
HYUNDAI MOTOR MANUFACTURING CZECH SRO	P3/DMD	45	1 517,38	119,316			0,107	
ISUZU MOTORS LIMITED	D	4 932	2 170,25	202,973	213,000	- 10,027	0	0
IVECO SPA		13 924	2 431,82	205,163	210,880	- 5,717	0	0
JAGUAR LAND ROVER LIMITED		1 617	2 389,57	198,508	206,824	- 8,316	0,005	0
KIA CORPORATION	P4/DMD	466	1 467,85	108,935			0,003	
KIA SLOVAKIA SRO	P4/DMD	50	1 595,26	113,720			0	
LADA AUTOMOBILE GMBH	DMD	2	1 265,00	224,000			0	
LIGIER GROUP	DMD	86	720,62	0			0	
LONDON EV COMPANY	DMD	4	2 271,00	34,000			0	
MAHINDRA & MAHINDRA LTD	D	147	2 133,57	237,762	246,000	- 8,238	0	0
MAN TRUCK & BUS SE	P5	11 382	2 262,37	200,472	194,613	5,859	0	0
MAZDA MOTOR CORPORATION	DMD	26	1 580,69	140,654			0,269	
MERCEDES-BENZ AG	P6	137 341	2 203,94	183,977	189,004	- 5,031	0,027	0,004
MITSUBISHI MOTORS CORPORATION MMC	P7	35	1 930,29	50,800	162,733	- 111,933	0	0
MITSUBISHI MOTORS THAILAND CO LTD MMTH	P7	12 038	2 082,08	200,723	177,305	23,418	1,154	0
NISSAN INTERNATIONAL SA	P7	25 500	2 043,11	137,925	173,564	- 35,655	0,127	0,016
OPEL AUTOMOBILE GMBH	P1	48 000	1 700,67	139,155	140,690	- 1,536	0,013	0,001
PIAGGIO & C SPA	D	3 564	1 007,54	148,564	152,000	- 3,436	0	0
PSA AUTOMOBILES SA	P1	128 280	1 434,79	110,514	115,165	- 4,652	0,017	0,001

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools Derogations Exemptions	Total number of registrations	Average mass	NEDC average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Error margin
RENAULT SAS	P7	181 277	1 784,82	141,266	148,768	- 7,503	0,639	0,001
RENAULT TRUCKS		6 812	2 321,60	183,374	200,299	- 16,925	0,726	0
ROMANITAL SRL	DMD	43	1 330,02	171,442			0	
SAIC MAXUS AUTOMOTIVE CO LTD	P5	1 561	2 060,98	62,006	175,280	- 113,274	0	0
SAIC MOTOR CORPORATION	P5	1	1 607,00	0	131,698	- 131,698	0	0
SEAT SA	P5	160	1 365,52	113,106	108,516	4,590	0,250	0
SKODA AUTO AS	P5	49	1 441,84	117,484	115,842	1,642	0,945	0
SSANGYONG MOTOR COMPANY	D	863	2 162,17	220,973	209,000	11,973	0	0
STREETSCOOTER GMBH		2 828	1 691,03	0	139,764	- 139,764	0	0
SUBARU CORPORATION	DMD	8	1 719,13	155,150			2,100	
SUZUKI MOTOR CORPORATION	DMD	10	1 165,00	138,000			0	
TOYOTA MOTOR EUROPE NV SA		49 758	1 919,73	156,490	161,720	- 5,230	0,015	0
UAZ	DMD	3	1 946,33	235,000			0	
UNIVERS VE HELEM	DMD	1	1 188,00	0			0	
VOLKSWAGEN AG	P2	157 441	1 951,96	172,760	164,814	7,944	0,001	0,002
VOLVO CAR CORPORATION	DMD	1 181	1 732,82	125,954			0,033	
XYT	DMD	4	940,00	0			0	

Table 2

Performance in the calendar year 2020 of pools of manufacturers of light commercial vehicles in accordance with Article 9 of Regulation (EU) 2019/631

A	B	C	D	E	F	G	H	I
Pools name	Pools Exemptions	Total number of registrations	Average mass	NEDC average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Error margin
FCA-PSA	P1	479 490	1 723,27	139,072	142,860	- 3,788	0,190	0
FORD-VOLKSWAGEN	P2	410 666	2 002,91	168,408	169,705	- 1,297	0,004	0
HYUNDAI	P3/DMD	440	1 608,69	141,516			0,014	
KIA	P4/DMD	516	1 480,19	109,398			0,003	
MAN-SAIC	P5	13 881	2 163,55	173,457	185,126	- 11,695	0,008	0,026
MERCEDES-BENZ	P6	137 341	2 203,94	183,977	189,004	- 5,031	0,027	0,004
RENAULT-NISSAN-MITSUBISHI	P7	239 393	1 785,75	142,091	148,858	- 6,768	0,633	0,001

Explanatory notes to Tables 1 and 2:

For all calculations underlying the values listed in these Tables only those vehicles have been considered for which both NEDC CO₂ emissions and mass in running order values were reported.

Column A:

Table 1: 'Manufacturer name' means the name of the manufacturer as notified to the Commission by the manufacturer concerned or, where no such notification has taken place, the name reported by the reporting country.

Table 2: 'Pool name' means the name of the pool as declared by the pool manager.

Column B:

'D' means that a derogation has been granted in accordance with Article 10(3) of Regulation (EU) 2019/631 for the calendar year 2020 (small volume manufacturer);

'DMD' means that a *de minimis* exemption applies in accordance with Article 2(4) of Regulation (EU) 2019/631, so that the manufacturer does not have to meet a specific emissions target in 2020;

'P' means that the manufacturer is a member of a pool formed pursuant to Article 6 of Regulation (EU) 2019/631 for which the pooling agreement is valid for the calendar year 2020.

Column C:

'Total number of registrations' means the total number of new light commercial vehicles registered in the calendar year 2020 in the European Union, Iceland, Norway and the United Kingdom for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible.

Column D:

'Average mass' (kg) means the average of the mass in running order of all new light commercial vehicles registered in the calendar year 2020 in the European Union, Iceland, Norway and the United Kingdom for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible.

Column E:

'NEDC average specific emissions of CO₂' (g CO₂/km) means the average specific emissions of CO₂ determined in accordance with Article 3 of Commission Implementing Regulation (EU) 2017/1152 for all new light commercial vehicles registered in the calendar year 2020 in the European Union, Iceland, Norway and the United Kingdom for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible.

In calculating the NEDC average specific emissions of CO₂ account has been taken, where applicable, of the CO₂ emission savings resulting from the use of eco-innovations (column H).

Column F:

'Specific emissions target' (g CO₂/km) means the specific emissions target of the manufacturer (Table 1) or the pool (Table 2) calculated in accordance with points 1 and 2 of Part B of Annex I to Regulation (EU) 2019/631 and with M0 being 1 766,4, or, where applicable ('D' in column B), the derogation target granted pursuant to Article 10 of Regulation (EU) 2019/631. Where the manufacturer benefits from an exemption pursuant to Article 2(4) of Regulation (EU) 2019/631 ('DMD' in column B), no specific emissions target applies and therefore also no 'distance to target' (column G) or 'error margin' (column I) is mentioned.

