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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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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2020/1542 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 21 October 2020****amending Regulation (EU) No 1303/2013 as regards the adjustment of annual pre-financing for the years 2021 to 2023**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 177 thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Regulation (EU) No 1303/2013 of the European Parliament and of the Council ⁽³⁾ lays down the common and general provisions applicable to the European Structural and Investment Funds.
- (2) Evidence suggests that the annual pre-financing is set at a particularly high level in comparison with financial management requirements stemming from the implementation of operational programmes; this is in particular the case for the budgetary years 2021 to 2023.
- (3) In order to ease the pressure on payment appropriations in the Union budget for the budgetary years 2021 to 2023 and to enhance the predictability of payment requirements and thus contribute to more transparent budgetary planning and a more orderly payment profile, the rate of annual pre-financing for those years should be decreased.
- (4) Regulation (EU) No 1303/2013 should therefore be amended accordingly,

⁽¹⁾ OJ C 159, 10.5.2019, p. 45.

⁽²⁾ Position of the European Parliament of 4 April 2019 (not yet published in the Official Journal) and decision of the Council of 7 October 2020.

⁽³⁾ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

HAVE ADOPTED THIS REGULATION:

Article 1

Article 134(2) of Regulation (EU) No 1303/2013 is amended as follows:

(a) the fifth indent is replaced by the following:

‘— 2020: 3 %’;

(b) the following indent is added:

‘— 2021 to 2023: 2 %.’.

Article 2

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

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

Done at Brussels, 21 October 2020.

For the European Parliament

The President

D. M. SASSOLI

For the Council

The President

M. ROTH

REGULATION (EU) 2020/1543 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 21 October 2020
amending Regulation (EU) No 514/2014 as regards the decommitment procedure

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2), Article 79(2) and (4), Article 82(1), Article 84 and Article 87(2) thereof,

Having regard to the proposal from the European Commission,

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

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

Whereas:

- (1) Member States have been affected by the consequences of the COVID-19 pandemic in an unprecedented manner. The COVID-19 pandemic has affected migration, security and border management in Member States, which in turn has aggravated the serious liquidity shortages that Member States are facing due to the sudden and significant increase in public investments needed in many sectors. That has created an exceptional situation which should be addressed with specific measures.
- (2) It is necessary to provide Member States with additional flexibility to enable them to respond to this unprecedented crisis by enhancing the possibility to make full use of the available implementation period for national programmes as referred to in Regulation (EU) No 514/2014 of the European Parliament and of the Council ⁽²⁾ up until the closure of those programmes by 31 December 2023. In order to respond to such a need, the deadlines for decommitment and submission of requests for payment of the annual balance should be the same. The regulatory deadline for requests for payment of the annual balance is 15 February of the year following the relevant financial year, which the Commission can exceptionally extend to 1 March of that year, whereas the deadline initially set for decommitment was 31 December of the second year following that of the budget commitment. By aligning the deadline for decommitment to the relevant deadline for the submission of requests for payment, the Commission will be able to take the request for payment of the annual balance submitted by the Member State on 15 February or 1 March, as appropriate, into consideration for the purpose of the decommitment exercise.
- (3) In order to ensure that Member States can make full use of additional allocations granted in 2018 and 2019, the year in which the budget commitment is effected should be adjusted. Those additional allocations were included in the general budget of the European Union for the financial years 2018 and 2019 and subsequently committed to the national programmes.
- (4) In view of the urgency entailed by the exceptional circumstances caused by the COVID-19 pandemic, it is considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union (TEU), to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.

⁽¹⁾ Position of the European Parliament of 6 October 2020 (not yet published in the Official Journal) and decision of the Council of 13 October 2020.

⁽²⁾ Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (OJ L 150, 20.5.2014, p. 112).

