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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2020/2040**of 11 December 2020****amending Regulation (EC) No 1881/2006 as regards maximum levels of pyrrolizidine alkaloids in certain foodstuffs***(Text with EEA relevance)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006 ⁽²⁾ sets maximum levels for certain contaminants in foodstuffs.
- (2) On 8 November 2011, the Scientific Panel on Contaminants in the Food Chain (CONTAM Panel) of the European Food Safety Authority ('the Authority') published a scientific opinion on the risks to public health related to the presence of pyrrolizidine alkaloids in food and feed ⁽³⁾. The CONTAM Panel concluded that 1,2-unsaturated pyrrolizidine alkaloids may act as genotoxic carcinogens in humans. The CONTAM Panel concluded that there is a possible health concern for those toddlers and children who are high consumers of honey. In addition to honey, there are other possible sources of dietary exposure to pyrrolizidine alkaloids, which the CONTAM Panel was not able to quantify due to the lack of data. It came to the conclusion that, although no occurrence data were available, exposure to pyrrolizidine alkaloids from pollen, tea, herbal infusions and herbal dietary supplements could potentially present a risk of both acute and chronic effects in the consumer.
- (3) In April 2013, the Authority published a call for proposals to investigate the concentrations of pyrrolizidine alkaloids in animal-derived food products including milk and milk products, eggs and meat and meat products, and for plant-derived food products including (herbal) teas and food supplements, across different regions in Europe. The outcome of the investigations was published on 3 August 2015 ⁽⁴⁾.

⁽¹⁾ OJ L 37, 13.2.1993, p. 1.

⁽²⁾ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

⁽³⁾ EFSA CONTAM Panel, 2011. Scientific Opinion on Pyrrolizidine alkaloids in food and feed. *EFSA Journal* 2011; 9(11):2406. [134 pp.], doi:10.2903/j.efsa.2011.2406.

⁽⁴⁾ Mulder PPJ, López Sánchez P, These A, Preiss-Weigert A and Castellari M, 2015. Occurrence of Pyrrolizidine Alkaloids in food. EFSA supporting publication 2015:EN-859, 116 pp. <http://www.efsa.europa.eu/en/supporting/pub/en-859>

- (4) On 26 August 2016, the Authority published a scientific report on the dietary exposure assessment to pyrrolizidine alkaloids in the European population ⁽⁵⁾, taking into account new occurrence data. The report concluded that tea and herbal infusions are the main contributors to human exposure to pyrrolizidine alkaloids and that pollen-based supplements also contribute significantly to that exposure. It found that the exposure to pyrrolizidine alkaloids related to the consumption of honey was lower. It also concluded that herbal food supplements can contribute significantly to the exposure but there was a lack of sufficient occurrence data.
- (5) On 27 July 2017, the Authority published the statement on the risks for human health related to the presence of pyrrolizidine alkaloids in honey, tea, herbal infusions and food supplements ⁽⁶⁾. The CONTAM Panel established a new reference point of 237 µg/kg body weight per day to assess the carcinogenic risks of pyrrolizidine alkaloids and concluded that there is a possible concern for human health related to the exposure to pyrrolizidine alkaloids, in particular for frequent and high consumers of tea and herbal infusions in the general population but, in particular, for the younger groups of the population.
- (6) The presence of pyrrolizidine alkaloids in these foods can be minimised or prevented by the application of good agricultural and harvest practices. The setting of maximum levels ensures that good agricultural and harvest practices are applied in all production regions to ensure a high level of human health protection. It is therefore appropriate to set maximum levels in foodstuffs which contain significant levels of pyrrolizidine alkaloids and which therefore contribute significantly to the human exposure or which are of relevance for the exposure of vulnerable groups of the population.
- (7) In certain production regions, good agricultural and harvest practices have only been recently introduced or have still to be implemented, therefore it is appropriate to provide for a reasonable period to allow all production regions to introduce such practices. Two growing seasons are necessary for a full implementation of the good agricultural and harvest practices to ensure sufficient supply for food business operators to produce foodstuffs that comply with the new requirements set out in this Regulation.
- (8) Taking into account that the foodstuffs covered by this Regulation have a long shelf life of up to three years, it is appropriate to provide for a significantly long transitional period so that foodstuffs which have been lawfully placed on the market before the date of application of this Regulation can remain sufficiently long on the market. A transitional period of 18 months is appropriate to enable the selling to the final consumer of the products produced before the date of application.
- (9) Regulation (EC) No 1881/2006 should therefore be amended accordingly.
- (10) 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 Annex to Regulation (EC) No 1881/2006 is amended in accordance with the Annex to this Regulation.

Article 2

Foodstuffs listed in the Annex that were lawfully placed on the market before 1 July 2022 may remain on the market until 31 December 2023.

⁽⁵⁾ EFSA (European Food Safety Authority), 2016. Dietary exposure assessment to pyrrolizidine alkaloids in the European population. *EFSA Journal* 2016;14(8):4572, 50 pp. doi:10.2903/j.efsa.2016.4572.

⁽⁶⁾ EFSA CONTAM Panel, 2017. Statement on the risks for human health related to the presence of pyrrolizidine alkaloids in honey, tea, herbal infusions and food supplements. *EFSA Journal* 2017;15(7):4908, 34 pp. <https://doi.org/10.2903/j.efsa.2017.4908>

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*.

It shall apply from 1 July 2022.

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

Done at Brussels, 11 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Section 8 of the Annex to Regulation (EC) No 1881/2006, the following entries are added:

"Foodstuffs" ⁽¹⁾		Maximum level ^(*) (µg/kg)
8.4.	Pyrrolizidine alkaloids	
8.4.1.	Herbal infusions (dried product) ^(**) ^(***) with the exception of the herbal infusions referred to in 8.4.2. and 8.4.4.	200
8.4.2.	Herbal infusions of rooibos, anise (<i>Pimpinella anisum</i>), lemon balm, chamomile, thyme, peppermint, lemon verbena (dried product) and mixtures exclusively composed of these dried herbs ^(**) ^(***) with the exception of the herbal infusions referred to in 8.4.4.	400
8.4.3.	Tea (<i>Camellia sinensis</i>) and flavoured tea ^(****) (<i>Camellia sinensis</i>) (dried product) ^(***) with the exception of the tea and flavoured tea referred to in 8.4.4.	150
8.4.4.	Tea (<i>Camellia sinensis</i>), flavoured tea ^(****) (<i>Camellia sinensis</i>) and herbal infusions for infants and young children (dried product)	75
8.4.5.	Tea (<i>Camellia sinensis</i>), flavoured tea ^(****) (<i>Camellia sinensis</i>) and herbal infusions for infants and young children (liquid)	1,0
8.4.6.	Food supplements containing herbal ingredients including extracts ^(**) with the exception of the food supplements referred to in 8.4.7.	400
8.4.7.	Pollen based food supplements ⁽³⁹⁾ Pollen and pollen products	500
8.4.8.	Borage leaves (fresh, frozen) placed on the market for the final consumer ^(**)	750
8.4.9.	Dried herbs with the exception of the dried herbs referred to in 8.4.10. ^(**)	400
8.4.10.	Borage, lovage, marjoram and oregano (dried) and mixtures exclusively composed of these dried herbs ^(**)	1 000
8.4.11.	Cumin seeds (seed spice)	400

(*) The maximum level refers to the lowerbound sum of the following 21 pyrrolizidine alkaloids:

- intermedine/lycopsamine, intermedine-N-oxide/lycopsamine-N-oxide,
- senecionine/senecivernine, senecionine-N-oxide/senecivernine-N-oxide,
- seneciphylline, seneciphylline-N-oxide,
- retrorsine, retrorsine-N-oxide,
- echimidine, echimidine-N-oxide,
- lasiocarpine, lasiocarpine-N-oxide,
- senkirkine,
- europine, europine-N-oxide,
- heliotrine and heliotrine-N-oxide

and the following additional 14 pyrrolizidine alkaloids known to co-elute with one or more of the above identified 21 pyrrolizidine alkaloids, making use of certain currently used analytical methods:

- indicine, echinatine, rinderine (possible co-elution with lycopsamine/intermedine)
- indicine-N-oxide, echinatine-N-oxide, rinderine-N-oxide (possible co-elution with lycopsamine-N-oxide/intermedine-N-oxide)
- integerrimine (possible co-elution with senecivernine/senecionine)
- integerrimine-N-oxide (possible co-elution with senecivernine-N-oxide/senecionine-N-oxide)
- heliosupine (possible co-elution with echimidine)
- heliosupine-N-oxide (possible co-elution with echimidine-N-oxide)
- spartioidine (possible co-elution with seneciphylline)
- spartioidine-N-oxide (possible co-elution with seneciphylline-N-oxide)
- usaramine (possible co-elution with retrorsine)
- usaramine N-oxide (possible co-elution with retrorsine N-oxide)

Pyrrolizidine alkaloids, which can be individually and separately identified with the used method of analysis, shall be quantified and included in the sum.

(**) Without prejudice to more restrictive national rules in certain Member States on the placing of the market of pyrrolizidine alkaloid containing plants.

(***) The terms "herbal infusions (dried product)" and "tea (*Camellia sinensis*) (dried product)" refer to:

- herbal infusions (dried product) from flowers, leaves and herbs, roots, and any other parts of the plant (in sachets or in bulk)/tea (*Camellia sinensis*) (dried product) from dried leaves, stalks and flowers (in sachets or in bulk) used for the preparation of herbal infusion (liquid product)/tea (liquid product)
- instant herbal teas/teas. In the case of powdered tea extracts, a concentration factor of 4 has to be applied.

(****) Flavoured tea is tea with flavourings and certain food ingredients with flavouring properties, as defined in Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods (OJ L 354, 31.12.2008, p. 34).
For teas with fruits and other herbs, Article 2 of Regulation (EC) No 1881/2006 applies.”

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2041**of 11 December 2020****amending Implementing Regulation (EU) 2020/585 as regards the number of samples to be taken and analysed by each Member State in view of the withdrawal of the United Kingdom from the European Union and the European Atomic Energy Community****(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 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ⁽¹⁾, in particular Article 29(2) thereof,

Having regard to 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) Commission Implementing Regulation (EU) 2020/585 ⁽³⁾ sets out in its Annex II the number of samples per Member State that are to be taken for the purposes of the control programme provided for by that Regulation in order to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues.
- (2) With the withdrawal of the United Kingdom from the Union and the end of the transition period on 31 December 2020, adaptations are necessary to ensure that the programme remains representative of the Union market and the overall number of samples remains sufficient to fulfil the objectives of that programme.
- (3) The United Kingdom contributed with a significant amount of samples in the past, proportionate to its population size. Henceforth, the number of samples to be collected by the United Kingdom should be adapted in respect of Northern Ireland and according to the population size of that territory.
- (4) The number of samples collected by the Member States should also be adapted accordingly to maintain an overall sufficient number of samples with respect to recital 3 of Implementing Regulation (EU) 2020/585.
- (5) Implementing Regulation (EU) 2020/585 should therefore be amended accordingly.
- (6) For Member States to be able to meet their obligations of analysis, this Regulation should apply on 1 January 2021.
- (7) 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

Annex II to Implementing Regulation (EU) 2020/585 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ OJ L 29, 31.1.2020, p. 7.

⁽³⁾ Commission Implementing Regulation (EU) 2020/585 of 27 April 2020 concerning a coordinated multiannual control programme of the Union for 2021, 2022 and 2023 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin (OJ L 135, 29.4.2020, p. 1).

Article 2

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

It shall apply from 1 January 2021.

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

Done at Brussels, 11 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In point (5) of Annex II to Implementing Regulation (EU) 2020/585, the table is replaced by the following:

BE	15
BG	15
CZ	15
DK	12
DE	106
EE	12
IE	12
EL	15
ES	55
FR	78
HR	12
IT	75
CY	12
LV	12
LT	12
LU	12
HU	15
MT	12
NL	20
AT	15
PL	51
PT	15
RO	22
SI	12
SK	12
FI	12
SE	15
UK in respect of Northern Ireland ⁽¹⁾	12
TOTAL NUMBER OF SAMPLES: 683	

⁽¹⁾ In accordance with 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, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, this Regulation applies to and in the United Kingdom in respect of Northern Ireland.

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2042**of 11 December 2020****amending Implementing Regulation (EU) 2020/464 as regards its date of application and certain other dates that are relevant for the application of Regulation (EU) 2018/848 of the European Parliament and of the Council on organic production****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 ⁽¹⁾, and in particular Article 10(6), Article 14(3), Article 15(3), Article 16(3), Article 17(3) and Article 26(7)(d) thereof,

Whereas:

- (1) Due to the outbreak of the COVID-19 pandemic and the related public health crisis, Regulation (EU) 2020/1693 of the European Parliament and of the Council ⁽²⁾ postponed the date of application of Regulation (EU) 2018/848 by one year, together with other related dates referred to in Regulation (EU) 2018/848.
- (2) Commission Implementing Regulation (EU) 2020/464 ⁽³⁾ laid down certain rules for the application of Regulation (EU) 2018/848, in particular as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States. In the interest of legal certainty, those rules should apply from the date of application of Regulation (EU) 2018/848.
- (3) It is therefore necessary to align the date of application of Implementing Regulation (EU) 2020/464 and other consequent dates included therein with the date of application of Regulation (EU) 2018/848.
- (4) Implementing Regulation (EU) 2020/464 should therefore be amended accordingly.
- (5) In light of the need to immediately ensure legal certainty for the organic sector on the postponement of the date of entry into application of Implementing Regulation (EU) 2020/464, this Regulation should enter into force as soon as possible.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Organic Production Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2020/464 is amended as follows:

- (1) in Article 25 paragraph 4, the second sentence is replaced by the following:

⁽¹⁾ OJ L 150, 14.6.2018, p. 1.

⁽²⁾ Regulation (EU) 2020/1693 of the European Parliament and of the Council of 11 November 2020 amending Regulation (EU) 2018/848 on organic production and labelling of organic products as regards its date of application and certain other dates referred to in that Regulation, OJ L 381, 13.11.2020, p. 1.

⁽³⁾ Commission Implementing Regulation (EU) 2020/464 of 26 March 2020 laying down certain rules for the application of Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States (OJ L 98, 31.3.2020, p. 2).

'That information shall be provided each year by 30 June and for the first time by 30 June 2023 concerning the year 2022.';

- (2) in Article 26 paragraphs 1, 5, 6 and 7, the words 'as from 1 January 2029 at the latest' are replaced by the words 'as from 1 January 2030 at the latest';
- (3) in Article 26 paragraphs 2, 3 and 4, the words 'as from 1 January 2024 at the latest' are replaced by the words 'as from 1 January 2025 at the latest';
- (4) in Article 27, the second paragraph is replaced by the following:
'It shall apply from 1 January 2022'.