Column G:

'Distance to target' (g CO₂/km) means the difference between the NEDC average specific emissions of CO₂ (column E) and the specific emissions target (column F), from which the error margin (column I) is subtracted.

Where the distance to target value is greater than zero, this means that the specific emissions target has been exceeded.

For a manufacturer, which is member of a pool ('P' in column B), compliance with the specific emissions target is assessed only at the level of the pool.

Column H:

'CO₂ savings from eco-innovations' (g CO₂/km) means the emission savings taken into account for the calculation of the NEDC average specific emissions of CO₂ (column E), which are resulting from the use of innovative technologies that make a verified contribution to CO₂ reductions and that have been approved by the Commission in accordance with Article 11 of Regulation (EU) 2019/631. Only eco-innovations approved in relation to the NEDC emission test procedure have been taken into account. The CO₂ savings from eco-innovations are calculated in accordance with point 4.1(f) of Commission Notice 2017/C 218/01.

Column I:

'Error margin' (g CO₂/km) means the value by which the difference between the NEDC average specific emissions of CO₂ (column E) and the specific emissions target (column F) has been adjusted when calculating the distance to target (column G), in order to take into account records notified to the Commission by the manufacturer (Table 1) or the pool (Table 2) with the error code B as set out in Article 6 of Commission Implementing Regulation (EU) 2021/392.

This error margin is calculated in accordance with the following formula:

Error margin = absolute value of $[(AC1 - TG1) - (AC2 - TG2)]$

AC1 = NEDC average specific emissions of CO₂ including the records with error code B (as specified in column E);

TG1 = specific emissions target including the records with error code B (as specified in column F);

AC2 = NEDC average specific emissions of CO₂ calculated after excluding the records with error code B;

TG2 = specific emissions target calculated after excluding the records with error code B.

ANNEX II

Part A

Values to be used for the calculation of the specific emission targets and derogation targets for the calendar years 2021 to 2024 in accordance with points 4 and 5 of Part A of Annex I of Regulation (EU) 2019/631 (passenger cars)

1. The following values shall be used for the calculation of the specific emission targets applicable in the period 2021 to 2024 in accordance with Annex I, Part A, point 4 of Regulation (EU) 2019/631:

- (a) WLTP specific emissions reference target

The WLTP specific emissions reference target calculated in accordance with Annex I, Part A, point 3 or point 3a of Regulation (EU) 2019/631 is the value specified in column G of Table 1 below for each manufacturer and in column G of Table 2 below for each pool.

The WLTP specific emissions reference target calculated in accordance with Annex I, Part A, point 3b of Regulation (EU) 2019/631 is 118,137 g CO₂/km, calculated as the average of the WLTP specific emissions reference targets of all manufacturers of passenger cars as listed in column G of Table 1 below, weighted according to the number of vehicles registered for each of the manufacturers as reported in column C of Table 1 below.

- (b) M_{02020}

The value M_{02020} is the value specified for each manufacturer and pool in column E of Annex I, Part A, Tables 1 and 2 of this Decision.

For manufacturers or pools meeting the conditions referred to in Annex I, Part A, point 3b of Regulation (EU) 2019/631, the value M_{02020} is 1 455,69 kg, calculated as the average of the mass in running order of all manufacturers of passenger cars as listed in Annex I, Part A, Table 1, column E of this Decision, weighted according to the number of vehicles registered for each of the manufacturers as listed in Annex I, Part A, Table 1, column C of this Decision.

2. The NEDC_{CO2} and WLTP_{CO2} values to be used for the calculation of the derogation targets applicable in the period 2021 to 2024 in accordance with Annex I, Part A, point 5 of Regulation (EU) 2019/631 shall be the following:

- (a) for the manufacturers and pools referred to in Annex I, Part A, point 5(a) of Regulation (EU) 2019/631:

- (i) NEDC_{CO2} is the value specified for the manufacturer in column E of Table 1 below;

- (ii) WLTP_{CO2} is the value specified for the manufacturer in column F of Table 1 below.

- (b) for the manufacturers referred to in Annex I, Part A, point 5(b) of Regulation (EU) 2019/631:

- (i) NEDC_{CO2} is 107,532 g CO₂/km, calculated as the average of all values specified in column E of Table 1 below, weighted according to the number of vehicles registered for each of the manufacturers as reported in column C;

- (ii) WLTP_{CO2} is 130,300 g CO₂/km, calculated as the average of all values specified in column F of Table 1 below, weighted according to the number of vehicles registered for each of the manufacturers as reported in column C.

Table 1

Individual manufacturers of passenger cars

A	B	C	D	E	F	G
Manufacturer name	Pools	Number of registrations considered	NEDC 2020 target	NEDC average specific emissions of CO ₂	WLTP average specific emissions of CO ₂	WLTP specific emissions reference target
ADAM OPEL GMBH		2	105,360	0	0	105,360
ADIDOR VOITURES SAS		16	92,839	137,000	153,000	103,682
ALFA ROMEO SPA	P2	34 483	103,082	146,919	171,158	120,089
ALPINA BURKARD BOVENSIEPEN GMBH E CO KG		578	117,416	201,460	233,533	136,109
ANHUI JIANGHUAI AUTOMOBILE		113	100,165	0	0	100,165
ASTON MARTIN LAGONDA LTD		1 487	114,387	257,743	284,699	126,350
AUDI AG	P11	564 595	105,120	116,923	142,580	128,187
AUDI HUNGARIA MOTOR KFT	P11	3 824	96,230	148,954	167,871	108,451
AUDI SPORT GMBH	P11	13 505	112,497	230,628	253,307	123,559
AUTOMOBILE DACIA SA	P8	278 808	88,502	114,310	134,535	104,161
AUTOMOBILES CITROEN	P7	340 830	87,938	98,999	129,382	114,926
AUTOMOBILES PEUGEOT	P7	351 539	95,528	100,158	131,631	125,546
AUTOMOBILI LAMBORGHINI SPA		1 537	116,372	326,757	351,293	125,110
AVTOVAZ JSC	P8	884	92,788	186,093	195,285	97,371
BAYERISCHE MOTOREN WERKE AG	P1	801 924	103,916	111,504	133,353	124,278
BEIJING BORGWARD AUTOMOTIVE CO LTD		1	110,788	233,000	242,000	115,067
BENTLEY MOTORS LTD		2 585	130,705	259,668	285,503	143,709
BLUECAR SAS		6	99,499	0	0	99,499
BMW M GMBH	P1	14 510	111,100	231,883	242,690	116,278
BUGATTI AUTOMOBILES SAS	P11	7	117,981	527,143	506,000	113,249
CATERHAM CARS LIMITED		123	72,150	168,805	156,268	66,791
CNG-TECHNIK GMBH	P3	12 060	99,290	100,858	124,004	122,076
DFSK MOTOR CO LTD		442	103,288	221,428	241,952	112,862
DONKERVVOORT AUTOMOBIELEN BV		1	77,854	199,000	191,000	74,724
DR AUTOMOBILES SRL		3 329	96,001	140,357	169,112	115,669
DR ING HCF PORSCHE AG	P11	68 125	115,815	150,700	175,838	135,134
DR MOTOR COMPANY SRL		0	94,100			114,049
FABBRICA DALLARA SRL		6	82,683	230,000	216,000	77,650

