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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2020/1118

of 27 April 2020

amending Regulation (EC) No 785/2004 of the European Parliament and of the Council on insurance requirements for air carriers and aircraft operators

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators ⁽¹⁾, and in particular Article 6(5) thereof,

Whereas:

- (1) By Council Decision 2001/539/EC ⁽²⁾ the Community concluded the Convention for the Unification of Certain Rules for International Carriage by Air, agreed at Montreal on 28 May 1999 (Montreal Convention), which lays down rules on liability in respect of the international carriage by air of persons, baggage and cargo.
- (2) Regulation (EC) No 785/2004 established minimum insurance requirements in respect of liability for passengers, baggage and cargo at a level to ensure that air carriers are adequately insured to cover their liability under the Montreal Convention.
- (3) The limits of liability of air carriers under the Montreal Convention have recently been reviewed by the International Civil Aviation Organization (ICAO) by reference to an inflation factor which corresponds to the accumulated rate of inflation since the date of entry into force of the Montreal Convention.
- (4) The ICAO has determined that the inflation factor since 30 December 2009, the date of entry into force of the previous revised limits of the Montreal Convention, has exceeded 10 per cent, the threshold for triggering an adjustment of the limits of liability. Therefore, the limits of liability have been revised accordingly.
- (5) The minimum insurance requirements in respect of liability for passengers, baggage and cargo, established by Regulation (EC) No 785/2004, should be timely adjusted to the revised limits of liability under the Montreal Convention which became effective on 28 December 2019.
- (6) For liability in respect of passengers, the minimum insurance requirements of Regulation (EC) No 785/2004 have been set at a level significantly exceeding the revised limits of liability under the Montreal Convention.

⁽¹⁾ OJ L 138, 30.4.2004, p. 1.⁽²⁾ Council Decision 2001/539/EC of 5 April 2001 on the conclusion by the European Community of the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention) (OJ L 194, 18.7.2001, p. 38).

- (7) In respect of liability for baggage and cargo, the minimum insurance requirements of Regulation (EC) No 785/2004 should be increased to the level of the revised limits of liability under the Montreal Convention.
- (8) Regulation (EC) No 785/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 6 of Regulation (EC) No 785/2004, paragraphs (2) and (3) are replaced by the following:

- ‘2. For liability in respect of baggage, the minimum insurance cover shall be 1 288 SDRs per passenger in commercial operations.
3. For liability in respect of cargo, the minimum insurance cover shall be 22 SDRs per kilogram in commercial operations.’

Article 2

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

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

Done at Brussels, 27 April 2020.

For the Commission
The President
Ursula VON DER LEYEN

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2020/1119

of 27 July 2020

concerning the extension of the action taken by the United Kingdom Health and Safety Executive permitting the making available on the market and outdoor use of the biocidal product Ficam D in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council

(notified under document C(2020) 4968)

(Only the English text is authentic)

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 55 (1) thereof, in conjunction with Article 131 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽²⁾,

Whereas:

- (1) On 3 September 2019, the United Kingdom Health and Safety Executive ('the 'competent authority') adopted, in accordance with the first subparagraph of Article 55(1) of Regulation (EU) No 528/2012, a decision to permit the making available on the market and outdoor use of the biocidal product Ficam D against Asian hornet nests until 1 March 2020 ('the action'). The competent authority informed the Commission and the competent authorities of the other Member States about the action and the justification for it, in accordance with the second subparagraph of Article 55(1) of that Regulation.
- (2) According to the information provided by the competent authority, the action was necessary in order to protect animals and the environment, in particular honey bees and other beneficial insects. The Asian hornet (*Vespa velutina nigrithorax* de Buysson, 1905) is listed as an invasive alien species of Union concern in Commission Implementing Regulation (EU) 2016/1141 ⁽³⁾ as there is scientific evidence which shows that it is likely to have a significant adverse impact on biodiversity or the related ecosystem services. More specifically, the Asian hornet is a threat to honey bees and other beneficial insects on which it preys, disrupting their ecological role.
- (3) Article 17 of Regulation (EU) No 1143/2014 of the European Parliament and of the Council ⁽⁴⁾ requires Member States to swiftly apply eradication measures after a listed species has been detected on their territory at an early stage of invasion.
- (4) Ficam D is a dusting powder containing bendiocarb as an active substance, which is approved for use in biocidal products of product-type 18 (insecticides, acaricides and products to control other arthropods) as defined in Annex V to Regulation (EU) No 528/2012. Ficam D was authorised under the UK's national biocides legislation and has been a central component in the UK's response to treating and incapacitating Asian hornet nests. The authorisation of Ficam D under Regulation (EU) No 528/2012 restricted its use to indoors only, due to potential concerns to the environment from the outdoor use.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ OJ L 29, 31.1.2020, p. 7.

⁽³⁾ Commission Implementing Regulation (EU) 2016/1141 of 13 July 2016 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council (OJ L 189, 14.7.2016, p. 4).

⁽⁴⁾ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

- (5) On 28 January 2020, the Commission received a reasoned request from the competent authority to extend the action in accordance with the third subparagraph of Article 55(1) of Regulation (EU) No 528/2012. The request was made on the basis of concerns that honey bees and other beneficial insects might be endangered by the Asian hornet beyond 1 March 2020 and taking into account that Ficam D is crucial in order to contain the danger posed by the Asian hornet.
- (6) The competent authority has been seeking alternatives for the treatment of Asian hornet nests as well as alternatives to the direct treatment of the nests, for example baits. However, time is still needed for trials and analysis of the alternatives in order to confirm their viability and efficacy and identify the best alternative to Ficam D.
- (7) Furthermore, according to the competent authority, initial investigations of alternatives show advantages of the treatment of Asian hornet nests with Ficam D over other alternatives. The treatment with Ficam D does not require repeated applications, thus preventing the release of queens capable of founding new nests; it does not agitate the hornets, which is important, especially when the treatment takes place in inhabited areas and it does not require the soaking of the nests, as liquid-based products do, which would cause the disintegration of the nests, making vital laboratory analyses, such as the genetic analysis to determine the relatedness of nests, very difficult or impossible.
- (8) As the lack of control of the Asian hornet might endanger honey bees and other beneficial insects and as that danger cannot be adequately contained by other means, it is appropriate to allow the competent authority to extend the action under certain conditions.
- (9) Considering that the action has lapsed since 2 March 2020, this Decision should have retroactive effect.
- (10) 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 United Kingdom Health and Safety Executive may extend the permit for the making available on the market and outdoor use of the biocidal product Ficam D until the end of the transition period referred to in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community or until 3 September 2021, whichever is earlier, except for Northern Ireland, for which it may extend that permit until 3 September 2021, provided that it ensures that the product is only used by certified operators under its supervision.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

It shall apply from 2 March 2020.

Done at Brussels, 27 July 2020.

For the Commission
Stella KYRIAKIDES
Member of the Commission

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