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, 11 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2043**of 11 December 2020****derogating from Implementing Regulation (EU) 2017/39 in respect of school years 2019/2020 and 2020/2021 as regards on-the-spot checks on the premises of aid applicants or educational establishments for the purposes of the school scheme**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular points (a), (b) and (c) of the first subparagraph of Article 62(2) thereof,

Whereas:

- (1) Article 10(3) of Commission Implementing Regulation (EU) 2017/39 ⁽²⁾ lays down the minimum percentage of the on-the-spot checks to be carried out on the premises of aid applicants dealing with the supply and distribution of products and with accompanying educational measures in the framework of the scheme referred to in Article 23 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ⁽³⁾ (the 'school scheme'). The fourth subparagraph of Article 10(3) of Implementing Regulation (EU) 2017/39 provides that, where the aid applicant is not an educational establishment, the on-the-spot check carried out on the premises of the applicant is to be supplemented by on-the-spot checks on the premises of at least two educational establishments or at least 1 % of the educational establishments recorded by the applicant in accordance with Article 6 of Commission Delegated Regulation (EU) 2017/40 ⁽⁴⁾, whichever is the greater.
- (2) Due to the measures put in place to address the COVID-19 pandemic, Member States may encounter difficulties with the planning and execution of timely on-the-spot checks on the premises of aid applicants or educational establishments in school years 2019/2020 and 2020/2021. Therefore, it is appropriate to provide that where Member States are not in a position to carry out those on-the-spot checks as required by Article 10(3) of Implementing Regulation (EU) 2017/39, they may decide to carry such on-the-spot checks remotely, for instance via videoconferences.
- (3) Article 10(6) of Implementing Regulation (EU) 2017/39 lays down the rules and methods applicable to the reporting of the checks and their results. In order to ensure transparency, Member States should justify the need for the derogation provided for in this Regulation and report on its use in the control report to be drawn up for each on-the-spot check carried out remotely.
- (4) It is therefore appropriate to derogate from certain provisions of Implementing Regulation (EU) 2017/39 in respect of school years 2019/2020 and 2020/2021.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Commission Implementing Regulation (EU) 2017/39 of 3 November 2016 on rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to Union aid for the supply of fruit and vegetables, bananas and milk in educational establishments (OJ L 5, 10.1.2017, p. 1).

⁽³⁾ 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 (OJ L 347, 20.12.2013, p. 671).

⁽⁴⁾ Commission Delegated Regulation (EU) 2017/40 of 3 November 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to Union aid for the supply of fruit and vegetables, bananas and milk in educational establishments and amending Commission Delegated Regulation (EU) No 907/2014 (OJ L 5, 10.1.2017, p. 11).

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from the second to the fifth subparagraphs of Article 10(3) of Implementing Regulation (EU) 2017/39, where due to the measures put in place to address the COVID-19 pandemic Member States are not in a position to carry out on-the-spot checks on the premises of aid applicants or educational establishments in respect of school years 2019/2020 and 2020/2021, those checks may be carried out remotely.
2. By way of derogation from Article 10(6) of Implementing Regulation (EU) 2017/39, where the on-the-spot checks are carried out remotely in accordance with paragraph 1 of this Article, the competent control authority shall also include a justification on the need for such derogation and report on its use in the control report.

Article 2

This Regulation shall enter into force on the third 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, 11 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

DECISIONS

DECISION (EU) 2020/2044 OF THE EUROPEAN PARLIAMENT

of 20 October 2020

on discharge in respect of the implementation of the general budget of the European Union for the financial year 2018, Section II – European Council and Council

THE EUROPEAN PARLIAMENT,

- having regard to the general budget of the European Union for the financial year 2018 ⁽¹⁾,
- having regard to the consolidated annual accounts of the European Union for the financial year 2018 (COM(2019) 316 – C9-0052/2019) ⁽²⁾,
- having regard to the Council's annual report to the discharge authority on internal audits carried out in 2018,
- having regard to the Court of Auditors' annual report on the implementation of the budget concerning the financial year 2018, together with the institutions' replies ⁽³⁾,
- having regard to the statement of assurance ⁽⁴⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2018, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to its decision of 13 May 2020 ⁽⁵⁾ postponing the discharge decision for the financial year 2018, and the accompanying resolution,
- having regard to Article 314(10) and Articles 317, 318 and 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽⁶⁾, and in particular Articles 55, 99, 164, 165 and 166 thereof,
- having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 ⁽⁷⁾, and in particular Articles 59, 118, 260, 261 and 262 thereof,
- having regard to Rule 100 of and Annex V to its Rules of Procedure,
- having regard to the second report of the Committee on Budgetary Control (A9-0189/2020),

1. Refuses to grant the Secretary-General of the Council discharge in respect of the implementation of the budget of the European Council and of the Council for the financial year 2018;

2. Sets out its observations in the resolution below;

3. Instructs its President to forward this decision and the resolution forming an integral part of it to the European Council, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President
David Maria SASSOLI

The Secretary-General
Klaus WELLE

⁽¹⁾ OJ L 51, 28.2.2017, p. 1.

⁽²⁾ OJ C 327, 30.9.2019, p. 1

⁽³⁾ OJ C 357, 4.10.2018, p. 1.

⁽⁴⁾ OJ C 357, 4.10.2018, p. 9.

⁽⁵⁾ Texts adopted, P9_TA(2020)0090.

⁽⁶⁾ OJ L 298, 26.10.2012, p. 1.

⁽⁷⁾ OJ L 193, 30.7.2018, p. 1.

RESOLUTION (EU) 2020/2045 OF THE EUROPEAN PARLIAMENT**of 20 October 2020****with observations forming an integral part of the decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2018, Section II – European Council and Council**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2018, Section II – European Council and Council,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A9-0189/2020),
- A. whereas the European Council and the Council, as Union institutions, should be democratically accountable to all the citizens of the Union for the funds entrusted to them to perform their duties;
- B. whereas Parliament is the sole directly elected body among the Union institutions, with the responsibility to grant discharge in respect of the implementation of the general budget of the European Union;
- C. whereas an open and transparent discharge procedure is required to protect the Union's financial interests, to pursue the necessary fight against fraud and to guarantee transparency and democratic accountability towards Union citizens whereby every Union institution is accountable for the budget which it executes;
1. Stresses that for 10 consecutive years the Council has refused to cooperate in the discharge procedure and thus forced the Parliament to refuse to grant discharge; notes that the decision whether to grant discharge for 2018 was postponed in May 2020 similar to what was done in previous years;
 2. Underlines that this state of affairs is not tenable for either institution: for the Council because no positive decision on the implementation of its budget has been granted since 2009, and for Parliament because it shows a lack of respect for Parliament's role as discharge authority and guarantor of the transparency and democratic accountability of the budget of the Union;
 3. States that this situation damages the public trust in the financial management of the Union institutions; considers a continuation of the current situation as detrimental to the accountability of the Union and its institutions;
 4. Recalls that, pursuant to the Treaty on the Functioning of the European Union (TFEU) and the Financial Regulation, Parliament is the only discharge authority of the Union, however, in full acknowledgment of the Council's role as an institution giving recommendations on the discharge procedure; in this regard, asks the Council to give discharge recommendations with respect to the other Union institutions;
 5. Recalls that according to TFEU the institutions enjoy administrative autonomy, their expenditure is set out in separate parts of the budget, and they are individually responsible for the implementation of their budgets;
 6. Recalls that Parliament grants discharge to all Union institutions and bodies, based on the provisions of technical documents, replies to parliamentary questions and hearings; regrets that Parliament repeatedly encounters difficulties in receiving answers from the Council due to a lack of cooperation, resulting in the refusal to grant discharge for more than 10 years;
 7. Recalls that effective control of the Union's budget implementation requires loyal cooperation among the institutions; recalls the wish of Parliament to start negotiations with the Council with a view to reach a mutually satisfactory agreement to finally overcome this situation of deadlock;
 8. Emphasises the letter sent by Parliament's Committee on Budgetary Control on 25 May 2020 to the secretary-general of the Council to inform that Parliament's Committee on Budgetary Control has been mandated by Parliament's Conference of Presidents to re-open negotiations with the Council on the discharge procedure;
 9. Informs that the Parliament's negotiating team consists of the Chair of Parliament's Committee on Budgetary Control, Ms Monika Hohlmeier; the Rapporteur for the Council 2018 discharge, Mr Tomáš Zdechovský; and the 1st Vice-Chair of Parliament's Committee on Budgetary Control, Ms Isabel García Muñoz;

