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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2020/2114

of 16 December 2020

amending Regulation (EC) No 1008/2008 of the European Parliament and of the Council as regards the temporary extension of exceptional measures to address the consequences of the COVID-19 pandemic with regard to selection of groundhandling service provider

(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 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community ⁽¹⁾, and in particular Article 24a(3) thereof,

Whereas:

- (1) The COVID-19 pandemic has led to a sharp drop in air traffic as a result of a significant fall in demand and direct measures taken by the Member States as well as third countries to contain the pandemic.
- (2) Those circumstances are beyond the control of air carriers and the consequent voluntary or obligatory cancellations of air services by air carriers are a necessary response to those circumstances.
- (3) Groundhandling service providers continue facing liquidity problems that could trigger suspension of groundhandling services. That in turn could lead to limitation or suspension of airport services at Union airports.
- (4) Regulation (EU) 2020/696 of the European Parliament and of the Council ⁽²⁾ allowed, for the period from 1 March 2020 to 31 December 2020, the managing body of the airport or the competent authority of the Member State, where a supplier of groundhandling services ceases its activity before the end of the period for which it was selected, to choose a groundhandling service provider directly to provide the services for a maximum period of six months or for a period until 31 December 2020, whichever was longer. Regulation (EU) 2020/696 also granted the Commission delegated powers to extend those periods.
- (5) In accordance with Article 24a(4) of Regulation (EC) No 1008/2008, the Commission presented a summary report to the European Parliament and to the Council on 13 November 2020.
- (6) The Commission's summary report points out that despite a gradual increase between April and August 2020, air traffic levels were still significantly reduced in September 2020 in comparison to the same period in 2019. According to Eurocontrol data, on 25 November 2020 air traffic was 63 % lower than on 25 November 2019.

⁽¹⁾ OJ L 293, 31.10.2008, p. 3.⁽²⁾ Regulation (EU) 2020/696 of the European Parliament and of the Council of 25 May 2020 amending Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community in view of the COVID-19 pandemic (OJ L 165, 27.5.2020, p. 1).

- (7) Despite the difficulties in accurately predicting the recovery path of air traffic levels, it is reasonable to expect that the situation will persist in the near future and continue until December 2021. Based on Eurocontrol's latest air traffic forecast from September 2020, it is expected that in February 2021 air traffic will be 50 % lower compared to February 2020 (and assuming an uncoordinated approach among Member States to putting in place operational procedures and lifting national restrictions). The World Health Organisation data show that the number of weekly recorded COVID-19 cases in Europe reached 1,77 million on 22 November 2020 (44 % of global new cases), significantly exceeding the number of cases in spring 2020. Data from the European Centre for Disease Prevention and Control show that the 14-day case notification rate for the European Economic Area and the United Kingdom has been steadily increasing since summer 2020. According to its weekly surveillance report of 22 November 2020, the rate had reached 549 (country range: 58– 1 186) per 100 000 population.
- (8) It is reasonable to consider that the persistent reduction in the level of air traffic is the result of the impact of the COVID-19 pandemic. Based on the available data concerning consumer confidence in the wake of COVID-19, while in April 2020 around 60 % of respondents indicated that they would be likely to return to air travel within a few months after the pandemic subsided, that percentage dropped to 45 % in June 2020. The available data thus clearly indicate a link between the COVID-19 pandemic and consumer demand for air traffic and there has been no other event liable to explain the decrease in demand for air transport.
- (9) The Commission's summary report demonstrates that also the national and uncoordinated restrictions, quarantine requirements and testing measures introduced by Member States in response to the increasing number of COVID-19 cases in Europe since mid-August, often announced with very short notice, erode the consumer confidence and result in lower demand for air traffic.
- (10) In light of extremely low level of flight bookings, the abovementioned epidemiological and air traffic forecasts, as well as of the uncertainty and unpredictability over national measures aimed to contain the COVID-19 pandemic, it is reasonable to expect that the low levels of air traffic and passenger demand attributable to the COVID-19 pandemic will persist throughout 2021. A return to pre-COVID traffic levels is not expected for several years. It is however too early at this stage to conclude whether capacity reductions will continue to occur beyond 2021 at similarly significant levels.
- (11) Groundhandling companies have been severely affected by the COVID-19 pandemic and the resulting reduction in air traffic. The significantly reduced number of flights since the start of the pandemic has had a negative impact on their revenue streams from the provision of groundhandling services at Union airports. Many groundhandling service providers have thus encountered financial difficulties and several of them have already entered in restructuring, received state rescue package or ceased operations.
- (12) Based on the predictions for the level of air traffic for the coming months, it is likely that the difficult market conditions in the groundhandling sector will prevail due to the limited number of flights to be served in 2021. The negative trend in the air traffic is likely to further aggravate the severe financial situation of the groundhandling service providers with the resulting risk of additional bankruptcies. Under those circumstances, more groundhandling service providers in airports where the number of providers is limited are likely to have to cease the supply of groundhandling services before the end of the period for which they were selected. This might lead to sudden interruptions of groundhandling services in these airports before a new supplier can be selected on the basis of the procedure laid down in Article 11(1) of Directive 96/67/EC.
- (13) It is therefore appropriate to extend the period of the derogation provided for in Article 24a(2) of Regulation (EC) No 1008/2008 from 1 March 2020 to 31 December 2021.
- (14) In order to avoid legal uncertainty, in particular for managing body of the airport and the competent authority of the Member State, this Regulation should be adopted under the urgency procedure detailed under Article 25b of Regulation (EC) No 1008/2008, and 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*,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 24a of Regulation (EC) No 1008/2008, paragraph 2 is replaced by the following:

- ‘2. By way of derogation from point (e) of Article 11(1) of Directive 96/67/EC, for the period from 1 March 2020 to 31 December 2021, where a supplier of groundhandling services ceases its activity before the end of the period for which it was selected, the managing body of the airport or the competent authority of the Member State, may choose a groundhandling service provider directly to provide the services for a maximum period of six months or for a period until 31 December 2021, whichever is the longer.’

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, 16 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION DELEGATED REGULATION (EU) 2020/2115**of 16 December 2020****amending Regulation (EC) No 1008/2008 of the European Parliament and of the Council as regards the temporary extension of exceptional measures to address the consequences of the COVID-19 pandemic with regard to operating licences****(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 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community ⁽¹⁾, and in particular Article 9(1b) thereof,

Whereas:

- (1) The COVID-19 pandemic has led to a sharp drop in air traffic as a result of a significant fall in demand and direct measures taken by the Member States as well as third countries to contain the pandemic.
- (2) Those circumstances are beyond the control of air carriers and the consequent voluntary or obligatory cancellations of air services by air carriers are a necessary response to those circumstances.
- (3) Union air carriers continue facing liquidity problems that could trigger, pursuant to Article 9(1) of Regulation (EC) No 1008/2008, the suspension or revocation of their operating licence, or its replacement by a temporary licence, without there being a structural economic need for that to occur. The granting of a temporary licence could send a negative signal to the market about the ability of an air carrier to survive, which in turn would aggravate any, otherwise temporary, financial problems.
- (4) Regulation (EU) 2020/696 of the European Parliament and of the Council ⁽²⁾ allowed Member States' competent licencing authorities not to revoke or suspend the operating licence from 1 March 2020 to 31 December 2020 if the financial performance assessment was carried out during that period, and provided that safety was not at risk and there was a realistic prospect of a satisfactory financial reconstruction within the following 12 months. Regulation (EU) 2020/696 also granted the Commission delegated powers to extend the period of 1 March 2020 to 31 December 2020 referred to in Article 9(1a).
- (5) In accordance with Article 9(1c) of Regulation (EC) No 1008/2008, the Commission presented a summary report to the European Parliament and to the Council on 13 November 2020.
- (6) The Commission's summary report points out that despite a gradual increase between April and August 2020, air traffic levels were still significantly reduced in September 2020 in comparison to the same period in 2019. According to Eurocontrol data, on 25 November 2020 air traffic was 63 % lower than on 25 November 2019.
- (7) Despite the difficulties in accurately predicting the recovery path of air traffic levels, it is reasonable to expect that the situation will persist in the near future and continue until December 2021. Based on Eurocontrol's latest air traffic forecast from September 2020, it is expected that in February 2021 air traffic will be 50 % lower compared to February 2020 (and assuming an uncoordinated approach among Member States to putting in place operational procedures and lifting national restrictions). The World Health Organisation data show that the number of weekly recorded COVID-19 cases in Europe reached 1.77 million on 22 November 2020 (44 % of global new cases), significantly exceeding the number of cases in spring 2020. Data from the European Centre for Disease Prevention

⁽¹⁾ OJ L 293, 31.10.2008, p. 3.

⁽²⁾ Regulation (EU) 2020/696 of the European Parliament and of the Council of 25 May 2020 amending Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community in view of the COVID-19 pandemic (OJ L 165, 27.5.2020, p. 1).

and Control show that the 14-day case notification rate for the European Economic Area and the United Kingdom has been steadily increasing since summer 2020. According to its weekly surveillance report of 22 November 2020, the rate had reached 549 (country range: 58–1 186) per 100 000 population.

- (8) It is reasonable to consider that the persistent reduction in the level of air traffic is the result of the impact of the COVID-19 pandemic. Based on the available data concerning consumer confidence in the wake of COVID-19, while in April 2020 around 60 % of respondents indicated that they would be likely to return to air travel within a few months after the pandemic subsided, that percentage dropped to 45 % in June 2020. The available data thus clearly indicate a link between the COVID-19 pandemic and consumer demand for air traffic and there has been no other event that could explain the decrease in demand for air transport.
- (9) The Commission's summary report demonstrates that also the national and uncoordinated restrictions, quarantine requirements and testing measures introduced by Member States in response to the COVID-19 new cases in Europe since mid-August, often announced with very short notice, erode consumer confidence and result in lower demand for air traffic.
- (10) In light of extremely low level of flight bookings, the abovementioned epidemiological and air traffic forecasts, as well as the uncertainty and unpredictability over national measures aimed at containing the COVID-19 pandemic, it is reasonable to expect that the low levels of air traffic and passenger demand attributable to the COVID-19 pandemic will persist throughout 2021. A return to pre-COVID traffic levels is not expected for several years. It is however too early at this stage to conclude whether capacity reductions will continue to occur beyond 2021 at similarly significant levels.
- (11) Such low levels of air traffic and passenger demand could trigger continued liquidity problems of Union air carriers over the period from 31 December 2020 to 31 December 2021 that could lead to the suspension or revocation of their operating licence, or its replacement by a temporary licence, without there being a structural economic need for that to occur.
- (12) It is therefore appropriate, provided that safety is not at risk and that there is a realistic prospect of a satisfactory financial reconstruction within 12 months, to allow the competent licensing authorities not to suspend or revoke the operating license on the basis of the financial performance assessments carried out over the extended period from 1 March 2020 to 31 December 2021. At the end of that period, the Union air carrier should be subject to the procedure laid down in Article 9(1) of Regulation (EC) No 1008/2008.
- (13) In order to avoid legal uncertainty, in particular for licencing authorities and air operators, this Regulation should be adopted under the urgency procedure detailed under Article 25b of Regulation (EC) No 1008/2008, and 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*,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 9 of Regulation (EC) No 1008/2008, paragraph 1a is replaced by the following:

'1a. Based on the assessments referred to in paragraph 1 carried out from 1 March 2020 to 31 December 2021, the competent licensing authority may decide before the end of that period not to suspend or revoke the operating licence of the Union air carrier provided that safety is not at risk, and that there is a realistic prospect of a satisfactory financial reconstruction within the following 12 months. It shall review the performance of this Union air carrier at the end of the 12-month period and decide whether the operating licence shall be suspended or revoked and a temporary licence shall be granted on the basis of paragraph 1.'