A	B	C	D	E	F	G
Manufacturer name	Pools	Number of registrations considered	NEDC 2020 target	NEDC average specific emissions of CO ₂	WLTP average specific emissions of CO ₂	WLTP specific emissions reference target
FABRYKA SAMOCHODÓW OSOBOWYCH SYRENA W KUTNIE SA		0	92,340			111,916
FERRARI SPA		3 591	105,262	281,455	303,011	113,324
FCA ITALY SPA	P2	488 321	88,507	110,669	135,717	108,539
FCA US LLC	P2	105 438	102,745	141,105	169,444	123,380
FORD INDIA PRIVATE LIMITED	P3	53	87,338	118,981	136,925	100,510
FORD MOTOR COMPANY OF AUSTRALIA LIMITED	P3	2	127,988	226,000	260,500	147,526
FORD MOTOR COMPANY	P3	10 219	113,592	236,293	240,803	115,760
FORD-WERKE GMBH	P3	648 945	97,073	108,416	134,271	120,223
GENERAL MOTORS HOLDINGS LLC		53	109,542	168,340	176,208	114,662
GREAT WALL MOTOR COMPANY LIMITED		0	102,526			124,262
GUMPERT SPORTWAGENMANUFAKTUR GMBH		1	109,822	0	0	109,822
HENAN SUDA ELECTRIC VEHICLES TECHNOLOGY		27	97,834	0	0	97,834
HONDA MOTOR CO LTD	P2	78 271	96,511	111,304	135,771	117,726
HYUNDAI ASSAN OTOMOTIV SANAYI VE TICARET AS	P4	114 690	84,456	112,191	127,372	95,884
HYUNDAI MOTOR COMPANY	P4	143 248	99,177	80,353	95,370	117,712
HYUNDAI MOTOR MANUFACTURING CZECH SRO	P4	158 751	99,865	120,892	140,780	116,294
ISUZU MOTORS LTD		0	102,496			124,225
JAGUAR LAND ROVER LIMITED		156 992	118,848	148,625	179,229	143,320
JIANGLING MOTOR HOLDING CO LTD	P11	697	110,247	0	0	110,247
KIA CORPORATION	P5	272 981	94,304	94,590	109,887	109,555
KIA SLOVAKIA SRO	P5	144 836	97,700	120,871	139,400	112,677
LADA AUTOMOBILE GMBH		328	91,174	224,140	232,829	94,708
LANZHOU ZHIDOU ELECTRIC VEHICLE		3	77,854	0	0	77,854
LONDON EV COMPANY	P11	1	125,806	24,000	20,000	104,838
LOTUS CARS LIMITED		391	85,676	204,476	203,499	85,267
MAGYAR SUZUKI CORPORATION LTD	P9	58 881	91,453	114,739	140,962	112,354
MAHINDRA & MAHINDRA LTD		1 135	89,802	149,836	180,236	108,022

A	B	C	D	E	F	G
Manufacturer name	Pools	Number of registrations considered	NEDC 2020 target	NEDC average specific emissions of CO ₂	WLTP average specific emissions of CO ₂	WLTP specific emissions reference target
MARUTI SUZUKI INDIA LTD	P9	1 749	80,785	107,685	122,891	92,193
MASERATI SPA		3 152	120,476	238,611	270,443	136,548
MAZDA MOTOR CORPORATION	P10	132 705	96,947	116,238	138,885	115,835
MAZDA MOTOR LOGISTIC EUROPE N. V.	P10	11 823	94,912	113,180	136,949	114,845
MCLAREN AUTOMOTIVE LIMITED		561	100,116	260,471	275,759	105,992
MERCEDES-AMG GMBH	P6	3 249	113,002	247,571	266,001	121,414
MERCEDES-BENZ AG	P6	733 243	106,576	117,238	134,681	122,433
MG MOTOR UK LIMITED	P11	17 943	97,227	99,088	111,056	108,970
MITSUBISHI MOTORS CORPORATION MMC	P8	64 000	105,475	110,702	123,944	118,092
MITSUBISHI MOTORS THAILAND CO LTD MMTH	P8	33 958	80,601	105,382	120,281	91,996
MORGAN TECHNOLOGIES LTD		337	86,527	182,534	181,650	86,108
NEXT EGO MOBILE SE	P11	490	90,042	0	0	90,042
NISSAN INTERNATIONAL SA	P8	289 734	95,483	106,485	132,147	118,494
OPEL AUTOMOBILE GMBH	P7	276 715	95,087	105,149	133,007	120,279
PAGANI AUTOMOBILI SPA		0	98,055			118,843
PSA AUTOMOBILES SA	P7	788 820	92,801	91,148	117,973	120,112
RENAULT SAS	P8	961 600	94,088	99,147	116,175	110,247
RENAULT TRUCKS		3	123,176	161,667	268,000	204,192
ROLLS-ROYCE MOTOR CARS LTD	P1	508	137,479	351,008	367,717	144,023
SAIC MAXUS AUTOMOTIVE CO LTD		121	111,972	1,983	2,116	119,482
SAIC MOTOR CORPORATION LTD	P11	7 726	102,015	0,922	1,018	112,637
SEAT SA	P11	363 613	93,815	114,007	137,199	112,899
SKODA AUTO AS	P11	606 636	95,184	110,269	134,179	115,823
SOCIETE DES AUTOMOBILES ALPINE	P8	1 124	88,152	147,203	162,407	97,257
SSANGYONG MOTOR COMPANY		8 956	98,946	157,744	173,019	108,527
SUBARU CORPORATION		17 025	103,876	157,033	185,195	122,505
SUZUKI MOTOR CORPORATION	P9	107 242	82,799	101,856	123,820	100,654
SUZUKI MOTOR THAILAND CO LTD	P9	1 150	78,690	89,086	108,282	95,646

A	B	C	D	E	F	G
Manufacturer name	Pools	Number of registrations considered	NEDC 2020 target	NEDC average specific emissions of CO ₂	WLTP average specific emissions of CO ₂	WLTP specific emissions reference target
TECNO MECCANICA IMOLA SPA		3	72,760	0	0	72,760
TESLA INC	P2	92 525	113,257	0	0	113,257
TOYOTA MOTOR EUROPE NV SA	P10	684 670	94,758	95,781	120,963	119,671
VOLKSWAGEN AG	P11	1 306 825	97,716	108,314	131,348	118,496
VOLVO CAR CORPORATION	P3	286 627	111,425	106,652	124,979	130,572