10. Informs that an updated version proposed by Parliament's negotiating team on 20 February 2020 of the 'non-paper' on the cooperation between Parliament and the Council during the annual discharge procedure was annexed to the letter mentioned in point 8; notes that Parliament considers the 'non-paper' to be the starting point for the negotiations;
 11. Informs that the 'non-paper' recognises the respective but different roles of both institutions in the discharge procedure by concluding that Parliament and the Council need a similar factual basis to deliver a recommendation (Council) or take a decision (Parliament);
 12. Explains that the letter mentioned in point 8 invites the Council to suggest an appropriate date to start negotiations; informs that the positive trend of this process has been interrupted by the COVID-19 pandemic;
 13. Points out that as long as no negotiations are taking place between the parties, Parliament's views stand, and that negotiations between the parties are a precondition for resolving the issue;
 14. Insists that the budget of the European Council and the budget of the Council be separated in order to contribute to more transparency, accountability and efficiency with respect to the expenditure for both institutions as recommended by Parliament in many of its discharge resolutions over the last years;
 15. Insists that the combined efforts on achieving an inter-institutional agreement on a mandatory transparency register for lobbyists, accessible in a machine-readable format, are inevitable to enhance openness of the Union decision-making process and accountability of the Union institutions; again strongly regrets that the Council has not joined the transparency register scheme; calls on the Council to continue taking part in the discussions regarding the establishment of a common register together with Parliament, which agreed to restart the negotiations on March 2020, and the Commission in order to make it *de facto* mandatory for lobbyists to register if they want meetings with Union decision-makers; calls again on all Member State presidency teams to lead by example by refusing meetings with unregistered lobbyists;
 16. Welcomes the Council's positive response to the European Ombudsman's recommendation in case 1069/2019/MIG on sponsorship of the Presidency of the Council of the European Union; takes note of the draft guidance sent by the general secretariat of the Council to the Member State delegations on 29 June 2020; reiterates that any actual or perceived conflict of interests jeopardises the reputation of the Council and the Union as a whole; calls on the Council to reflect on the non-binding character of the guidance; urges the Council to follow-up on the issue without delay;
 17. Emphasises the importance of allowing citizens to follow the legislative process of the Union easily; reminds the Council to align its working methods with the standards of a parliamentary democracy, as required by the Treaties; reminds the Council to follow up systematically all the recommendations contained in European Ombudsman's decision in strategic inquiry OI/2/2017/TE on the transparency of the Council legislative process; recalls that Parliament encouraged the European Ombudsman to continue to follow up on her inquiry;
 18. Calls on the Council to step up its transparency efforts by, inter alia, publishing Council legislative documents including minutes of working group meetings and trilogues and other milestone working documents in line with the European Ombudsman's recommendations; welcomes the improvements on the Council's website, in particular related to transparency and access to documents; welcomes the clear chapters on legislative transparency, agendas and calendar of Council meetings and minutes and voting lists; acknowledges that the Council has been taking steps to foster a stronger culture of transparency;
 19. Reiterates its deep concerns about the corporate sponsorship of Member States hosting the Union Presidency and echoes the concerns expressed by Union citizens and Members on the matter; is highly concerned by the possible reputational damage and the risk of loss of trust that this practice might cause the Union, its institutions and especially the Council in the eyes of Union citizens; moreover, strongly recommends the Council to envisage the budgetisation of Presidencies, requests the Council to forward this concern to the Member States, in particular to the current Presidency trio, and calls on the current Presidency trio to take these recommendations into serious consideration and report back to Parliament;
 20. Reiterates its deep concern over the alleged conflict of interests of a number of Member State representatives involved in policy and budget decision-making processes; asks the Council to ensure that Member State representatives who personally benefit from Union subsidies do not participate in the related policy or budgetary discussions and votes.
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DECISION (EU) 2020/2046 OF THE EUROPEAN PARLIAMENT**of 20 October 2020****on discharge in respect of the implementation of the general budget of the European Union for the financial year 2018, Section VI – European Economic and Social Committee (EESC)**

THE EUROPEAN PARLIAMENT,

- having regard to the general budget of the European Union for the financial year 2018 ⁽¹⁾,
 - having regard to the consolidated annual accounts of the European Union for the financial year 2018 (COM(2019) 316 – C9-0055/2019) ⁽²⁾,
 - having regard to the European Economic and Social Committee's annual report to the discharge authority on internal audits carried out in 2018,
 - having regard to the Court of Auditors' annual report on the implementation of the budget concerning the financial year 2018, together with the institutions' replies ⁽³⁾,
 - having regard to the statement of assurance ⁽⁴⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2018, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
 - having regard to its decision of 13 May 2020 ⁽⁵⁾ postponing the discharge decision for the financial year 2018, and the accompanying resolution,
 - having regard to Article 314(10) and Articles 317, 318 and 319 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽⁶⁾, and in particular Articles 55, 99, 164, 165 and 166 thereof,
 - having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 ⁽⁷⁾, and in particular Articles 59, 118, 260, 261 and 262 thereof,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A9-0188/2020),
1. Refuses to grant the Secretary-General of the European Economic and Social Committee discharge in respect of the implementation of the budget of the European Economic and Social Committee for the financial year 2018;
 2. Sets out its observations in the resolution below;
 3. Instructs its President to forward this decision and the resolution forming an integral part of it to the European Economic and Social Committee, the European Council, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President
David Maria SASSOLI

The Secretary-General
Klaus WELLE

⁽¹⁾ OJ L 57, 28.2.2018, p. 1.

⁽²⁾ OJ C 327, 30.9.2019, p. 1.

⁽³⁾ OJ C 340, 8.10.2019, p. 1.

⁽⁴⁾ OJ C 340, 8.10.2019, p. 9.

⁽⁵⁾ Texts adopted, P9_TA(2020)0120.

⁽⁶⁾ OJ L 298, 26.10.2012, p. 1.

⁽⁷⁾ OJ L 193, 30.7.2018, p. 1.

