

Official Journal of the European Union

L 227



English edition

Legislation

Volume 63

16 July 2020

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⁽¹⁾ Text with EEA relevance.

EN

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1027

of 14 July 2020

on amending Implementing Regulations (EU) No 771/2014, (EU) No 1242/2014 and (EU) No 1243/2014 as regards the implementation and monitoring of specific measures to mitigate the impact of the COVID-19 outbreak in the fishery and aquaculture sector

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund ⁽¹⁾ and in particular Articles 18(3), 72(3), 97(2) and 107(3) thereof,

Whereas:

- (1) Regulation (EU) 2020/560 of the European Parliament and of the Council ⁽²⁾ has amended Regulation (EU) No 508/2014 to introduce specific measures to mitigate the impact of the COVID-19 outbreak in the fishery and aquaculture sector.
- (2) In order to allow the implementation of Regulation (EU) 2020/560, the model for operational programmes under the European Maritime and Fisheries Fund ('the EMFF') and the structure of the compensation plans for operators in the outermost regions set out in Commission Implementing Regulation (EU) No 771/2014 ⁽³⁾ should be adjusted, taking into consideration the requirements of the new measures.
- (3) The implementation of Regulation (EU) 2020/560 also requires adjustments to the technical specifications and rules for the presentation of cumulative data on operation and information to be sent by Member States set out in Commission Implementing Regulations (EU) No 1242/2014 ⁽⁴⁾ and (EU) No 1243/2014 ⁽⁵⁾. These adjustments should allow a reliable monitoring and reporting of operations related to the mitigation of the COVID-19 outbreak. Pursuant to Article 97(1)(a) of Regulation (EU) No 508/2014, the annual deadline for providing the cumulative data on operations is 31 March. This means that Member States should submit this information in the amended format as of 2021, so as to ensure consistent and harmonised reporting.

⁽¹⁾ Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

⁽²⁾ Regulation (EU) 2020/560 of the European Parliament and of the Council of 23 April 2020 amending Regulations (EU) No 508/2014 and (EU) No 1379/2013 as regards specific measures to mitigate the impact of the COVID-19 outbreak in the fishery and aquaculture sector (OJ L 130, 24.4.2020, p. 11).

⁽³⁾ Commission Implementing Regulation (EU) No 771/2014 of 14 July 2014 laying down rules pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the model for operational programmes, the structure of the plans for the compensation of additional costs incurred by operators in the fishing, farming, processing and marketing of certain fishery and aquaculture products from the outermost regions, the model for the transmission of financial data, the content of the *ex ante* evaluation reports and the minimum requirements for the evaluation plan to be submitted under the European Maritime and Fisheries Fund (OJ L 209, 16.7.2014, p. 20).

⁽⁴⁾ Commission Implementing Regulation (EU) No 1242/2014 of 20 November 2014 laying down rules pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the presentation of relevant cumulative data on operations (OJ L 334, 21.11.2014, p. 11).

⁽⁵⁾ Commission Implementing Regulation (EU) No 1243/2014 of 20 November 2014 laying down rules pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the information to be sent by Member States, as well as on data needs and synergies between potential data sources (OJ L 334, 21.11.2014, p. 39).

- (4) Commission Implementing Regulations (EU) No 771/2014, (EU) No 1242/2014 and (EU) No 1243/2014 should therefore be amended accordingly.
- (5) In order to allow for the prompt application of the measures provided for in this Regulation due to the urgency in providing the requisite support, this Regulation should enter into force on the day following that of its publication.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the European Maritime and Fisheries Fund,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) No 771/2014

Implementing Regulation (EU) No 771/2014 is amended as follows:

- (1) Section 4.5 of Annex I is replaced by the text set out in Annex I to this Regulation;
- (2) Section 8.2 of Annex I is replaced by the text set out in Annex I to this Regulation;
- (3) Annex II is amended in accordance with Annex I to this Regulation.

Article 2

Amendments to Implementing Regulation (EU) No 1242/2014

Implementing Regulation (EU) No 1242/2014 is amended as follows:

- (1) Annex I is amended in accordance with Annex II to this Regulation;
- (2) in Annex V, row I.9 of table 1 is replaced by the text set out in Annex II to this Regulation.

Article 3

Amendments to Implementing Regulation (EU) No 1243/2014

Implementing Regulation (EU) No 1243/2014 is amended as follows:

- (1) Annex I is amended in accordance with Annex III to this Regulation;
- (2) in Annex II, row I.9 is replaced by the text set out in Annex III to this Regulation.

Article 4

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

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

Done at Brussels, 14 July 2020.

For the Commission
The President
Ursula VON DER LEYEN

1. Annex I to Commission Implementing Regulation (EU) No 771/2014 is amended as follows:

(1) Section 4.5 is replaced by the following:

‘4.5. Description of the method for the calculation of compensation according to relevant criteria identified for each of the activities deployed under Article 40(1), 53, 54, 55, 67 and 69(3) of Regulation (EU) No 508/2014

<4.5 type="S" maxlength="4500" input="M">

(2) Section 8.2 is replaced by the following:

‘8.2. EMFF contribution and co-financing rate for the Union Priorities, Technical Assistance and other support (in euro)

		Total support			Main allocation (total funding minus performance reserve)		Performance reserve		Performance reserve amount as proportion of total Union support
Union Priorities	Measure(s) under the Union Priority	EMFF contribution (performance reserve included)	National counterpart (performance reserve included)	EMFF co-financing rate	EMFF support	National counterpart	EMFF Performance reserve	National counterpart ⁽¹⁾	
		a	b	$c = a / (a + b) \times 100$	$d = a - f$	$e = b - g$	f	$g = b \times (f/a)$	$h = f/a \times 100$
1. Promoting environmentally sustainable, resource efficient, innovative, competitive and knowledge-based fisheries	Article 33(1)(a),(b) and (c), Article 34 and Article 41(2)	<8.2 type="N" input="M">	<8.2 type="N" input="M">	50 %			<8.2 type="N" input="M">		
	Article 33(1)(d) and Article 44(4a)	<8.2 type="N" input="M">	<8.2 type="N" input="M">	max 75 %, min 20 %			0	0	
	Financial allocation for the rest of the Union priority 1	<8.2 type="N" input="M">	<8.2 type="N" input="M">	max 75 %, min 20 %			<8.2 type="N" input="M">		

2. Fostering environmentally sustainable, resource efficient, innovative, competitive and knowledge-based aquaculture		<8.2 type="N" input="M">	<8.2 type="N" input="M">	max 75 %, min 20 %			<8.2 type="N" input="M">		
3. Fostering the implementation of the CFP	the improvement and supply of scientific knowledge and collection and management of data <i>Article 13(3) of the EMFF</i>)	<8.2 type="N" input="M">	<8.2 type="N" input="M">	80 %			<8.2 type="N" input="M">		
	the support to monitoring, control and enforcement, enhancing institutional capacity and an efficient public administration without increasing the administrative burden (Article 76(2)(a) to (d) and (f) to (l)) (<i>Article 13(2) of the EMFF</i>)	<8.2 type="N" input="M">	<8.2 type="N" input="M">	90 %			<8.2 type="N" input="M">		
	the support to monitoring, control and enforcement, enhancing institutional capacity and an efficient public administration without increasing the administrative burden (Article 76(2)(e)) (<i>Article 13(2) of the EMFF</i>)	<8.2 type="N" input="M">	<8.2 type="N" input="M">	70 %			<8.2 type="N" input="M">		
4. Increasing employment and territorial cohesion		<8.2 type="N" input="M">	<8.2 type="N" input="M">	max 85 %, min 20 %			<8.2 type="N" input="M">		

5. Fostering marketing and processing	Storage aid (Article 67)	<8.2 type="N" input="M">	<8.2 type="N" input="M">	100 %			0	0	0
	Compensation for outermost regions (Article 70) (Article 13(4) of the EMFF)	<8.2 type="N" input="M">	<8.2 type="N" input="M">	100 %			<8.2 type="N" input="M">		
	Financial allocation for the rest of the Union priority 5	<8.2 type="N" input="M">	<8.2 type="N" input="M">	max 75 %, min 20 %			<8.2 type="N" input="M">		
6. Fostering the implementation of the Integrated Maritime Policy		<8.2 type="N" input="M">	<8.2 type="N" input="M">	max 75 %, min 20 %			<8.2 type="N" input="M">		
Technical assistance		<8.2 type="N" input="M">	<8.2 type="N" input="M">	max 75 %, min 20 %			0	0	0
Total (automatically calculated):		<8.2 type="N" input="G">	<8.2 type="N" input="G">	NA	<8.2 type="N" input="G">	<8.2 type="N" input="G">	<8.2 type="N" input="G">	<8.2 type="N" input="G">	NA

(¹) The national counterpart is divided pro rata between the main allocation and the performance reserve.'

2. In Annex II to Implementing Regulation (EU) No 771/2014, the following section 5a is inserted:

'5a. **Description of the methods of calculation and of implementation of the measures to compensate the economic losses resulting from the COVID-19 outbreak referred to in the second subparagraph of Article 70(1) of Regulation (EU) No 508/2014**

<4.5 type="S" maxlength="3500" input="M">

ANNEX II

1. In Annex I to Commission Implementing Regulation (EU) No 1242/2014, in the first column 'Field', the following field entry 25 is inserted:

'25	Mitigation of the COVID-19 outbreak'
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2. In Annex V to Implementing Regulation (EU) No 1242/2014, in table 1 of Annex V, row I.9 is replaced by the following:

I.9	Article 33 and Article 44(4a)	— Number of fishermen concerned	1	Numerical	Yes if operation relates to sea'
	Temporary cessation of fishing activities	— Number of days covered	2	Numerical	

ANNEX III

1. In Annex I to Commission Implementing Regulation (EU) No 1243/2014, the following Part F is inserted:

PART F

Mitigation of the COVID-19 outbreak

Field	Content of field	Comment	Data needs and synergies
25	Mitigation of the COVID-19 outbreak	Mitigation of the COVID-19 outbreak Code 0 = non COVID-19 related Code 1 = COVID-19 related.	EMFF specific'

2. In Annex II to Implementing Regulation (EU) No 1243/2014, row I.9 is replaced by the following:

I.9	Article 33 and Article 44(4a) Temporary cessation of fishing activities	— Number of fishermen concerned — Number of days covered'
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COMMISSION IMPLEMENTING REGULATION (EU) 2020/1028**of 15 July 2020****fixing the closing date for the submission of applications for private storage aid for fresh or chilled meat of bovine animals aged eight months or more under Implementing Regulation (EU) 2020/596**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 18(2) thereof,

Whereas:

- (1) Private storage aid granted pursuant to Commission Implementing Regulation (EU) 2020/596 ⁽²⁾ has had a favourable effect on the beef market.
- (2) Commission Implementing Regulation (EU) 2020/1006 ⁽³⁾ has suspended applications for private storage aid for five working days.
- (3) The granting of private storage aid for fresh or chilled meat of bovine animals aged eight months or more should therefore end and a closing date for the submission of applications should be set.
- (4) For the sake of legal certainty, Implementing Regulation (EU) 2020/596 should be repealed.
- (5) In order to avoid speculation, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

The closing date for the submission of applications for private storage aid for fresh or chilled meat of bovine animals aged eight months or more under Implementing Regulation (EU) 2020/596 shall be 17 July 2020.

Article 2

Implementing Regulation (EU) 2020/596 is repealed with effect from 17 July 2020.

However, it shall continue to apply in respect of contracts concluded under that Regulation prior to the date of entry into force of this Regulation.

Article 3

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) 2020/596 of 30 April 2020 granting aid for private storage for fresh and chilled meat of bovine animals aged eight months or more and fixing the amount of aid in advance (OJ L 140, 4.5.2020, p. 26).

⁽³⁾ Commission Implementing Regulation (EU) 2020/1006 of 9 July 2020 suspending the submission of applications for private storage aid for fresh or chilled meat of bovine animals aged eight months or more under Implementing Regulation (EU) 2020/596 (OJ L 223, 10.7.2020, p. 1).

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

Done at Brussels, 15 July 2020.

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

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1029**of 15 July 2020****fixing the closing date for the submission of applications for private storage aid for sheepmeat and goatmeat under Implementing Regulation (EU) 2020/595**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 18(2) thereof,

Whereas:

- (1) Private storage aid granted pursuant to Commission Implementing Regulation (EU) 2020/595 ⁽²⁾ has had a favourable effect on the sheepmeat and goatmeat market.
- (2) Commission Implementing Regulation (EU) 2020/1007 ⁽³⁾ has suspended applications for private storage aid for five working days.
- (3) The granting of private storage aid for sheepmeat and goatmeat should therefore end and a closing date for the submission of applications should be set.
- (4) For the sake of legal certainty, Implementing Regulation (EU) 2020/595 should be repealed.
- (5) In order to avoid speculation, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

The closing date for the submission of applications for private storage aid for sheepmeat and goatmeat under Implementing Regulation (EU) 2020/595 shall be 17 July 2020.

Article 2

Implementing Regulation (EU) 2020/595 is repealed with effect from 17 July 2020.

However, it shall continue to apply in respect of contracts concluded under that Regulation prior to the date of entry into force of this Regulation.