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, 16 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2116**of 16 December 2020****concerning the renewal of the authorisation of L-histidine monohydrochloride monohydrate produced by *Escherichia coli* ATCC 9637 as a feed additive for salmonids and its extension of use to other finfish, and repealing Regulation (EC) No 244/2007****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting and renewing such authorisation.
- (2) L-histidine monohydrochloride monohydrate produced by *Escherichia coli* ATCC 9637 was authorised for 10 years as a feed additive for salmonids by Commission Regulation (EC) No 244/2007 ⁽²⁾.
- (3) In accordance with Article 14(1) of Regulation (EC) No 1831/2003, an application was submitted for the renewal of the authorisation of L-histidine monohydrochloride monohydrate produced by *Escherichia coli* ATCC 9637 as a feed additive for salmonids. The application included a request to change the strain designation to *Escherichia coli* NITE SD 00268 and was accompanied by the particulars and documents required under Article 14(2) of that Regulation. In addition, in accordance with Article 7 of that Regulation, the application requested an extension of use to other finfish. The application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 18 March 2020 ⁽³⁾ that, under the proposed conditions of use, L-histidine monohydrochloride monohydrate produced by *Escherichia coli* NITE SD 00268, when supplemented at levels appropriate to the requirements of the target species, does not have an adverse effect on animal health, consumer health or the environment. The Authority also concluded that while the additive in question is not a skin irritant, it was not possible to conclude on the potential for the additive to be toxic if inhaled, an irritant to eyes or a skin sensitiser. Therefore, the Commission considers that appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards the users of the additive. The Authority also concluded that the additive is an efficacious source of the amino acid histidine for fish species. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the reports on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of L-histidine monohydrochloride monohydrate produced by *Escherichia coli* NITE SD 00268 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of this additive should be authorised as specified in the Annex to this Regulation.
- (6) As a consequence of the renewal of the authorisation of L-histidine monohydrochloride monohydrate produced by *Escherichia coli* ATCC 9637 as a feed additive under the conditions laid down in the Annex to this Regulation, Regulation (EC) No 244/2007 should be repealed.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Regulation (EC) No 244/2007 of 7 March 2007 concerning the authorisation of L-histidine monohydrochloride monohydrate as feed additive (OJ L 73, 13.3.2007, p. 6).

⁽³⁾ EFSA Journal 2020;18(4):6072.

- (7) Since safety reasons do not require the immediate application of the modifications to the conditions of authorisation for L-histidine monohydrochloride monohydrate produced by *Escherichia coli* ATCC 9637, it is appropriate to provide for a transitional period to allow interested parties to prepare to meet the new requirements resulting from the renewal of the authorisation.
- (8) 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 authorisation of L-histidine monohydrochloride monohydrate produced by *Escherichia coli* ATCC 9637, belonging to the additive category 'nutritional additives' and to the functional group 'amino acids, their salts and analogues', is renewed subject to the conditions laid down in the Annex.

Article 2

1. L-histidine monohydrochloride monohydrate produced by *Escherichia coli* ATCC 9637 and premixtures containing it, which are produced and labelled before 6 July 2021 in accordance with the rules applicable before 6 January 2021 may continue to be placed on the market and used until the existing stocks are exhausted.
2. Feed materials and compound feed containing the substances referred to in point 1, which are produced and labelled before 6 January 2022 in accordance with the rules applicable before 6 January 2021 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for salmonids.

Article 3

Regulation (EC) No 244/2007 is repealed.

Article 4

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

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

Done at Brussels, 16 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

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

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

3c351	-	L-histidine monohydrochloride monohydrate	<i>Additive composition:</i> Powder with a minimum content of 98 % L-histidine monohydrochloride monohydrate and 72 % histidine and a maximum content of 100 ppm histamine	Finfish	-	-	-	1. L-histidine monohydrochloride monohydrate may be placed on the market and used as an additive consisting of a preparation. 2. In the directions for use of the additive and premixture, the storage conditions and the stability to heat treatment shall be indicated. 3. Declaration to be made on the label of the additive and premixture: — 'The supplementation with L-histidine monohydrochloride monohydrate shall be limited to the nutritional requirements of the target animal, which depend on the species, the physiological state of the animal, the performance level, the environmental conditions, the level of other amino acids in the diet and the level essential trace elements such as copper and zinc.' — Histidine content.	6 January 2031
			<i>Characterisation of the active substance:</i> L-histidine monohydrochloride monohydrate produced by fermentation with <i>Escherichia coli</i> NITE SD 00268 Chemical formula: $C_3H_3N_2-CH_2-CH(NH_2)-COOH \cdot HCl \cdot H_2O$ CAS number: 5934-29-2 Einecs number 211-438-9						
			<i>Analytical method ⁽¹⁾</i> For the quantification of histidine in the feed additive: — high performance liquid chromatography coupled with photometric detection (HPLC-UV) — ion exchange chromatography coupled with post-column derivatisation and optical detection (IEC-VIS/FLD) For the quantification of histidine in premixtures, feed materials and compound feed:						

			— ion exchange chromatography coupled with post-column derivatisation and photometric detection (IEC-VIS), Commission Regulation (EC) No 152/2009 (Annex III, F) For the quantification of histamine in the feed additive: — high performance liquid chromatography coupled to a spectrophotometric detection (HPLC-UV)					4. For users of the additive and premixture, feed business operators shall establish operational procedures and organisational measures to address potential risks for the eyes and skin and by inhalation. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment.	
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(¹) Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2117

of 16 December 2020

concerning the renewal of the authorisation of selenomethionine produced by *Saccharomyces cerevisiae* CNCM I-3399 with the new name ‘selenised yeast *Saccharomyces cerevisiae* CNCM I-3399’ as a feed additive for all animal species, and repealing Regulation (EC) No 900/2009

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting and renewing such authorisation.
- (2) Selenomethionine produced by *Saccharomyces cerevisiae* CNCM I-3399 was authorised for 10 years as a feed additive for all animal species by Commission Regulation (EC) No 900/2009 ⁽²⁾.
- (3) In accordance with Article 14(1) of Regulation (EC) No 1831/2003, an application was submitted for the renewal of the authorisation of selenomethionine produced by *Saccharomyces cerevisiae* CNCM I-3399 as feed additive for all animal species in the additive category ‘nutritional additives’. The application was accompanied by the particulars and documents required under Article 14(2) of Regulation (EC) No 1831/2003.
- (4) It results from the opinion of the European Food Safety Authority (‘the Authority’) of 7 May 2020 ⁽³⁾ that, under the proposed conditions of use, selenomethionine produced by *Saccharomyces cerevisiae* CNCM I-3399 does not have an adverse effect on animal health, consumer safety or the environment. The Authority also concluded that the additive is a potential dermal and respiratory sensitizer. Therefore, the Commission considers that appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards the users of the additive. The proof of the efficacy of the additive, on which the initial authorisation was based, withstands in a renewal procedure. Finally, the Authority recommended changing the denomination of the additive. The Authority also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of selenomethionine produced by *Saccharomyces cerevisiae* CNCM I-3399 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the authorisation of this additive should be renewed.
- (6) As a consequence of the renewal of the authorisation of selenomethionine produced by *Saccharomyces cerevisiae* CNCM I-3399 as feed additive, Regulation (EC) No 900/2009 should be repealed.
- (7) Since safety reasons do not require the immediate application of the modifications to the conditions of authorisation for selenomethionine produced by *Saccharomyces cerevisiae* CNCM I-3399, it is appropriate to allow a transitional period for interested parties to prepare themselves to meet the new requirements resulting from the renewal of the authorisation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.⁽²⁾ Commission Regulation (EC) No 900/2009 of 25 September 2009 concerning the authorisation of selenomethionine produced by *Saccharomyces cerevisiae* CNCM I-3399 as a feed additive (OJ L 256, 29.9.2009, p. 12).⁽³⁾ EFSA Journal 2020;18(5):6144.

HAS ADOPTED THIS REGULATION:

Article 1

The authorisation of the additive specified in the Annex, belonging to the additive category 'nutritional additives' and to the functional group 'compounds of trace elements', is renewed subject to the conditions laid down in that Annex.

Article 2

1. Selenomethionine produced by *Saccharomyces cerevisiae* CNCM I-3399 and premixtures containing this additive, which are produced and labelled before 6 July 2021 in accordance with the rules applicable before 6 January 2021 may continue to be placed on the market and used until the existing stocks are exhausted.
2. Feed materials and compound feed containing selenomethionine produced by *Saccharomyces cerevisiae* CNCM I-3399, which are produced and labelled before 6 January 2022 in accordance with the rules applicable before 6 January 2021 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for food-producing animals.
3. Feed materials and compound feed containing selenomethionine produced by *Saccharomyces cerevisiae* CNCM I-3399, which are produced and labelled before 6 January 2023 in accordance with the rules applicable before 6 January 2021 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for non-food-producing animals.

Article 3

Regulation (EC) No 900/2009 is repealed.