- (5) Since the objective of this Regulation, namely to maximise the use of the Asylum, Migration and Integration Fund, established by Regulation (EU) No 516/2014 of the European Parliament and of the Council ⁽³⁾, and the Internal Security Fund, established by Regulations (EU) No 513/2014 ⁽⁴⁾ and (EU) No 515/2014 ⁽⁵⁾ of the European Parliament and of the Council, in addressing the direct and indirect effects stemming from the unprecedented public health crisis in the context of the COVID-19 pandemic, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (6) Regulation (EU) No 514/2014 should therefore be amended accordingly.
- (7) In order to provide Member States with legal certainty as regards the decommitment deadline, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

Article 1

In Article 50 of Regulation (EU) No 514/2014, paragraph 1 is replaced by the following:

‘1. National programmes shall be submitted to a decommitment procedure established on the basis that where, by 15 February or, in the event that the Commission exceptionally extends the deadline for the submission of the request for payment in accordance with Article 44(1), 1 March of the year following the second year following that of the budget commitment, amounts linked to a commitment are not covered by the initial and annual pre-financing referred to in Article 35 and by a request for payment submitted in accordance with Article 44(1), those amounts shall be decommitted. For the purpose of the decommitment, the Commission shall calculate the amount by adding one sixth of the annual budget commitment related to the 2014 total amount contribution to each of the 2015-2020 budget commitments.

In respect of amounts corresponding to the additional allocations assigned to the national programmes in 2018, the budget commitment shall be effected in 2019. In respect of amounts corresponding to the additional allocations assigned to the national programmes in 2019, the budget commitment shall be effected in 2020.’

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 the Member States in accordance with the Treaties.

Done at Brussels, 21 October 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
M. ROTH

⁽³⁾ Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC (OJ L 150, 20.5.2014, p. 168).

⁽⁴⁾ Regulation (EU) No 513/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management and repealing Council Decision 2007/125/JHA (OJ L 150, 20.5.2014, p. 93).

⁽⁵⁾ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

DECISIONS

DECISION (EU) 2020/1544 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 21 October 2020

amending Council Decision 2003/17/EC as regards the equivalence of field inspections carried out in Ukraine on cereal seed-producing crops and on the equivalence of cereal seed produced in Ukraine

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Council Decision 2003/17/EC ⁽³⁾ provides that, under certain conditions, field inspections carried out on certain seed-producing crops in the third countries listed in Annex I to that Decision are to be considered equivalent to field inspections carried out in accordance with Union law and that, under certain conditions, the seed of certain species of cereal produced in those third countries is to be considered equivalent to seed produced in accordance with Union law.
- (2) Ukraine has submitted a request to the Commission for the granting of equivalence to its system of field inspections of cereal seed-producing crops and to cereal seed produced and certified in Ukraine.
- (3) The Commission examined the relevant legislation of Ukraine, and, on the basis of an audit carried out in 2015 concerning the system of official controls and of certification of cereal seed in Ukraine, and its equivalence with Union requirements, published its findings in a report entitled 'Final report of an audit carried out in Ukraine from 26 May 2015 to 4 June 2015 in order to evaluate the system of official controls and certification of cereal seed and their equivalence with European Union requirements'.
- (4) Following the audit, it has been concluded that field inspections of seed-producing crops, sampling, testing and official post-controls of cereal seed are carried out appropriately and satisfy the conditions set out in Annex II to Decision 2003/17/EC and the respective requirements set out in Council Directive 66/402/EEC ⁽⁴⁾. Moreover, it has been concluded that the national authorities responsible for the implementation of seed certification in Ukraine are competent and operate appropriately.
- (5) Therefore it is appropriate to grant equivalence as regards field inspections carried out in respect of cereal seed-producing crops in Ukraine, and as regards cereal seed produced in Ukraine and officially certified by its authorities.
- (6) Decision 2003/17/EC should therefore be amended accordingly,

⁽¹⁾ Opinion of 18 September 2020 (not yet published in the Official Journal).

⁽²⁾ Position of the European Parliament of 8 October 2020 (not yet published in the Official Journal) and decision of the Council of 14 October 2020.

⁽³⁾ Council Decision 2003/17/EC of 16 December 2002 on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries (OJ L 8, 14.1.2003, p. 10).

⁽⁴⁾ Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (OJ L 25, 11.7.1966, p. 2309).