Article 3

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) 2020/595 of 30 April 2020 granting aid for private storage for sheepmeat and goatmeat and fixing the amount of aid in advance (OJ L 140, 4.5.2020, p. 21).

⁽³⁾ Commission Implementing Regulation (EU) 2020/1007 of 9 July 2020 suspending the submission of applications for private storage aid for sheepmeat and goatmeat under Implementing Regulation (EU) 2020/595 (OJ L 223, 10.7.2020, p. 3).

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

Done at Brussels, 15 July 2020.

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

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1030**of 15 July 2020****laying down the technical specifications of data requirements for the topic 'ICT usage and e-commerce' for the reference year 2021, pursuant to Regulation (EU) 2019/2152 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/2152 of the European Parliament and of the Council of 27 November 2019 on European business statistics, repealing 10 legal acts in the field of business statistics ⁽¹⁾, and in particular Article 7(1) and Article 17(6) thereof,

Whereas:

- (1) To ensure the correct implementation of the topic 'ICT usage and e-commerce' listed in Annex I to Regulation (EU) 2019/2152, the Commission should specify the variables, the measurement unit, the statistical population, the classifications and breakdowns and the data transmission deadline in order to produce data on ICT usage and e-commerce which is comparable and harmonised between Member States.
- (2) Member States should provide metadata and quality reports for the national statistical business registers and all business statistics. It is therefore necessary to define the arrangements for, content of and deadlines of those reports.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

For the topic 'ICT usage and e-commerce', as referred to in Annex I to Regulation (EU) 2019/2152, Member States shall transmit the data according to the technical specifications of data requirements for the reference year 2021 in accordance with the Annex to this Regulation.

Article 2

The annual metadata report for the topic 'ICT usage and e-commerce', as referred to in Annex I to Regulation (EU) 2019/2152, shall be transmitted to the Commission (Eurostat) by 31 May 2021.

The annual quality report for the topic 'ICT usage and e-commerce', as referred to in Annex I to Regulation (EU) 2019/2152, shall be transmitted to the Commission (Eurostat) by 5 November 2021.

⁽¹⁾ OJ L 327, 17.12.2019, 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, 15 July 2020.

For the Commission
The President
Ursula VON DER LEYEN

Technical specifications of data requirements for the topic 'ICT usage and e-commerce'

Mandatory/optional	Scope (filter)	Variable
Mandatory variables	(i) for all enterprises:	(1) main economic activity of the enterprise, in the previous calendar year (2) average number of employees and self-employed persons, in the previous calendar year (3) total value of turnover (excluding VAT), in the previous calendar year (4) number of employees and self-employed persons or percentage of the total number of employees and self-employed persons who have access to the internet for business purposes
	(ii) for enterprises with employees and self-employed persons who have access to the internet for business purposes:	(5) internet connection: use of any type of fixed line connection (6) use of the following social media: social networks (7) use of the following social media: enterprise's blog or microblogs (8) use of the following social media: multimedia content sharing websites or apps (9) use of the following social media: wiki based knowledge sharing tools (10) web sales of goods or services via the enterprises' websites or apps (including extranets), in the previous calendar year (11) web sales of goods or services via e-commerce marketplace websites or apps used by several enterprises for trading goods or services, in the previous calendar year (12) EDI-type sales (receipt of orders placed via Electronic Data Interchange messages) of goods or services, in the previous calendar year (13) use of ERP (Enterprise Resource Planning) software (14) use of a CRM (Customer Relationship Management) software to manage the collection, storing and making available information on customers to various business functions (15) use of a CRM (Customer Relationship Management) software to manage the analysis of information on customers for marketing purposes (such as setting prices, sales promotion, choosing distribution channels) (16) buying cloud computing services used over the internet (17) use of interconnected devices or systems that can be monitored or remotely controlled via the internet (Internet of Things) (18) use of Artificial Intelligence technologies performing analysis of written language (text mining)

Mandatory/optional	Scope (filter)	Variable
		(19) use of Artificial Intelligence technologies converting spoken language into machine-readable format (speech recognition) (20) use of Artificial Intelligence technologies generating written or spoken language (natural language generation) (21) use of Artificial Intelligence technologies identifying objects or persons based on images (image recognition, image processing) (22) use of machine learning (such as deep learning) for data analysis (23) use of Artificial Intelligence technologies automating different workflows or assisting in decision-making (Artificial Intelligence based software robotic process automation) (24) use of Artificial Intelligence technologies enabling physical movement of machines via autonomous decisions based on observation of surroundings (autonomous robots, self-driving vehicles, autonomous drones)
	(iii) for enterprises using any type of fixed line internet connection:	(25) maximum contracted download speed of the fastest fixed line internet connection in the ranges: [0 Mbit/s, < 30 Mbit/s], [30 Mbit/s, < 100 Mbit/s], [100 Mbit/s, < 500 Mbit/s], [500 Mbit/s, < 1 Gbit/s], [$\geq$ 1 Gbit/s]
	(iv) for enterprises which had web sales, in the previous calendar year:	(26) value of web sales of goods or services, or percentage of total turnover generated by web sales of goods and services, in the previous calendar year (27) percentage of value of web sales generated by web sales to private consumers (Business to Consumers: B2C), in the previous calendar year (28) percentage of value of web sales generated by web sales to other enterprises (Business to Business: B2B) and to public sector (Business to Government: B2G), in the previous calendar year (29) web sales to customers located in the own country, in the previous calendar year (30) web sales to customers located in other Member States, in the previous calendar year (31) web sales to customers located in the rest of the world, in the previous calendar year
	(v) for enterprises which had web sales of goods and services via the enterprise's websites or apps and via e-commerce marketplace websites or apps used by several enterprises for trading goods or services, in the previous calendar year:	(32) percentage of value of web sales of goods or services generated by sales via the enterprise's websites or apps, in the previous calendar year (33) percentage of value of web sales of goods or services generated by sales via e-commerce marketplace websites or apps used by several enterprises for trading goods or services, in the previous calendar year

Mandatory/optional	Scope (filter)	Variable
	(vi) for enterprises which had web sales to customers located in at least two of the following geographic areas: own country, other Member States or rest of the world, in the previous calendar year:	(34) percentage of value of web sales generated by sales to customers located in enterprise's own country, in the previous calendar year (35) percentage of value of web sales generated by sales to customers located in other Member States, in the previous calendar year (36) percentage of value of web sales generated by sales to customers located in the rest of the world, in the previous calendar year
	(vii) for enterprises which had web sales to other Member States, in the previous calendar year:	(37) difficulties experienced when selling to other Member States: high costs of delivering or returning products, in the previous calendar year (38) difficulties experienced when selling to other Member States: difficulties related to resolving complaints and disputes, in the previous calendar year (39) difficulties experienced when selling to other Member States: adapting product labelling for sales to other Member States, in the previous calendar year (40) difficulties experienced when selling to other Member States: lack of knowledge of foreign languages for communicating with customers in other Member States, in the previous calendar year (41) difficulties experienced when selling to other Member States: restrictions from enterprise's business partners to sell to certain Member States, in the previous calendar year (42) difficulties experienced when selling to other Member States: difficulties related to the VAT system in other Member States (such as uncertainty regarding VAT treatment in different countries), in the previous calendar year
	(viii) for enterprises which had EDI-type sales, in the previous calendar year:	(43) value of EDI-type sales of goods or services or percentage of the total turnover generated by EDI-type sales of goods or services, in the previous calendar year (44) sales via EDI-type messages to customers located in enterprise's own country, in the previous calendar year (45) sales via EDI-type messages to customers located in other Member States, in the previous calendar year (46) sales via EDI-type messages to customers located in the rest of the world, in the previous calendar year
	(ix) for enterprises buying cloud computing services used over the internet:	(47) buying e-mail as a cloud computing service (48) buying office software (such as word processors or spreadsheets) as a cloud computing service (49) buying finance or accounting software applications as a cloud computing service (50) buying Enterprise Resource Planning (ERP) software applications as cloud computing service (51) buying Customer Relationship Management (CRM) software applications as a cloud computing service (52) buying security software applications (such as antivirus program, network access control) as cloud computing service

Mandatory/optional	Scope (filter)	Variable
		(53) buying hosting the enterprise's database(s) as a cloud computing service (54) buying storage of files as a cloud computing service (55) buying computing power to run the enterprise's own software as a cloud computing service (56) buying computing platform providing a hosted environment for application development, testing or deployment (such as reusable software modules, application programming interfaces (APIs)) as a cloud computing service
	(x) for enterprises using inter-connected devices or systems that can be monitored or remotely controlled via the internet (Internet of Things):	(57) for energy consumption management (such as 'smart'-meters, -thermostats or -lamps (lights)) (58) for premises' security (such as 'smart'-alarm systems, -smoke detectors, -door locks or -security cameras) (59) for production processes (such as sensors or RFID tags that are monitored/controlled via the internet and used to monitor or automate the process) (60) for logistics management (such as sensors monitored/controlled via the internet for tracking products or vehicles in warehouse management) (61) for condition-based maintenance (such as sensors monitored/controlled via the internet to monitor maintenance needs of machines or vehicles) (62) for customer service (such as 'smart' cameras or sensors monitored/controlled via the internet to monitor customers' activities or offer them a personalised shopping experience) (63) for other purposes
	(xi) For enterprises using Artificial Intelligence technologies, referring specifically to mandatory variables (18) to (24), purpose of use:	(64) for marketing or sales (such as chatbots based on natural language processing for customer support, customer profiling, price optimisation, personalised marketing offers, market analysis based on machine learning) (65) for production processes (such as predictive maintenance based on machine learning, tools to classify products or find defects in products based on computer vision, autonomous drones for production surveillance, security or inspection tasks, assembly works performed by autonomous robots) (66) for organisation of business administration processes (such as business virtual assistants based on machine learning and/or natural language processing, voice to text conversion based on speech recognition for document drafting, automated planning or scheduling based on machine learning, machine translation) (67) for management of enterprises (such as machine learning to analyse data and help make investment or other decisions, sales or business forecasting based on machine learning, risk assessment based on machine learning)

Mandatory/optional	Scope (filter)	Variable
		(68) for logistics (such as autonomous robots for pick-and-pack solutions in warehouses, route optimisation based on machine learning, autonomous robots for parcel shipping, tracing, distribution and sorting, autonomous drones for parcel delivery) (69) for ICT security (such as face recognition based on computer vision for authentication of ICT users, detection and prevention of cyber-attacks based on machine learning) (70) for human resources management or recruiting (such as candidates pre-selection screening, automation of recruiting based on machine learning, employee profiling or performance analysis based on machine learning, chatbots based on natural language processing for recruiting or supporting human resources management)
Optional variables	(i) for enterprises with employees and self-employed persons who have access to the internet for business purposes:	(1) provision of portable devices that allow a mobile connection to the internet using mobile telephone networks for business purposes (2) having a website
	(ii) for enterprises that provide their employees and self-employed persons portable devices that allow a mobile connection to the internet using mobile telephone networks for business purposes:	(3) number of employees and self-employed persons, or percentage of the total number of employees and self-employed persons, using a portable device provided by the enterprise that allows internet connection via mobile telephone networks for business purposes
	(iii) for enterprises having a website:	(4) enterprise's website has a description of goods or services, price information (5) enterprise's website has online ordering or reservation or booking, such as shopping cart (6) enterprise's website has a possibility for visitors to customise or design online goods or services (7) enterprise's website has tracking or status of orders placed (8) enterprise's website has personalised content on the website for regular/recurrent visitors (9) enterprise's website has links or references to the enterprise's social media profiles
	(iv) for enterprises which had web sales via e-commerce marketplace websites or apps used by several enterprises for trading goods or services, in the previous calendar year:	(10) number of e-commerce marketplaces via which the enterprise had web sales in the previous calendar year: one, two, more than two

Mandatory/optional	Scope (filter)	Variable
	(v) for enterprises which had web sales via two or more e-commerce marketplaces, in the previous calendar year:	(11) information if more than half of the turnover from e-commerce marketplaces came from only one e-commerce marketplace, in the previous calendar year
	(vi) For enterprises using Artificial Intelligence technologies, referring specifically to mandatory variables (18) to (24):	(12) use of Artificial Intelligence software or systems developed by own employees (including those employed in parent or affiliate enterprises) (13) use of commercial Artificial Intelligence software or systems modified by own employees (including those employed in parent or affiliate enterprises) (14) use of open-source Artificial Intelligence software or systems modified by own employees (including those employed in parent or affiliate enterprises) (15) use of commercial Artificial Intelligence software or systems purchased ready to use (including examples where it was already incorporated in a purchased item or system) (16) use of Artificial Intelligence software or systems developed or modified by contracted external providers
	(vii) For enterprises which did not use any Artificial Intelligence technologies, referring specifically to mandatory variables (18) to (24):	(17) consideration of using of Artificial Intelligence technologies, referring specifically to mandatory variables (18) to (24)
	(viii) For enterprises which did not use but considered to use Artificial Intelligence technologies, referring specifically to mandatory variables (18) to (24):	(18) Artificial Intelligence technologies not used because the costs seem too high (19) Artificial Intelligence technologies not used because there is a lack of relevant expertise in the enterprise (20) Artificial Intelligence technologies not used because of incompatibility with existing equipment, software or systems (21) Artificial Intelligence technologies not used because of difficulties with availability or quality of the necessary data (22) Artificial Intelligence technologies not used because of concerns regarding violation of data protection and privacy (23) use of artificial intelligence technologies not used because of lack of clarity about the legal consequences (such as liability in case of damage caused by the use of Artificial Intelligence) (24) Artificial Intelligence technologies not used because of ethical considerations (25) Artificial Intelligence technologies not used because they are not useful for the enterprise