Article 4

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

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

Done at Brussels, 16 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

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

Category of nutritional additives. Functional group: compounds of trace elements

3b812	—	Selenised yeast <i>Saccharomyces cerevisiae</i> CNCM I-3399, inactivated	<i>Additive composition:</i> Preparation of organic selenium: Content of selenium: 2 000 to 3 500 mg Se/kg Organic selenium > 97 to 99 % of total selenium Selenomethionine > 63 % of total selenium	All species	-		0,50 (total)	1. The additive shall be incorporated into feed in the form of a premixture. 2. In the directions for use of the additive and premixtures, indicate the storage and stability conditions. 3. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks by inhalation and skin contact. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment. 4. Maximum supplementation with organic selenium: 0,2 mg Se/kg of complete feed with a moisture content of 12 %.	6 January 2031
			<i>Characterisation of the active substance:</i> Selenomethionine produced by <i>Saccharomyces cerevisiae</i> CNCM I-3399 Chemical formula: C ₅ H ₁₁ NO ₂ Se						
			<i>Analytical method ⁽¹⁾:</i> For the determination of selenomethionine in the feed additive: — reversed phase high performance liquid chromatography with UV detection (RP-HPLC-UV) or — high performance liquid chromatography and inductively coupled plasma mass spectrometry (HPLC-ICP-MS) after triple proteolytic digestion. For the determination of total selenium in the feed additive: — inductively coupled plasma atomic emission spectrometry (ICP-AES) or — inductively coupled plasma mass spectrometry (ICP-MS). For the determination of total selenium in premixtures, compound feed and feed materials:						

			— hydride generation atomic absorption spectrometry (HGAAS) after microwave digestion (EN 16159:2012).						
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(¹) Details of the analytical methods are available at the following address of the European Union Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2118**of 16 December 2020****concerning the renewal of the authorisation of *Pediococcus pentosaceus* DSM 16244 as a feed additive for all animal species and repealing Regulation (EU) No 514/2010****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting and renewing such authorisation.
- (2) *Pediococcus pentosaceus* DSM 16244 was authorised for 10 years as a feed additive for all animal species by Commission Regulation (EU) No 514/2010 ⁽²⁾.
- (3) In accordance with Article 14 of Regulation (EC) No 1831/2003, an application was submitted for the renewal of the authorisation of *Pediococcus pentosaceus* DSM 16244 as a feed additive for all animal species, requesting the additive to be classified in the additive category 'technological additives'. That application was accompanied by the particulars and documents required under Article 14(2) of that Regulation.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 25 May 2020 ⁽³⁾ that the applicant has provided evidence that the additive complies with the existing conditions of authorisation. The Authority concluded that *Pediococcus pentosaceus* DSM 16244 does not have an adverse effect on animal health, consumer safety or the environment. It also concluded that it is not irritant to skin and eyes but considered a skin and respiratory sensitiser. Therefore, the Commission considers that appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards to users of the additive.
- (5) The assessment of *Pediococcus pentosaceus* DSM 16244 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the authorisation of that additive should be renewed as specified in the Annex to this Regulation.
- (6) As a consequence of the renewal of the authorisation of *Pediococcus pentosaceus* DSM 16244 as a feed additive under the conditions laid down in the Annex to this Regulation, Regulation (EU) No 514/2010 should be repealed.
- (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

The authorisation of the additive specified in the Annex, belonging to the additive category 'technological additives' and to the functional group 'silage additives', is renewed subject to the conditions laid down in that Annex.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Regulation (EU) No 514/2010 of 15 June 2010 concerning the authorisation of *Pediococcus pentosaceus* (DSM 16244) as a feed additive for all animal species (OJ L 150, 16.6.2010, p. 42).

⁽³⁾ EFSA Journal 2020;18(6):6166.

Article 2

Regulation (EU) No 514/2010 is repealed.

Article 3

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

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

Done at Brussels, 16 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Identification number of the additive	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU/kg of fresh material			
Category of technological additives. Functional group: silage additives								
1k2101	Pediococcus pentosaceus DSM 16244	Additive composition	All animal species	-	-	-	1. In the directions for use of the additive and premixtures, the storage conditions shall be indicated. 2. Minimum content of the additive when used without combination with other micro-organisms as silage additives: 1×10 ⁸ CFU/kg fresh material. 3. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including gloves and breathing protection.	6.1.2031
		Preparation of <i>Pediococcus pentosaceus</i> DSM 16244 containing a minimum of 4 × 10 ¹¹ CFU/g additive.						
		Characterisation of the active substance <i>Pediococcus pentosaceus</i> DSM 16244.						
		Analytical method ⁽¹⁾ — Enumeration: spread plate method on MSR agar (EN 15786). — Identification: pulsed-field gel electrophoresis (PFGE) method.						

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

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2119**of 16 December 2020****concerning the renewal of the authorisation of the preparation of citric acid, sorbic acid, thymol and vanillin as a feed additive for all porcine species (weaned), chickens for fattening, chickens reared for laying, all minor avian species for fattening and all minor avian species reared for laying and rearing Regulations (EU) No 1117/2010 and (EU) No 849/2012 (holder of authorisation Vetagro SpA)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting and renewing such authorisation.
- (2) The preparation of citric acid, sorbic acid, thymol and vanillin was authorised as a feed additive for 10 years for weaned piglets by Commission Regulation (EU) No 1117/2010 ⁽²⁾ and for chickens for fattening, chickens reared for laying, all minor avian species for fattening and reared for laying and weaned suidae other than *Sus scrofa domestica* by Commission Regulation (EU) No 849/2012 ⁽³⁾.
- (3) In accordance with Article 14(1) of Regulation (EC) No 1831/2003, an application was submitted by the holder of that authorisation for the renewal of the authorisation of the preparation of citric acid, sorbic acid, thymol and vanillin for all porcine species (weaned), chickens for fattening, chickens reared for laying, all minor avian species for fattening and reared for laying, requesting that additive to be classified in the additive category 'zootechnical additives'. That application was accompanied by the particulars and documents required under Article 14(2) of Regulation (EC) No 1831/2003.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 17 March 2020 ⁽⁴⁾ that, under the proposed conditions of use, the preparation of citric acid, sorbic acid, thymol and vanillin does not have an adverse effect on animal health, consumer safety or the environment. The Authority also concluded that the additive is considered a potential skin and eyes irritant and a skin and respiratory sensitiser. Therefore, the Commission considers that appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards the users of the additive.
- (5) The assessment of the preparation of citric acid, sorbic acid, thymol and vanillin shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the authorisation of that additive should be renewed.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Regulation (EU) No 1117/2010 of 2 December 2010 concerning the authorisation of a preparation of citric acid, sorbic acid, thymol and vanillin as a feed additive for weaned piglets (holder of the authorisation Vetagro SpA) (OJ L 317, 3.12.2010, p. 3).

⁽³⁾ Commission Implementing Regulation (EU) No 849/2012 of 19 September 2012 concerning the authorisation of the preparation of citric acid, sorbic acid, thymol and vanillin as a feed additive for chickens for fattening, chickens reared for laying, all minor avian species for fattening and reared for laying and weaned Suidae other than *Sus scrofa domestica* (holder of the authorisation Vetagro SpA) (OJ L 253, 20.9.2012, p. 8).

⁽⁴⁾ EFSA Journal 2020;18(4):6063.

- (6) As a consequence of the renewal of the authorisation of the preparation of citric acid, sorbic acid, thymol and vanillin as a feed additive, Regulations (EU) No 1117/2010 and (EU) No 849/2012 should be repealed.
- (7) Since safety reasons do not require the immediate application of the modifications to the conditions of authorisation of the preparation of citric acid, sorbic acid, thymol and vanillin, it is appropriate to allow a transitional period for interested parties to prepare themselves to meet the new requirements resulting from the authorisation.
- (8) 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 authorisation of the preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'other zootechnical additives', is renewed subject to the conditions laid down in that Annex.

Article 2

Regulations (EU) No 1117/2010 and (EU) No 849/2012 are repealed.

Article 3

The preparation of citric acid, sorbic acid, thymol and vanillin, as set out in Regulations (EU) No 1117/2010 and (EU) No 849/2012, premixtures and compound feed containing that additive, which are produced and labelled before 6 January 2021 in accordance with the rules applicable before 6 January 2021 may continue to be placed on the market and used until the existing stock are exhausted.

Article 4

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

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

Done at Brussels, 16 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

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

Category of zootechnical additives. Functional group: other zootechnical additives (improvement of performance parameters).

4d3	Vetagro SpA	Preparation of protected citric acid, sorbic acid, thymol and vanillin	<i>Additive composition</i> Preparation of protected microbeads containing citric acid, sorbic acid, thymol and vanillin with a minimum of: Citric acid: 25 g/100 g Thymol: 1,7 g/100 g Sorbic acid: 16,7 g/100 g Vanillin: 1 g/100 g	Chickens for fattening Chickens reared for laying All minor avian species for fattening and reared for laying	-	200	-	1. In the directions for use of the additive and premixture, the storage conditions and stability to heat treatment shall be indicated. 2. The instructions of use shall include the following: 'The total maximum content by the different sources of citric acid and sorbic acid in complete feed shall not be exceeded'. 3. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from their use: skin and eyes irritant and a skin sensitiser. Where those risks cannot be eliminated or reduced to a minimum by such	6.1.2031
			<i>Characterisation of active substance</i> Citric acid C ₆ H ₈ O ₇ (purity ≥ 99,5 %) 2-hydroxy-1,2,3-propanetricarboxylic acid, CAS number 77-92-9 anhydrous Sorbic acid C ₆ H ₈ O ₂ (purity ≥ 99,5 %) 2,4-hexadienoic acid, CAS number 110-44-1 Thymol (purity ≥ 98 %) 5-methyl-2-(1-methylethyl)phenol, CAS number 89-83-8 Vanillin (purity ≥ 99,5 %) 4-hydroxy-3-methoxybenzaldehyde, CAS number 121-33-5)	All porcine species (weaned)		1 000			
			<i>Analytical method</i> ¹ Determination of sorbic acid and thymol in feed additive, premixtures and feedingstuffs:		-				