Table 2

Pools of manufacturers of passenger cars

A	B	C	D	E	F	G
Pool name	Pools	Number of registrations considered	NEDC 2020 target	NEDC average specific emissions of CO ₂	WLTP average specific emissions of CO ₂	WLTP specific emissions reference target
BMW	P1	816 942	104,064	113,791	135,441	123,863
FCA	P2	799 038	94,665	103,497	125,987	115,236
FORD-VOLVO	P3	957 906	101,571	109,158	132,498	123,289
HYUNDAI	P4	416 689	95,388	104,561	121,479	110,822
KIA	P5	417 817	95,481	103,700	120,118	110,598
MERCEDES-BENZ	P6	736 492	106,604	117,813	135,260	122,391
PSA-OPEL	P7	1 757 904	92,763	96,676	125,283	120,212
RENAULT-NISSAN-MITSUBISHI	P8	1 630 108	93,543	103,708	122,620	110,601
SUZUKI	P9	169 022	85,765	106,317	129,676	104,609
TOYOTA-MAZDA	P10	829 198	95,110	99,303	124,059	118,821
VW-SAIC	P11	2 953 987	98,624	112,272	135,911	119,389

Explanatory notes to Tables 1 and 2:

For calculating the values listed in columns C, E and F of these Tables only those vehicles have been considered for which both WLTP and NEDC CO₂ emission values were reported.

Column A:

Table 1: 'Manufacturer name' means the name of the manufacturer as notified to the Commission by the manufacturer concerned or, where no such notification has taken place, the name reported by the reporting country.

Table 2: 'Pool name' means the name of the pool as declared by the pool manager.

Column B:

'P' means that the manufacturer is a member of a pool formed pursuant to Article 6 of Regulation (EU) 2019/631 for which the pooling agreement is valid for the calendar year 2020.

Column C:

'Number of registrations considered' means the number of new passenger cars registered in the calendar year 2020 in the European Union, Iceland, Norway and the United Kingdom for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible.

Column D:

'NEDC 2020 target' (g CO₂/km) means the specific emissions target of the manufacturer (Table 1) or the pool (Table 2) calculated in accordance with points 1 and 2, Part A, Annex I of Regulation (EU) 2019/631, irrespective of derogation targets granted or exemptions applicable for the calendar year 2020.

Column E:

'NEDC average specific emissions of CO₂' (g CO₂/km) means the average specific emissions of CO₂ determined in accordance with Article 3 of Implementing Regulation (EU) 2017/1153 for all new passenger cars registered in the calendar year 2020 in the European Union, Iceland, Norway and the United Kingdom for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible, without taking into account CO₂ savings resulting from super-credits or eco-innovations pursuant to Articles 5 and 11 of Regulation (EU) 2019/631.

Column F:

'WLTP average specific emissions of CO₂' (g CO₂/km) means the average specific emissions of CO₂ determined in accordance with Annex XXI to Commission Regulation (EU) 2017/1151 for all new passenger cars registered in the European Union, Iceland, Norway and the United Kingdom in the calendar year 2020 for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible.

Column G:

'WLTP specific emissions reference target' (g CO₂/km) means the WLTP specific emissions reference target of the manufacturer (Table 1) or the pool (Table 2) determined in accordance with point 3 or 3a of Part A of Annex I to Regulation (EU) 2019/631.

For manufacturers responsible for new passenger cars registered in 2020, for which no WLTP specific emissions of CO₂ were reported (no entries in columns E and F), the WLTP specific emissions reference target was determined by multiplying their NEDC 2020 target (column D) by 130,300 g CO₂/km, i.e. the fleet-wide average of the WLTP average specific emissions of CO₂ (column F), divided by 107,532 g CO₂/km, i.e. the fleet-wide average of the NEDC average specific emissions of CO₂ (column E). Those fleet-wide averages were calculated as weighted averages, according to the number of vehicles registered for each of the manufacturers (column C).

Part B**Values to be used for the calculation of the specific emission targets and the derogation targets for the calendar years 2021 to 2024 in accordance with points 4 and 5 of Part B of Annex I of Regulation (EU) 2019/631 (light commercial vehicles)**

1. The following values shall be used for the calculation of the specific emission targets applicable in the period 2021 to 2024 in accordance with Annex I, Part B, point 4 of Regulation (EU) 2019/631:

(a) WLTP specific emissions reference target

The WLTP specific emissions reference target calculated in accordance with Annex I, Part B, point 3 or point 3a of Regulation (EU) 2019/631 is the value specified in column G of Table 1 below for each manufacturer and in column G of Table 2 below for each pool.

The WLTP specific emissions reference target calculated in accordance with Annex I, Part B, point 3b of Regulation (EU) 2019/631 is 205,096 g CO₂/km, calculated as the average of the WLTP specific emissions reference targets of all manufacturers of light commercial vehicles as listed in column G of Table 1 below, weighted according to the number of vehicles registered for each of the manufacturers as reported in column C of Table 1 below.

(b) M_{o2020}

The value M_{o2020} is the value specified for each manufacturer and pool in column E of Annex I, Part B, Table 1 and 2 of this Decision.

For manufacturers meeting the conditions referred to in Annex I, Part B, point 3b of Regulation (EU) 2019/631, the value M_{o2020} is 1 888,62 kg, calculated as the average of the mass in running order of all manufacturers of light commercial vehicles as listed in Annex I, Part B, Table 1, column E of this Decision, weighted according to the number of vehicles registered for each of the manufacturers as listed in Annex I, Part B, Table 1, column C of this Decision.

2. The NEDC_{CO2} and WLTP_{CO2} values to be used for the calculation of the derogation targets applicable in the period 2021 to 2024 in accordance with Annex I, Part B, point 5 of Regulation (EU) 2019/631 shall be the following:

- (i) NEDC_{CO2} is the value specified for the manufacturer in column E of Table 1 below;
- (ii) WLTP_{CO2} is the value specified for the manufacturer in column F of Table 1 below.

Table 1

Individual manufacturers of light commercial vehicles

A	B	C	D	E	F	G
Manufacturer name	Pools	Number of registrations considered	NEDC 2020 target	NEDC average specific emissions of CO ₂	WLTP average specific emissions of CO ₂	WLTP specific emissions reference target
ADDAX MOTOR NV		26	83,423	0	0	83,423
ALFA ROMEO SPA	P1	150	144,094	139,533	160,587	165,836
ALKE SRL		109	81,224	0	0	81,224
AUDI AG	P5	36	155,945	141,472	175,114	193,029
AUDI SPORT GMBH	P5	1	206,866	276,000	317,000	237,596
AUTOMOBILE DACIA SA	P7	20 445	102,296	120,749	144,404	122,336
AUTOMOBILES CITROEN	P1	67 812	157,552	146,141	209,867	226,254