Measurement unit	Absolute figures, except for characteristics related to turnover in national currency (thousands) or percentage of (total) turnover
Statistical population	<i>Activity coverage:</i> NACE Sections C to J, L to N and group 95.1 <i>Size class coverage:</i> Enterprises with 10 or more employees and self-employed persons. Enterprises with less than 10 employees and self-employed persons may be covered optionally
Breakdowns	<i>Activity breakdown</i> for calculation of national aggregates: — aggregates of NACE sections and group C+D+E+F+G+H+I+J+L+M+N+95.1, D+E — NACE sections: C, F, G, H, I, J, L, M, N — NACE divisions: 47, 55 — aggregates of NACE divisions: 10+11+12+13+14+15+16+17+18, 19+20+21+22+23, 24+25, 26+27+28+29+30+31+32+33 — aggregate of the divisions and groups: 26.1+26.2+26.3+26.4+26.8+46.5+58.2+61+62+63.1+95.1 for contribution to the European totals only — NACE sections: D, E — NACE divisions: 19, 20, 21, 26, 27, 28, 45, 46, 61, 72, 79 — NACE group: 95.1 — aggregates of NACE divisions: 10+11+12, 13+14+15, 16+17+18, 22+23, 29+30, 31+32+33, 58+59+60, 62+63, 69+70+71, 73+74+75, 77+78+80+81+82 <i>Size class of number of employees and self-employed persons:</i> 10+, 10–49, 50–249, 250+; optional: 0–9, 0–1, 2–9
Data transmission deadline	5 October 2021

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1031**of 15 July 2020****concerning the authorisation of benzoic acid as a feed additive for pigs for fattening (holder of authorisation DSM Nutritional Products Ltd represented by DSM Nutritional Products Sp. Z o.o)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of benzoic acid. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) That application concerns the authorisation of benzoic acid as a feed additive for pigs for fattening, to be classified in the additive category 'zootechnical additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 15 May 2019 ⁽²⁾ that, under the proposed conditions of use, benzoic acid does not have an adverse effect on animal health, consumer safety or the environment. It also concluded that the additive is a skin irritant and severe eye irritant. Therefore, appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards the users of the additive. The Authority concluded that benzoic acid has the potential to be efficacious improving the zootechnical performance in pigs for fattening. The Authority did not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of benzoic acid shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'other zootechnical additives', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

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*.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2019; 17(6):5727.

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

Done at Brussels, 15 July 2020.

For the Commission
The President
Ursula VON DER LEYEN

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg of active substance/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: other zootechnical additives (improvement of zootechnical parameters)									
4d210	DSM Nutritional Products Ltd represented by DSM Nutritional Products Sp. Z o. o	Benzoic acid	<i>Additive composition</i> Benzoic acid (≥ 99,9 %) <i>Characterisation of active substance</i> Benzenecarboxylic acid, phenyl-carboxylic acid, C ₇ H ₆ O ₂ CAS number 65-85-0 Maximum level of the impurities: Phthalic acid: ≤ 100 mg/kg Biphenyl: ≤ 100 mg/kg <i>Analytical method ⁽¹⁾</i> For the quantification of benzoic acid in the feed additive: — titration with sodium hydroxide (European Pharmacopoeia monograph 0066). For the quantification of the benzoic acid in the premixtures and feedingstuffs: – reversed phase liquid chromatography with UV detection (RP- HPLC/UV) – method based on ISO9231:2008	Pigs for fattening	-	3 000	10 000	1. In the directions for use of the additive and premixture, the storage conditions and stability to heat treatment shall be indicated. 2. The additive shall not be used with other sources of benzoic acid or benzoates. 3. The directions of use shall be indicated: 'Complementary feeding-stuffs containing benzoic acid shall not be fed to pig for fattening as such. Complementary feeding-stuff containing benzoic acid shall be thoroughly mixed with other feed materials of the daily ration'. 4. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from their use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including skin and eyes.	5 August 2030

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1032**of 15 July 2020****concerning the authorisation of the preparation of *Bacillus subtilis* DSM 28343 as a feed additive for calves for rearing and pigs for fattening (holder of authorisation Lactosan GmbH & Co. KG)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, two applications were submitted for the authorisation of the preparation of *Bacillus subtilis* DSM 28343. Those applications were accompanied by the particulars and documents required under Article 7(3) of that Regulation.
- (3) Those applications concern the authorisation of the preparation of *Bacillus subtilis* DSM 28343 as a feed additive for calves for rearing and pigs for fattening, to be classified in the additive category 'zootechnical additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinions of 6 March 2018 ⁽²⁾, 4 July 2019 ⁽³⁾ and 15 May 2019 ⁽⁴⁾ that, under the proposed conditions of use, the preparation of *Bacillus subtilis* DSM 28343 does not have an adverse effect on animal health, consumer safety or the environment. It also concluded that the additive should be considered a potential respiratory sensitiser and no conclusion can be drawn on its potential skin sensitisation. Therefore, the Commission considers that appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards the users of the additive. The Authority concluded that the additive has a significant effect on growth performance in calves for rearing and a potential to increase the body weight gain of pigs for fattening. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the preparation of *Bacillus subtilis* DSM 28343 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1***Authorisation**

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'gut flora stabilisers', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2018;16(3):5220.

⁽³⁾ EFSA Journal 2019;17(7):5793.

⁽⁴⁾ EFSA Journal 2019;17(5):5725.

*Article 2***Entry into force**

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

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

Done at Brussels, 15 July 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: gut flora stabilisers									
4b1825	Lactosan GmbH & Co. KG	Bacillus subtilis DSM 28343	Additive composition Preparation of Bacillus subtilis DSM 28343 containing a minimum of 1 × 10 ¹⁰ CFU/g of additive	Calves for rearing	-	1 × 10 ⁹	-	1. In the directions for use of the additive and premixtures, the storage conditions and stability to heat treatment shall be indicated. 2. The use in calves for rearing shall be restricted to milk replacers. 3. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks from their use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment.	5 August 2030
			Solid form Characterisation of the active substance Viable spores of Bacillus subtilis DSM 28343 Analytical method ⁽¹⁾ For identification of Bacillus subtilis DSM 28343 in the feed additive, pre-mixtures and feedingstuffs: Pulsed Field Gel Electrophoresis (PFGE) For enumeration of Bacillus subtilis DSM 28343 in the feed additive, pre-mixtures and feedingstuffs: Spread plate method using tryptone soya agar – EN 15784	Pigs for fattening	-	2 × 10 ⁸			

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1033**of 15 July 2020****concerning the renewal of the authorisation of L-arginine produced by *Corynebacterium glutamicum* ATCC 13870 and the authorisation of L-arginine produced by *Corynebacterium glutamicum* KCCM 80182 as feed additives for all animal species, and repealing Regulation (EC) No 1139/2007****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting and renewing such authorisation.
- (2) L-arginine produced by *Corynebacterium glutamicum* ATCC 13870 was authorised for 10 years as a feed additive for all animal species by Commission Regulation (EC) No 1139/2007 ⁽²⁾.
- (3) In accordance with Article 14 of Regulation (EC) No 1831/2003, an application was submitted for the renewal of the authorisation of L-arginine produced by *Corynebacterium glutamicum* ATCC 13870 as feed additive for all animal species, requesting this additive to be classified in the additive category 'nutritional additives', functional group 'amino acids, their salts and analogues'. This application was accompanied by the particulars and documents required under Article 14(2) of Regulation (EC) No 1831/2003 and included a request to change the strain designation to *Corynebacterium glutamicum* NITE SD 00285.
- (4) In accordance with Article 7 of Regulation (EC) No 1831/2003 an application was submitted for the authorisation of L-arginine produced by *Corynebacterium glutamicum* KCCM 80182 as a feed additive for use in feed and in water for drinking for all animal species. The application concerns the authorisation of L-arginine produced by *Corynebacterium glutamicum* KCCM 80182 as a feed additive for all animal species to be classified in the additive category 'nutritional additives', functional group 'amino acids, their salts and analogues' and additive category 'sensory additives', functional group 'flavouring compounds'. This application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (5) The European Food Safety Authority ('the Authority') concluded in its opinions of 3 April 2019 ⁽³⁾ and 14 May 2019 ⁽⁴⁾ that, under the proposed conditions of use, L-arginine produced by *Corynebacterium glutamicum* NITE SD 00285 and by *Corynebacterium glutamicum* KCCM 80182 does not have an adverse effect on animal health, consumer health or the environment. It also stated for L-arginine produced by *Corynebacterium glutamicum* NITE SD 00285 to be irritant to skin, corrosive to eyes and hazardous upon inhalation. For L-arginine produced by *Corynebacterium glutamicum* KCCM 80182, it stated to be corrosive to skin and eyes. Therefore, the Commission considers that appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards the users of the additive. The Authority also concluded that the additive is an effective source of the amino acid arginine for all animal species and that for the supplemental L-arginine to be fully efficacious in ruminants, it should be protected against degradation in the rumen.
- (6) The Authority expressed in its opinion on L-arginine produced by *Corynebacterium glutamicum* KCCM 80182 a concern on the safety of the simultaneous oral administration of the amino acid via water for drinking and feed. However, the Authority did not propose a maximum content for L-arginine. Moreover, the Authority recommends supplementation with L-arginine in appropriate amounts. Thus, in the case of supplementation with L-arginine via water for drinking it is appropriate to alert the user to take into account the dietary supply with all the essential and conditionally essential amino acids.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Regulation (EC) No 1139/2007 of 1 October 2007 concerning the authorisation of L-arginine as a feed additive (OJ L 256, 2.10.2007, p. 11).

⁽³⁾ EFSA Journal 2019;17(5):5696.

⁽⁴⁾ EFSA Journal 2019;17(6):5720.

- (7) Restrictions and conditions should be provided for to allow for a better control for L-arginine when used as flavouring. For L-arginine used as flavouring recommended content should be indicated on the label. Where such content is exceeded, certain information should be indicated on the label of premixtures.
- (8) As regards the use of L-arginine as a flavouring, the Authority states that no further demonstration of efficacy is necessary when the substance is used at the recommended dose level. The use of L-arginine as a flavouring compound is not authorised in water for drinking. At the recommended dose, L-arginine as flavouring compound is not likely to pose any concern for the dietary supply with all the essential and conditionally essential amino acids.
- (9) The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the reports on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (10) The assessment of L-arginine produced by *Corynebacterium glutamicum* NITE SD 00285 and by *Corynebacterium glutamicum* KCCM 80182 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of this additive should be authorised as specified in the Annex to this Regulation.
- (11) As a consequence of the renewal of the authorisation of L-arginine produced by *Corynebacterium glutamicum* ATCC 13870 as a feed additive under the conditions laid down in the Annex to this Regulation, Regulation (EC) No 1139/2007 should be repealed.
- (12) Since safety reasons do not require the immediate application of the modifications to the conditions of authorisation for L-arginine produced by *Corynebacterium glutamicum* ATCC 13870, it is appropriate to provide a transitional period for interested parties to prepare themselves to meet the new requirements resulting from the renewal of the authorisation.
- (13) The fact that the use of the L-arginine is not authorised for use as a flavouring in water for drinking, does not preclude its use in compound feed, which is administered via water.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

1. The authorisation of L-arginine produced by *Corynebacterium glutamicum* ATCC 13870, belonging to the additive category 'nutritional additives' and to the functional group 'amino acids, their salts and analogues', is renewed subject to the conditions laid down in the Annex.
2. L-arginine produced by *Corynebacterium glutamicum* KCCM 80182, belonging to the additive category 'nutritional additives' and to the functional group 'amino acids, their salts and analogues', and in the additive category 'sensory additives', functional group 'flavouring compounds' is authorised as an additive in animal nutrition subject to the conditions laid down in the Annex.

Article 2

1. L-arginine produced by *Corynebacterium glutamicum* ATCC 13870 and premixtures containing it, which are produced and labelled before 5 February 2021 in accordance with the rules applicable before 5 August 2020 may continue to be placed on the market and used until the existing stocks are exhausted.
2. Feed materials and compound feed containing the substances referred to in point 1, which are produced and labelled before 5 August 2021 in accordance with the rules applicable before 5 August 2020 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for food-producing animals.

3. Feed materials and compound feed containing the substances referred to in point 1, which are produced and labelled before 5 August 2022 in accordance with the rules applicable before 5 August 2020 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for non-food-producing animals.

Article 3

Regulation (EC) No 1139/2007 is repealed.

Article 4

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, 15 July 2020.

