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Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

- ★ **Information concerning the entry into force of the Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova** 1
- ★ **Information concerning the entry into force of the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Government of the State of Israel, of the other part** 2
- ★ **Information concerning the entry into force of the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part** 3
- ★ **Information concerning the entry into force of the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part** 4
- ★ **Information concerning the entry into force of the Agreement between the European Union and the Government of the People's Republic of China on certain aspects of air services** 5

REGULATIONS

- ★ **Commission Implementing Regulation (EU) 2020/1217 of 25 August 2020 on a derogation from Implementing Regulation (EU) 2019/2072 concerning the introduction into the Union of naturally or artificially dwarfed plants for planting of *Chamaecyparis* Spach, *Juniperus* L. and certain species of *Pinus* L., originating in Japan, and repealing Decision 2002/887/EC** 6
- ★ **Commission Implementing Regulation (EU) 2020/1218 of 25 August 2020 fixing the import duties in the cereals sector applicable from 26 August 2020** 12

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

DECISIONS

- ★ **Commission Decision (EU) 2020/1219 of 20 August 2020 authorising Italy to apply an extension of certain periods specified in Article 2 of Regulation (EU) 2020/698 of the European Parliament and of the Council** 16
- ★ **Commission Implementing Decision (EU) 2020/1220 of 21 August 2020 on the request for registration of the proposed European citizens' initiative entitled 'Right to Cure' (notified under document C(2020) 5705) (Only the English text is authentic)** 18

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information concerning the entry into force of the Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova

The Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova signed in Brussels on 26 June 2012, entered into force on 2 August 2020, in accordance with Article 29(1) of the Agreement, as the last notification was deposited on 2 July 2020.

**Information concerning the entry into force of the Euro-Mediterranean Aviation Agreement
between the European Union and its Member States, of the one part, and the Government of the
State of Israel, of the other part**

The Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Government of the State of Israel, of the other part, signed in Brussels on 10 June 2013, entered into force on 2 August 2020, in accordance with Article 30(2) of the Agreement, as the last notification was deposited on 2 July 2020.

Information concerning the entry into force of the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part

The Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part, signed in Brussels on 2 December 2010, entered into force on 2 August 2020, in accordance with Article 29(1) of the Agreement, as the last notification was deposited on 2 July 2020.

**Information concerning the entry into force of the Euro-Mediterranean Aviation Agreement
between the European Union and its Member States, of the one part, and the Hashemite Kingdom of
Jordan, of the other part**

The Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, signed in Brussels on 15 December 2010, entered into force on 2 August 2020, in accordance with Article 29(1) of the Agreement, as the last notification was deposited on 2 July 2020.

Information concerning the entry into force of the Agreement between the European Union and the Government of the People's Republic of China on certain aspects of air services

The Agreement between the European Union and the Government of the People's Republic of China on certain aspects of air services, signed in Brussels on 20 May 2019, entered into force on 27 March 2020, in accordance with Article 6(1) of the Agreement, as the last notification was deposited on 27 March 2020.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1217

of 25 August 2020

on a derogation from Implementing Regulation (EU) 2019/2072 concerning the introduction into the Union of naturally or artificially dwarfed plants for planting of *Chamaecyparis* Spach, *Juniperus* L. and certain species of *Pinus* L., originating in Japan, and repealing Decision 2002/887/EC

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC ⁽¹⁾, and in particular Articles 30(1), 40(1) and 41(1) thereof,

Whereas:

- (1) Regulation (EU) 2016/2031 has repealed and replaced Council Directive 2000/29/EC ⁽²⁾, while Commission Implementing Regulation (EU) 2019/2072 ⁽³⁾ has replaced Annexes I to V to that Directive.
- (2) Article 7 in conjunction with point 1 of Annex VI to Implementing Regulation (EU) 2019/2072 prohibits the introduction into the Union of plants for planting of *Chamaecyparis* Spach, *Juniperus* L. and *Pinus* L., other than fruit and seeds. Previously the respective prohibition was set out in Article 4(1) in conjunction with point 1, Part A of Annex III to Directive 2000/29/EC.
- (3) Commission Decision 2002/887/EC ⁽⁴⁾ authorised the Member States to provide for derogations from Article 4(1) of Directive 2000/29/EC, with regard to the prohibitions referred to in point 1, Part A of Annex III to that Directive, for naturally or artificially dwarfed plants of *Chamaecyparis* Spach, *Juniperus* L. and certain species of *Pinus* L., other than fruit and seeds, originating in Japan.
- (4) On 3 August 2017, Japan submitted a request for extending that authorisation also to naturally or artificially dwarfed plants of black pine bonsai (*Pinus thunbergii* Parl.) and provided a technical information in support of that request.
- (5) In May 2019, the European Food Safety Authority (EFSA) delivered a scientific opinion evaluating the plant health risks from black pine bonsai imported from Japan ⁽⁵⁾. That scientific opinion was based on the available scientific and technical information provided by Japan, concluding on the likelihood of pest freedom as regards the pests that could be associated with that commodity if certain conditions are fulfilled.

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽²⁾ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, p. 1).

⁽⁴⁾ Commission Decision 2002/887/EC of 8 November 2002 authorising derogations from certain provisions of Council Directive 2000/29/EC in respect of naturally or artificially dwarfed plants of *Chamaecyparis* Spach, *Juniperus* L. and *Pinus* L., originating in Japan (OJ L 309, 12.11.2002, p. 8).

⁽⁵⁾ EFSA Panel on Plant Health, 2019. Scientific Opinion on the commodity risk assessment of black pine (*Pinus thunbergii* Parl.) bonsai from Japan. *EFSA Journal* 2019;17(5):5667, 184 pp. <https://doi.org/10.2903/j.efsa.2019.5667>

- (6) Some of the pests concerned are not yet listed as Union quarantine pests but might fulfil the criteria to be listed as such, thus they should be subject to provisional measures set out in Article 30(1) of Regulation (EU) 2016/2031. On the basis of the EFSA scientific opinion, the conditions for import of *Pinus thunbergii* Parl. bonsai plants from Japan ensuring certain level of pest freedom are deemed to be acceptable and a derogation should be granted for their introduction into the Union, for an initial period until 31 December 2023, in order to allow for a review of those measures.
- (7) In October 2019, Japan also submitted a request for prolongation of the derogation granted by Decision 2002/887/EC for *Chamaecyparis* Spach, *Juniperus* L. and certain species of *Pinus* L. The circumstances justifying granting this derogation pursuant to Decision 2002/887/EC still apply and the phytosanitary risks from introduction of these commodities remain low. Since there is no new information giving cause for revision of the specific conditions therein, such prolongation of the derogation should be granted. However, the list of pests of concern for *Pinus* sp. should be updated to cover recent changes in taxonomy and the new scientific information in the EFSA scientific opinion.
- (8) That derogation should be subject to the same requirements as set out in Decision 2002/887/EC. Those requirements should apply without prejudice to Implementing Regulation (EU) 2019/2072, and especially the requirements set out in point 30 of Annex VII to that Regulation concerning the introduction into the Union of naturally or artificially dwarfed plants for planting other than seeds.
- (9) As Directive 2000/29/EC has been repealed and replaced by Regulation (EU) 2016/2031, Decision 2002/887/EC should be repealed and replaced by this Regulation for reasons of clarity and legal consistency.
- (10) The derogation provided for in this Regulation should apply until 31 December 2023 to allow for its review.
- (11) 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

Definition

For the purposes of this Regulation, 'specified plants' shall mean naturally or artificially dwarfed plants for planting of the following species:

- *Chamaecyparis* sp. Spach,
- *Juniperus* sp. L.,
- *Pinus parviflora* Sieb. & Zucc. (*Pinus pentaphylla* Mayr),
- *Pinus thunbergii* Parl.,
- *Pinus parviflora* Sieb. & Zucc., grafted on a rootstock of another *Pinus* species, originating in Japan, and
- *Pinus thunbergii* Parl. grafted on a rootstock of another *Pinus* species, originating in Japan.