RESOLUTION (EU) 2020/2047 OF THE EUROPEAN PARLIAMENT**of 20 October 2020****with observations forming an integral part of the decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2018 Section VI – European Economic and Social Committee (EESC)**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2018, Section VI – European Economic and Social Committee,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A9-0188/2020),
- A. whereas in the context of the discharge procedure, the discharge authority wishes to stress the particular importance of further strengthening the democratic legitimacy of the Union bodies by improving transparency and accountability, and implementing the concept of performance-based budgeting and good governance of human resources;
- B. whereas based on the outcome and recommendations of the investigation by the European Anti-Fraud Office (OLAF) Parliament's Committee on Budgetary Control expects to be informed by the European Economic and Social Committee (the Committee) on the measures taken in order to rectify the wrongdoings;
1. Welcomes the improvements made to the carry-over situation related to the budget line 'Members of the institution and delegates' by setting a deadline of six weeks for submitting the reimbursement claims; appreciates that since 1 January 2019 a reduction of carry-overs has been achieved;
 2. Notes that due to a higher number of opinions and reports issued, which requested more members' involvement in the preparation, higher costs for travelling and other reimbursements occurred;
 3. Appreciates that the Committee plans to increase significantly its budget for IT in order to catch up, close the gap vis-a-vis the other Union bodies and further implement the Digital Strategy for the Committee adopted in June 2019; takes note of the efforts necessary to reinforce network capacities and end user equipment in order to allow 100 % of the staff to telework;
 4. Notes that the Committee's new structure, in place since 1 January 2020, attached the legal service directly to the secretary-general with the declared objectives of increasing the visibility and impact of the legal service and enabling it to provide legal support on a horizontal basis; takes note of the justification provided by the Committee but is concerned that the autonomy and full independence of the legal service might be affected; calls on the Committee to ensure that the legal service is officially and systematically involved in the most important matters of the Committee without leaving the decision on whether to consult it up to the different services; welcomes that the legal capacity was reinforced in the members' working conditions unit to allow for the treatment of specific issues in relation to the statute of members; notes the reflections on exempting specialised staff, including staff belonging to the legal service, from the Committee's mobility policy and calls on the Committee to report on the conclusions of this process to the discharge authority;
 5. Confirms that the Committee received an asbestos-safe certificate for the VMA building without risk for normal use of the building; notes, however, that a limited amount of asbestos was present which was confirmed by further analysis; recognises that few materials containing asbestos fibres are located outside the office area of the VMA building and that it is planned to remove all those materials during the execution period of the renovation works;

6. Supports the request of the Committee to strengthen all efforts in respecting the content of the cooperation agreement between Parliament and the Committee; recalls, however, that under the 2014 agreement the Committee transferred a total of 36 translators to Parliament and only obtained the access to the European Parliamentary Research Service in exchange; notes that consequently the Committee had to hire contract staff and outsource its translation service; notes with concern that, to compensate the reduction of the translation staff, the Parliament has provided additional funds to the Committee for the outsourcing of the translation and that the Committee can reallocate these funds to other policy areas if they are not fully used for outsourced translation, which has happened in the previous years; is of the opinion that this stipulation is not in line with the principles of prudent and sound financial management and should be reviewed in the future;

State of play

7. Recalls that in its report of January 2020, OLAF concludes that the then president of Group I of the Committee was responsible for acts of harassment towards two members of staff, of inappropriate behaviour (serious misconduct) towards a Committee member and a staff member, and of misconduct towards other staff members working in the Group I Secretariat;
8. Recalls that OLAF concludes that the then president of Group I committed breaches of the obligations deriving from the Committee's rules of procedure and its code of conduct; recalls that OLAF recommends that the Committee initiates the appropriate procedures with respect to the member concerned, as provided for in rule 8, part four, of the Committee's rules of procedure, and takes all necessary steps to prevent any further cases of harassment by the member concerned at the workplace;
9. Deplores that several members of staff have suffered acts of psychological harassment by the then president of Group I for an unjustifiably long period of time; regrets that the anti-harassment measures in place in the Committee failed to tackle and to remedy this case sooner because of the senior position of the member concerned; regrets that the measures taken to protect the victims until the end of the investigation by OLAF were arguably improvised and insufficient, especially in light of the judgement in Case F-50/15 ⁽¹⁾, *FS v European Economic and Social Committee (EESC)*, which should have served as a lesson for the Committee; notes with concern that shortcomings in the internal proceedings resulted in the inaction by the Committee's administration which translated into a breach of the duty of care and of the obligation to report to OLAF; calls on the Committee to take notice of this in the framework of the undertaken revision of the relevant decisions;
10. Notes that the Committee's president received the OLAF report and recommendations on 17 January 2020; notes that the case was referred to the Committee's advisory committee on the conduct of members on 23 January 2020; further notes that the advisory committee presented its conclusions on 28 April 2020, that the member concerned was invited to present his observations and that the Committee's president invited the Committee's enlarged presidency to comment;
11. Notes that the Committee's bureau by majority took the decisions to ask the member concerned to resign from his duties as president of Group I and to withdraw his application for the position of president of the Committee; notes that the bureau discharged the member concerned from all activities involving the management or administration of staff; notes that the bureau tasked the secretary-general with taking the necessary steps to ensure that, should proceedings be initiated by the public prosecutor against the member concerned, the Committee shall join those proceedings as a civil party; notes that the bureau tasked the secretary-general with communicating this decision to OLAF and Parliament; notes that this decision may, as appropriate, also be communicated to other institutions or bodies of the Member States;
12. Notes with concern that the decision of the Committee's bureau regarding the then president of Group I could not be fully enforced via the Committee's internal proceedings; notes that the member concerned decided to withdraw his candidacy for the position of the president of the Committee almost four months after the bureau's decision and then only on his own initiative; notes with concern that despite OLAF's findings and the bureau's decision the member

⁽¹⁾ Judgment of the Civil Service Tribunal (Third Chamber) of 12 May 2016, *FS v European Economic and Social Committee (EESC)*, F-50/15, ECLI:EU:F:2016:119.

concerned is able to impose his will and remain the president of Group I until the end of his term; calls on the Committee to carry on the revision of the Committee's rules of procedure and code of conduct to avoid such situation in the future;

13. Notes that OLAF submitted the case to the Belgian authorities and that the Belgian prosecutor is launching legal proceedings against the member concerned as psychological harassment can be prosecuted under Belgian law; notes that the plenary of the Committee decided to waive the immunity of the concerned member in its meeting of July 2020 in order to allow the Belgian prosecutor to continue the legal proceedings;
14. Points out that the Committee's wrongdoings in this case have resulted in a material loss of public funds with respect to legal services, sick leave, victim protection, reduced productivity, meetings of the bureau and other bodies, etc.; considers it thus a case of concern regarding accountability, budgetary control and good governance of human resources in the Union institutions, bodies, offices and agencies; in that sense recalls that the Court of Auditors states in its Special Report 13/2019, The ethical frameworks of the audited EU institutions: scope for improvement, that ethical conduct in public affairs contributes to sounder financial management and increased public trust, and that any unethical behaviour by staff and members of the Union institutions and bodies attracts high levels of public interest and reduces trust in Union institutions;
15. Is astonished that the Committee's website features a statement by the member concerned in his capacity as president of Group I that is in reality a personal self-defence testimony and with the aggravating factor that cases are either already pending or expected before the Union judicial authorities and the Belgian authorities; deeply regrets that the disagreement between the presidency of the Committee and the presidency of Group I has been made public in this fashion at a great cost for the reputation and credibility of the Union institutions, bodies, offices and agencies;
16. Welcomes that the Committee initiated an in-depth assessment and reflection with respect to the overall existing framework supporting its zero-tolerance policy towards any behaviour which is likely to undermine human dignity; notes that this process aims to identify potential gaps and searches for further improvements in the interest of its staff and members;
17. Asks the Committee to keep the discharge authority informed about any currently ongoing OLAF investigations and the opening of new OLAF investigations concerning the Committee's members or staff with respect to harassment or any other concern;
18. Notes that the provisions of the Staff Regulation are not applicable to the Committee's members, as they are not employees, but appointed as members of the Committee; observes that this circumstance has not prevent other Union institutions, bodies, offices and agencies from having specific, adequate and useful rules applicable to their members; in this sense recalls for example that Article 8, part 4, of the code of conduct of the Committee of the Regions prohibits the infringing member from being elected as office holder of the Committee and, if the member already holds such posts, entails dismissal from them; welcomes that the Committee is ready to consider further improvements to its system after a reflection that has now lasted more than two years; considers this to be an unreasonably long period; regrets that after the aforementioned period the Committee can only suggest awareness raising and training measures for members despite the clear need for further measures as set out in the report of the European Ombudsman on dignity at work in the EU institutions and agencies (SI/2/2018/AMF) and Parliament's recommendations;
19. Asks the Committee to inform the discharge authority on the procedures and processes the Committee has rolled out or intends to roll out on how cases of harassment or similar issues concerning staff will be avoided in the future so as to ensure that comparable regrettable developments which have caused negative publicity and damaged the reputation of the Committee will not be repeated;