For the Commission
The President
Ursula VON DER LEYEN

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method.	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg/kg of complete feed with a moisture content of 12 %			

Category of nutritional additives. Functional group: amino acids, their salts and analogues

3c364	-	L-arginine	Additive composition: Powder with a minimum content of L-arginine of 98 % (on a dry matter basis) and a maximum content of 15 % water	All animal species	-	-	-	1. L-arginine may be placed on the market and used as an additive consisting of a preparation. 2. In the directions for use of the additive and premixture, the storage conditions and the stability to heat treatment shall be indicated. 3. The moisture content shall be indicated on the label of the additive. 4. For users of the additive and premixture, feed business operators shall establish operational procedures and organisational measures to address potential risks for the eyes and skin and by inhalation. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixture shall be used with personal protective equipment.	5 August 2030
			Characterisation of the active substance: L-arginine ((S)-2-amino-5-guanidinopentanoic acid) produced by fermentation with <i>Corynebacterium glutamicum</i> NITE SD 00285. Chemical formula: C ₆ H ₁₄ N ₄ O ₂ CAS number: 74-79-3						
			Analytical method ⁽¹⁾: For the identification of L-arginine in the feed additive: — Food Chemical Codex 'L-arginine monograph' For the quantification of arginine in the feed additive: — ion exchange chromatography coupled with post-column derivatisation and photometric detection (IEC-VIS) For the quantification of arginine in premixtures, compound feed and feed materials: — ion exchange chromatography coupled with post-column derivatisation and photometric detection (IEC-VIS) – Commission Regulation (EC) No 152/2009 (Annex III, F)						

3c362	-	L-arginine	Additive composition: Powder with a minimum content of L-arginine of 98 % (on a dry matter basis) and a maximum content of 0,5 % water Characterisation of the active substance: L-arginine ((S)-2-amino-5-guanidinopentanoic acid) produced by fermentation with <i>Corynebacterium glutamicum</i> KCCM 80182 Chemical formula: C₆H₁₄N₄O₂ CAS number: 74-79-3 Analytical method ⁽²⁾: For the identification of L-arginine in the feed additive: — Food Chemical Codex 'L-arginine monograph' For the quantification of arginine in the feed additive and water: — ion exchange chromatography coupled with post-column derivatisation and photometric detection (IEC-VIS) For the quantification of arginine in premixtures, compound feed and feed materials: — ion exchange chromatography coupled with post-column derivatisation and photometric detection (IEC-VIS) – Commission Regulation (EC) No 152/2009 (Annex III, F)	All animal species	-	-	-	1. L-arginine may be placed on the market and used as an additive consisting of a preparation. 2. The additive may also be used via water for drinking. 3. In the directions for use of the additive and premixture, the storage conditions, the stability to heat treatment and the stability in water for drinking shall be indicated. 4. Declaration to be made on the label of the additive and premixture: 'The supplementation with L-arginine, in particular via water for drinking, should take into account all essential and conditionally essential amino acids in order to avoid imbalances.' 5. For users of the additive and premixture, feed business operators shall establish operational procedures and organisational measures to address potential risks for skin and eyes. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixture shall be used with personal protective equipment.	5 August 2030
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Category: Sensory additives. Functional group: Flavouring compounds

3c362	-	L-arginine	Additive composition: Powder with a minimum content of L-arginine of 98 % (on a dry matter basis) and a maximum content of 0,5 % water Characterisation of the active substance: L-arginine ((S)-2-amino-5-guanidinopentanoic acid) produced by fermentation with <i>Corynebacterium glutamicum</i> KCCM 80182 Chemical formula: C₆H₁₄N₄O₂ CAS number: 74-79-3 Flavis 17.003 Analytical method ⁽³⁾: For the identification of L-arginine in the feed additive: — Food Chemical Codex 'L-arginine monograph' For the quantification of arginine in the feed additive: — ion exchange chromatography coupled with post-column derivatisation and photometric detection (IEC-VIS) For the quantification of arginine in premixtures, compound feed and feed materials: — ion exchange chromatography coupled with post-column derivatisation and photometric detection (IEC-VIS) – Commission Regulation (EC) No 152/2009 (Annex III, F).	All animal species	-	-	1. L-arginine may be placed on the market and used as an additive consisting of a preparation. 2. The additive shall be incorporated into the feed in the form of a premixture. 3. In the directions for use of the additive and premixture, the storage conditions and the stability to heat treatment shall be indicated. 4. On the label of the additive the following shall be indicated: 'Recommended maximum content of the active substance of complete feedingstuff with a moisture content of 12 %: 25 mg/kg.' 5. The functional group, the identification number, the name and the added amount of the active substance shall be indicated on the label of the premixtures, if the following content of the active substance in complete feedingstuff with a moisture content of 12 % is exceeded: 25 mg/kg. 6. For users of the additive and premixture, feed business operators shall establish operational procedures and organisational measures to address potential risks for skin and eyes. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixture shall be used with personal protective equipment.	5 August 2030
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- ⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>
- ⁽²⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>
- ⁽³⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>
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COMMISSION IMPLEMENTING REGULATION (EU) 2020/1034**of 15 July 2020****concerning the authorisation of a preparation of endo-1,4-beta-xylanase produced by *Aspergillus oryzae* (DSM 26372) as a feed additive for laying hens (holder of authorisation DSM Nutritional Products Ltd represented by DSM Nutritional Products Sp. Z o.o)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of a preparation of endo-1,4-beta-xylanase produced by *Aspergillus oryzae* (DSM 26372). That application was accompanied by the particulars and documents required under Article 7(3) of that Regulation.
- (3) This application concerns the authorisation of a preparation of endo-1,4-beta-xylanase produced by *Aspergillus oryzae* (DSM 26372) as a feed additive for laying hens, to be classified in the additive category 'zootechnical additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinions of 26 September 2017 ⁽²⁾ and 13 November 2019 ⁽³⁾ that, under the proposed conditions of use, the preparation of endo-1,4-beta-xylanase produced by *Aspergillus oryzae* (DSM 26372) does not have an adverse effect on animal health, consumer safety or the environment. It also concluded that the additive is considered as a potential respiratory sensitiser and that no conclusion could be drawn on dermal sensitisation potential by the additive. Therefore, the Commission considers that appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards the users of the additive. The Authority also concluded that the additive showed an effect in improving laying performance. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the preparation of endo-1,4-beta-xylanase produced by *Aspergillus oryzae* (DSM 26372) shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'digestibility enhancers', is authorised as an additive in animal nutrition as set out in the Annex.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2017;15(10):5020.

⁽³⁾ EFSA Journal 2019;17(11):5919.

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, 15 July 2020.

For the Commission
The President
Ursula VON DER LEYEN

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: digestibility enhancers.									
4a1607i	DSM Nutritional Products Ltd represented by DSM Nutritional Products Sp. Z o.o	Endo-1,4-beta-xylanase (EC 3.2.1.8)	Additive composition Preparation of endo-1,4-beta-xylanase (EC 3.2.1.8) produced by <i>Aspergillus oryzae</i> (DSM 26372) having a minimum activity of: Solid form: 1 000 FXU ⁽¹⁾ /g Liquid form: 650 FXU/ml	Laying hens	-	100 FXU	-	1. In the directions for use of the additive and premixture, the storage conditions and stability to heat treatment shall be indicated. 2. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from their use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including skin, eyes and breathing protection.	5.8.2030
			Characterisation of active substance Endo-1,4-beta-xylanase (EC 3.2.1.8) produced by <i>Aspergillus oryzae</i> (DSM 26372)						
			Analytical method ⁽²⁾ For quantification of endo-1,4-beta-xylanase produced by <i>Aspergillus oryzae</i> (DSM 26372) in a feed additive: — colorimetric method measuring coloured compound produced by the dinitro salicylic acid (DNSA) and the xylosylic moieties released by the action of xylanase on arabinoxylan. For quantification of endo-1,4-beta-xylanase produced by <i>Aspergillus oryzae</i> (DSM 26372) in premixtures and feedingstuffs: — colorimetric method measuring water soluble dye released by action of xylanase from dye-labelled oat spelt azo-xylan.						

⁽¹⁾ 1 FXU is the amount of enzyme which liberates 7,8 µmol of reducing sugars (xylose equivalents) from azo-wheat arabinoxylan per minute at pH 6,0 and 50 °C.

⁽²⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2020/1035

of 3 June 2020

confirming or amending the provisional calculation of the average specific emissions of CO₂ and specific emissions targets for manufacturers of passenger cars and light commercial vehicles for the calendar year 2018 pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council

(Only the Czech, Dutch, English, French, German, Hungarian, Italian, 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, and, with regard to the specific emission targets and average specific emissions for the calendar year 2018, Regulation (EC) No 443/2009 of the European Parliament and of the Council ⁽²⁾ and Regulation (EU) No 510/2011 of the European Parliament and of the Council ⁽³⁾, the Commission is required to determine, each year, the average specific emissions of CO₂ and the specific emissions target for each manufacturer of passenger cars and light commercial vehicles in the Union as well as for each pool of manufacturers. On that basis, the performance of manufacturers or pools of manufacturers in complying with their obligation to not exceed their respective specific emission targets is established.
- (2) The detailed data to be used for the calculation of the average specific emissions of CO₂ and the specific emissions targets of manufacturers is based on Member States' registrations of new passenger cars and new light commercial vehicles during the 2018 calendar year.
- (3) All Member States submitted their 2018 data to the Commission, however, with some delays as compared to the reporting deadline of 28 February 2019. 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 Member States concerned and, subject to the agreement of those Member States, adjusted or completed the data accordingly. Where no agreement could be reached with a Member State, the provisional data submitted by that Member State was not adjusted.
- (4) On 24 June 2019, the Commission published the provisional data and notified 95 manufacturers of passenger cars and 67 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 2018.

⁽¹⁾ OJ L 111, 25.4.2019, p. 13.

⁽²⁾ Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles (OJ L 140, 5.6.2009, p. 1).

⁽³⁾ Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles (OJ L 145, 31.5.2011, p. 1).

- (5) The provisional data notified by the Commission included the correction factors, both for cars, calculated in accordance with Article 7(2) of Commission Implementing Regulation (EU) 2017/1153 ⁽⁴⁾ and for light commercial vehicles, calculated in accordance with Article 6(2) of Commission Implementing Regulation (EU) 2017/1152 ⁽⁵⁾. The determination of correction factors is part of the correlation procedures set up in order to reflect the change in the regulatory test procedure for measurement of specific emissions of CO₂. They serve to ensure that procedural tolerances necessary for the correlation of the CO₂ emission values are applied as intended and not as a means to artificially lower those values.
- (6) A correction factor is calculated based on deviation and verification factors determined for a statistical sample of vehicles that should be representative of the manufacturer's fleet of new vehicles. In view of the very low number of light commercial vehicles type approved in accordance with the Worldwide Harmonised Light Vehicle Test Procedure set out in Commission Regulation (EU) 2017/1151 ⁽⁶⁾ in 2018, the sample cannot be considered statistically representative and no correction factors have therefore been applied when establishing the emission performance of manufacturers of light commercial vehicles
- (7) Manufacturers were asked to verify the provisional data in accordance with Article 8(4) of Regulation (EC) No 443/2009 and Article 8(5) of Regulation (EU) No 510/2011 and, in particular, the deviation and verification factors on the basis of which the correction factor is calculated, and to notify the Commission of any errors within three months of receipt of the notification. Sixty manufacturers of passenger cars and 34 manufacturers of light commercial vehicles submitted notifications of errors. For two car manufacturers, the applicability of a correction factor to their average specific emissions was confirmed. For two manufacturers of passenger cars and one manufacturer of light commercial vehicles, all vehicles reported in the provisional dataset were outside the scope of Regulation (EU) 2019/631.
- (8) For the remaining 35 manufacturers of passenger cars and 33 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. For none of those manufacturers a correction factor was applicable.
- (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. Only those records have been retained that include the values for mass and CO₂ emissions. As a result, for 94 manufacturers of passenger cars and 66 manufacturers of light commercial vehicles the provisional data should be confirmed or amended.
- (10) In accordance with Articles 4 of Regulations (EC) No 443/2009 and (EU) No 510/2011, a manufacturer should be considered as compliant with its specific emissions target where its average specific emissions of CO₂ indicated in this Decision do not exceed its specific emissions target. For manufacturers which are members of a pool, compliance should be assessed at the level of the pool in accordance with Articles 7(7) of those Regulations.
- (11) Records with complete data on mass in running order and CO₂ emissions but with missing or incorrect vehicle identification numbers should be included in the calculation of the specific emission targets and the average specific emissions. 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.

⁽⁴⁾ 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).

⁽⁵⁾ 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).

⁽⁶⁾ Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Commission Regulation (EC) No 692/2008 (OJ L 175, 7.7.2017, p. 1).