			— Reversed phase high performance liquid chromatography equipped with ultraviolet/diode array detection (RP-HPLC-UV/DAD) Determination of citric acid in the additive and premixtures: — Reversed phase high performance liquid chromatography equipped with ultraviolet/diode array detection (RP-HPLC-UV/DAD) Determination of citric acid in feedingstuffs: — enzymatic determination of citric acid content – NADH (reduced form of nicotinamide adenine dinucleotide) spectrometric method					procedures and measures, the additive and premixtures shall be used with personal protective equipment, including skin, eyes and breathing protection.	
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¹ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2120**of 16 December 2020****amending Implementing Regulation (EU) 2016/1964 as regards the authorisation of a preparation of montmorillonite-illite as feed additive for all animal species****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 13(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting or modifying such authorisation.
- (2) The use of a preparation of montmorillonite-illite as a feed additive was authorised for all animal species by Commission Implementing Regulation (EU) 2016/1964 ⁽²⁾.
- (3) In accordance with Article 13(1) of Regulation (EC) No 1831/2003, the Commission requested the European Food Safety Authority ('the Authority') to issue an opinion on whether the authorisation of a preparation of montmorillonite-illite as a feed additive would still meet the conditions laid down in Article 5 of Regulation (EC) No 1831/2003, considering a modification of the terms of that authorisation. The modification relates to the current authorisation for the use of the additive as anticaking agent in complementary feedingstuffs. The request was accompanied by the relevant supporting data.
- (4) The Authority concluded in its opinions of 30 October 2014 ⁽³⁾, 10 September 2015 ⁽⁴⁾ and 20 March 2020 ⁽⁵⁾ that the proposed modification to the terms of authorisation of the preparation of montmorillonite-illite does not modify the previous conclusions that the additive does not have an adverse effect on animal health, consumer safety or the environment. It also concluded that dust generated during normal handling of the additive has the potential to expose the whole of the respiratory tract of users to harmful substances (crystalline silica) for which no safe levels of exposure have been identified and that in the absence of data on the effects on skin and eyes, must be considered as irritant to skin and eyes and as a potential dermal sensitiser. Therefore, the Commission considers that appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards the users of the additive. The Authority has also concluded that the additive is efficacious as an anti-caking agent. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the methods of analysis of the feed additives in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the proposed modification to the authorisation shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied.
- (6) Implementing Regulation (EU) 2016/1964 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Implementing Regulation (EU) 2016/1964 of 9 November 2016 concerning the authorisations of a preparation of dolomite-magnesite for dairy cows and other ruminants for dairy production, weaned piglets and pigs for fattening and a preparation of montmorillonite-illite for all animal species as feed additives (OJ L 303, 10.11.2016, p. 7).

⁽³⁾ EFSA Journal 2014;12(11):3904

⁽⁴⁾ EFSA Journal 2015;13(9):4237

⁽⁵⁾ EFSA Journal 2020;18(5):6095.

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2016/1964 is amended in accordance with the Annex to this Regulation.

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, 16 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

In the Annex to Implementing Regulation (EU) 2016/1964, the entry concerning the additive montmorillonite-illite with the identification number 1g557 is replaced by the following:

Identification number of the additive	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					mg of additive/kg of complete feedingstuff with a moisture content of 12 %			
Category of technological additives. Functional group: binders								
'1g557	Montmorillonite-Illite	Additive composition Preparation of montmorillonite-illite mixed layer clay mineral: phyllosilicates ≥ 75 % Characterisation of active substance Phyllosilicates ≥ 75 %: ≥ 35 % montmorillonite-illite (swellable) ≥ 30 % illite/muscovite ≤ 15 % kaolinite (non-swellable) Quartz ≤ 20 % Iron (structural) 3,6 % (average) Free of asbestos	All animal species	-	10 000	20 000	- The instructions for use shall indicate the following: — “The simultaneous oral use with macrolides shall be avoided”, — ”In addition, for poultry, the simultaneous use with robenidine shall be avoided”. - For poultry: the simultaneous oral use with coccidiostats other than robenidine is contraindicated with level of montmorillonite-illite above 10 000 mg/kg of complete feed. - In the labelling of feed additive and premixtures containing it, the following shall be indicated: “The additive, montmorillonite-illite, is rich in (inert) iron”. - For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by	30 November 2026'

Identification number of the additive	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					mg of additive/kg of complete feedingstuff with a moisture content of 12 %			
							such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection 5. total amount of different sources of montmorillonite-illite in complete feedingstuff shall not exceeded the permitted maximum level of 20 000 mg/kg of complete feedingstuff.	

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

Identification number of the additive	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					mg of additive/kg of complete feedingstuff with a moisture content of 12 %			
Category of technological additives. Functional group: anti-caking agent								
'1g557	Montmorillonite-Illite	Additive composition Preparation of montmorillonite-illite mixed layer clay mineral: phyllosilicates ≥ 75 % Characterisation of active substance Phyllosilicates ≥ 75 %: ≥ 35 % montmorillonite-illite (swellable) ≥ 30 % illite/muscovite ≤ 15 % kaolinite (non-swelling) Quartz ≤ 20 % Iron (structural) 3,6 % (average) Free of asbestos Analytical method ⁽¹⁾ For the determination in feed additive: — X-ray diffraction (XRD) — Inductively coupled plasma atomic emission spectroscopy (ICP-AES)	All animal species	-	-	20 000	1. The instructions for use shall indicate the following: — “The simultaneous oral use with macrolides shall be avoided”, — ”In addition, for poultry, the simultaneous use with robenidine shall be avoided”. 2. The additive shall be used at a minimum level of: — 10 000 mg/kg when it is used as anti-caking agent directly in complementary feedingstuffs, — 20 000 mg/kg when it is used as anti-caking agent in complete feedingstuffs. 3. For poultry: the simultaneous oral use with coccidiostats other than robenidine is contraindicated. 4. In the labelling of feed additive and premixtures containing it, the following shall be indicated: “The additive, montmorillonite-illite, is rich in (inert) iron”. 5. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address	30 November 2026'

Identification number of the additive	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					mg of additive/kg of complete feedingstuff with a moisture content of 12 %			
							potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection 6. The total amount of different sources of montmorillonite-illite in complete feedingstuff shall not exceeded the permitted maximum level of 20 000 mg/kg of complete feedingstuff.	

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

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2121

of 16 December 2020

concerning the authorisation of a preparation of 6-phytase produced by *Komagataella phaffii* DSM 32854 as a feed additive for all poultry species, ornamental birds, piglets, pigs for fattening, sows and minor porcine species for fattening or reproduction (holder of authorisation: Huvepharma EOOD)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003 three applications were submitted for the authorisation of a preparation of 6-phytase. These applications were accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The applications concern the authorisation of the preparation of 6-phytase produced by *Komagataella phaffii* DSM 32854 as a feed additive for all poultry species, ornamental birds, piglets, pigs for fattening, sows and minor porcine species for fattening or reproduction to be classified in the additive category 'zootechnical additives' and in the functional group 'digestibility enhancers'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinions of 7 May 2020 ⁽²⁾, 25 May 2020 ⁽³⁾ and 1 July 2020 ⁽⁴⁾ that, under the proposed conditions of use, the preparation of 6-phytase produced by *Komagataella phaffii* DSM 32854 does not have an adverse effect on the health of all poultry species, ornamental birds, piglets, pigs for fattening, sows and minor porcine species for fattening or reproduction, consumer safety or the environment. It was also concluded that the additive should be considered as an eye irritant and a potential dermal and respiratory sensitiser. Therefore, the Commission considers that appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards the users of the additive. The Authority concluded that the additive is efficacious as a zootechnical additive in improving the digestibility of the diets in all poultry species, ornamental birds, piglets, pigs for fattening, sows and minor porcine species for fattening or reproduction. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the preparation of 6-phytase produced by *Komagataella phaffii* DSM 32854 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.⁽²⁾ EFSA Journal 2020;18(5): 6141.⁽³⁾ EFSA Journal 2020;18(6): 6161.⁽⁴⁾ EFSA Journal 2020;18(7): 6204.

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 16 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

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

Category of zootechnical additives. Functional group: digestibility enhancers.

4a32	Huvepharma EOOD	6-phytase (EC 3.1.3.26)	Additive composition Preparation 6-phytase (EC 3.1.3.26) produced by <i>Komagataella phaffii</i> (DSM 32854) with a minimum activity of 5 000 FTU ¹ /g in granular form 5 000 FTU/g in coated form 5 000 FTU/g in liquid form	— all poultry species — ornamental birds — piglets — pigs for fattening — sows — minor porcine species for fattening or reproduction	-	250 FTU	-	1. In the directions for use of the additive and premixture, the storage conditions and stability to heat treatment shall be indicated. 2. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with protective equipment, including breathing, eye and skin protections.	6.1.2031
			Characterisation of the active substance 6-phytase (EC 3.1.3.26) produced by fermentation with <i>Komagataella phaffii</i> DSM 32854						
			Analytical method ² For the quantification of phytase activity in the feed additive: — colorimetric method based on the enzymatic reaction of phytase on the phytate – VDLUFA 27.1.4 — For the quantification of phytase activity in premixtures: — colorimetric method based on the enzymatic reaction of phytase on the phytate -VDLUFA 27.1.3						

			— For the quantification of phytase activity in feed materials and compound feed: — colorimetric method based on the enzymatic reaction of phytase on the phytate – EN ISO 30024						
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¹ 1 FTU is the amount of enzyme that releases 1 micromole of inorganic phosphate from sodium phytate per minute under reaction conditions of pH 5,5 and 37 °C

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

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2122**of 16 December 2020****on the granting of unlimited duty-free access to the Union for 2021 to certain goods originating in Norway resulting from the processing of agricultural products covered by Regulation (EU) No 510/2014 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ⁽¹⁾, and in particular Article 16(1)(a) thereof,

Having regard to Council Decision 2004/859/EC of 25 October 2004 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway on Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway ⁽²⁾, and in particular Article 3 thereof,

Whereas:

- (1) Protocol 2 to the Agreement between the European Economic Community and the Kingdom of Norway of 14 May 1973 ⁽³⁾ (the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway) and Protocol 3 to the Agreement on the European Economic Area ('EEA Agreement') ⁽⁴⁾ as amended by the Decision of the EEA joint committee No 140/2001 of 23 November 2001 amending Protocols 2 and 3 to the EEA Agreement, concerning processed and other agricultural products ⁽⁵⁾, determine the trade arrangements between the Union and the Kingdom of Norway for certain agricultural and processed agricultural products.
- (2) Protocol 3 to the EEA Agreement provides for a zero rate of duty for waters containing added sugar or other sweetening matter or flavoured, classified under CN code 2202 10 00, and other non-alcoholic beverages not containing products of headings 0401 to 0404 or fat obtained from products of headings 0401 to 0404, classified under CN code 2202 90 10.
- (3) Since 1 January 2017, CN code 2202 90 has been replaced by CN codes 2202 91 00 and 2202 99. Therefore, this Regulation should cover products of CN codes 2202 10 00, ex 2202 91 00 and ex 2202 99.
- (4) The Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway ⁽⁶⁾ (the Agreement in the form of an Exchange of Letters) temporarily suspends the duty free regime applied under Protocol 2 to goods classified under CN codes 2202 10 00 (waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured) and ex 2202 90 10 (other non-alcoholic beverages containing sugar) replaced by CN codes 2202 10 00, ex 2202 91 00 and ex 2202 99. In accordance with the Agreement in the form of an Exchange of Letters, duty free imports of those goods, originating in Norway, are to be allowed only within the limits of a duty free quota. A duty is to be paid for imports that exceed that duty-free quota.
- (5) Furthermore, the Agreement in the form of an Exchange of Letters requires that the products in question be granted unlimited duty free access to the Union if the tariff quota has not been exhausted by 31 October of the previous year.