A	B	C	D	E	F	G
Manufacturer name	Pools	Number of registrations considered	NEDC 2020 target	NEDC average specific emissions of CO ₂	WLTP average specific emissions of CO ₂	WLTP specific emissions reference target
AUTOMOBILES PEUGEOT	P1	124 202	156,375	145,769	205,957	220,942
AVTOVAZ JSC	P7	98	99,532	226,122	233,367	102,721
BAYERISCHE MOTOREN WERKE AG		52	151,546	137,962	167,827	184,352
BYD AUTO INDUSTRY COMPANY LIMITED		40	147,826	0	0	147,826
CHEVROLET ITALIA SPA		0	212,146			274,093
CNG-TECHNIK GMBH	P2	2	142,162	102,000	131,500	183,277
DFSK MOTOR CO LTD		334	99,092	195,335	202,282	102,616
DR ING HCF PORSCHE AG		5	200,146	143,400	171,400	239,226
ESAGONO ENERGIA SRL		15	91,301	0	0	91,301
FCA ITALY SPA	P1	110 365	151,852	161,235	212,404	200,043
FCA US LLC	P1	680	126,597	125,031	152,553	154,464
FORD MOTOR COMPANY OF AUSTRALIA LIMITED	P2	38 859	205,159	210,323	248,748	242,641
FORD-WERKE GMBH	P2	214 364	166,870	157,622	193,995	205,377
GOUPIL INDUSTRIE SAS	P5	691	75,324	0	0	75,324
GREAT WALL MOTOR COMPANY LIMITED		0	164,503			212,538
HONDA MOTOR CO LTD		2	123,490	104,000	135,000	160,300
HYUNDAI ASSAN OTOMOTIV SANAYI VE	P3	99	81,545	116,424	131,118	91,837
HYUNDAI MOTOR COMPANY	P3	290	150,021	151,617	164,885	163,149
HYUNDAI MOTOR MANUFACTURING CZECH SRO	P3	45	123,094	119,422	148,158	152,714
ISUZU MOTORS LIMITED		4 932	185,770	202,973	261,581	239,411
IVECO SPA		13 924	210,880	205,163	293,041	301,207
JAGUAR LAND ROVER LIMITED		1 617	206,824	198,513	239,512	249,539
KIA CORPORATION	P4	466	118,339	108,938	132,015	143,407
KIA SLOVAKIA SRO	P4	50	130,571	113,720	140,860	161,733
LADA AUTOMOBILE GMBH		2	98,866	224,000	232,000	102,397
LIGIER GROUP		86	46,605	0	0	46,605
LONDON EV COMPANY		4	195,442	34,000	21,000	120,714
MAHINDRA & MAHINDRA LTD		0	182,248			235,464
MAN TRUCK & BUS AG	P5	11 382	194,613	200,472	257,185	249,669
MAZDA MOTOR CORPORATION		26	129,172	140,923	162,615	149,055

A	B	C	D	E	F	G
Manufacturer name	Pools	Number of registrations considered	NEDC 2020 target	NEDC average specific emissions of CO ₂	WLTP average specific emissions of CO ₂	WLTP specific emissions reference target
MERCEDES-BENZ AG	P6	137 342	189,004	184,003	226,288	232,438
MITSUBISHI MOTORS CORPORATION MMC	P7	35	162,733	50,800	49,939	159,975
MITSUBISHI MOTORS THAILAND CO LTD MMTH	P7	12 038	177,305	201,877	240,867	211,549
NISSAN INTERNATIONAL SA	P7	25 500	173,564	138,052	162,859	204,752
OPEL AUTOMOBILE GMBH	P1	48 000	140,690	139,168	187,491	189,541
PIAGGIO & C SPA		3 564	74,149	148,564	164,630	82,168
PSA AUTOMOBILES SA	P1	128 279	115,165	110,531	148,680	154,913
RENAULT SAS	P7	181 277	148,768	141,904	191,998	201,285
RENAULT TRUCKS		6 812	200,299	184,100	269,464	293,174
ROMANITAL SRL		0	105,108			135,800
SAIC MAXUS AUTOMOTIVE CO LTD	P5	1 561	175,280	62,006	24,369	68,887
SAIC MOTOR CORPORATION	P5	1	131,698	0	0	131,698
SEAT SA	P5	159	108,516	113,428	138,711	132,704
SKODA AUTO AS	P5	49	115,842	118,429	144,714	141,553
SSANGYONG MOTOR COMPANY		863	184,994	220,973	252,660	211,522
STREETSCOOTER GMBH		2 828	139,764	0	0	139,764
SUBARU CORPORATION		8	142,462	157,250	187,750	170,094
SUZUKI MOTOR CORPORATION		10	89,266	138,000	173,000	111,906
TOYOTA MOTOR EUROPE NV SA		49 723	161,72	156,487	207,931	214,884
UAZ		2	164,273	254,000	309,000	199,844
UNIVERS VE HELEM		1	91,474	0	0	91,474
VOLKSWAGEN AG	P2	157 440	164,814	172,761	210,733	201,039
VOLVO CAR CORPORATION		1 181	143,776	125,986	150,179	171,385
XYT		4	67,666	0	0	67,666

Table 2

Pools of manufacturers of light commercial vehicles

A	B	C	D	E	F	G
Pool name	Pools	Number of registrations considered	NEDC 2020 target or derogation target	NEDC average specific emissions of CO ₂	WLTP average specific emissions of CO ₂	WLTP specific emissions reference target
FCA-PSA	P1	479 488	142,860	139,262	190,732	195,660
FORD-VOLKSWAGEN	P2	410 665	169,705	168,412	205,593	207,171
HYUNDAI	P3	434	131,86	140,251	155,448	146,148
KIA	P4	516	119,524	109,401	132,872	145,167
MAN-SAIC	P5	13 880	185,126	173,470	216,216	230,744
MERCEDES-BENZ	P6	137 342	189,004	184,002	226,288	232,438
RENAULT-NISSAN-MITSUBISHI	P7	239 393	148,858	142,724	187,283	195,332

Explanatory notes to Tables 1 and 2:

For calculating the values listed in columns C, E and F of these Tables only those vehicles have been considered for which both WLTP and NEDC CO₂ emission values were reported.

Column A:

Table 1: 'Manufacturer name' means the name of the manufacturer as notified to the Commission by the manufacturer concerned or, where no such notification has taken place, the name reported by the reporting country.

Table 2: 'Pool name' means the name of the pool as declared by the pool manager.

Column B:

'P' means that the manufacturer is a member of a pool formed pursuant to Article 6 of Regulation (EU) 2019/631 for which the pooling agreement is valid for the calendar year 2020.

Column C:

'Number of registrations considered' means the number of new light commercial vehicles registered in the calendar year 2020 in the European Union, Iceland, Norway and the United Kingdom for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible.

Column D:

'NEDC 2020 target' (g CO₂/km) means the specific emissions target of the manufacturer (Table 1) or the pool (Table 2) calculated in accordance with points 1 and 2, Part B, Annex I of Regulation (EU) 2019/631, irrespective of derogation targets granted or exemptions applicable for the calendar year 2020.

Column E:

'NEDC average specific emissions of CO₂' (g CO₂/km) means the average specific emissions of CO₂ determined in accordance with Article 3 of Implementing Regulation (EU) 2017/1152 for all new light commercial vehicles registered in the calendar year 2020 in the European Union, Iceland, Norway and the United Kingdom for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible, without taking into account CO₂ savings resulting from eco-innovations pursuant to Article 11 of Regulation (EU) 2019/631.