- (12) The error margin is calculated as the difference between the distances between the average specific emissions and the specific emissions target calculated including and excluding all vehicle registrations that cannot be verified by the manufacturer. 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 emission target.
- (13) 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 the manufacturer of passenger cars Automobili Lamborghini S.p.A. The excess emission premium is to be calculated in accordance with Article 9(2)(a) of Regulation (EC) No 443/2009.
- (14) In accordance with Articles 2(4) of Regulations (EC) No 443/2009 and (EU) No 510/2011, manufacturers responsible for less than 1 000 new vehicle registrations in the calendar year are exempt from meeting a specific emission target. It is, however, appropriate to calculate and report their average specific emissions as well as the number of new vehicles registered.
- (15) Further clarifications are needed from the manufacturer Dr Ing. h.c. F. Porsche AG with regard to possible irregularities in the CO₂ emissions stated in the emissions type approvals of two vehicle models. As a consequence, the provisional data for the 2014 to 2018 calendar years for the Volkswagen pool and its member Dr Ing. h.c. F. Porsche AG cannot be confirmed or amended.
- (16) The Commission has, in accordance with Article 12 of Commission Implementing Regulation (EU) No 725/2011 ⁽⁷⁾, performed an ad hoc verification of CO₂ savings certified by reference to Commission Implementing Decision 2013/341/EU ⁽⁸⁾ and Commission Implementing Decision (EU) 2015/158 ⁽⁹⁾. The verification showed satisfactory results with regard to the CO₂ savings certified by reference to Implementing Decision 2013/341/EU. However, with regard to Implementing Decision (EU) 2015/158, a difference was found between the certified CO₂ savings of two efficient alternators fitted in vehicles manufactured by Daimler AG and those verified by the Commission of 9 % and 23 % respectively. The Commission notified Daimler AG of the deviations found and invited that manufacturer to provide evidence demonstrating the accuracy of the certified CO₂ savings.
- (17) Based on the information provided by Daimler AG, the Commission has found that the difference in savings was due to a difference in how the testing methodology was applied for the purposes of the certification and for the verification of the CO₂ savings. More precisely, a run-in of the efficient alternators was performed prior to the certification test, even though the testing methodology referred to in Implementing Decision (EU) 2015/158 neither prescribes nor allows a specific run-in of the efficient alternators to be performed outside the certification test.
- (18) It follows from Articles 12 of Regulations (EC) No 443/2009 and (EU) No 510/2011 that, in order for CO₂ savings from innovative technologies to be taken into account for the calculation of a manufacturer's specific average emissions in 2018, those savings must make a verified contribution to CO₂ reductions, in accordance with a testing methodology capable of producing verifiable, repeatable and comparable results. As the certified CO₂ savings of two efficient alternators in certain vehicles manufactured by Daimler AG have not been confirmed by the verification performed on the basis of the testing methodology referred to in Implementing Decision (EU) 2015/158, the certified CO₂ savings attributed to those eco-innovations, amounting to 0,429 g CO₂/km at the fleet level, should not be taken into account for the calculation of the average specific emissions of the manufacturer Daimler AG. On the same basis, the CO₂ savings attributed to those eco-innovations, amounting to 0,428 g CO₂/km at the fleet level, should not be taken into account for the calculation of the average specific emissions of the Daimler AG pool.
- (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 provided for the purpose of determining the manufacturer's compliance with the specific emissions target,

⁽⁷⁾ Commission Implementing Regulation (EU) No 725/2011 of 25 July 2011 establishing a procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 194, 26.7.2011, p. 19).

⁽⁸⁾ Commission Implementing Decision 2013/341/EU of 27 June 2013 on the approval of the Valeo Efficient Generation Alternator as an innovative technology for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 179, 29.6.2013, p. 98).

⁽⁹⁾ Commission Implementing Decision (EU) 2015/158 of 30 January 2015 on the approval of two Robert Bosch GmbH high efficient alternators as the innovative technologies for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 26, 31.1.2015, p. 31).

HAS ADOPTED THIS DECISION:

Article 1

1. The values relating to the performance of manufacturers of passenger cars in respect of the 2018 calendar year are specified in Annex I.
2. The values relating to the performance of manufacturers of light commercial vehicles in respect of the 2018 calendar year are specified in Annex II.

Article 2

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

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- (2) ALFA ROMEO SPA
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- (4) ALPINA BURKARD BOVENSIEPEN GMBH E CO KG
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- (6) ANHUI JIANGHUAI AUTOMOBILE
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Represented in the Union by:
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-
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- (18) BMW M GMBH
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- (27) DAIMLER AG
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- (28) FABBRICA DALLARA SRL
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- (29) DFSK MOTOR CO LTD
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- (30) DONKERVOORT AUTOMOBIELEN BV
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- (31) DR AUTOMOBILES SRL
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- (42) GOUPIL INDUSTRIE SA
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-
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- (46) HONDA MOTOR CO LTD
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- (47) HONDA TURKIYE AS
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- (48) HONDA OF THE UK MANUFACTURING LTD
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- (50) HYUNDAI ASSAN OTOMOTIV SANAYI VE TICARET AS
Kaiserleipromenade 5
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- (62) AUTOMOBILI LAMBORGHINI SPA
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- (63) LONDON EV COMPANY
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UNITED KINGDOM
- (64) LOTUS CARS LIMITED
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- (65) MAGYAR SUZUKI CORPORATION LTD
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- (71) MCLAREN AUTOMOTIVE LIMITED
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UNITED KINGDOM
- (72) MERCEDES-AMG GMBH
Zimmer 229 HPC F 403
Mercedesstr 137/1
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- (73) MFTBC
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70546 Stuttgart
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- (74) MG MOTOR UK LIMITED
Westar House, 139–151 Marylebone Road
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UNITED KINGDOM
- (75) MICRO-VETT SRL
Via Lago Maggiore, 48
36077 Altavilla Vicentina (VI)
ITALY
- (76) MITSUBISHI FUSO TRUCK & BUS CORPORATION
F403, EA/R
70546 Stuttgart
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- (77) MITSUBISHI MOTORS CORPORATION MMC
Represented in the Union by:
Mitsubishi Motors Europe BV
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6121 SH Born
NETHERLANDS

- (78) MITSUBISHI MOTORS EUROPE BV MME
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69806 Saint Priest Cedex
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Done at Brussels, 3 June 2020.

For the Commission
Frans TIMMERMANS
Executive Vice-President

ANNEX I

Table 1

Performance in the calendar year 2018 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
Manufacturer name	Pools and derogations	Number of registrations	Average mass	Average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Correction factor	Error margin
ADIDOR VOITURES SAS	DMD	100	1301,10	155,900			0,000	1,000	
ALFA ROMEO SPA	P3	78696	1519,81	127,881	135,823	-7,942	0,000	1,000	0,000
ALPINA BURKARD BOVENSIEPEN GMBH E CO KG	D	663	1930,56	200,919	218,000	-17,081	0,000	1,000	0,000
SOCIÉTÉ DES AUTOMOBILES ALPINE	P10	1533	1163,38	139,738	119,534	20,201	0,000	1,000	0,003
ANHUI JIANGHUAI AUTOMOBILE	DMD	1	1600,00	242,000			0,000	1,000	
ASTON MARTIN LAGONDA LTD	D	2096	1858,37	262,180	297,000	-34,820	0,000	1,000	0,000
AUDI AG	P14	675059	1563,21	127,279	137,806	-10,527	0,000	1,000	0,000
AUDI HUNGARIA MOTOR KFT	P14	4519	1400,83	146,996	130,385	16,611	0,000	1,000	0,000
AUDISPORT GMBH	P14	13361	1698,14	195,848	143,972	51,876	0,000	1,000	0,000
AUTOMOBILES CITROEN	P9	626462	1199,54	108,035	121,186	-13,151	0,000	1,000	0,000
AUTOMOBILES PEUGEOT	P9	982942	1265,18	106,936	124,186	-17,250	0,000	0,989	0,000
AVTOVAZ JSC	P10	3874	1268,16	181,385	124,322	57,063	0,000	1,000	0,000
BEE BEE AUTOMOTIVE	DMD	3	759,67	0,000			0,000	1,000	
BENTLEY MOTORS LTD	D	2859	2458,08	271,047	286,000	-14,953	0,000	1,000	0,000
BLUECAR SAS	DMD	415	1499,19	0,000			0,000	1,000	

A	B	C	D	E	F	G	H	I	J
Manufacturer name	Pools and derogations	Number of registrations	Average mass	Average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Correction factor	Error margin
BAYERISCHE MOTOREN WERKE AG	P1	963438	1586,85	125,035	138,886	-13,851	0,267	1,000	0,000
BMW M GMBH	P1	14599	1732,90	189,521	145,561	43,960	0,040	1,000	0,000
BEIJING BORGWARD AUTOMOTIVE CO LTD	DMD	42	1843,62	218,452			0,000	1,000	
BUGATTI AUTOMOBILES SAS	P14	19	2070,00	516,000	160,966	355,034	0,000	1,000	0,000
CATERHAM CARS LIMITED	DMD	120	621,96	138,367			0,000	1,000	
CHEVROLET ITALIA SPA		2	1324,00	96,500	126,874	-30,374	0,000	1,000	0,000
FCA US LLC	P3	162851	1592,89	142,728	139,162	3,566	0,007	1,000	0,000
CNG-TECHNIK GMBH	P4	615	1608,55	118,081	139,878	-21,797	0,000	1,000	0,000
AUTOMOBILE DACIA SA	P10	381173	1168,18	118,433	119,753	-1,322	0,000	1,000	0,002
DAIHATSU MOTOR CO LTD	DMD	5	1271,20	176,000			0,000	1,000	
DAIMLER AG	P2	929187	1601,16	133,376	139,540	-6,165	0,352	1,000	0,001
FABBRICA DALLARA SRL	DMD	3	1010,00	220,667			0,000	1,000	
DFSK MOTOR CO LTD	DMD	18	1543,06	211,556			0,000	1,000	
DONKERVORT AUTOMOBIELEN BV	DMD	6	866,83	178,000			0,000	1,000	
DR AUTOMOBILES SRL	DMD	995	1399,45	156,198			0,000	1,000	
DR MOTOR COMPANY SRL	DMD	446	1264,39	151,471			0,000	1,000	

A	B	C	D	E	F	G	H	I	J
Manufacturer name	Pools and derogations	Number of registrations	Average mass	Average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Correction factor	Error margin
FERRARI SPA	D	2899	1714,30	281,353	289,000	-7,647	0,000	1,000	0,000
FCA ITALY SPA	P3	710420	1181,29	119,853	120,352	-0,499	0,003	1,000	0,000
FORD INDIA PRIVATE LIMITED	P4	37257	1087,83	115,107	116,081	-0,974	0,000	1,000	0,000
FORD MOTOR COMPANY OF AUSTRALIA LIMITED	P4	1	2277,00	228,000	170,426	57,574	0,000	1,000	0,000
FORD MOTOR COMPANY	P4	25430	1604,16	164,667	139,677	24,875	0,000	1,024	0,115
FORD-WERKE GMBH	P4	926639	1418,92	126,733	131,212	-4,496	0,014	1,035	0,017
GENERAL MOTORS HOLDINGS LLC	D	2728	1884,67	257,338	267,000	-9,662	0,000	1,000	0,000
GREAT WALL MOTOR COMPANY LIMITED	DMD	19	1655,53	197,895			0,000	1,000	
HONDA AUTOMOBILE CHINA CO LTD	P5	6	1294,83	124,333	125,541	-1,208	0,000	1,000	0,000
HONDA MOTOR CO LTD	P5	87718	1292,33	122,757	125,427	-2,670	0,126	1,000	0,000
HONDA AUTOMOBILE THAILAND CO LTD	P5	12	1327,42	125,417	127,030	-1,613	0,000	1,000	0,000
HONDA TURKIYE AS	P5	497	1367,32	130,599	128,854	1,745	0,200	1,000	0,000
HONDA OF THE UK MANUFACTURING LTD	P5	42967	1502,68	134,341	135,040	-0,699	0,043	1,000	0,000
HYUNDAI MOTOR COMPANY	P6	145300	1402,69	114,279	130,470	-16,197	0,000	1,000	0,006
HYUNDAI ASSAN OTOMOTIV SANAYI VE TICARET AS	P6	161170	1060,81	116,553	114,846	1,706	0,000	1,000	0,001

A	B	C	D	E	F	G	H	I	J
Manufacturer name	Pools and derogations	Number of registrations	Average mass	Average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Correction factor	Error margin
HYUNDAI MOTOR MANUFACTURING CZECH SRO	P6	218567	1432,92	136,500	131,852	4,644	0,000	1,000	0,004
HYUNDAI MOTOR EUROPE GMBH	P6	2205	1501,39	144,088	134,981	9,107	0,000	1,000	0,000
ITALDESIGN GIUGIARO SPA	DMD	1	1625,00	287,000			0,000	1,000	
JAGUAR LAND ROVER LIMITED	P12/ND	227361	1981,10	155,414	178,025	-22,617	0,037	1,000	0,006
KIA MOTORS CORPORATION	P7	331126	1294,67	114,242	125,534	-11,299	0,000	1,000	0,007
KIA MOTORS SLOVAKIA SRO	P7	151023	1431,15	136,109	131,771	4,334	0,000	1,000	0,004
KOENIGSEGG AUTOMOTIVE AB	DMD	1	1483,00	381,000			0,000	1,000	
KTM-SPORTMOTORCYCLE AG	DMD	60	890,00	197,200			0,000	1,000	
LADA AUTOMOBILE GMBH	DMD	953	1286,15	215,534			0,000	1,000	
AUTOMOBILI LAMBORGHINI SPA	D	1420	1810,61	336,404	315,000	21,404	0,000	1,000	0,000
LONDON EV COMPANY	DMD	33	2302,88	28,545			0,000	1,000	
LOTUS CARS LIMITED	D	687	1158,64	207,897	225,000	-17,103	0,000	1,000	0,000
MAGYAR SUZUKI CORPORATION LTD	P11/ND	85918	1227,81	124,668	123,114	1,554	0,000	1,000	0,000
MAHINDRA & MAHINDRA LTD	D	1043	1419,14	158,123	171,000	-12,877	0,000	1,000	0,000
MARUTI SUZUKI INDIA LTD	P11/ND	14025	968,48	104,549	123,114	-18,565	0,000	1,000	0,000