⁽¹⁾ OJ L 150, 20.5.2014, p. 1.

⁽²⁾ OJ L 370, 17.12.2004, p. 70.

⁽³⁾ OJ L 171, 27.6.1973, p. 2.

⁽⁴⁾ OJ L 1, 3.1.1994, p. 3.

⁽⁵⁾ OJ L 22, 24.1.2002, p. 34.

⁽⁶⁾ OJ L 370, 17.12.2004, p. 72.

- (6) According to data provided to the Commission, the annual quota for 2020 for the products in question opened by Commission Implementing Regulation (EU) 2019/2154 ⁽⁷⁾ had not been exhausted by 31 October 2020. Therefore, the products in question should be granted unlimited duty free access to the Union from 1 January to 31 December 2021.
- (7) Therefore, the temporary suspension of the duty-free regime applied under Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway should not be applied for year 2021.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 2021, the goods originating in Norway which are listed in the Annex shall be granted unlimited duty free access to the Union.
2. The rules of origin laid down in Protocol 3 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway shall apply to the goods listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh 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, 16 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁷⁾ Commission Implementing Regulation (EU) 2019/2154 of 16 December 2019 opening a tariff quota for the year 2020 for the import into the Union of certain goods originating in Norway resulting from the processing of agricultural products covered by Regulation (EU) No 510/2014 of the European Parliament and of the Council (OJ L 327, 17.12.2019, p. 66).

Goods originating in Norway which shall be granted unlimited duty free access to the Union from 1 January to 31 December 2021

Order No	CN code	TARIC code	Description of goods
09.0709	2202 10 00		— Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured
	ex 2202 91 00	10	— Non-alcoholic beer containing sugar
	ex 2202 99 11	11 19	— Soya-based beverages with a protein content of 2,8 % or more by weight containing sugar (sucrose or invert sugar)
	ex 2202 99 15	11 19	— Soya-based beverages with a protein content of less than 2,8 % by weight; beverages based on nuts of Chapter 8 of the Common Customs Tariff, cereals of Chapter 10 of the Common Customs Tariff or seeds of Chapter 12 of the Common Customs Tariff containing sugar (sucrose or invert sugar)
	ex 2202 99 19	11 19	— Other non-alcoholic beverages not containing products of headings 0401 to 0404 or fat obtained from products of headings 0401 to 0404, containing sugar (sucrose or invert sugar)

DECISIONS

COMMISSION DECISION (EU) 2020/2123

of 11 November 2020

granting the Federal Republic of Germany and the Kingdom of Denmark a derogation of the Kriegers Flak combined grid solution pursuant to Article 64 of Regulation (EU) 2019/943 of the European Parliament and of the Council

(notified under document C(2020) 7948)

(Only the Danish and German texts are authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity ⁽¹⁾ ('Electricity Regulation'), and in particular Article 64 thereof,

After informing the Member States of the Application,

Whereas:

1. PROCEDURE

- (1) On 1 July 2020, the Danish and German authorities submitted to the European Commission a request for derogation of the Kriegers Flak combined grid solution ('KF') pursuant to Article 64 of the Electricity Regulation.
- (2) On 7 July, the European Commission published the derogation request on its website ⁽²⁾ and invited Member States and Stakeholders to provide comments until 31 August 2020. At the Council Energy Working Party of 13 July 2020, Member States were also informed that a derogation request had been submitted and that comments could be provided.

2. THE KRIEGERS FLAK COMBINED GRID SOLUTION

- (3) Kriegers Flak as a geographic area refers to a reef in the Baltic Sea spanning the economic zones of Denmark, Germany and Sweden. The reef creates relatively shallow waters, and in 2007 Denmark, Germany and Sweden were all interested to develop wind farms in the area. Initially, transmission system operators ('TSOs') from all three Member States assessed the possibility to create a joint project connecting developments in the area. As of 2010, the project to build a wind farm connected to two countries (a so-called 'hybrid project') was only pursued by the Danish and German system operators.
- (4) According to the application for derogation, the main goal of designing KF as a hybrid project was to increase the use of the connections between the wind farms and their respective onshore grid, by making available this capacity for cross-zonal trade when it was not fully required for transporting electricity generated from wind farms to shore.

⁽¹⁾ OJ L 158, 14.6.2019, p. 54.

⁽²⁾ https://ec.europa.eu/energy/sites/ener/files/documents/derogation_decisions2020v1.pdf

- (5) In late 2010 Energinet.dk (the Danish TSO) and 50Hertz (the German TSO for this area) signed a grant agreement over a contribution of EUR 150 million from the European Energy Programme for Recovery ('EEPR'). In 2013, KF was also included in the first list of projects of common interest ('PCI') as annexed to the Commission Delegated Regulation (EU) No 1391/2013 ⁽³⁾. The concept of KF, including the concept concerning the envisaged treatment of electricity flows in case of congestion ('congestion management') has been subject to intensive discussions with the involved national energy regulators and was also outlined in contacts with the European Commission.
- (6) KF as a wider project combines the following elements (see also figure 1 below):
- (a) The Baltic 1 and Baltic 2 farms, both located in German areas of the Baltic Sea. Baltic 1 was commissioned in 2011 and has a capacity of 48 MW. Baltic 2 was commissioned in 2015 and has a capacity of 288 MW.
 - (b) The wind farm also called Kriegers Flak, located in Danish areas in the Baltic Sea. This wind farm of 600 MW capacity is planned for commissioning in 2022.
 - (c) The grid connection from the German wind farms to the German shore, with a capacity of ca. 400 MW, using alternating current at 150 kV voltage over a distance of 136 km, commissioned in 2011 and 2015 respectively.
 - (d) The grid connection from the Danish wind farm to the Danish shore (in the Denmark 2 bidding zone), with a capacity of 680 MW, using alternating current at 220 kV voltage over a distance of 77-80 km, commissioned in 2019.
 - (e) A back-to-back converter station in Bentwisch, Germany, asynchronously connecting the Nordic and Continental synchronous areas.
 - (f) Two high voltage alternating current cables linking the Kriegers Flak and Baltic 2 wind farms, with a capacity of 400 MW over a distance of 24,5 km.
 - (g) To link the Kriegers Flak and Baltic 2 platforms, both offshore platforms had to be expanded.
 - (h) A Master Controller for Interconnector Operation ('MIO'). The MIO controls the load flow through the back-to-back converter station in real time, triggers countertrading in case a congestion occurs due to wind generation which is higher than estimated, triggers curtailment of the offshore wind farms where required as a last resort, and adapts set point values for voltage and reactive power at the back-to-back station to ensure voltage stability. It also forecasts, on an hourly basis, the remaining transmission capacity to be made available to the market.
- (7) Of the above assets, the derogation request does not consider the wind farms as formally being part of the KF project (which therefore is considered as limited to the transmission network assets (c) to (h)).

⁽³⁾ Commission Delegated Regulation (EU) No 1391/2013 of 14 October 2013 amending Regulation (EU) No 347/2013 of the European Parliament and of the Council on guidelines for trans-European energy infrastructure as regards the Union list of projects of common interest (OJ L 349, 21.12.2013, p. 28).

Figure 1

Map of the KF project area and main system elements



(8) Furthermore, only assets (e) to (h) are directly related to ‘combining’ the national networks. Only those assets (marked as ‘KF CGS assets’ in figures 1 and 2) were therefore co-financed by EU funds.

Figure 2

KF CGS Assets



3. THE REQUESTED DEROGATIONS

(9) The requested derogations all aim at allocating the capacity of the KF system at the bidding zone border between the Denmark 2 (DK2) and the German-Luxembourg (DE-LU) bidding zones with priority to the offshore wind farms directly connected to the KF system.

- (10) The applicants request derogation for the KF system from a number of requirements described below, all relating to the minimum available capacity for trade under Article 16(8) of the Electricity Regulation.

3.1. Article 16(8) of the Electricity Regulation

- (11) Article 16(8) of the Electricity Regulation sets out that transmission system operators shall not limit the volume of interconnection capacity to be made available to market participants as a means of solving congestion inside their own bidding zone or as a means of managing flows resulting from transactions internal to bidding zones. This paragraph shall be considered to be complied with where, for borders using a coordinated net transmission capacity approach, at least 70 % of the transmission capacity respecting operational security limits after deduction of contingencies, as determined in accordance with the capacity allocation and congestion management guideline, are available for cross-zonal trade. The German and Danish authorities request that this minimum percentage should not apply to the overall transmission capacity respecting operational security limits after deduction of contingencies. Instead, it should apply only to the capacity remaining after all capacity expected to be required for the transmission of production from the wind farms connected to the KF system to shore has been deducted ('residual capacity').
- (12) Thus, if of 400 MW transmission capacity, 320 MW were already needed to transport wind to the shore, pursuant to the derogation request only 80 MW shall be subject to the requirements under Article 16(8). Consequently, if at least 70 % of the 80 MW were made available for cross-zonal trade, this should, in view of the German and Danish authorities, be deemed sufficient to comply with the requirements of Article 16(8) of the Electricity Regulation. The capacity deducted from the total capacity before calculating the minimum capacity made available for trade in the day ahead timeframe shall be based on the wind production forecasts by both TSOs at the day ahead stage. Unused capacity after the day ahead capacity allocation shall be made available in the intraday market.
- (13) It should be noted that this approach is, as outlined in the request, currently included in the capacity calculation methodology of the Hansa capacity calculation region for the day-ahead and intraday timeframes. The Hansa capacity calculation region includes the Kriegers Flak project. The capacity calculation methodology of the Hansa region was agreed between the national regulatory authorities of the Hansa region on 16 December 2018. The capacity calculation methodology of the Hansa capacity calculation region for the forward timeframe and an updated methodology for the day-ahead and intraday timeframes could not yet be agreed between the competent national regulatory authorities of the region, notably because no agreement on the approach for capacity calculation on the Kriegers Flak interconnector could be found. Thus, the deadline for coming to an agreement was prolonged in the hope of getting clarity via the present derogation procedure (*).