Column F:

'WLTP average specific emissions of CO₂' (g CO₂/km) means the average specific emissions of CO₂ determined in accordance with Annex XXI to Commission Regulation (EU) 2017/1151 for all new light commercial vehicles registered in the European Union, Iceland, Norway and the United Kingdom in the calendar year 2020 for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible.

Column G:

'WLTP specific emissions reference target' (g CO₂/km) means the specific emissions reference target of the manufacturer (Table 1) or the pool (Table 2) determined in accordance with point 3 or 3a of Part B of Annex I to Regulation (EU) 2019/631.

For manufacturers responsible for light commercial vehicles registered in 2020, for which no WLTP specific emissions of CO₂ were reported (no entries in columns E and F), the WLTP specific emissions reference target was determined by multiplying their NEDC 2020 target (column D) by 200,261 g CO₂/km, i.e. the fleet-wide average of the WLTP average specific emissions of CO₂ (column F), divided by 155,029 g CO₂/km, i.e. the fleet-wide average of the NEDC average specific emissions of CO₂ (column E). Those fleet-wide averages were calculated as weighted averages, according to the number of vehicles registered for each of the manufacturers (column C).

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2022 OF THE SPECIAL COMMITTEE ON CUSTOMS AND TRADE FACILITATION of 27 July 2022 regarding its Rules of Procedure [2022/2088]

THE SPECIAL COMMITTEE ON CUSTOMS AND TRADE FACILITATION,

Having regard to the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part ('the Agreement'), signed in Kasane on 10 June 2016, and in particular Article 50(2)(f) thereof,

HAS ADOPTED THIS DECISION:

The Rules of Procedure of the Special Committee on Customs and Trade Facilitation are established as set out in the Annex.

This Decision shall enter into force on 1 September 2022.

Done at Gaborone on 27 July 2022

Alice Sebonetse KOLAGANO
*SADC EPA States Representative
on behalf of the SADC EPA States*

Done at Brussels on 27 July 2022

Jean-Michel GRAVE
*European Commission
on behalf of the European Union*

ANNEX

RULES OF PROCEDURE OF THE SPECIAL COMMITTEE ON CUSTOMS AND TRADE FACILITATION

CHAPTER I

Organisation*Article 1***Composition and Chair**

1. The Special Committee on Customs and Trade Facilitation established in accordance with Article 50 of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part ('the Agreement') shall perform its duties as provided for in Article 50 of the Agreement.
2. Reference to 'the Parties' in these Rules of Procedure shall be in accordance with the definition provided for in Article 104 of the Agreement.
3. As provided for in Article 50(1) of the Agreement, the Special Committee on Customs and Trade Facilitation shall be composed of the representatives of the Parties.
4. As provided for in Article 50(4) of the Agreement, the Special Committee on Customs and Trade Facilitation shall be chaired alternately by an official of the European Commission and by an official of the SADC EPA States. The first meeting of the Special Committee on Customs and Trade Facilitation shall be co-chaired by an official of the European Commission and by an official of the SADC EPA States.
5. The mandate corresponding to the first period shall begin on the date of the first meeting of the Special Committee on Customs and Trade Facilitation and end on 31 December of the same year.

*Article 2***Meetings**

1. The Special Committee on Customs and Trade Facilitation shall meet once a year or at the request of either Party. The meetings shall be held in Brussels or in the territory of one of the SADC EPA states alternately, unless the Parties agree otherwise.
2. Unless the Parties agree otherwise, meetings of the Special Committee on Customs and Trade Facilitation shall be convened by the Party holding the Chair, after consulting the other Party.

*Article 3***Observers**

The Special Committee on Customs and Trade Facilitation may decide to invite observers on an ad hoc basis and determine which agenda items will be open to those observers.

*Article 4***Secretariat**

1. The Party hosting the meeting of the Special Committee on Customs and Trade Facilitation shall act as the Secretariat.
2. When the meeting takes place via electronic means, the Party holding the Chair shall act as the Secretariat.

CHAPTER II

Functioning*Article 5***Documents**

Where the deliberations of the Special Committee on Customs and Trade Facilitation are based on written supporting documents, such documents shall be numbered and circulated by the Secretariat of the Special Committee on Customs and Trade Facilitation as documents of the Special Committee on Customs and Trade Facilitation.

*Article 6***Notification and agenda for the meetings**

1. The Secretariat shall notify the Parties of the convening of a meeting and request inputs for the agenda no later than 30 days before the meeting. In the event of an urgent matter and/or unforeseen circumstances to be considered, the meeting may be convened at short notice.
2. A provisional agenda for each meeting shall be drawn up by the Secretariat of the Special Committee on Customs and Trade Facilitation. It shall be forwarded by the Secretariat to the Chair and members of the Special Committee on Customs and Trade Facilitation no later than 14 days before the beginning of the meeting.
3. The provisional agenda shall include items in respect of which the Secretariat of the Special Committee on Customs and Trade Facilitation has received a request for inclusion in the agenda by a Party.
4. The agenda shall be adopted by the Special Committee on Customs and Trade Facilitation at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
5. The Chair of the Special Committee on Customs and Trade Facilitation may, upon agreement by all Parties, invite experts to attend its meetings in order to provide information on specific subjects.

*Article 7***Report of meeting**

Unless the Parties agree otherwise, the report of each meeting shall be drawn up by the Secretariat of the Special Committee on Customs and Trade Facilitation and adopted at the end of each meeting.

*Article 8***Decisions and recommendations**

1. The Special Committee on Customs and Trade Facilitation shall adopt by consensus decisions or recommendations in the cases provided for in the Agreement or where such power has been delegated to it by the Joint Council or the Trade and Development Committee.
2. Where the Special Committee on Customs and Trade Facilitation is empowered under the Agreement to adopt decisions or recommendations, or where such power has been delegated to it by the Joint Council or the Trade and Development Committee, such acts shall be entitled 'Decision' or 'Recommendation' respectively in the report of the meetings. The Secretariat of the Special Committee on Customs and Trade Facilitation shall give any approved decision or recommendation a serial number, the date of adoption and a description of their subject matter. Each decision or recommendation shall provide for the date of its entry into force.

3. In the event that a SADC EPA State is not in attendance, the decisions and/or recommendations of the meeting shall, be communicated to the member that was unable to attend the meeting by the Secretariat. That SADC EPA State shall provide a written response within 10 calendar days from dispatch of the decisions and/or recommendations, indicating those decisions and/or recommendations they are not in agreement with, including reasons thereof. In the absence of the abovementioned written response within 10 calendar days, the decisions and/or recommendations shall be deemed adopted. In the event that the SADC EPA State that did not attend the meeting disagrees with decisions and/or recommendations, the procedure in paragraph 4 shall apply.

4. In the period between meetings, the Special Committee on Customs and Trade Facilitation may adopt decisions and recommendations by written procedure if both Parties so agree. A written procedure shall consist of an exchange of notes between representatives of the Parties.

5. Decisions and recommendations adopted by the Special Committee on Customs and Trade Facilitation shall be authenticated by making an authentic copy signed by a representative of the European Union and by a representative of the SADC EPA States.