*Article 2***Derogation from the prohibition to introduce into the Union the specified plants**

By way of derogation from Article 7 and point 1 of Annex VI to Implementing Regulation (EU) 2019/2072, the specified plants are allowed to be introduced in the Union, if they comply with the conditions set out in the Annex to this Regulation.

*Article 3***Periods of application of the derogation**

The derogation provided for in Article 2 applies to the specified plants imported into the Union in the following periods:

- (a) *Chamaecyparis*: from 1 October 2020 to 31 December 2023;
- (b) *Juniperus*: from 1 November to 31 March each year until 31 December 2023;
- (c) *Pinus* L.: from 1 October 2020 to 31 December 2023.

*Article 4***Repeal of Decision 2002/887/EC**

Decision 2002/887/EC is repealed.

*Article 5***Entry into force and application**

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

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

Done at Brussels, 25 August 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Conditions for the introduction into the Union of the specified plants in accordance with Article 2

1. In the case where the specified plants are *Pinus parviflora* Sieb. & Zucc. or *Pinus thunbergii* Parl. grafted on a rootstock of another *Pinus* species, the rootstock shall not bear any shoots.
2. The total number of the specified plants imported shall not exceed the quantities that have been determined for each year and notified to the Commission and the other Member States by the importing Member State, having regard to the available confinement facilities or quarantine stations.
3. Prior to export to the Union, the specified plants shall have been grown, held and trained for at least two consecutive years in officially registered nurseries, which are subject to a control regime by the National Plant Protection Organisation ('NPPO') of Japan. The annual lists of the officially registered nurseries shall be made available to the Commission, by 31 October of each year. Those lists shall include the number of plants grown in each of these nurseries, as far as they are deemed suitable for introduction into the Union pursuant to this Regulation.
4. In the case of *Juniperus* plants, the plants of the genera *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Juniperus* L., *Malus* Mill., *Photinia* Ldl. and *Pyrus* L., which have been grown in the two last years prior to import in the naturally or artificially dwarfed plants nurseries mentioned in point 3 and in their immediate vicinity, shall have been officially inspected at least six times a year at appropriate intervals for the presence of the pests of concern. In the case of *Chamaecyparis* and *Pinus* plants, the plants of the genus *Chamaecyparis* Spach and of the genus *Pinus* L. which have been grown in those naturally or artificially dwarfed plants nurseries and in their immediate vicinity shall have been officially inspected at least six times a year at appropriate intervals, for the presence of pests of concern.

The pests of concern are:

(a) for *Juniperus* plants:

- (i) *Aschistonyx eppoi* Inouye,
- (ii) *Gymnosporangium asiaticum* Miyabe ex Yamada and *G. yamadai* Miyabe ex Yamada,
- (iii) *Oligonychus perditus* Pritchard et Baker,
- (iv) *Popillia japonica* Newman,
- (v) any other quarantine pest or pest subject to the measures referred to in Article 30 of Regulation (EU) 2016/2031 which is not known to occur in the Union;

(b) for *Chamaecyparis* plants:

- (i) *Popillia japonica* Newman,
- (ii) any other quarantine pest or pest subject to the measures referred to in Article 30 of Regulation (EU) 2016/2031 which is not known to occur in the Union;

(c) for *Pinus parviflora* Sieb. & Zucc. (*Pinus pentaphylla* Mayr) plants:

- (i) *Bursaphelenchus xylophilus* (Steiner and Bühner) Nickle et al.,
- (ii) *Coleosporium paederiae* Dietel ex Hirats. f.,
- (iii) *Crisicoccus pini* (Kuwana),
- (iv) *Cronartium kurilense* (Dietel) Y. Ono,
- (v) *Cronartium quercuum* (Berk.) Miyabe ex Shirai,
- (vi) *Dendrolimus sibiricus* Chetverikov,
- (vii) *Dendrolimus spectabilis* (Butler),
- (viii) *Dendrolimus superans* Butler,
- (ix) *Monochamus* spp. (non-European populations),
- (x) *Pissodes nitidus* Roelofs,
- (xi) *Popillia japonica* Newman,