A	B	C	D	E	F	G	H	I	J
Manufacturer name	Pools and derogations	Number of registrations	Average mass	Average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Correction factor	Error margin
MASERATI SPA	D	7192	2131,48	218,326	239,000	-20,701	0,000	1,000	0,027
MAZDA MOTOR CORPORATION	P13	224027	1337,55	134,325	127,493	6,832	0,196	1,000	0,000
MCLAREN AUTOMOTIVE LIMITED	D	986	1516,66	251,133	265,000	-13,867	0,000	1,000	0,000
MERCEDES-AMG GMBH	P2	3382	1702,64	252,533	144,178	108,355	0,000	1,000	0,000
MG MOTOR UK LIMITED	D	8974	1305,06	133,461	146,000	-12,539	0,000	1,000	0,000
MICRO-VETT SRL	DMD	1	1367,00	0,000			0,000	1,000	
mitsubishi motors corporation MMC	P8	93803	1605,87	128,699	139,756	-11,057	0,000	1,000	0,000
MITSUBISHI MOTORS EUROPE BV MME	P8	1823	1506,39	134,607	135,209	-0,602	0,000	1,000	0,000
MITSUBISHI MOTORS THAILAND CO LTD MMTH	P8	34410	929,90	99,856	108,864	-9,008	0,000	1,000	0,000
MORGAN TECHNOLOGIES LTD	DMD	427	1081,44	194,419			0,000	1,000	
NISSAN INTERNATIONAL SA		478323	1369,89	115,098	128,971	-13,873	0,000	1,000	0,000
NOBLE AUTOMOTIVE LTD	D	3	1416,00	336,333	338,000	-1,667	0,000	1,000	0,000
ADAM OPEL GMBH	P9	28237	1340,68	122,002	127,636	-5,644	0,000	1,000	0,010
OPEL AUTOMOBILE GMBH	P9	834250	1310,00	125,586	126,234	-0,648	0,005	1,000	0,000
PAGANI AUTOMOBILI SPA	DMD	2	1489,00	343,000			0,000	1,000	

A	B	C	D	E	F	G	H	I	J
Manufacturer name	Pools and derogations	Number of registrations	Average mass	Average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Correction factor	Error margin
PGO AUTOMOBILES	DMD	9	1163,89	169,000			0,000	1,000	
DR ING HCF PORSCHE AG	P14	63874	1855,42	181,861	151,160	30,701	0,145	1,000	0,000
PSA AUTOMOBILES SA	P9	46177	1526,33	120,427	136,121	-15,694	0,000	1,000	0,000
RENAULT SAS	P10	1247559	1314,05	110,494	126,419	-15,926	0,000	1,000	0,001
RENAULT TRUCKS	DMD	96	2185,65	182,188			0,000	1,000	
ROLLS-ROYCE MOTOR CARS LTD	P1	606	2570,57	327,853	183,842	144,011	0,000	1,000	0,000
SEAT SA	P14	436731	1273,55	117,468	124,569	-7,101	0,000	1,000	0,000
SECMA SAS	DMD	43	683,14	133,233			0,000	1,000	
SKODA AUTO AS	P14	688387	1324,22	117,110	126,884	-9,779	0,075	1,000	0,005
SSANGYONG MOTOR COMPANY	ND	14372	1664,63	164,017	167,573	-3,556	0,000	1,000	0,000
SUBARU CORPORATION	ND	32371	1580,98	160,843	164,616	-3,773	0,000	1,000	0,000
SUZUKI MOTOR CORPORATION	P11/ND	120434	979,50	109,573	123,114	-13,541	0,000	1,000	0,000
SUZUKI MOTOR THAILAND CO LTD	P11/ND	17534	883,68	98,545	123,114	-24,569	0,000	1,000	0,000
TECNO MECCANICA IMOLA SPA	DMD	2	712,00	0,000			0,000	1,000	
TESLA MOTORS LTD		19017	2331,98	0,000	172,939	-172,939	0,000	1,000	0,000
TOYOTA MOTOR EUROPE NV SA	P13	734897	1341,77	102,128	127,686	-25,558	0,000	1,000	0,000
VOLKSWAGEN AG	P14	1666765	1410,03	119,790	130,806	-11,017	0,000	1,000	0,001
VOLVO CAR CORPORATION		288764	1759,24	132,233	146,765	-14,532	0,000	1,000	0,000

Table 2

Performance in the calendar year 2018 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
Pool name	Pools and derogations	Number of registrations	Average mass	Average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Correction factor	Error margin
BMW GROUP	P1	978643	1589,64	126,123	139,014	-12,891	0,263	1,000	0,000
DAIMLER AG	P2	932569	1601,53	133,808	139,557	-5,750	0,351	1,000	0,001
FCA ITALY SPA	P3	951967	1279,69	124,430	124,849	-0,419	0,003	1,000	0,000
FORD-WERKE GMBH	P4	989942	1411,34	127,464	130,866	-3,415	0,013	1,035	0,013
HONDA MOTOR EUROPE LTD	P5	131200	1361,51	126,581	128,588	-2,007	0,099	1,000	0,000
HYUNDAI	P6	527242	1311,13	124,310	126,286	-1,980	0,000	1,000	0,004
KIA	P7	482149	1337,42	121,092	127,487	-6,400	0,000	1,000	0,005
MITSUBISHI MOTORS	P8	130036	1425,60	121,150	131,517	-10,367	0,000	1,000	0,000
PSA-OPEL	P9	2518068	1269,33	113,926	124,376	-10,451	0,001	0,997	0,001
RENAULT	P10	1634139	1279,77	112,541	124,853	-12,313	0,000	1,000	0,001
SUZUKI POOL	P11/ND	237911	1061,46	113,916	123,114	-9,199	0,000	1,000	0,001
TATA MOTORS LTD, JAGUAR CARS LTD, LAND ROVER	P12/ND	227361	1981,10	155,414	178,025	-22,617	0,037	1,000	0,006
TOYOTA-MAZDA	P13	958924	1340,78	109,650	127,641	-17,991	0,046	1,000	0,000
VW GROUP PC	P14	3548716	1414,82	121,849	131,025	-9,176	0,017	1,000	0,000

Explanatory notes to Tables 1 and 2:

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 Member State.

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 2018 (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 2018 (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 2018;

'P' means that the manufacturer is a member of a pool (whose number is listed in column B of Table 2) formed pursuant to Article 6 of Regulation (EU) 2019/631 and the pooling agreement is valid for the calendar year 2018.

Column C:

'Number of registrations' means the total number of new passenger cars registered in the European Union and Iceland in the calendar year 2018 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 passenger cars registered in the European Union and Iceland in the calendar year 2018 for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible.

Column E:

'Average specific emissions of CO₂' (g CO₂/km) means the average specific emissions of CO₂ of all new passenger cars registered in the European Union and Iceland in the calendar year 2018 for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible. In calculating the average specific emissions of CO₂ account has been taken of the following, where applicable:

- CO₂ emission savings resulting from the use of innovative technologies referred to in Article 11 of Regulation (EU) 2019/631 (Column H),
- the correction factor referred to in Article 7(2) of Implementing Regulation (EU) 2017/1153 (Column I).

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 Annex I to Regulation (EC) No 443/2009 and with M0 being 1 392,4 or 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, no specific emissions target is specified.

Column G:

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

Where the value in column G is greater than zero, this means that the specific emissions target has been exceeded.

For a manufacturer, which is member of a pool, compliance with the specific emissions target is assessed 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 average specific emissions of CO₂ listed in column E, 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.

Column I:

'Correction factor' means the correction factor calculated in accordance with Article 7(2) of Implementing Regulation (EU) 2017/1153, which was used in calculating the average specific emissions of CO₂ of the manufacturer (Table 1) or the pool (Table 2).

Column J:

'Error margin' (g CO₂/km) means the value by which the difference between the 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 9(3) of Regulation (EU) No 1014/2010.

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

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

AC1 = average specific emissions of CO₂ including the records with error code B;

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

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

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

ANNEX II

Table 1

Performance in the calendar year 2018 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 and derogations	Number of registrations	Average mass	Average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Error margin
ALFA ROMEO SPA		3	1616,00	122,667	161,013	-38,346	0,000	0,000
ALKE SRL	DMD	34	1096,65	0,000			0,000	
JIANGSU AOXIN NEW ENERGY AUTOMOBILE CO LTD	DMD	3	1171,67	0,000			0,000	
AUDI AG	P8	1237	1700,40	132,193	168,862	-36,669	0,000	0,000
AUDI SPORT GMBH	P8	4	1585,00	192,000	158,130	33,870	0,000	0,000
AUTOMOBILES CITROEN	P10	156785	1638,78	132,161	163,131	-30,970	0,000	0,000
AUTOMOBILES PEUGEOT	P10	176718	1675,98	134,975	166,591	-31,616	0,000	0,000
AVTOVAZ JSC	P7	326	1283,71	216,890	130,110	86,780	0,000	0,000
BEE BEE AUTOMOTIVE	DMD	1	755,00	0,000			0,000	
BLUECAR SAS	DMD	5	1325,00	0,000			0,000	
BAYERISCHE MOTOREN WERKE AG	DMD	142	1933,20	161,000			0,000	
BMW M GMBH	DMD	163	2066,35	167,742			0,000	
FCA US LLC	P2	4	1681,50	147,250	167,104	-19,854	0,000	0,000
CNG-TECHNIK GMBH	P3	5	1714,40	141,800	170,164	-28,364	0,000	0,000
AUTOMOBILE DACIA SA	P7	30544	1270,26	119,307	128,859	-9,552	0,000	0,000
DAIMLER AG	P1	152530	2151,97	187,662	210,858	-23,199	0,000	0,003
DFSK MOTOR CO LTD	DMD	505	1259,47	182,531			0,000	
ESAGONO ENERGIA SRL	DMD	23	1204,70	0,000			0,000	
FCA ITALY SPA	P2	143455	1681,92	149,882	167,143	-17,261	0,000	0,000

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average mass	Average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Error margin
FORD MOTOR COMPANY OF AUSTRALIA LIMITED	P3	44561	2277,28	216,090	222,512	-6,422	0,000	0,000
FORD MOTOR COMPANY	P3	308	2196,27	208,519	214,978	-6,459	0,000	0,000
FORD-WERKE GMBH	P3	250171	1982,08	161,564	195,058	-33,495	0,000	0,001
MITSUBISHI FUSO TRUCK & BUS CORPORATION	P1	564	2089,22	243,333	205,022	38,311	0,000	0,000
GENERAL MOTORS HOLDINGS LLC	P4	364	1884,77	176,225	186,008	-9,783	0,000	0,000
GONOW AUTO CO LTD	D	12	991,25	160,167	175,000	-14,833	0,000	0,000
GOUPIL INDUSTRIE SA	DMD	477	1090,22	0,000			0,000	
GREAT WALL MOTOR COMPANY LIMITED	DMD	193	1938,99	243,202			0,000	
HONDA MOTOR CO LTD	DMD	13	1439,54	133,154			0,000	
HYUNDAI MOTOR COMPANY	P9	2061	2296,79	212,560	224,326	-11,766	0,000	0,000
HYUNDAI ASSAN OTOMOTIV SANAYI VE	P9	30	999,67	112,800	103,694	9,106	0,000	0,000
HYUNDAI MOTOR MANUFACTURING CZECH SRO	P9	48	1414,23	111,229	142,248	-31,019	0,000	0,000
ISUZU MOTORS LIMITED		12572	2064,51	195,424	202,724	-7,300	0,000	0,000
IVECO SPA		20117	2423,87	203,975	236,145	-32,170	0,000	0,000
JAGUAR LAND ROVER LIMITED		1610	2325,62	188,3	227,007	-38,737	0,000	0,030
KIA MOTORS CORPORATION	P5	1076	1467,89	122,808	147,239	-24,431	0,000	0,000
KIA MOTORS SLOVAKIA SRO	P5	316	1397,71	122,801	140,712	-17,911	0,000	0,000
LADA AUTOMOBILE GMBH	DMD	5	1250,60	214,200			0,000	
MAGYAR SUZUKI CORPORATION LTD	DMD	2	1509,66	111,000			0,000	
MAHINDRA & MAHINDRA LTD	DMD	206	1899,05	207,782			0,000	