Article 9

Public access

1. The meetings of the Special Committee on Customs and Trade Facilitation shall not be public, unless otherwise decided.
2. Each Party may decide to publish the decisions and recommendations of the Special Committee on Customs and Trade Facilitation.

CHAPTER III

Final provisions

Article 10

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Special Committee on Customs and Trade Facilitation, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings, the provision of interpretation services and reproduction of documents shall be borne by the Party hosting the meeting.

Article 11

Amendment of the Rules of Procedure

These Rules of Procedure may be amended in writing by a decision of Special Committee on Customs and Trade Facilitation in accordance with Article 8.

DECISION No 1/2022 OF THE EU-REPUBLIC OF MOLDOVA CUSTOMS SUB-COMMITTEE**of 3 October 2022****concerning the mutual recognition of the authorised economic operator programme of the Republic of Moldova and the authorised economic operator programme of the European Union [2022/2089]**

THE EU-REPUBLIC OF MOLDOVA CUSTOMS SUB-COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ⁽¹⁾, and in particular Title V, Chapter 5, thereof,

Whereas:

- (1) Title V, Chapter 5, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ('the Agreement') is aimed at strengthening cooperation in the area of customs to ensure the implementation of the objectives of that Chapter and further facilitate trade, while ensuring effective control, security and prevention of fraud.
- (2) Article 197, point (j), of the Agreement provides for the commitment of the Parties to establish, where relevant and appropriate, mutual recognition of trade partnership programmes and customs controls, including equivalent trade facilitation measures.
- (3) Security and safety, and the facilitation of the international trade supply chain, can be significantly enhanced through mutual recognition of the respective trade partnership programmes, namely of the national authorised economic operator (AEO) programme in the Republic of Moldova and the AEO programme in the Union;
- (4) The two AEO programmes are based on internationally recognised security standards advocated by the SAFE Framework of Standards to Secure and Facilitate Global Trade adopted by the World Customs Organization in June 2005 ('SAFE Framework').
- (5) Mutual recognition allows the Parties to provide facilitative benefits to economic operators who have invested in supply-chain security and have been authorised under their respective programmes.
- (6) Site visits and a joint evaluation of the AEO programmes in the Union and in the Republic of Moldova have revealed that their qualification standards for security and safety purposes are compatible and lead to equivalent results.
- (7) Article 200(1) of the Agreement establishes the Customs Sub-Committee. Pursuant to Article 200(3), point (b), of the Agreement, it is empowered to adopt decisions on mutual recognition of customs controls and trade partnership programmes, and mutually agreed benefits,

⁽¹⁾ OJ L 260, 30.8.2014, p. 4.

HAS ADOPTED THIS DECISION:

Article 1

Definitions

For the purposes of this Decision, the following definitions apply:

- (1) 'Customs Authority' means the customs authority of a Member State of the Union or the customs authority of the Republic of Moldova, hereinafter referred to collectively as 'Customs Authorities';
- (2) 'economic operator' means a person involved in the international movement of goods;
- (3) 'personal data' means any information relating to an identified or identifiable individual;
- (4) 'Programme' means:
 - (a) in the Union: the European Union authorised economic operator (AEO) status (security and safety) granted under Article 38(2), point (b), of Regulation (EU) No 952/2013 of the European Parliament and of the Council ^(*);
 - (b) in the Republic of Moldova: the AEO programme covering the AEO Security and Safety authorisation and the combined AEO Customs Simplifications/Security and Safety (AEOC/AEOS) authorisation, with economic operators from areas outside the control of the government only eligible for an AEO authorisation once all AEO criteria can be assessed and evaluated by central competent authorities, i.e., the headquarters of the customs administration of the Republic of Moldova;
- (5) 'Programme Members' means economic operators holding AEO status in the Union and economic operators holding membership status in the Republic of Moldova as referred to in point (4) when referred to collectively.

Article 2

Mutual recognition and implementation of this Decision

1. The Programmes of the Union and of the Republic of Moldova are hereby mutually recognised to be compatible and equivalent and the corresponding AEO statuses granted are mutually accepted.
2. The Parties shall implement this Decision through their respective Customs Authorities.

Article 3

Compatibility

The Customs Authorities shall cooperate to maintain the compatibility and equivalence between their Programmes, in particular with respect to the following matters:

- (a) the application process for granting the AEO status and membership;
- (b) the assessment of applications;
- (c) the granting of the AEO status and membership;
- (d) the managing, monitoring, suspension and re-assessment, and revocation of the AEO status and membership;
- (e) promoting cooperation between Customs Authorities and environmental authorities to promote AEO status and membership compliance with international environmental standards.

The Parties shall ensure that their trade partnership programmes operate within the relevant standards of the SAFE Framework.

^(*) 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 4***Benefits**

1. Each Customs Authority shall provide benefits to Programme Members of the other Customs Authority that are comparable to the benefits that it provides to its Programme Members.
2. The benefits referred to in paragraph 1 include:
 - (a) fewer security- and safety-related controls: each Customs Authority takes the status of a Programme Member granted by the other Customs Authority favourably into account in its risk assessment in order to reduce inspections or controls and in other security- and safety-related measures;
 - (b) the recognition of business partners during the application process: each Customs Authority takes the status of a Programme Member granted by the other Customs Authority into account with a view to treating the Programme Member as a secure and safe partner when assessing the business partners' requirements for applicants under its own Programme;
 - (c) priority treatment at customs clearance: each Customs Authority takes the status of a Programme Member granted by the other Customs Authority into account in ensuring priority treatment, expedited processing, simplified formalities and expedited release of the shipments where the Programme Members are involved;
 - (d) business continuity mechanism: both Customs Authorities endeavour to establish a business continuity mechanism to respond to disruptions in trade flows due to increases in security alert levels, border closures or natural disasters, hazardous emergencies or other major incidents by which priority cargos related to Programme Members should be facilitated and expedited to the extent possible by the Customs Authorities;
 - (e) the giving of priority to the inspection of consignments covered by exit or entry summary declarations lodged by a Programme Member, if the Customs Authority decides to proceed with an inspection.
3. Following the review process referred to in Article 7(3), each Customs Authority may provide, in cooperation with other government authorities in its territory, further facilitation benefits, which may include streamlining processes and increasing the predictability of movement at the border, to the extent possible.
4. Each Customs Authority:
 - (a) may suspend the benefits provided to Programme Members of the other Customs Authority under this Decision;
 - (b) shall, within a reasonable time, communicate the suspension described under point (a) and the reasons for the suspension to the other Customs Authority;
 - (c) may only proceed with a suspension pursuant to point (a) for reasons equivalent to those for which it would suspend the Programme Members from its Programme.
5. Each Customs Authority shall, when it deems appropriate, report irregularities involving Programme Members of the other Customs Authority's Programme to that Customs Authority for the purpose of ensuring immediate analysis of the appropriateness of the benefits and status granted by the other Customs Authority.
6. For greater certainty, this Decision does not limit a Party or a Customs Authority from requesting information pursuant to the mutual administrative assistance referred to in Article 198 of the Agreement or other applicable instrument between the Parties, or between the Customs Authorities.