- (xii) *Pseudocercospora pini-densiflorae* (Hori & Nambu) Deighton,
- (xiii) *Thecodiplosis japonensis* Uchida & Inouye,
- (xiv) any other quarantine pest or pest subject to the measures referred to in Article 30 of Regulation (EU) 2016/2031 which is not known to occur in the Union;

(d) for *Pinus thunbergii* Parl plants:

- (i) *Bursaphelenchus xylophilus* (Steiner and Bühner) Nickle et al.,
- (ii) *Coleosporium asterum* (Dietel) Sydow & P.Sydow,
- (iii) *Coleosporium phellodendri* Komarov,
- (iv) *Crisicoccus pini* (Kuwana),
- (v) *Cronartium orientale* Kaneko,
- (vi) *Dendrolimus sibiricus* Chetverikov,
- (vii) *Dendrolimus spectabilis* (Butler),
- (viii) *Dendrolimus superans* Butler,
- (ix) *Dothistroma septosporum* (Dorogin) Morelet,
- (x) *Fusarium circinatum* Nirenberg & O'Donnell,
- (xi) *Monochamus* spp. (non-European populations),
- (xii) *Pissodes nitidus* Roelofs,
- (xiii) *Popillia japonica* Newman,
- (xiv) *Pseudocercospora pini-densiflorae* (Hori & Nambu) Deighton,
- (xv) *Sirex nitobei* Mats.,
- (xvi) *Thecodiplosis japonensis* Uchida & Inouye,
- (xvii) *Urocera japonicus* (F. Sm.),
- (xviii) any other quarantine pest or pest subject to the measures referred to in Article 30 of Regulation (EU) 2016/2031 which is not known to occur in the Union.

5. The specified plants shall have been found free, in those inspections, from the pests of concern listed in points (a) to (d). Infested plants shall be removed by the NPPO, or the competent national bodies or professional operators under the official supervision of the NPPO of Japan. The remaining specified plants shall be effectively treated and held for an appropriate period and inspected to ensure freedom from such pests.

Any detection of pests of concern specified in point 4, during the inspections carried out pursuant to point 4, shall be officially recorded, and the records shall be made available to the Commission, upon request. Any detection of any of the pests of concern shall disqualify the nursery from the status of officially registered nursery. The Commission shall be informed immediately thereof. In such case, the registration may only be renewed in the following year at the earliest.

6. The specified plants intended for export to the Union, shall at least during the period of two consecutive years referred to in point 3:
 - (a) be potted in pots which are placed either on shelves at least 50 cm above ground or onto concrete flooring, impenetrable for nematodes, which is well maintained and free from debris; and
 - (b) be found free, in the inspections referred to in point 4, from the pests of concern; and
 - (c) if they belong to the genus *Pinus* L. and in the case of grafting on a rootstock of a *Pinus* species other than *Pinus parviflora* Sieb. & Zucc. or *Pinus thunbergii* Parl., have a rootstock derived from sources officially approved as healthy material; and
 - (d) be made recognisable with a marking or a traceability code, exclusive for each individual plant and notified to the NPPO of Japan, enabling the identification of the officially registered nursery and the year of potting.

7. The specified plants have been traceable from the time of their removal from the nursery until the time of loading for export, through sealing of transport vehicles or appropriate alternatives.
8. The specified plants and the adhering or associated growing medium ('the material') shall be accompanied by a phytosanitary certificate, issued by the NPPO of Japan, attesting compliance with the requirements specified in points 1 to 7 of this Implementing Regulation, and in point 30 of Annex VII to Regulation (EU) 2019/2072.

The certificate shall indicate:

- (a) the name or the names of the officially registered nursery or officially registered nurseries;
 - (b) the markings or traceability codes referred to in point 6(d), as far as they enable identification of the registered nursery and the year of potting;
 - (c) the specification of the last treatment applied, prior to dispatch;
 - (d) under 'Additional Declaration', the statement 'This consignment meets the conditions laid down in Commission Implementing Regulation (EU) 2020/1217'.
9. The operator responsible for the consignment shall complete and submit the relevant part of the Common Health Entry Document (CHED) into the IMSOC, indicating at least the following information regarding each consignment of specified plants:
 - (a) the type of material,
 - (b) the quantity of material,
 - (c) the declared date of import,
 - (d) the officially approved site where the specified plants will be held under the post-entry detention referred to in point 10.