3.2. Articles 12, 14, 15 and 16 of the Electricity Regulation

- (14) Articles 12, 14, 15 and 16 of the Electricity Regulation refer in several instances to the minimum level of available capacity as set out in Article 16(8). German and Danish authorities ask for the derogation to the effect that the minimum level of capacity in those articles reflects the minimum level as calculated above, thus 70 % of the residual capacity.
- (15) The Commission does not regard this as separate derogation requests. Importantly, Article 64(1) of the Electricity Regulation does not allow for derogations from Article 12 of the Electricity Regulation. However, in so far as a derogation from Article 16(8) results in a different calculation of the minimum level of capacity, all references to this minimum value in the Regulation are to be understood as referring to the value set out in the derogation decision.

(*) See ACER Decision 6/2020 of 7 February 2020 on the request of the regulatory authorities of the Hansa capacity calculation region to extend the period for reaching an agreement on the long-term capacity calculation methodology, https://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Individual%20decisions/ACER%20Decision%2006-2020%20on%20extension%20Hansa_LT_CCM.pdf

3.3. Network codes and guidelines

- (16) Based on the request, the derogation shall also be taken into account in the respective capacity calculation processes pursuant to Commission Regulation (EU) 2015/1222 ⁽⁵⁾ establishing a guideline on capacity allocation and congestion management ('CACM'), Commission Regulation (EU) 2016/1719 ⁽⁶⁾ establishing a guideline on forward capacity allocation ('FCA') and Commission Regulation (EU) 2017/2195 ⁽⁷⁾ establishing a guideline on electricity balancing ('EB'). In so far as derogations from the methodologies adopted under these Commission Regulations are requested, such requests are not considered to be separate derogation requests but intrinsically linked to the request for derogation from the Electricity Regulation. To the extent that, due to a derogation, a provision of the Electricity Regulation does not apply, or applies only in part, to a project, methodologies adopted under lower level legislation referring to the respective provision of the Electricity Regulation or based upon it are not applicable either.
- (17) The derogation request further sets out that the reservation of capacity in the long-term market shall be based on the capacity left over after deducting the installed wind power capacity. The reservation of capacity in the other market time units shall be based on the capacity left over after deduction of the forecasted wind power injection. While the request sets out that the curtailment of offshore wind farms (which is understood to refer only to the Baltic 1 and 2 and Kriegers Flak wind farms) caused by the reservation of cross-border capacity for cross-zonal trade shall be avoided in all market time units, the Commission understands this request to be the intended consequence of the other requested derogations and the described approach to capacity calculation and allocation, and not a request for separate derogations. In particular, the request expressly sets out that allocated capacity should be firm, thus no allocated transmission capacity shall be curtailed to prevent curtailment of the offshore wind farms.

3.4. Duration of the requested derogation

- (18) The derogation request asks for the derogation to take effect with the commissioning of KF expected in Q3/2020 and applying for 'as long as the Baltic 1, Baltic 2 and Kriegers Flak wind farms are connected to KF'. It later refers to a time limitation 'for as long as these OWFs are operational and connected to the system'.
- (19) The Commission understands this to refer to the wind farms as they are currently already existing or, as regards Kriegers Flak wind farm, planned to be operational in the near future. Thus, for new wind farms, even as follow-on investments to the existing farms, their forecasted production would not be deducted from the total transmission capacity before calculating the residual capacity.

4. COMMENTS RECEIVED DURING THE CONSULTATION PERIOD

- (20) During the consultation, the Commission received comments from five different stakeholders as well as from one Member State.
- Four of the six submissions were favourable to or at least expressed understanding for the requested derogation, though two of those submissions requested clear time limitations of the derogation, one with a view to rapidly adapting the project to the EU law framework. Another submission did not comment on the derogation request itself, whereas the sixth submission argued in favour of rejecting the derogation and, as a second-best solution, setting out a short time limitation for it.
 - Regarding the duration of a possible derogation, of the four submissions in favour of granting a derogation, two submissions argued for the derogation to cover the entire lifetime of the connected wind farms, whereas one submission asked for the duration of the derogation to be specified without proposing a concrete duration and another submission asked for the derogation to be temporary, giving the example of a five year time limitation, in view of developing an offshore bidding zone solution for KF.

⁽⁵⁾ Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (OJ L 197, 25.7.2015, p. 24).

⁽⁶⁾ Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation (OJ L 259, 27.9.2016, p. 42).

⁽⁷⁾ Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing (OJ L 312, 28.11.2017, p. 6).

- Five of the six submissions stressed that while a (conditional) ad hoc derogation decision may be justified due to the unique characteristics in the case at stake, derogations were not a suitable alternative to setting out a wider regulatory framework to ensure an enduring regulatory solution. Such regulatory solution would not only be useful for future hybrid projects, but could also allow to replace the derogation after a certain time which is needed to agree on the regulatory treatment and a possible re-negotiation of KF contracts. The sixth submission recognised that changes in the framework have occurred, but underlined that it was natural for long-term projects to live with certain regulatory changes during their project period.
- As regards the content of such an enduring regulatory solution, which is outside the scope of the present derogation decision, two submissions highlight that support should be given directly in a market based manner (such as via auctions) rather than indirectly via artificially high electricity prices or operational special treatment such as priority dispatch and lack of balancing responsibility. One submission goes into further detail, supporting offshore bidding zones as a promising solution which could also be applied to KF in the future, stressing that market design should not differentiate between onshore and offshore generation, while recognising the need to assess distributional effects of offshore bidding zones in more detail.

5. ASSESSMENT

- (21) According to Article 64 of the Electricity Regulation, a derogation from the relevant provisions of Articles 3 and 6, Article 7(1), Article 8(1) and (4), Articles 9, 10 and 11, Articles 14 to 17, Articles 19 to 27, Articles 35 to 47 and Article 51 of the Regulation can be granted if the Member State(s) (in this case both Denmark and Germany) can demonstrate that there are substantial problems for the operation of small isolated systems or small connected systems.
- (22) Other than in the case of outermost regions, the derogation shall be limited in time and shall be subject to conditions aiming to increase competition and integration with the internal market for electricity.
- (23) Finally, the derogation shall aim to ensure that it does not obstruct the transition towards renewable energy, increased flexibility, energy storage, electromobility and demand response.

5.1. Small isolated or small connected system

- (24) The Electricity Regulation does not provide for generalised automatic derogations for small connected or small isolated systems. The Regulation thus assumes that notwithstanding the large variety in size and technical characteristics of electricity systems in the EU, all such systems can and should be operated in line with the full regulatory framework.
- (25) However, this assumption can be rebutted and thus under Article 64(1) of the Electricity Regulation, a derogation from the application of certain provisions of the Electricity Regulation is possible if Member States show, amongst others, that the application of these provisions to small isolated systems could lead to substantial problems, notably due to the geographical conditions or demand profiles relevant for the systems in question. For example, this has been found to be the case for certain small and isolated Mediterranean islands with very low demand in winter and significant increases of demand during short tourism seasons ⁽⁸⁾.
- (26) In addition to *isolated* systems, the Electricity Regulation envisages the possibility of granting derogations also to small *connected* systems. This raises the question of what constitutes a *system* in the meaning of Article 64 of the Electricity Regulation. To date, all Commission decisions granting derogations for isolated systems concern islands. The fact that the only system expressly mentioned in Article 64 is that of Cyprus, an island the transmission system of which is currently not connected to other Member States' transmission systems, indicates that islands were likely also what the legislator had in mind when including the derogation possibility for small isolated or small connected systems.

⁽⁸⁾ See Commission Decision of 14 August 2014 granting the Hellenic Republic a derogation from certain provisions of Directive 2009/72/EC of the European Parliament and of the Council (OJ L 248, 22.8.2014, p. 12).

- (27) The term 'system' itself is not defined, neither by the Electricity Regulation nor by the Electricity Directive. However, Article 2(42) and (43) Electricity Directive define the terms 'small isolated system' and 'small connected system' respectively. Small isolated systems are defined as 'any system that had consumption of less than 3 000 GWh in the year 1996, where less than 5 % of annual consumption is obtained through interconnection with other systems', whereas small connected systems are 'any system that had consumption of less than 3 000 GWh in the year 1996, where more than 5 % of annual consumption is obtained through interconnection with other systems'.
- (28) First, both definitions thus assume that the system is something within which a consumption of electricity can be measured and defined. Second, it is something which can be interconnected with other systems. The term 'interconnector' in Article 2(39) of the Directive (differing from the Regulation) is also defined as 'equipment used to link electricity systems'. Against this background, it is clear that the 'system' needs to be something which (i) can include consumption points; and (ii) can be linked to other systems by means of electric cables. This seems to exclude an understanding of several overlapping and intertwined systems as a 'system'. Rather, one system needs to be clearly separable from another. The clearest separation, and this is also the one which has been used in Commission case practice to date ⁽⁹⁾, is a topological separation of one geographical area from another, such as a sea separating an island from other islands and the mainland or mountains. Furthermore, it is clear that a 'system' needs to be held together by something and cannot consist of several fully independent and unrelated elements, thus a chain of separate and non-interconnected islands would not form one but several systems.
- (29) In the case at hand, the area connected by the cables as part of KF lies in the middle of the sea. Whereas the Baltic 2 and Kriegers Flak wind farms are situated on or near the Kriegers Flak reef, the Baltic 1 windfarm is situated between the reef and the German shore. The wind farms are thus clearly separated from the mainland by the Baltic Sea. However, the sea also separates the wind farms from each other. While they are connected by cables between themselves, this is not different from their connection to the mainland systems.
- (30) However, the KF system forms an entity held together by the joint operation via the MIO. The MIO acts in many ways like a separate system operator, autonomously calculating capacity, proposing remedial actions in case of congestion, taking measures to ensure voltage stability, and purchasing countertrading services, albeit under the supervision of system operators, the two TSOs owning the network elements. Thus, the KF is *separated from other systems by the sea and bound together as a single system by a joint operational concept and a joint operating function*. Furthermore, it does not overlap with other systems and one could not argue either that the individual wind farms form separate systems. Neither of the two TSOs can unilaterally control the KF system elements.
- (31) Thus, the KF combined grid facility constitutes, together with the connected wind parks, a system in the meaning of Article 64 of the Regulation.
- (32) KF is also clearly a 'small' system. For newly created systems, it is logically excluded to refer to the consumption in 1996. This reference year still dates from the first Electricity Directive 96/92/EC of the European Parliament and of the Council ⁽¹⁰⁾, albeit still with a threshold of 2 500 GWh. It has been maintained as a reference point in later years in order to prevent systems from changing status based on changes to their annual consumption figures.