20. Welcomes the increase of the number of confidential counsellors in order to improve the informal procedure and the possibility for staff to share their concerns on any perceived situation of harassment;
 21. Warmly welcomes the Committee's reflections, which will result in a detailed action plan to strengthen the zero-tolerance policy towards harassment at the Committee to ensure that such behaviour can never be tolerated; welcomes and supports the current revision package concerning harassment, whistleblowing and disciplinary procedures that will further improve the mechanisms allowing staff to make formal harassment complaints and improve the robustness of the relevant legal structures; recalls, however, that this process has been reported by the Committee to Parliament for years and that only now concrete measures seem to be taken; welcomes the setting-up of a working group that includes representatives from the administration and the staff committee with the aim of collecting the widest possible input for improvements; is disappointed that the Committee has achieved minimal progress over the last years despite the precise recommendations of Parliament urging the Committee to introduce rules and procedures concerning members involved in harassment cases;
 22. Welcomes the continuation of various awareness-raising initiatives in order to inform staff accordingly on the follow-up to the 'Respect@work campaign'; welcomes the organisation of training activities meant to ensure that staff is aware of relevant ethical and organisational values and the associated rules and procedures.
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POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2020/2048**of 8 December 2020****extending the mandate of the Head of Mission of the European Union Monitoring Mission in Georgia
(EUMM Georgia) (EUMM GEORGIA/2/2020)**

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision 2010/452/CFSP of 12 August 2010 on the European Union Monitoring Mission in Georgia, EUMM Georgia ⁽¹⁾, and in particular Article 10(1) thereof,

Whereas:

- (1) Pursuant to Decision 2010/452/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with the third paragraph of Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising the political control and strategic direction of the European Union Monitoring Mission in Georgia (EUMM Georgia), including the decision to appoint a Head of Mission.
- (2) On 11 February 2020, the PSC adopted Decision (CFSP) 2020/200 ⁽²⁾, appointing Mr Marek SZCZYGIEL as Head of Mission of EUMM Georgia from 15 March 2020 to 14 December 2020.
- (3) On 3 December 2020, the Council adopted Decision (CFSP) 2020/1990 ⁽³⁾, extending the mandate of EUMM Georgia from 15 December 2020 to 14 December 2022.
- (4) The High Representative of the Union for Foreign Affairs and Security Policy has proposed to extend the mandate of Mr Marek SZCZYGIEL as Head of Mission of EUMM Georgia from 15 December 2020 to 14 December 2021,

HAS ADOPTED THIS DECISION:

Article 1

The mandate of Mr Marek SZCZYGIEL as Head of the European Union Monitoring Mission in Georgia (EUMM Georgia) is hereby extended from 15 December 2020 to 14 December 2021.

Article 2

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

It shall apply from 15 December 2020.

Done at Brussels, 8 December 2020.

For the Political and Security Committee

The Chairperson

S. FROM-EMMESBERGER

⁽¹⁾ OJ L 213, 13.8.2010, p. 43.

⁽²⁾ Political and Security Committee Decision (CFSP) 2020/200 of 11 February 2020 on the appointment of the Head of Mission of the European Union Monitoring Mission in Georgia (EUMM Georgia) and repealing Decision (CFSP) 2018/2075 (EUMM Georgia/1/2020) (OJ L 42, 14.2.2020, p. 15).

⁽³⁾ Council Decision (CFSP) 2020/1990 of 3 December 2020 amending Decision 2010/452/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia (OJ L 411, 7.12.2020, p. 1).

EUROPEAN COUNCIL DECISION (EU) 2020/2049
of 10 December 2020
appointing a member of the Executive Board of the European Central Bank

THE EUROPEAN COUNCIL,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 283(2),

Having regard to the recommendation of the Council of the European Union ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Governing Council of the European Central Bank ⁽³⁾,

Whereas:

- (1) Mr Yves MERSCH was appointed member of the Executive Board of the European Central Bank for a term of office of eight years as from 15 December 2012. His term of office expires on 14 December 2020.
- (2) It is therefore necessary to appoint a new member of the Executive Board of the European Central Bank.
- (3) The European Council wishes to appoint Mr Frank ELDERSON, who, in its view, fulfils all the requirements set out in Article 283(2) of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Mr Frank ELDERSON is hereby appointed a member of the Executive Board of the European Central Bank for a term of office of eight years as from 15 December 2020.

Article 2

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

Done at Brussels, 10 December 2020.

For the European Council
The President
C. MICHEL

⁽¹⁾ OJ C 338, 12.10.2020, p. 2.

⁽²⁾ Opinion delivered on 23 November 2020 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 28 October 2020 (OJ C 372, 4.11.2020, p. 11).

COMMISSION IMPLEMENTING DECISION (EU) 2020/2050**of 10 December 2020****granting derogations to certain Member States from the application of Regulation (EU) 2019/1700 of the European Parliament and of the Council establishing a common framework for European statistics relating to persons and households, based on data at individual level collected from samples***(notified under document C(2020) 8595)***(Only the Croatian, Dutch, English, Finnish, French, German, Greek, Italian, Lithuanian, Maltese, Polish, Romanian, Slovenian, Spanish and Swedish texts are authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1700 of the European Parliament and of the Council of 10 October 2019 establishing a common framework for European statistics relating to persons and households, based on data at individual level collected from samples, amending Regulations (EC) No 808/2004, (EC) No 452/2008 and (EC) No 1338/2008 of the European Parliament and of the Council, and repealing Regulation (EC) No 1177/2003 of the European Parliament and of the Council and Council Regulation (EC) No 577/98 ⁽¹⁾, and in particular Article 19(1) thereof,

Whereas:

- (1) It appears from the information provided to the Commission that the requests for derogations of Germany, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Romania, Slovenia, and Finland set out in the Annex are justified by the need for major adaptations to national administrative and statistical systems in order to comply with Regulation (EU) 2019/1700.
- (2) The requested derogations should be granted to Germany, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Romania, Slovenia, and Finland.
- (3) The measures provided for in this Decision are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS DECISION:

Article 1

The derogations from Regulation (EU) 2019/1700 set out in the Annex shall be granted to the Member States listed therein.

Article 2

This Decision is addressed to the Federal Republic of Germany, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Poland, Romania, the Republic of Slovenia and the Republic of Finland.

⁽¹⁾ OJ L 261 I, 14.10.2019, p. 1.

Done at Brussels, 10 December 2020.

For the Commission
Paolo GENTILONI
Member of the Commission

Derogations from Regulation (EU) 2019/1700**Domain: Labour force**

Article/Annex concerned	Member State	Derogation period granted	Contents of the derogation granted
Article 5 – Statistical populations and observation units	France	3 years (2021-2023)	The survey shall not cover the French Department of Mayotte.
Annex II – Precision requirements	Greece	3 years (2021-2023)	The precision requirements for the quarterly unemployment-to-population 15-74 ratio may not be achieved for some NUTS 2 regions.
	Netherlands	1 year (2021)	In addition to microdata based on limited sample size to be gradually completed to fulfill all precision requirements, model based main indicators and their breakdowns shall be transmitted. Where requested, further detailed indicators including breakdowns shall be provided.
Annex V – Data transmission deadlines	Greece, Italy	1 year (2021)	The pre-checked quarterly microdata without direct identifiers shall be transmitted within 12 weeks from the end of the reference period.
	Italy	3 years (2021-2023)	The pre-checked microdata without direct identifiers for the detailed topic 'income from work' shall be transmitted within 18 months from the end of the reference period.