Member States shall officially inform the importers, prior to the introduction, of the conditions laid down in points 1 to 12.

10. Before the material is released, it shall be subject to official post-entry detention in a confinement facility or quarantine station.
 - (a) in the case of *Pinus* and *Chamaecyparis* plants, for a period of not less than three months of active growth; and
 - (b) in the case of *Juniperus* plants, for a period from 1 April until 30 June of each year.

The material shall also be found free, during this post-entry detention period, from any pests of concern listed in point 4. Particular attention shall be given by the competent authority or the professional operators to preserve for each plant the marking or traceability code, referred to in point 6(d).

11. Any lot containing material which has not been found free from the pests of concern, during the post-entry detention period, referred to in point 10, shall be immediately destroyed by the competent authority or the professional operator under the official supervision of the competent authority.
 12. Member States shall notify, to the Commission and to the other Member States, any contamination by the pests of concern, which has been confirmed during the post-entry detention period, referred to in point 10. In such case, the relevant nursery in Japan shall be disqualified from the official registered nursery status. The Commission shall immediately inform Japan thereof.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1218
of 25 August 2020
fixing the import duties in the cereals sector applicable from 26 August 2020

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Article 1(1) of Commission Regulation (EU) No 642/2010 ⁽²⁾ states that the import duty on products falling within CN codes 1001 11 00, 1001 19 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high-quality common wheat other than seed), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is to be equal to the intervention price valid for such products on importation and increased by 55%, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Article 1(2) of Regulation (EU) No 642/2010 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products referred to in that paragraph.
- (3) Under Article 2(1) of Regulation (EU) No 642/2010, the import price to be used for the calculation of the import duty on products referred to in Article 1(1) of that Regulation is the daily cif representative import price determined using the method provided for in Article 5 of that Regulation.
- (4) From 21 September 2017 the import duty on products originating in Canada and falling within CN codes 1001 11 00, 1001 19 00, ex 1001 99 00 (high quality common wheat other than seed), 1002 10 00 and 1002 90 00 is to be calculated in accordance with Article 2(5) of Regulation (EU) No 642/2010.
- (5) Import duties should be fixed for the period from 26 August 2020, and should apply until a new import duty is fixed and enters into force.
- (6) Under Article 2(2) of Regulation (EU) No 642/2010, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

From 26 August 2020, the import duties in the cereals sector referred to in Article 1(1) of Regulation (EU) No 642/2010 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II to this Regulation.

Article 2

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EU) No 642/2010 of 20 July 2010 on rules of application (cereal sector import duties) for Council Regulation (EC) No 1234/2007 (OJ L 187, 21.7.2010, p. 5).

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

Done at Brussels, 25 August 2020.

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

ANNEX I

Import duties on the products referred to in Article 1(1) of Regulation (EU) No 642/2010 applicable from 26 August 2020

CN code	Description	Import duties ⁽¹⁾ ⁽²⁾ (EUR/tonne)
1001 11 00	Durum wheat seed	0,00
1001 19 00	High-quality durum wheat, other than seed	0,00
	Medium-quality, other than seed	0,00
	Low-quality, other than seed	0,00
ex 1001 91 20	Common wheat seed	0,00
ex 1001 99 00	High-quality common wheat, other than seed	0,00
1002 10 00	Rye seed	0,26
1002 90 00	Rye, other than seed	0,26
1005 10 90	Maize seed, other than hybrid	0,26
1005 90 00	Maize, other than seed ⁽³⁾	0,26
1007 10 90	Grain sorghum, other than hybrids for sowing	0,26
1007 90 00	Grain sorghum, other than seed	0,26

⁽¹⁾ The importer may benefit, under Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

- EUR 3/tonne, where the port of unloading is located on the Mediterranean Sea (beyond the Strait of Gibraltar) or on the Black Sea and where the goods arrive in the Union via the Atlantic Ocean or the Suez Canal,
- EUR 2/tonne, where the port of unloading is located in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or on the Atlantic coast of the Iberian Peninsula and where the goods arrive in the Union via the Atlantic Ocean.