⁽⁹⁾ See Commission Decision 2004/920/EC of 20 December 2004 on a derogation from certain provisions of Directive 2003/54/EC of the European Parliament and of the Council concerning the archipelago of the Azores (OJ L 389, 30.12.2004, p. 31); Commission Decision 2006/375/EC of 23 May 2006 on derogation from certain provisions of Directive 2003/54/EC concerning the archipelago of Madeira (OJ L 142, 30.5.2006, p. 35); Commission Decision 2006/653/EC of 25 September 2006 granting the Republic of Cyprus a derogation from certain provisions of Directive 2003/54/EC of the European Parliament and of the Council (OJ L 270, 29.9.2006, p. 72); Commission Decision 2006/859/EC of 28 November 2006 granting Malta a derogation from certain provisions of Directive 2003/54/EC of the European Parliament and of the Council (OJ L 332, 30.11.2006, p. 32) and Commission Decision 2014/536/EU of 14 August 2014 granting the Hellenic Republic a derogation from certain provisions of Directive 2009/72/EC of the European Parliament and of the Council (OJ L 248, 22.8.2014, p. 12).

⁽¹⁰⁾ Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity (OJ L 27, 30.1.1997, p. 20).

- (33) However, once a new system has been finalised and become fully operational its consumption at that point in time needs to be used as a basis for determining whether the system is 'small'. This is the case for KF. The KF system has no significant consumption, with a total consumption including grid losses estimated at about 90 GWh. There is also no significant increase of consumption (e.g. through hydrogen production) expected in the near future. While the consumption in Article 2(42) and (43) of the Regulation may suggest that the notion of 'small systems' is linked to 'human' consumption and thus restricted to inhabited islands, the Commission takes the view that the lack of household or industrial demand does not exclude the qualification as 'small system'. Furthermore, as there is no minimum threshold, requiring human consumption inside a system would not provide any meaningful separation criterion. Whereas Commission decisions on small systems are mostly aimed at resolving particular challenges for stable and competitive supplies to the inhabitants of the system, the wording of the Regulation does not limit the derogation possibility to such kind of problems. Indeed, as the Article refers to substantial problems 'for the operation' of a system, those problems can just as well be based in the interaction between the system and production located therein as in the interaction with demand.
- (34) Finally, KF, which itself provides significant interconnection capacity, is clearly 'connected'.
- (35) Thus, KF is a small connected system in the meaning of Article 64(1)(a) of the Electricity Regulation.

5.2. Substantial problem for the operation of the system

5.2.1. What is a substantial problem?

- (36) The wording of Article 64 is very broad, referring to 'substantial problems for the operation of the system'. The term 'substantial problems' is neither legally defined nor has the Commission provided a definition of the term in its decision-making practice. The open formulation allows the Commission to take into account all potential problems related to the particular situation of small systems, provided they are substantial and not only marginal. Such problems can vary significantly depending on the geographical particularities, production and consumption of the system in question, but also on the basis of technical developments (such as electricity storage and small generation).
- (37) In past decisions, the problems to be resolved related to maintaining social coherence and/or equal competitive conditions between the mainland and islands in a situation where system security on the island required additional measures or implied significantly higher costs on an island compared to the mainland. 'Operation' can thus not be understood narrowly, such as requiring that without the derogation, secure system operation would not be possible. Instead, 'problems' have always been considered to also include socioeconomic problems for the users of the system at hand ⁽¹¹⁾.
- (38) Furthermore, the problems in question need to occur for the operation of the system. It thus appears difficult to imagine a justification which would be based exclusively on impacts occurring outside of the system, e.g. impacts on national subsidy schemes. This does not exclude the relevance of 'indirect' impacts for example on the secure operation of the system.

5.2.2. The KF system as a first of its kind

- (39) The KF system is a first of its kind system combining connection cables between onshore systems and offshore wind parks situated in two different countries, a cable connecting those offshore wind parks enabling thereby electricity trade between both onshore systems, a back-to-back converter station between two different synchronous areas, two different voltage levels connected via an offshore transformer, and the MIO autonomously (under the supervision of operators from both TSOs) controlling the different system elements, triggering countertrading or curtailment where required and setting the set point values of the back-to-back converter.

⁽¹¹⁾ See e.g. Decision 2014/536/EU which refers to the higher costs of producing electricity on the islands while prices are by law equal to those on the mainland.

- (40) Setting up the first such system is a complex undertaking and was subject to significant challenges. In view of the high complexity of the project, the time from project planning to final realization was very long.
- (41) When in 2010, a grant agreement was signed between the Commission and the TSOs contributing EUR 150 million in EU funds to the KF project, the agreement provided that the start of operation of the KF system was planned for June 2016.
- (42) However, the first of its kind nature brought with it the need to change the configuration of the system in the middle of the project. Initially it was planned to use HVDC cables but, as the planned HVDC offshore platform became about 250 % more expensive than expected ⁽¹²⁾, the system had to be redesigned using offshore AC cables. A revised grant agreement was signed in September 2015.
- (43) This revised structure resulted in a significant reduction of the transmission capacity additional to what is needed to transmit the wind generated by the offshore wind farms to shore. This can be demonstrated by comparing two examples on congestion management given in different presentations by Energinet.dk to the Commission, on 14 November 2012 and 3 September 2014 respectively:

Figure 3

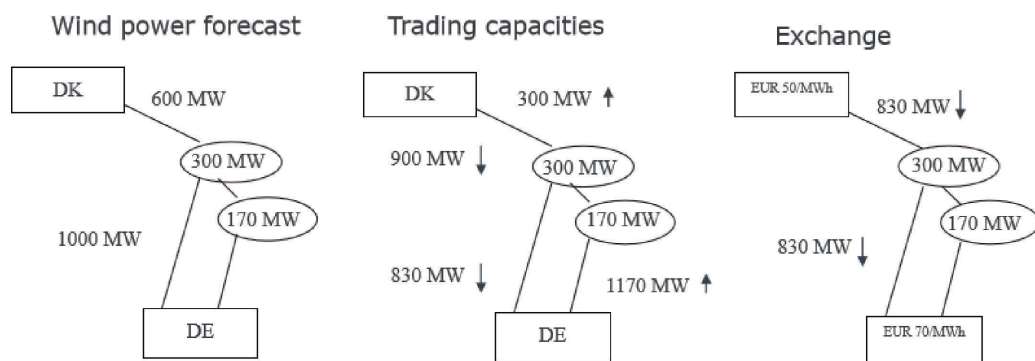
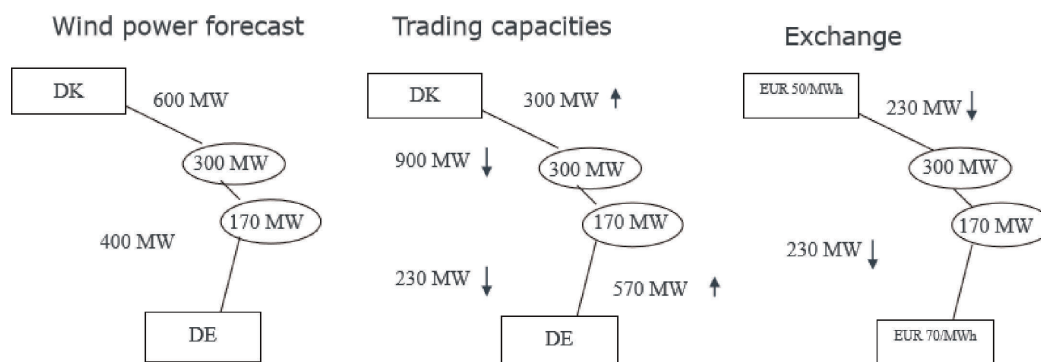
Example based on the 2012 project plan

Figure 4

Example based on the 2014 project plan

- (44) Those examples show that, assuming equal wind output in both scenarios, the capacity of the KF system made available to the market for trade towards Germany was 830 MW in the 2012 project and 230 MW in the 2014 project. It should be noted however that the effective difference between both project set-ups strongly depends on the wind situation ⁽¹³⁾.

⁽¹²⁾ Presentation by 50Hertz to the European Commission on 9 May 2014, slide 3.

⁽¹³⁾ Based on the information provided by German and Danish authorities on 11 September 2020, the capacity values compare as follows: In case of the German and the Danish OWFs each having the same utilisation rate, the transmission capacity available to the market towards Germany would have varied under the initial project set-up from 600 MW (in case of no wind power production) to ~ 855 MW (in case of wind power productions being at about 50 % of the respective installed capacities) and then from ~ 855 MW to 661 MW (in case of wind power production being at maximum), whereas under the revised project set-up, it would vary from 400 MW (in case of no wind power production) to 61 MW (in case of wind power production). The transmission capacity available to the market towards Denmark would have varied under the initial project set-up from 600 MW (in case of no production) to 0 MW (in case of production being at maximum), whereas under the revised project set-up, it would be 400 MW (in case of wind power production being between 0 % and 33 %) and then would vary from 400 MW to 61 MW (in case of wind power production being at maximum).