HAVE ADOPTED THIS DECISION:

Article 1

Amendments to Decision 2003/17/EC

Annex I to Decision 2003/17/EC is amended as follows:

(a) in the table, the following row is inserted between 'TR' and 'US':

'UA	Ministry of Agrarian Policy and Food of Ukraine Khreshchatyk str., 24, 01001, KYIV	66/402/EEC';
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(b) in the footnote to the table, the following terms are inserted between 'TR – Turkey,' and 'US – United States,':

'UA – Ukraine,'.

Article 2

Entry into force

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

Article 3

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 21 October 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
M. ROTH

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2020/1545

of 19 October 2020

on the signing, on behalf of the Union, and provisional application of the Agreement in the form of an Exchange of Letters between the European Union and the Government of the Cook Islands concerning an extension of the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands ⁽¹⁾ ('the Agreement'), approved by Council Decision (EU) 2017/418 ⁽²⁾, entered into force on 10 May 2017. The Protocol on the implementation of the Agreement ⁽³⁾ ('the Protocol') has been applied since 14 October 2016 ⁽⁴⁾ for a period of four years.
- (2) The Protocol is set to expire on 13 October 2020.
- (3) On 7 July 2020, the Council authorised the Commission to open negotiations with the Government of the Cook Islands for the conclusion of a new Protocol implementing the Agreement.
- (4) Pending completion of the negotiations on the renewal of the Protocol, the Commission negotiated, on behalf of the Union, an Agreement in the form of an Exchange of Letters between the European Union and the Government of the Cook Islands concerning an extension of the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands ('Agreement in the form of an exchange of letters') for a maximum period of one year. The negotiations were concluded successfully and the Exchange of Letters was initialled on 29 July 2020.
- (5) The aim of the Agreement in the form of an Exchange of Letters is to enable the Union and the Government of the Cook Islands to continue working together to promote a sustainable fisheries policy and the sound exploitation of fisheries resources in the Cook Islands' waters, and to allow Union vessels to carry out their fishing activities in those waters.
- (6) The Agreement in the form of an Exchange of Letters should be signed on behalf of the Union, subject to its conclusion at a later date.
- (7) To ensure the continuity of fishing activity by Union vessels in the Cook Islands' waters, the Agreement in the form of an Exchange of Letters should be applied on a provisional basis, pending the completion of the procedures necessary for its entry into force,

⁽¹⁾ OJ L 131, 20.5.2016, p. 3.

⁽²⁾ Council Decision (EU) 2017/418 of 28 February 2017 on the conclusion on behalf of the European Union of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands and the Implementation Protocol thereto (OJ L 64, 10.3.2017, p. 1).

⁽³⁾ Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands (OJ L 131, 20.5.2016, p. 10).

⁽⁴⁾ OJ L 289, 25.10.2016, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Government of the Cook Islands concerning an extension of the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands is hereby authorised, subject to the conclusion of the said Agreement in the form of an Exchange of Letters ⁽³⁾.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in the form of an Exchange of Letters on behalf of the Union.

Article 3

The Agreement in the form of an Exchange of Letters shall be applied on a provisional basis, in accordance with point 6 thereof, as from 14 October 2020 or any other subsequent date from the day it is signed ⁽⁴⁾, pending the completion of the procedures necessary for its entry into force.

Article 4

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

Done at Luxembourg, 19 October 2020.

For the Council
The President
J. KLOECKNER

⁽³⁾ The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

⁽⁴⁾ The date from which the Agreement in the form of an Exchange of Letters will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS BETWEEN THE EUROPEAN UNION
AND THE GOVERNMENT OF THE COOK ISLANDS CONCERNING AN EXTENSION OF THE
PROTOCOL ON THE IMPLEMENTATION OF THE SUSTAINABLE FISHERIES PARTNERSHIP
AGREEMENT BETWEEN THE EUROPEAN UNION AND THE GOVERNMENT OF THE COOK
ISLANDS**

A. Letter from the European Union

Dear Sirs,

I am pleased to confirm that we agree to the following interim arrangements for the extension of the Protocol currently in force (14 October 2016-13 October 2020), hereinafter "the Protocol", setting out the fishing opportunities and financial contribution provided for in the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands, pending completion of the negotiations on the renewal of the Protocol.