⁽²⁾ For products originating in Canada and falling within CN codes 1001 11 00, 1001 19 00, ex 1001 99 00 (high-quality common wheat other than seed), 1002 10 00 and 1002 90 00, the duty is calculated in accordance with Article 2(5) of Regulation (EU) No 642/2010.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 24/tonne where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

	(EUR/tonne)	
	Common wheat ⁽¹⁾	Maize
Exchange	Minneapolis	Chicago
Quotation	170,313	107,831
Gulf of Mexico premium	-	28,305
Great Lakes premium	27,766	-
⁽¹⁾ Premium of 14 EUR/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).		

2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico-Rotterdam:	20,636
Freight costs: Great Lakes-Rotterdam:	40,744

DECISIONS

COMMISSION DECISION (EU) 2020/1219

of 20 August 2020

authorising Italy to apply an extension of certain periods specified in Article 2 of Regulation (EU) 2020/698 of the European Parliament and of the Council

(Only the Italian text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2020/698 of the European Parliament and of the Council of 25 May 2020 laying down specific and temporary measures in view of the COVID-19 outbreak concerning the renewal or extension of certain certificates, licences and authorisations and the postponement of certain periodic checks and periodic training in certain areas of transport legislation ⁽¹⁾, and in particular Article 2(5) thereof,

Whereas:

- (1) Article 2(1) of Regulation (EU) 2020/698 extends the time limits for the completion, by the holder of a certificate of professional competence (CPC), of periodic training which would otherwise have expired or would otherwise expire between 1 February 2020 and 31 August 2020. Article 2(2) of that Regulation extends the validity of the corresponding marking of harmonised Union code, '95'.
- (2) Article 2(3) of Regulation (EU) 2020/698 extends the validity of driver qualification cards referred to in Annex II to Directive 2003/59/EC of the European Parliament and of the Council ⁽²⁾ which would otherwise have expired or would otherwise expire between 1 February 2020 and 31 August 2020.
- (3) By letter dated 13 July 2020, referring to Article 2(1), (2) and (3) of Regulation (EU) 2020/698, Italy submitted a reasoned request for an authorisation to apply an extension by four months of the period between 1 February 2020 and 31 August 2020 specified in Article 2(1) and (3) of that Regulation. Italy provided additional information in support of its request on 15, 16, 17 and 21 July 2020.
- (4) According to the information provided by Italy, the completion of periodic training and its certification, the marking of the harmonised Union code, '95', and the renewal of driver qualification cards is likely to remain impracticable in Italy until 31 December 2020 due to measures that it has taken to prevent or contain the spread of COVID-19.
- (5) In particular, Italy suspended all training courses between 9 March and 28 May 2020, including those related to the periodic training of drivers provided for in Directive 2003/59/EC. Those training courses only resumed in the first week of June 2020. Moreover, only a small number of candidates can participate in the training courses at the same time, in order to respect social distancing rules, to avoid the spread of the virus. There is therefore a considerable backlog of drivers needing to complete the training courses.
- (6) The situation is particularly problematic in the case of the periodic training for bus drivers. According to the information provided by Italy, many drivers who were carrying out the activity of driver of vehicles used for transport of passengers on 10 September 2008, obtained a CPC as an acquired right pursuant to Article 4 of Directive 2003/59/EC. In practice, and pursuant to Article 4, Article 8(2) and Article 14(2) of Directive 2003/59/EC, many of the CPCs thus granted expired in the first half of September 2015, since Italy made use of the possibility to extend the period referred to in Article 8(2) of Directive 2003/59/EC to up to seven years. In turn, drivers who renewed their CPC shortly before their expiry in 2015 must again renew their CPC by 9 September 2020. Italy estimates that there are over 62 000 CPCs due to expire on 9 September 2020 and have not yet been renewed.

⁽¹⁾ OJ L 165, 27.5.2020, p. 10.

⁽²⁾ Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).