Domain: Income and living conditions

Article/Annex concerned	Member State	Derogation period granted	Contents of the derogation granted
Article 13(5) Quality	Lithuania	3 years (2021-2023)	The metadata and information referred to in Art. 13 (4) shall be transmitted by end of September 2022 for data collection 2021, by end of July 2023 for data collection for 2022, and by end of May 2024 for data collection for 2023.
Annex II – Precision requirements	Germany	2 years (2021-2022)	The indicator 'Ratio of at-persistent-risk-of-poverty over four years to population' shall be exempted from precision requirements.
	Ireland	3 years (2021-2023)	For the maximum value of the standard error of the indicator 'Ratio at-risk-of-poverty or social exclusion to population' the values of parameters a and b shall be: a = 900 and b = 700 for the data collection for 2021; a = 900 and b = 1 175 for the data collection for 2022; a = 900 and b = 1 650 for the data collection for 2023.

Article/Annex concerned	Member State	Derogation period granted	Contents of the derogation granted
			The indicator 'Ratio of at-persistent-risk-of-poverty over four years to population' shall be exempted from precision requirements. The indicator 'Ratio at-risk-of-poverty or social exclusion to population in each NUTS 2 region' shall be exempted from precision requirements.
	France	2 years (2021-2022)	The indicator 'Ratio of at-persistent-risk-of-poverty over four years to population' shall be exempted from precision requirements.
	Italy	3 years (2021-2023)	The precision requirement for indicator 'Ratio at-risk-of-poverty or social exclusion to population in each NUTS 2 region' shall apply in each NUTS 1 region instead of each NUTS 2 region.
	Finland	3 years (2021-2023)	The indicator 'Ratio of at-persistent-risk-of-poverty over four years to population' shall be exempted from precision requirements.
Annex III – Sample characteristics	Germany	2 years (2021-2022)	The sample shall have a 2-year rotation scheme for the data collection for 2021 and 3-year rotation scheme for the data collection for 2022.
Annex V – Data transmission deadlines	Germany	3 years (2021-2023)	The pre-checked microdata without direct identifiers concerning the data collection of the year N shall be transmitted by end of February of the year N+1.
	Ireland	1 year (2021)	The pre-checked microdata without direct identifiers concerning the data collection of 2021 shall be transmitted by end of March 2022.
	Greece	3 years (2021-2023)	The pre-checked microdata without direct identifiers concerning the data collection for 2021, 2022 and 2023 shall be transmitted by end of April 2022, by end of March 2023 and by the end of February 2024, respectively.
	Spain	2 years (2021-2022)	The pre-checked microdata without direct identifiers concerning the data collection for 2021 shall be transmitted by 15 June 2022 and concerning the data collection for 2022 by end of March 2023.
	France	3 years (2021-2023)	As regards the variables on income, the pre-checked microdata without direct identifiers concerning the data collection for year N shall be transmitted by end of March of the year N+1.
	Croatia	2 years (2021-2022)	The pre-checked microdata without direct identifiers concerning the data collection for 2021 shall be transmitted by 15 June 2022 and concerning the data collection for 2022 by end of March 2023.
	Italy	3 years (2021-2023)	The pre-checked microdata without direct identifiers concerning the data collection for 2021, 2022 and 2023 shall be transmitted by 15 June 2022, by end of April 2023 and by end of March 2024, respectively.
	Cyprus	3 years (2021-2023)	The pre-checked microdata without direct identifiers concerning the data collection for year N shall be transmitted by 15 June of year N+1.
	Lithuania	3 years (2021-2023)	The pre-checked microdata without direct identifiers concerning the data collection for 2021, 2022 and 2023 shall be transmitted by the end of April 2022, by end of March 2023 and by end of February 2024, respectively.

Article/Annex concerned	Member State	Derogation period granted	Contents of the derogation granted
	Luxembourg	3 years (2021-2023)	As regards the variables on income, provisional pre-checked microdata without direct identifiers concerning the data collection for year N shall be transmitted by end of April of the year N+1 and revised data by end of May of the year N+1.
	Malta	3 years (2021-2023)	The pre-checked microdata without direct identifiers concerning the data collection for year N shall be transmitted by end of April of the year N+1.
	Poland	2 years (2021-2022)	The pre-checked microdata without direct identifiers concerning the data collection for 2021 shall be transmitted by 15 June 2022 and concerning the data collection for 2022 by end of March 2023.
	Romania	3 years (2021-2023)	The pre-checked microdata without direct identifiers concerning all final variables of the data collection for year N shall be transmitted by end of February of the year N+1.
	Slovenia	1 year (2021)	The pre-checked microdata without direct identifiers concerning the data collection for 2021 shall be transmitted by 15 June 2022.

Domain: Health

Article/Annex concerned	Member State	Derogation period granted	Contents of the derogation granted
Annex V – Data transmission deadlines	Romania	1 year (first year of implementation)	The pre-checked microdata without direct identifiers for data collection shall be transmitted within 12 months from the end of the national data collection period.

Domain: Education and training

Article/Annex concerned	Member State	Derogation period granted	Contents of the derogation granted
Annex II – Precision requirements	Finland	3 years (2021-2023)	The precision requirement for the indicator ‘Participation rate in formal education and training (age 18-24)’ may not be fulfilled.

Domain: Time use

Article/Annex concerned	Member State	Derogation period granted	Contents of the derogation granted
Annex V – Data transmission deadlines	Romania	1 year (first year of implementation)	The pre-checked microdata without direct identifiers for the data collection shall be transmitted within 20 months of when the fieldwork is finished.

COMMISSION IMPLEMENTING DECISION (EU) 2020/2051**of 11 December 2020****amending the Annex to Implementing Decision (EU) 2020/1742 concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in the United Kingdom***(notified under document C(2020) 9184)***(Only the English text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) 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 ('Withdrawal Agreement'),

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary checks applicable in intra-Union trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof, in conjunction with Article 131 of the Withdrawal Agreement,

Whereas:

- (1) Commission Implementing Decision (EU) 2020/1742 ⁽³⁾ was adopted following outbreaks of highly pathogenic avian influenza (HPAI) of subtype H5N8 in holdings where poultry or other captive birds are kept in the United Kingdom, and the establishment of protection and surveillance zones by the competent authority of the United Kingdom in accordance with Council Directive 2005/94/EC ⁽⁴⁾.
- (2) Implementing Decision (EU) 2020/1742 provides that the protection and surveillance zones established by the United Kingdom in accordance with Directive 2005/94/EC are to comprise at least the areas listed as protection and surveillance zones in the Annex to that Implementing Decision.
- (3) The Annex to Implementing Decision (EU) 2020/1742 was recently amended by Commission Implementing Decision (EU) 2020/1996 ⁽⁵⁾, following further outbreaks of highly pathogenic avian influenza of subtype H5N8 in poultry or other captive birds in the United Kingdom that needed to be reflected in that Annex.
- (4) Since the date of adoption of Implementing Decision (EU) 2020/1996, the United Kingdom has notified the Commission of new outbreaks of HPAI of subtype H5N8 in holdings where poultry or other captive birds are kept in North Yorkshire and Norfolk County, and it has taken the necessary measures required in accordance with Directive 2005/94/EC, including the establishment of protection and surveillance zones around these new outbreaks.
- (5) The Commission has examined those measures in collaboration with the United Kingdom, and it is satisfied that the borders of the new protection and surveillance zones, established by the competent authority of the United Kingdom, are at a sufficient distance to the holdings where the new outbreaks of HPAI of subtype H5N8 have been confirmed.
- (6) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with the United Kingdom the new protection and surveillance zones established by the United Kingdom in accordance with Directive 2005/94/EC. Therefore, the protection and surveillance zones listed for the United Kingdom in the Annex to Implementing Decision (EU) 2020/1742 should be amended.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Commission Implementing Decision (EU) 2020/1742 of 20 November 2020 concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in the United Kingdom (OJ L 392, 23.11.2020, p. 60).