*Article 5***Exchange of information and communication**

1. The Customs Authorities shall enhance their communication in order to implement this Decision effectively by:
 - (a) providing each other with the details on their Programme Members in accordance with paragraph 3;

- (b) providing each other with updates on the operability and development of their Programmes in a timely manner;
- (c) exchanging information regarding supply-chain security policy and trends; and
- (d) ensuring effective communication through the competent services of the European Commission and the customs administration of the Republic of Moldova to enhance risk-management practices with respect to supply-chain security.

2. Exchange of information and communication in the framework of this Decision shall occur between the competent services of the European Commission and the customs administration of the Republic of Moldova.

3. Upon receiving consent from its Programme Member, each Customs Authority shall send to the other Customs Authority the following details about that Programme Member:

- (a) name;
- (b) address;
- (c) membership status, namely authorised, suspended, revoked or cancelled;
- (d) validation or authorisation date when available;
- (e) unique identification number (for example: EORI or AEO numbers); and
- (f) other details that may be mutually determined between the Customs Authorities, subject, when applicable, to any necessary safeguards.

For greater certainty, the details referred to in point (c) of the first subparagraph do not include the reasons for suspension, revocation or cancellation.

4. The Customs Authorities shall exchange the information referred to in paragraph 3 in a systematic manner by electronic means.

Article 6

Treatment of information

1. Each Customs Authority shall:

- (a) unless otherwise provided in this Decision, use any information, including any personal data, received under this Decision for the sole purpose of the implementation of this Decision, including monitoring and reporting; and
- (b) notwithstanding point (a), obtain the prior written approval from the Customs Authority that sent the information to use the information for other purposes. Such use shall be subject to any restrictions laid down by that authority.

2. Each Customs Authority shall:

- (a) treat information received under this Decision as confidential; and
- (b) provide at least the same level of protection to information received under this Decision as it provides to information received from Programme Members of its Programme.

3. Notwithstanding paragraph 1, point (a), a Customs Authority may use the information received under this Decision in any judicial or administrative proceedings instituted for failure to comply with its customs law, including in its records of evidence, reports and testimonies. The Customs Authority that has received the information shall notify the Customs Authority that has sent that information prior to such use.

4. Each Customs Authority shall:

- (a) only disclose information received under this Decision for the purpose for which it was received; and

- (b) notwithstanding point (a), when it is required to disclose information in judicial or administrative proceedings or when required to disclose information by its law, inform the sending Customs Authority in advance and in writing of the disclosure unless prevented from doing so by law or due to an ongoing investigation. In that case, it shall inform the sending Customs Authority as soon as possible after the disclosure.

5. Each Customs Authority shall:

- (a) ensure that the information it sends is accurate and regularly updated;
- (b) adopt or maintain appropriate deletion procedures;
- (c) promptly notify the other Customs Authority if it determines that information it has sent to the other Customs Authority is inaccurate, incomplete or unreliable, or if its receipt or further use contravenes this Decision;
- (d) take all measures it deems appropriate, including supplementation, deletion or correction of information referred to in point (c), to safeguard against erroneous reliance on such information; and
- (e) only retain information received under this Decision as long as necessary for the purpose of implementing this Decision, except when otherwise required under its law, or for the purposes of judicial or administrative proceedings.

6. Further to paragraphs 4 and 5, each Customs Authority shall ensure in particular that:

- (a) security safeguards are in place (including electronic safeguards) to control, on a need-to-know basis, access to information received from the other Customs Authority under this Decision;
- (b) information received from the other Customs Authority under this Decision is protected from unauthorised access, dissemination, alteration, deletion or destruction;
- (c) information received from the other Customs Authority under this Decision is not disclosed to any private person or legal person, to any State or international body that is not party to the Agreement, or to any other public authority of the Union or the Republic of Moldova, except when required in judicial or administrative proceedings, or when required by its law; and
- (d) information received from the other Customs Authority under this Decision is stored at all times in secure electronic or paper storage systems, and that logs or documentation are kept on all access, disclosure and use of information received from the other Customs Authority.

7. Each Customs Authority shall:

- (a) ensure the personal data of a Programme Member of the other Customs Authority, as it relates to its access, correction and timing thereof, or temporary suspension of use, is treated in a manner at least equivalent to the personal data of its Programme Member; and
- (b) publish information to inform its Programme Members about the applicable process for requests referred to in point (a) under its law.

8. Each Customs Authority shall provide that Programme Members have access, as it relates to their personal data, to administrative redress or judicial review regardless of their nationality or country of residence.

9. The Customs Authorities shall publish information to inform Programme Members of their options of seeking administrative redress or judicial review.

10. Compliance with the provisions of this Article by each Customs Authority is subject to review by their respective relevant authority, which ensures that complaints relating to non-compliance in the treatment of information are received, investigated, responded to and appropriately redressed. Those authorities are:

- (a) in the Union: the European Data Protection Supervisor or its successor, and the Member States' data protection authorities;
- (b) in the Republic of Moldova: the National Centre for Personal Data Protection or its successor within the customs administration of the Republic of Moldova.

*Article 7***Consultation, monitoring and review**

1. The Customs Authorities shall resolve any issues related to the implementation of this Decision through consultations under the auspices of the Customs Sub-Committee.
2. Both Parties shall cooperate closely regarding the implementation of this Decision and shall monitor this regularly by means of periodical on-site joint monitoring visits to identify possible strengths and weaknesses in Programmes of both Parties.
3. The Customs Sub-Committee shall review the implementation of this Decision regularly. This review process may include, in particular:
 - (a) exchanges of views on details exchanged and AEO benefits referred to in Article 4 granted to Programme Members, including any future details or AEO benefits referred to in Article 4;
 - (b) exchanges of views on security provisions such as protocols to be followed during and after a serious security incident (business resumption) or when conditions merit suspension of mutual recognition;
 - (c) examination of the suspension of the benefits referred to in Article 4; and
 - (d) review of the implementation of Article 6.

*Article 8***Final provisions**

1. The Customs Sub-Committee may amend this Decision. The amendment shall enter into force in accordance with the procedure described in Article 9.
2. A Customs Authority may suspend cooperation under this Decision at any time by providing the other Customs Authority with 30 days' written notice. Such notice is also provided to the competent services of the European Commission and to the customs administration of the Republic of Moldova. Notwithstanding the suspension of the cooperation under this Decision, the Customs Authorities shall continue to comply with Article 6(1), (2) and (4) to (6) in order to ensure the protection of information.
3. Either Party may terminate this Decision at any time by notifying the other Party through diplomatic channels. This Decision shall terminate 30 days after the written notification is received by the other Party. Notwithstanding the termination of this Decision, the Customs Authorities shall continue to comply with Article 6(2), (4) and (6) in order to ensure the protection of information.

*Article 9***Entry into force**

This Decision shall enter into force on the first day of the month following the date on which the Republic of Moldova has notified the Union of the completion of the procedures necessary for its entry into force.

Done at Brussels, on 3 October 2022.

For the Customs Sub-Committee
The Chair
Fernando PERREAU DE PINNINCK

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