- (7) In addition, CPCs issued between 11 September 2007 and 31 December 2007 on the basis of examinations will also expire between 11 September and 31 December 2020.
- (8) Furthermore, according to the information provided by Italy, completion of the 35-hour periodic training course takes at least 5 days, and the majority of participants will require two weeks to complete it. After successful completion of the course, participants have to request the Ministry of Infrastructure and Transport to issue a new driving licence bearing the harmonised Union code '95', which certifies that periodic training has taken place pursuant to Directive 2003/59/EC. Therefore, Italy anticipates that many drivers will be unable to complete the periodic training course and to conclude the administrative procedure to be able to continue carrying out their activity.
- (9) As regards Article 2(1), (2) and (3) of Regulation (EU) 2020/698, Italy should therefore be authorised to apply an extension of four months of the respective periods, between 1 February 2020 and 31 August 2020, specified in Article 2(1) and (3) of that Regulation,

HAS ADOPTED THIS DECISION:

Article 1

Italy is authorised to apply an extension of four months of the period between 1 February 2020 and 31 August 2020 specified in Article 2(1) of Regulation (EU) 2020/698 for the purposes of Article 2(1) and (2) of that Regulation.

Italy is authorised to apply an extension of four months of the period between 1 February 2020 and 31 August 2020 specified in Article 2(3) of Regulation (EU) 2020/698.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 20 August 2020.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2020/1220**of 21 August 2020****on the request for registration of the proposed European citizens' initiative entitled 'Right to Cure'***(notified under document C(2020) 5705)***(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) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) A request for registration of a proposed European citizens' initiative entitled 'Right to Cure' was submitted to the Commission on 4 July 2020.
- (2) The objectives of the proposed initiative are to: '[1] ensure that intellectual property rights, including patents, do not hamper the accessibility or availability of any future COVID-19 vaccine or treatment; [2] ensure that EU-legislation on data and market exclusivity does not limit the immediate effectiveness of compulsory licenses issued by Member States; [3] introduce legal obligations for beneficiaries from EU-funds to share COVID-19 health technology related knowledge, intellectual property and/or data in a technology or patent pool; [4] introduce legal obligations for beneficiaries from EU-funds regarding transparency on public contributions, production costs, as well as accessibility and affordability clauses combined with non-exclusive licenses.'
- (3) An annex provides further details on the subject matter, objectives and background to the proposed European citizens' initiative. In particular, the group of organisers calls on the Union 'to put public health before private profit [and] make anti-pandemic vaccines and treatments a global public good, freely accessible to everyone'.
- (4) As regards the first two objectives of the proposed initiative, the Commission has power to propose a legal act of the Union for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market, on the basis of Article 114 of the Treaty.
- (5) As regards the last two objectives of the proposed initiative, the Commission has power to propose a legal act of the Union for the purpose of implementing the Treaties designed to protect and improve public health, on the basis of Article 168(5) of the Treaty, and research actions in the context of the multiannual framework programme of the Union, on the basis of Article 182 of the Treaty, read in conjunction with Article 183 of the Treaty.
- (6) For these reasons, none of the parts of the proposed initiative manifestly falls outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.
- (7) The group of organisers has provided appropriate evidence that it fulfils the requirements laid down in Article 5(1) and (2) of Regulation (EU) 2019/788 and has designated the contact persons in accordance with the first subparagraph of Article 5(3) of that Regulation.
- (8) The proposed initiative is not manifestly abusive, frivolous or vexatious, nor is it manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on European Union and rights enshrined in the Charter of Fundamental Rights of the European Union.
- (9) The proposed initiative entitled 'Right to Cure' should therefore be registered,

⁽¹⁾ OJ L 130, 17.5.2019, p. 55.

HAS ADOPTED THIS DECISION:

Article 1

The proposed European citizens' initiative entitled 'Right to Cure' shall be registered.

Article 2

This Decision is addressed to the group of organisers of the European citizens' initiative entitled 'Right to Cure', represented by Ms Anne DELESPAUL and Ms Sara Anna MURAWSKI acting as contact persons.

Done at Brussels, 21 August 2020.

For the Commission
Věra JOUROVÁ
Vice-President

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