In this regard, the European Union and the Government of the Cook Islands have therefore agreed the following:

- (1) As from 14 October 2020, or any other subsequent date from the signing of this exchange of letters, the arrangements in force during the final year of the Protocol will be renewed under the same conditions for a maximum period of one year.
- (2) The Union's financial contribution for vessels to have access to the Cook Islands' waters under the extension will correspond to the annual amount provided for under Article 2 of the Protocol. That payment will be made in a single instalment no later than three months from the date this exchange of letters is provisionally applied.
- (3) Under this extension agreement, sectoral support amounts to EUR 350 000. The Joint Committee provided for under Article 6 of the Sustainable Fisheries Partnership Agreement will approve the programming for this amount according to the provisions set out in Article 3 of the Protocol no later than four months from the date of application of this exchange of letters. The conditions referred to in Article 3 of the Protocol relating to the implementation and payment of sectoral support will apply *mutatis mutandis*.
- (4) In the event that the negotiations to renew the Protocol result in this being signed and subsequently entering into force prior to the expiry of the one-year period provided for under point 1 above, payment of the financial contribution referred to in points 2 and 3 above will be reduced *pro rata temporis*. The corresponding amount already paid will be deducted from the first financial contribution due under the new Protocol.
- (5) During the application period of this extension agreement, fishing licences will be allocated within the limits set under the Protocol by means of fees or advances corresponding to those set in the Annex, Chapter II, Section 5, to the Protocol, for the last year of its application.
- (6) This exchange of letters will apply provisionally as from 14 October 2020, or any other subsequent date from its being signed, pending its entry into force. It will enter into force on the date on which the Parties notify each other that they have completed the necessary procedures for that purpose.

I should be obliged if you would acknowledge receipt of this letter and confirm that you are in agreement with its terms.

Yours faithfully,

For the European Union

B. Letter from the Government of the Cook Islands

Dear Sirs,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

"Dear Sirs,

I am pleased to confirm that we agree to the following interim arrangements for the extension of the Protocol currently in force (14 October 2016-13 October 2020), hereinafter "the Protocol", setting out the fishing opportunities and financial contribution provided for in the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands, pending completion of the negotiations on the renewal of the Protocol.

In this regard, the European Union and the Government of the Cook Islands have therefore agreed the following:

- (1) As from 14 October 2020, or any other subsequent date from the signing of this exchange of letters, the arrangements in force during the final year of the Protocol will be renewed under the same conditions for a maximum period of one year.
- (2) The Union's financial contribution for vessels to have access to the Cook Islands' waters under the extension will correspond to the annual amount provided for under Article 2 of the Protocol. That payment will be made in a single instalment no later than three months from the date this exchange of letters is provisionally applied.
- (3) Under this extension agreement, sectoral support amounts to EUR 350 000. The Joint Committee provided for under Article 6 of the Sustainable Fisheries Partnership Agreement will approve the programming for this amount according to the provisions set out in Article 3 of the Protocol no later than four months from the date of application of this exchange of letters. The conditions referred to in Article 3 of the Protocol relating to the implementation and payment of sectoral support will apply *mutatis mutandis*.
- (4) In the event that the negotiations to renew the Protocol result in this being signed and subsequently entering into force prior to the expiry of the one-year period provided for under point 1 above, payment of the financial contribution referred to in points 2 and 3 above will be reduced *pro rata temporis*. The corresponding amount already paid will be deducted from the first financial contribution due under the new Protocol.
- (5) During the application period of this extension agreement, fishing licences will be allocated within the limits set under the Protocol by means of fees or advances corresponding to those set in the Annex, Chapter II, Section 5, to the Protocol, for the last year of its application.
- (6) This exchange of letters will apply provisionally as from 14 October 2020, or any other subsequent date from its being signed, pending its entry into force. It will enter into force on the date on which the Parties notify each other that they have completed the necessary procedures for that purpose.

I should be obliged if you would acknowledge receipt of this letter and confirm that you are in agreement with its terms."

I can confirm that the content of your letter is acceptable to my Government.

Your letter and this letter constitute an agreement in accordance with your proposal.

Yours faithfully,

For the Government of the Cook Islands

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