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average mass	Average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Error margin
MAN TRUCK & BUS AG	P8	4999	2208,39	200,974	216,105	-15,131	0,000	0,000
MAZDA MOTOR CORPORATION	DMD	60	1508,28	142,800			0,000	
MFTBC	P1	103	2475,15	238,379	240,914	-2,535	0,000	0,000
MITSUBISHI MOTORS CORPORATION MMC	P6/D	423	1840,39	176,934	190,000	-13,066	0,000	0,000
MITSUBISHI MOTORS EUROPE BV MME	P6/D	2	1765,00	167,500	190,000	-22,500	0,000	0,000
MITSUBISHI MOTORS THAILAND CO LTD MMTH	P6/D	15645	1934,39	187,475	190,000	-2,525	0,000	0,000
NISSAN INTERNATIONAL SA		50758	1899,13	162,292	187,344	-25,058	0,000	0,006
ADAM OPEL GMBH		16896	1509,68	142,775	151,125	-8,355	0,000	0,005
OPEL AUTOMOBILE GMBH	P10	63580	1870,26	168,492	184,659	-16,190	0,000	0,023
PIAGGIO & C SPA	D	3528	1096,22	150,196	155,000	-4,804	0,000	0,000
DR ING HCF PORSCHE AG	P8	35	1910,71	179,886	188,421	-8,535	0,000	0,000
PSA AUTOMOBILES SA	P10	8675	1428,54	112,147	143,579	-31,432	0,000	0,000
RENAULT SAS	P7	232645	1741,78	149,397	172,710	-23,314	0,000	0,001
RENAULT TRUCKS		8439	2326,70	208,896	227,108	-18,212	0,000	0,000
ROMANITAL SRL	DMD	56	1259,20	155,000			0,000	
SAIC MAXUS AUTOMOTIVE CO LTD	DMD	171	2178,66	246,988			0,000	
SEAT SA	P8	172	1183,85	107,256	120,823	-13,567	0,000	0,000
SKODA AUTO AS	P8	3924	1261,69	112,210	128,062	-15,852	0,000	0,000
SSANGYONG MOTOR COMPANY	D	1088	2104,94	202,024	210,000	-7,976	0,000	0,000
STREETSCOOTER GMBH	DMD	14	1588,86	0,000			0,000	
SUBARU CORPORATION	DMD	28	1609,75	156,714			0,000	

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average mass	Average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Error margin
SUZUKI MOTOR CORPORATION	DMD	9	1083,33	131,000			0,000	
TOYOTA MOTOR EUROPE NV SA		40369	1923,84	166,188	189,642	-23,456	0,000	0,002
UAZ	DMD	1	2070,00	287,000			0,000	
UNIVERS VE HELEM	DMD	10	1062,00	0,000			0,000	
VOLKSWAGEN AG	P8	202567	1911,00	164,161	188,448	-24,287	0,000	0,000
VOLVO CAR CORPORATION	DMD	394	1669,99	118,863			0,000	

Table 2

Performance in the calendar year 2018 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
Pool name	Pools and derogations	Number of registrations	Average mass	Average specific emissions of CO ₂	Specific emissions target	Distance to target	CO ₂ savings from eco-innovations	Error margin
DAIMLER	P1	153197	2151,96	187,901	210,857	-22,959	0,000	0,003
FCA ITALY SPA	P2	143459	1681,92	149,882	167,143	-17,261	0,000	0,000
FORD-WERKE GMBH	P3	295045	2026,89	169,848	199,226	-29,378	0,000	0,000
GROUPE PSA	P10	405758	1686,76	138,652	167,593	-28,942	0,000	0,001
HYUNDAI	P9	2139	2258,80	208,887	220,793	-11,906	0,000	0,000
KIA	P5	1392	1451,96	122,806	145,757	-22,951	0,000	0,000
MITSUBISHI MOTORS	P6/D	16070	1931,89	187,195	190,000	-2,805	0,000	0,000
RENAULT	P7	263515	1686,56	145,993	167,575	-21,582	0,000	0,000
VOLKSWAGEN GROUP LCV	P8	212938	1904,20	163,839	187,815	-23,976	0,000	0,000

Explanatory notes to Tables 1 and 2:

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 Member State.

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 2018 (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 2018;

'P' means that the manufacturer is a member of a pool (whose number is listed in column B of Table 2) formed pursuant to Article 6 of Regulation (EU) 2019/631 and the pooling agreement is valid for the calendar year 2018.

Column C:

'Number of registrations' means the total number of new light commercial vehicles registered in the European Union and Iceland in the calendar year 2018 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 European Union and Iceland in the calendar year 2018 for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible.

Column E:

'Average specific emissions of CO₂' (g CO₂/km) means the average specific emissions of CO₂ of all new light commercial vehicles registered in the European Union and Iceland in the calendar year 2018 for which the manufacturer (Table 1) or the members of the pool (Table 2) are responsible. In calculating the average specific emissions of CO₂ account has been taken, where applicable, of the CO₂ emission savings resulting from the use of innovative technologies referred to in Article 11 of Regulation (EU) 2019/631 (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 Annex I to Regulation (EC) No 510/2011 and with M0 being 1 766,4 or 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), no specific emissions target is specified.

Column G:

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

Where the value in column G is greater than zero, this means that the specific emissions target has been exceeded.

For a manufacturer, which is member of a pool, compliance with the specific emissions target is assessed 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 average specific emissions of CO₂ listed in column E, 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.

Column I:

'Error margin' (g CO₂/km) means the value by which the difference between the 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 10a(1) of Commission Implementing Regulation (EU) No 293/2012 ⁽¹⁾.

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

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

AC1 = average specific emissions of CO₂ including the records with error code B;

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

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

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

⁽¹⁾ Commission Implementing Regulation (EU) No 293/2012 of 3 April 2012 on monitoring and reporting of data on the registration of new light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council (OJ L 98, 4.4.2012, p. 1).

COMMISSION IMPLEMENTING DECISION (EU) 2020/1036**of 15 July 2020****on the non-approval of certain active substances in biocidal products pursuant to Regulation (EU) No 528/2012 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular the third subparagraph of Article 89 (1) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) No 1062/2014 ⁽²⁾, as last amended by Commission Delegated Regulation (EU) 2019/227 ⁽³⁾, establishes in its Annex II a list of active substance/product-type combinations included in the review programme of existing active substances in biocidal products on 30 March 2019.
- (2) For a number of active substance/product-type combinations included in that list, all the participants have withdrawn their support in a timely manner.
- (3) The Commission was informed, in accordance with Article 12(3) of Delegated Regulation (EU) No 1062/2014, of those active substance/product-type combinations for which all participants made a timely withdrawal and for which the role of participant had previously been taken over. In accordance with point (a) of the first paragraph of Article 20 of Delegated Regulation (EU) No 1062/2014, those active substance/product-type combinations should not be approved for use in biocidal products.
- (4) An open invitation was published to take over the role of participant for those active substance/product-type combinations for which the role of participant had not previously been taken over. For some of those combinations no notification has been submitted or a notification has been submitted and rejected pursuant to paragraph 4 or paragraph 5 of Article 17 of Delegated Regulation (EU) No 1062/2014. In accordance with point (b) of the first paragraph of Article 20 of Delegated Regulation (EU) No 1062/2014, those active substance/product-type combinations should not be approved for use in biocidal products.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

Article 1

The active substances listed in the Annex are not approved for the product-types indicated therein.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

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

⁽³⁾ Commission Delegated Regulation (EU) 2019/227 of 28 November 2018 amending Delegated Regulation (EU) No 1062/2014 as regards certain active substances/product-type combinations for which the competent authority of the United Kingdom has been designated as the evaluating competent authority (OJ L 37, 8.2.2019, p. 1).

Article 2

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

Done at Brussels, 15 July 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Active substance/product-type combinations not approved, including any nanomaterial forms:

Entry Number in Annex II to Regulation (EU) No 1062/2014	Substance name	Rapporteur Member State	EC number	CAS number	Product-type(s)
37	Formic acid	BE	200-579-1	64-18-6	11, 12
1025	Performic acid generated from formic acid and hydrogen peroxide	BE	n/a	n/a	3, 5, 6
1027	Peracetic acid generated from 1,3-diacetyloxypropan-2-yl acetate and hydrogen peroxide	AT	n/a	n/a	4
1028	Peracetic acid generated from tetraacetylenediamine (TAED) and sodium perborate monohydrate	AT	n/a	n/a	3
1029	Peracetic acid generated by perhydrolysis of N-acetylcaprolactam by hydrogen peroxide in alkaline conditions	AT	n/a	n/a	2
85	Symclosene	DE	201-782-8	87-90-1	12
195	Sodium 2-biphenylate	ES	205-055-6	132-27-4	4, 6, 7, 9, 10, 13
253	Tetrahydro-3,5-dimethyl-1,3,5-thiadiazine-2-thione (Dazomet)	BE	208-576-7	533-74-4	6, 12
346	Sodium dichloroisocyanurate dihydrate	DE	220-767-7	51580-86-0	12
345	Troclosene sodium	DE	220-767-7	2893-78-9	12
359	Formaldehyde released from (Ethylenedioxy)dimethanol (Reaction products of ethylene glycol with paraformaldehyde (EGForm))	PL	222-720-6	3586-55-8	2
382	Tetrahydro-1,3,4,6-tetrakis(hydroxymethyl)imidazo[4,5-d]imidazole-2,5 (1H,3H)-dione (TMAD)	ES	226-408-0	5395-50-6	2
1035	Active bromine generated from ozone and bromide of natural water and sodium bromide	NL	n/a	n/a	2
1036	Hydrogen peroxide released from sodium percarbonate	FI	n/a	n/a	5
473	Pyrethrins and Pyrethroids	ES	232-319-8	8003-34-7	18, 19
1041	Chlorine dioxide generated from sodium chloride by electrolysis	DE	n/a	n/a	2, 3, 4, 5, 11, 12

1044	Chlorine dioxide generated from sodium chlorite and sodium persulfate	DE	n/a	n/a	12
597	1-[2-(Allyloxy)-2-(2,4-dichlorophenyl)ethyl]-1H-imidazole (Imazalil)	DE	252-615-0	35554-44-0	3
939	Active chlorine generated from sodium chloride by electrolysis	SK	n/a	n/a	12
1052	Active chlorine generated from magnesium chloride hexahydrate by electrolysis	FR	n/a	n/a	2
1053	Active chlorine generated from potassium chloride by electrolysis	DK	n/a	n/a	2, 4
1055	Active chlorine generated from sodium chloride and pentapotassium bis(peroxymonosulfate)bis(sulfate) (KPMS) and sulfamic acid	SI	n/a	n/a	2, 3
1056	Active chlorine generated from hydrochloric acid by electrolysis	SI	n/a	n/a	2, 4, 5
731	<i>Chrysanthemum cinerariaefolium</i> , ext.	ES	289-699-3	89997-63-7	18
811	Silver sodium hydrogen zirconium phosphate	SE	422-570-3	265647-11-8	1
1014	Silver zeolite	SE	n/a	n/a	5
868	Polyhexamethylene biguanide hydrochloride with a mean number-average molecular weight (Mn) of 1415 and a mean polydispersity (PDI) of 4,7 (PHMB(1415;4,7))	FR	Polymer	1802181-67-4/32289-58-0	3, 9, 11

COMMISSION IMPLEMENTING DECISION (EU) 2020/1037
of 15 July 2020
postponing the expiry date of approval of acrolein for use in biocidal products of product-type 12
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 14(5) thereof,

After consulting the Standing Committee on Biocidal Products,

Whereas:

- (1) The active substance acrolein was included in Annex I to Directive 98/8/EC of the European Parliament and of the Council ⁽²⁾ for use in biocidal products of product-type 12, and pursuant to Article 86 of Regulation (EU) No 528/2012 is therefore considered approved under that Regulation subject to the specifications and conditions set out in Annex I to that Directive.
- (2) The approval of acrolein for use in biocidal products of product-type 12 will expire on 31 August 2020. On 28 February 2019, an application was submitted in accordance with Article 13(1) of Regulation (EU) No 528/2012 for the renewal of the approval of acrolein.
- (3) On 25 February 2020, the evaluating competent authority of Czechia informed the Commission that it had decided, pursuant to Article 14(1) of Regulation (EU) No 528/2012, that a full evaluation of the application was necessary. Pursuant to Article 8(1) of Regulation (EU) No 528/2012, the evaluating competent authority is to perform a full evaluation of the application within 365 days of its validation.
- (4) The evaluating competent authority may, as appropriate, request the applicant to provide sufficient data to carry out the evaluation, in accordance with Article 8(2) of Regulation (EU) No 528/2012. In such case, the 365-day period is suspended for a period that may not exceed 180 days in total unless a longer suspension is justified by the nature of the data requested or by exceptional circumstances.
- (5) Within 270 days of receipt of a recommendation from the evaluating competent authority, the European Chemicals Agency ('the Agency') is to prepare and submit to the Commission an opinion on renewal of the approval of the active substance in accordance with Article 14(3) of Regulation (EU) No 528/2012.
- (6) Consequently, for reasons beyond the control of the applicant, the approval of acrolein for use in biocidal products of product-type 12 is likely to expire before a decision has been taken on its renewal. It is therefore appropriate to postpone the expiry date of approval of acrolein for use in biocidal products of product-type 12 for a period of time sufficient to enable the examination of the application. Considering the time-limits for the evaluation by the evaluating competent authority and for the preparation and submission of the opinion by the Agency, it is appropriate to postpone the expiry date of approval to 28 February 2023.
- (7) Except for the expiry date of the approval, acrolein remains approved for use in biocidal products of product-type 12 subject to the specifications and conditions set out in Annex I to Directive 98/8/EC,

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The expiry date of approval of acrolein for use in biocidal products of product-type 12 is postponed to 28 February 2023.