⁽⁴⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

⁽⁵⁾ Commission Implementing Decision (EU) 2020/1996 of 4 December 2020 amending the Annex to Implementing Decision (EU) 2020/1742 concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in the United Kingdom (OJ L 410, 7.12.2020, p. 100).

- (7) Accordingly, the Annex to Implementing Decision (EU) 2020/1742 should be amended to update regionalisation at Union level to take account of the new protection and surveillance zones established in accordance with Directive 2005/94/EC by the United Kingdom and the duration of the restrictions applicable therein.
- (8) Implementing Decision (EU) 2020/1742 should therefore be amended accordingly.
- (9) Given the urgency of the epidemiological situation in the Union as regards the spread of HPAI of subtype H5N8, it is important that the amendments to be made to the Annex to Implementing Decision (EU) 2020/1742 by this Decision take effect as soon as possible.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2020/1742 is replaced by the text set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 11 December 2020.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

‘ANNEX

PART A

Protection zone as referred to in Article 1:

United Kingdom

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Those parts of Cheshire County (ADNS code 00140) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N53.25 and W2.81	27.11.2020
Those parts of Herefordshire County (ADNS code 00051) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N52.17 and W2.81	8.12.2020
Those parts of Leicestershire County (ADNS code 00152) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N52.78 and W0.86	16.12.2020
Those parts of North Yorkshire County (ADNS code 00176) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N54.30 and W1.47	26.12.2020
Those parts of North Yorkshire County (ADNS code 00176) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N54.29 and W1.45	29.12.2020
Those parts of Norfolk County (ADNS code 00154) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N52.49 and E0.95	31.12.2020
Those parts of Norfolk County (ADNS code 00154) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N52.72 and E0.15	31.12.2020

PART B

Surveillance zone as referred to in Article 1:

United Kingdom

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Those parts of Cheshire County (ADNS code 00140) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N53.25 and W2.81	6.12.2020
Those parts of Cheshire County (ADNS code 00140) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N53.25 and W2.81	From 28.11.2020 until 6.12.2020

Those parts of Herefordshire County (ADNS code 00051) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N52.17 and W2.81	17.12.2020
Those parts of Herefordshire County (ADNS code 00051) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N52.17 and W2.81	From 9.12.2020 until 17.12.2020
Those parts of Leicestershire County (ADNS code 00152) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N52.78 and W0.86	25.12.2020
Those parts of Leicestershire County (ADNS code 00152) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N52.78 and W0.86	From 17.12.2020 until 25.12.2020
Those parts of North Yorkshire County (ADNS code 00176) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N54.30 and W1.47	31.12.2020
Those parts of North Yorkshire County (ADNS code 00176) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N54.30 and W1.47	From 24.12.2020 until 31.12.2020
Those parts of North Yorkshire County (ADNS code 00176) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N54.29 and W1.45	31.12.2020
Those parts of North Yorkshire County (ADNS code 00176) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N54.29 and W1.45	From 30.12.2020 until 31.12.2020
Those parts of Norfolk County (ADNS code 00154) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N52.49 and E0.95	31.12.2020
Those parts of Norfolk County (ADNS code 00154) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N52.72 and E0.15	31.12.2020'

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 2/2020 OF THE ACP-EU COMMITTEE OF AMBASSADORS of 4 December 2020

to amend Decision No 3/2019 of the ACP-EU Committee of Ambassadors to adopt transitional measures pursuant to Article 95(4) of the ACP-EU Partnership Agreement [2020/2052]

THE ACP-EU COMMITTEE OF AMBASSADORS,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part ⁽¹⁾ (the 'ACP-EU Partnership Agreement'), and in particular Article 15(4) and Article 16(2), in conjunction with Article 95(4) thereof,

Whereas:

- (1) The ACP-EU Partnership Agreement was signed in Cotonou on 23 June 2000 and entered into force on 1 April 2003. In accordance with Decision No 3/2019 of the ACP-EU Committee of Ambassadors ⁽²⁾ ('decision on transitional measures') it is to be applied until 31 December 2020.
- (2) In accordance with the first subparagraph of Article 95(4) of the ACP-EU Partnership Agreement, negotiations towards a new ACP-EU Partnership Agreement (the 'new Agreement') were launched in September 2018. As the new Agreement will not be ready to be applied by 31 December 2020, the date of expiry of the current legal framework, due, amongst other things, to delays caused by the COVID-19 pandemic, it is necessary to amend the decision on transitional measures to further extend the application of the provisions of the ACP-EU Partnership Agreement until 30 November 2021.
- (3) The second subparagraph of Article 95(4) of the ACP-EU Partnership Agreement provides for the ACP-EU Council of Ministers to adopt any transitional measures that may be required until the new Agreement comes into force.
- (4) Pursuant to Article 15(4) of the ACP-EU Partnership Agreement, on 23 May 2019, the ACP-EU Council of Ministers delegated the powers to adopt the transitional measures to the ACP-EU Committee of Ambassadors ⁽³⁾.
- (5) It is therefore appropriate that the ACP-EU Committee of Ambassadors adopt a decision, pursuant to Article 95(4) of the ACP-EU Partnership Agreement, to amend Decision No 3/2019 of the ACP-EU Committee of Ambassadors in order to extend the application of the provisions of the ACP-EU Partnership Agreement until 30 November 2021, or until the entry into force of the new Agreement, or the provisional application between the Union and the ACP States of the new Agreement, whichever comes first.
- (6) The provisions of the ACP-EU Partnership Agreement will continue to be applied with the aim of maintaining continuity in relations between the Union and its Member States, on the one hand, and the ACP States, on the other. Accordingly, the amended transitional measures are not intended as amendments to the ACP-EU Partnership Agreement as provided for in Article 95(3) thereof,

⁽¹⁾ OJ L 317, 15.12.2000, p. 3. The ACP-EU Partnership Agreement was amended by the Agreement signed in Luxembourg on 25 June 2005 (OJ L 209, 11.8.2005, p. 27) and by the Agreement signed in Ouagadougou on 22 June 2010 (OJ L 287, 4.11.2010, p. 3).

⁽²⁾ Decision No 3/2019 of the ACP-EU Committee of Ambassadors of 17 December 2019 to adopt transitional measures pursuant to Article 95(4) of the ACP-EU Partnership Agreement (OJ L 1, 3.1.2020, p. 3).

⁽³⁾ Decision No 1/2019 of the ACP-EU Council of Ministers of 23 May 2019 on the delegation of powers to the ACP-EU Committee of Ambassadors on the decision to adopt transitional measures pursuant to Article 95(4) of the ACP-EU Partnership Agreement (OJ L 146, 5.6.2019, p. 114).

HAS ADOPTED THIS DECISION:

Article 1

In Article 1 of Decision No 3/2019 of the ACP-EU Committee of Ambassadors the date '31 December 2020' shall be replaced by that of '30 November 2021'.

Article 2

This Decision shall enter into force on 1 January 2021.

Done at Brussels, 4 December 2020.

For the ACP-EU Council of Ministers
By the ACP-EU Committee of Ambassadors
The President
Michael CLAUSS

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