Article 2

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

Done at Brussels, 15 July 2020.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2020/1038
of 15 July 2020
postponing the expiry date of approval of creosote for use in biocidal products of product-type 8
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 14(5) thereof,

After consulting the Standing Committee on Biocidal Products,

Whereas:

- (1) The active substance creosote was included into Annex I to Directive 98/8/EC of the European Parliament and of the Council ⁽²⁾ for use in biocidal products for product-type 8, and pursuant to Article 86 of Regulation (EU) No 528/2012 is therefore considered approved under that Regulation subject to the specifications and conditions set out in Annex I to that Directive.
- (2) On 27 October 2016, an application was submitted in accordance with Article 13(1) of Regulation (EU) No 528/2012 for the renewal of the approval of creosote.
- (3) The expiry date of approval of creosote has been postponed to 31 October 2020 by Commission Implementing Decision (EU) 2017/2334 ⁽³⁾ in order to allow sufficient time for the examination of the application.
- (4) On 16 September 2019, the former evaluating competent authority of the United Kingdom submitted a recommendation on the renewal to the European Chemicals Agency ('the Agency'). The competent authority of Poland has taken over the role of evaluating competent authority on the application on 30 January 2020. As the competent authority carried out a full evaluation of the application, in accordance with Article 14(3) of Regulation (EU) No 528/2012, the Agency is to prepare and submit to the Commission an opinion on renewal of the approval of the active substance within 270 days of receipt of the recommendation from the evaluating competent authority.
- (5) In addition, as creosote is classified as carcinogen category 1B in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽⁴⁾ and meets the criteria for being a persistent, bioaccumulative and toxic substance and a very persistent and very bioaccumulative substance according to Annex XIII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽⁵⁾, it meets the exclusion criteria set out in points (a) and (e) of Article 5(1) of Regulation (EU) No 528/2012. Further examination is therefore necessary to decide whether at least one of the conditions of the first subparagraph of Article 5(2) of Regulation (EU) No 528/2012 is fulfilled, and whether the approval of creosote may therefore be renewed.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

⁽³⁾ Commission Implementing Decision (EU) 2017/2334 of 14 December 2017 postponing the expiry date of approval of creosote for use in biocidal products of product-type 8 (OJ L 333, 15.12.2017, p. 64).

⁽⁴⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁽⁵⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

- (6) Furthermore, creosote, its compounds and wood treated with them are subject to restrictions laid down in Annex XVII to Regulation (EC) No 1907/2006. Following Commission Implementing Decision (EU) 2019/961 ⁽⁹⁾, France is to submit to the Agency a dossier in accordance with Annex XV to Regulation (EC) No 1907/2006, initiating a Union restrictions procedure in accordance with Articles 69 to 73 of that Regulation. Further examination needs to take place in order to ensure consistency between the assessment of the renewal of the approval of creosote as an active substance under Regulation (EU) No 528/2012 and the Union restriction procedure under Regulation (EC) No 1907/2006, and to provide for an effective control of creosote and wood treated with it.
- (7) Consequently, for reasons beyond the control of the applicant, the approval of creosote for use in biocidal products of product-type 8 is likely to expire before a decision has been taken on its renewal. It is therefore appropriate to further postpone the expiry date of approval of creosote for a period of time sufficient to enable the examination of the application.
- (8) Considering the period necessary for the preparation and submission of the opinion by the Agency, the period necessary to decide if at least one of the conditions of the first subparagraph of Article 5(2) of Regulation (EU) No 528/2012 is fulfilled and whether the approval of creosote may therefore be renewed, it is appropriate to postpone the expiry date of approval of creosote to 31 October 2021.
- (9) Except for the expiry date of the approval, creosote remains approved subject to the specifications and conditions set out in Annex I to Directive 98/8/EC,

HAS ADOPTED THIS DECISION:

Article 1

The expiry date of approval of creosote for use in biocidal products of product-type 8 is postponed to 31 October 2021.

Article 2

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

Done at Brussels, 15 July 2020.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁹⁾ Commission Implementing Decision (EU) 2019/961 of 7 June 2019 authorising a provisional measure taken by the French Republic in accordance with Article 129 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) to restrict the use and the placing on the market of certain wood treated with creosote and other creosote-related substances (OJ L 154, 12.6.2019, p. 44).

RECOMMENDATIONS

COMMISSION RECOMMENDATION (EU) 2020/1039

of 14 July 2020

on making State financial support to undertakings in the Union conditional on the absence of links to non-cooperative jurisdictions

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) The diversion of financial aid to tax havens can damage the integrity of Member States' public finances as well as the proper functioning of the Union financial system and the internal market of the Union. The Commission has taken a clear stance against tax havens in recent years through its External Strategy for Effective Taxation ⁽¹⁾.
- (2) The COVID-19 outbreak has prompted unprecedented action at national and Union level to support Member States' economies and facilitate their recovery. This includes State intervention to ensure liquidity and access to finance for undertakings, considerable part of which has been subject to Union State aid rules.
- (3) The volume of financial support, in particular liquidity support, granted to undertakings in the current COVID-19 related circumstances, calls for immediate and coordinated action to prevent the misuse of public financing. Such action so far has mostly been undertaken in the context of Union State aid rules. Furthermore and beyond the COVID-19 related circumstances, the granting of financial support should address the need for tackling tax avoidance and fraud as well as the abuse of national and Union budgets at the expense of taxpayers and social security systems.
- (4) In order to effectively pursue the efforts to curb tax avoidance, fraud and abuse, it is equally important to cater for the proper functioning of the internal market. For that purpose, Member States should coordinate their action, to prevent their tax bases from being unduly eroded and ensure that they adopt solutions which do not create significant discrepancies or market distortions.
- (5) The Union list of non-cooperative jurisdictions for tax purposes ('EU list of non-cooperative jurisdictions') ⁽²⁾ is designed to address threats to EU Member States' tax bases. Against that background, it would be appropriate to recommend that Member States make their financial support to undertakings in the Union conditional on the absence of links between those undertakings and jurisdictions that feature on the Union list. Moreover, the Commission observes that, in the context of granting State aid in the form of recapitalisations, several Member States have indicated their intention to create a strong link between financial support and a fair share of tax paid by the beneficiary.
- (6) Nonetheless, it is critical that Member States protect genuine economic activities in listed non-cooperative jurisdictions and guarantee that those economic activities are not inadvertently affected. For this purpose, Member States should include appropriate exceptions in their laws, in order to ensure that financial support not be prevented where there is real economic activity.

⁽¹⁾ Communication from the Commission to the European Parliament and the Council on an External Strategy for Effective Taxation, 28 January 2016 (https://eur-lex.europa.eu/resource.html?uri=cellar:b5aef3db-c5a7-11e5-a4b5-01aa75ed71a1.0018.02/DOC_1&format=PDF)

⁽²⁾ Jurisdictions featuring in Annex I of the relevant Council Conclusions (so-called 'black list'). The list is regularly updated: https://ec.europa.eu/taxation_customs/tax-common-eu-list_en

- (7) In order to ensure that the financial support can flow to eligible undertakings, Member States should establish reasonable requirements to demonstrate the absence of links to a jurisdiction that features on the EU list of non-cooperative jurisdictions. At the same time, it is essential to guarantee that undertakings cannot circumvent the requirements for entitlement to financial support.
- (8) In an effort to create a comprehensive framework, Member States should extend the conditions for granting State financial support to undertakings beyond the absence of links to listed non-cooperative jurisdictions, in order to include cases where it has been established that an undertaking or its owners have been the subject of a conviction to a serious crime or in breach of obligations relating to the payment of taxes or social security contributions,

HAS ADOPTED THIS RECOMMENDATION:

1. SUBJECT MATTER AND SCOPE

This Recommendation sets out a coordinated approach to making the granting of financial support by Member States conditional on the absence of links between the recipient undertaking and jurisdictions which feature on the EU list of non-cooperative jurisdictions.

2. DEFINITIONS

‘Ownership’ means direct and indirect holdings, as well as the beneficial owner, as defined in Article 3 point 6 of Directive 2015/849 of the European Parliament and of the Council ⁽³⁾.

‘Financial support’ means any type of financial assistance available to all undertakings or selective measures, including State aid granted pursuant to the new State Aid Temporary Framework ⁽⁴⁾.

‘Undertaking’ means any entity or natural person engaged in economic activities regardless of its legal form or sector of activity.

3. MAKING STATE FINANCIAL SUPPORT TO UNDERTAKINGS IN THE UNION CONDITIONAL ON THE ABSENCE OF LINKS TO JURISDICTIONS WHICH FEATURE ON THE EU LIST OF NON-COOPERATIVE JURISDICTIONS

Where Member States adopt measures that provide financial support to eligible undertakings in their jurisdiction, they should make the entitlement to such financial support contingent upon a number of conditions. Therefore, the undertakings that receive the financial support should not:

- (a) be resident for tax purposes in, or incorporated under the laws of, jurisdictions that feature on the EU list of non-cooperative jurisdictions;
- (b) be controlled, directly or indirectly, by shareholders in jurisdictions that feature on the EU list of non-cooperative jurisdictions, up to the beneficial owner, as defined in Article 3 point 6 of Directive 2015/849;
- (c) control, directly or indirectly, subsidiaries or own permanent establishments in jurisdictions that feature on the EU list of non-cooperative jurisdictions; and
- (d) share ownership with undertakings in jurisdictions that feature on the EU list of non-cooperative jurisdictions.

In order to verify compliance with the rule prescribing the absence of links to jurisdictions that feature on the EU list of non-cooperative jurisdictions, Member States should ensure that not only the immediate shareholders but also the ultimate owner and all other undertakings under the same ownership are not tax resident in, or incorporated under the laws of, such a jurisdiction. The owners of the undertaking that receives financial support may be legal entities (e.g. corporations, partnerships, etc.), legal arrangements (e.g. trusts) or natural persons.

⁽³⁾ Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing (OJ L 141, 5.6.2015, p. 73).

⁽⁴⁾ Communication from the Commission – Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak C/2020/1863 (OJ C 91 I, 20.3.2020, p. 1), as amended on 3 April, 8 May and 29 June 2020.

For the purpose of determining whether an undertaking may be granted financial support, it should be irrelevant how many tiers of legal entities or legal arrangements may sit between the undertaking established in the Member State that grants the financial support and the entity in a jurisdiction that features on the EU list.

4. CARVE-OUTS

Member States may disregard the existence of links to the listed non-cooperative jurisdictions, when the undertaking provides evidence that one of the following circumstances is met:

- (a) where the level of the tax liability in the Member State granting the support over a given period of time (e.g. the last three years) is considered adequate when compared to the overall turnover or level of activities of the undertaking receiving the support, at domestic and group level, over the same period;
- (b) where the undertaking makes legally binding commitments to remove its ties to EU listed non-cooperative jurisdictions within a short timeframe, subject to appropriate follow-up and sanctions in case of non-compliance.

Member States should disregard the existence of links to the listed non-cooperative jurisdictions where the undertaking has substantial economic presence (supported by staff, equipment, assets and premises, as evidenced by relevant facts and circumstances) and performs a substantive economic activity in listed non-cooperative jurisdictions.

Member States should not apply those exceptions if they are not in a position to verify the accuracy of the information. This could be due to the insufficient exchange of information on request with the third country concerned, in particular the absence of a tax treaty allowing exchange of information or the lack of cooperation from the third country jurisdiction concerned.

5. IMPLEMENTATION AND ENFORCEMENT

Member States should agree to reasonable requirements demonstrating the absence of links to a jurisdiction that features on the EU list of non-cooperative jurisdictions. The following principles aim at assisting Member States in ensuring swift implementation and effective enforcement of the requirements:

- (a) In order to simplify procedures and facilitate access to financial support, Member States could accept self-certifications by the applicants as evidence that they are fully compliant with the requirements for receiving the financial support. That process should be complemented with enhanced audits/controls at a later stage making full use of the tools available in order to mitigate the risk of non-compliance such as country by country reports, automatic exchange of financial account information, exchange of information on request or access to beneficial ownership information.
- (b) Member States should provide for effective, proportionate and dissuasive sanctions in order to discourage false or inaccurate information by the applicants, including, as a minimum, the recovery of unduly granted financial support.
- (c) Member States should not allow self-certification and should carry out enhanced verifications where the undertaking in question has links to EU listed jurisdictions and claims the benefit of a carve-out.

6. OTHER RESTRICTIONS

Member States should refrain from providing financial support to undertakings in the following cases:

- where it has been established that an undertaking or its owners have been the subject of a conviction by final judgment for any of the crimes laid down in Article 57(1) of Directive 2014/24/EU of the European Parliament and of the Council ⁽⁹⁾,
- where it has been established by final judgment or final administrative decision that an undertaking or its owners is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law.

⁽⁹⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement (OJ L 94, 28.3.2014, p. 65).

7. FOLLOW-UP

Member States are requested to inform the Commission about the measures taken further to the present Recommendation.

The Commission is ready to discuss with Member States their plans for ensuring that the granting of State aid, in particular in the form of recapitalisations, should be limited to undertakings paying their fair share of tax.

The Commission will publish a report on the application of this Recommendation within three years after its adoption.

Done at Brussels, 14 July 2020.

For the Commission

Paolo GENTILONI

Member of the Commission

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



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

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