- (45) This significant change in project design shows the particular challenge of this project. The new design uses unusually long AC cables, with a total length of the AC connection exceeding 200 km, a length at which usually DC technology would be used (as initially planned). This creates challenges for voltage stability inside the KF system. To address this challenge, the concept of a MIO has been developed to monitor and control the KF assets and react (autonomously but under the supervision of TSO operators) as required.
- (46) The reactions of the MIO include procuring necessary countertrading volumes in case congestion occurs. In high wind situations, the production from the offshore wind farms would already fill a very large share of the cables. If high minimum trade volumes were required in such situations large countertrading volumes would occur more frequently.
- (47) By way of example: In situations where the price in the DE/LU zone is higher than the price in the DK2 zone, the connection cable between the German wind farms and the German shore would be congested and ensuring a minimum trade volume on this cable would require countertrading in the direction DE/LU towards DK. If, in such a situation, at least 70 % of the 400 MW capacity (thus 280 MW) would need to be made available for trade, this capacity would be used for flowing electricity from the DK 2 zone (perhaps from wind generation in Denmark or other Scandinavian countries) to the DE/LU zone. However, the addition of the 280 MW and the wind from the Baltic 1 and Baltic 2 wind farms, which are located in the DE/LU bidding zone, would exceed the capacity of the connection cable between those wind farms and the German shore.
- (48) Thus, to make available this capacity, either the production from the wind farms would need to be reduced (curtailment/downward redispatching) or the system operators would need to engage in countertrade (trading electricity from the DE/LU zone to the DK2 zone). Both approaches would reduce the physical flow on the cable and prevent overloading. However, as set out also in Article 13 of the Electricity Regulation, non-market-based downward redispatching of electricity from renewable energy sources shall be used only where no other option is available. Furthermore, significant reductions of the running hours of the renewable generation assets could negatively impact their business case or the aims of the renewable support program. Thus, the MIO is set up to reduce output of the wind farms only as a last resort, and to first address congestion via countertrading.
- (49) Therefore, the application of Article 16(8) would increase the amount of countertrading needed. This would, without doubt, increase the complexity of maintaining stable operations of the KF system, as more frequent interventions by the MIO would be required and higher trade volumes would need to be autonomously handled by the MIO. However, based on the available information, it does not appear that this increased complexity would put into question the operational security of the KF system itself, and thereby justify a derogation on its own.
- (50) However, in this respect, it is important to highlight that the Electricity Regulation explicitly recognises the particular challenges of innovative projects in general and hybrid assets combining interconnection and onshore connections in particular.
- (51) Article 3 point (l) of the Electricity Regulation provides that 'market rules shall allow for the development of demonstration projects into sustainable, secure and low-carbon energy sources, technologies or systems which are to be realised and used to the benefit of society'. Thus, the legislative framework aims at facilitating demonstration projects. Article 2(24) of the Electricity Regulation defines a demonstration project as 'a project which demonstrates a technology as a first of its kind in the Union and represents a significant innovation that goes well beyond the state of the art'. This is clearly the case for KF, which is the first such project and, as also demonstrated by the significant challenges in bringing it into existence, required significant innovation going well beyond the state of the art.
- (52) Furthermore, recital 66 of the Regulation sets out that 'offshore electricity infrastructure with dual functionality (so-called 'offshore hybrid assets') combining transport of offshore wind energy to shore and interconnectors, should also be eligible for exemption such as under the rules applicable to new direct current interconnectors as well as, where the costs of the project are particularly high, to alternating current interconnectors. Kriegers Flak is significantly more complex than the average alternating current interconnector project, and thus would have in principle been eligible for an exemption under Article 63. Where necessary, the regulatory framework should duly

consider the specific situation of those assets to overcome barriers to the realisation of societally cost-efficient offshore hybrid assets.’ While this recital expressly mentions exemptions for new interconnectors, thus referring to Article 63, the use of ‘such as’ shows that this is not the only path to specific frameworks for hybrid assets the recital wants to highlight. KF being the first hybrid asset, it is clear that the legislators were aware of this project when drafting recital 66 and considered it a possibility that the project could require a specific regulatory framework.

- (53) While a recital cannot change the legal requirements under the Regulation for granting specific frameworks via derogations or exemptions, and Article 3 point (l) does not set out any specific requirements as to how regulatory frameworks shall deal with demonstration projects, both taken together show the will of the legislator for the Commission to take particular note of the specific situation and challenges for hybrid assets and demonstration projects.
- (54) Against this background, KF as a demonstration project faces increased complexity. The extent of this complexity cannot yet be fully demonstrated as this project is the first of its kind. This could be sufficient to qualify as problems under Article 64. This question could however be left open if other reasons for derogation were to be sufficient, alone or together with the above-described complex operation and set-up of the KF system as a first of its kind hybrid asset.

5.2.3. *Secure operation of the DK 2 area*

- (55) In addition to increased complexity of the operation of the KF system, the increased amount of countertrading would also have impacts on neighbouring bidding zones. Whereas the DE/LU zone is a large zone, the DK2 zone is considerably smaller. This results in more limited resource availability for upward and downward regulation. The derogation application argues that those resources could be fully used already by countertrading for the KF system.
- (56) There could be questions as to whether such a lack of technical availability of countertrading resources would be frequent, as countertrading would usually occur in high wind situations where a large number of wind generation assets are producing in the DK2 zone, but given the large range of possible network situations, this cannot be fully excluded.
- (57) Nevertheless, KF has also other means at its disposal to manage the congestion on its network. For example, in case of a lack of availability of countertrading resources, the KF facility could still be safely operated if the output of the wind farms part of the KF system itself would be reduced. This is, where required to ensure operational security, expressly allowed by Article 13 of the Electricity Regulation.
- (58) Furthermore, it should be noted that increases in system costs alone, be it due to increased countertrading costs or increased costs in procuring reserves for the DK2 area, cannot as such provide a basis for derogations under Article 64. In this regard, it should also be noted that in the recent Commitments Decision in Case AT.40461 *DE/DK Interconnector*, which examined systematic limitations to cross-border capacities under EU competition rules, the Commission deemed that the extra-costs resulting from increased countertrade or redispatch needs could not be accepted as a justification for limiting cross-border flows ⁽¹⁴⁾.

5.2.4. *Legitimate expectations*

- (59) Finally, the derogation request sets out that the first discussions on the KF project started already in 2007, and that the project has since always been planned on the basis of a specific approach to congestion management, which allocates only those capacities to the market which remain after deducting the wind forecasts at the day-ahead stage.

⁽¹⁴⁾ See Commission Decision of 7 December 2018 in Case AT.40461 – DE/DK Interconnector: https://ec.europa.eu/competition/antitrust/cases/dec_docs/40461/40461_461_3.pdf

- (60) The request also sets out that significant changes to the regulatory framework have occurred since 2007, and that notably the Electricity Regulation, by introducing Article 16(8), had set out new requirements compared to the existing legislation. The derogation request argues that the 2016 investment decision was taken on the assumption that the offshore wind farms could benefit from the principle of priority dispatch, based on Directive 2009/28/EC of the European Parliament and of the Council ⁽¹⁵⁾, and that this had as a consequence that capacity for cross-border trade could be reduced.
- (61) The Commission would like to stress against this background that the principle of maximising cross-border capacity is not a new concept and those arguments thus cannot be accepted. First, it is based on the fundamental principles of the EU law and in particular Article 18 of the Treaty on the Functioning of the European Union (TFEU) which prohibits any discrimination on grounds of nationality and Article 35 TFEU, which prohibits quantitative restrictions on exports and all measures having equivalent effect. Second, Article 16(3) of Regulation (EC) No 714/2009 of the European Parliament and of the Council ⁽¹⁶⁾ imposed the obligation to maximise interconnection capacity, requiring that 'the maximum capacity of the interconnections and/or the transmission networks affecting cross-border flows shall be made available to market participants, complying with safety standards of secure network operation'. In addition, Annex 1.7 to that Regulation set out that TSOs 'shall not limit interconnection capacity in order to solve congestion inside their own control area'. Furthermore, on 14 April 2010, the Commission decided in Case AT.39351 *Swedish Interconnectors* ⁽¹⁷⁾ to accept commitments by the Swedish TSO for having, based on the Commission's preliminary assessment, abused its dominant position on the Swedish market by limiting cross-border capacity to solve internal congestion, contrary to Article 102 TFEU. A similar preliminary conclusion resulting in commitments was established in Case AT.40461 *DE/DK Interconnector* ⁽¹⁸⁾ for the border between western Denmark (DK1) and the German/Luxembourg zone.
- (62) Based on the principles outlined above, the market operators should have been aware of the principle of maximising cross-border capacity. In any event, at the latest since April 2010, based on Case AT.39351 *Swedish Interconnectors*, the Commissions' interpretation of the existing rules relating to cross-border capacity became clear-cut. Finally, contrary to what is alleged in the derogation request, Point 1.7 of Annex 1 Regulation (EC) No 714/2009 also did not *ad infinitum* allow reducing cross-zonal capacity for reasons of operational security, cost-effectiveness or the minimisation of negative impacts on the internal market in electricity. Instead, where such a limitation may have been exceptionally allowed, it was clearly 'tolerated only until a long-term solution is found'. Thus, creating a whole system relying on a permanent reduction was clearly not allowed for under Regulation (EC) No 714/2009.
- (63) However, the relationship between the obligation to maximise cross-border capacity under the Electricity Regulation and the granting of priority dispatch and priority access to energy from renewable sources under Directive 2009/28/EC was perceived at least by some market participants as not entirely clear and the applicants point out that this issue was raised repeatedly by the project promoters in their contacts with the European Commission as regards this particular first of its kind project. The TSOs working on the KF project also did not simply overlook the possible challenge to their intended approach on congestion management. Rather, they repeatedly presented their planned approach to the European Commission services. In the applicant's view the fact that the European Commission services had in numerous contacts with the project promoters since 2010 not requested to change the structure of the KF project in a way to ensure that the maximisation principle will be applied, contributed to the project promoter's confusion over the applicable rules for this project.
- (64) The 2010 grant application for the KF project ⁽¹⁹⁾ set out that a 'correct interpretation of priority feed-in' needed to be found to ensure viability of the project. The joint feasibility study, which was submitted to the Commission services, stated that the 'basic assumption is that capacity on the interconnections not expected to be required for transporting wind energy can be made available to the spot market'. The expected additional transmission capacity for trade was thus only the capacity remaining after transporting the offshore wind production to shore.

⁽¹⁵⁾ Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).

⁽¹⁶⁾ Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 (OJ L 211, 14.8.2009, p. 15).

⁽¹⁷⁾ https://ec.europa.eu/competition/antitrust/cases/dec_docs/39351/39351_1223_4.pdf

⁽¹⁸⁾ https://ec.europa.eu/competition/antitrust/cases/dec_docs/40461/40461_461_3.pdf

⁽¹⁹⁾ P. 16, risk 7.

- (65) The study also stated that 'Based on the Directive 2009/28/EC all countries have priority access to the grid for renewable energy sources. German national legislation furthermore demands that wind turbines at all times can feed-in to the national German transmission grid. However, in the event of insufficient transmission capacity the formal grid access requirements can be solved by means of counter trading or balancing market measures.' Thus, both the issue of congestion management and the possible solution via countertrading were already being discussed.
- (66) Nonetheless, the approach to congestion management remained under discussion, including with the European Commission services. In very similar presentations on 14 November 2012 and (based on the revised project plan) 3 September 2014, Energinet.DK, the TSO expressly set out that 'the model for congestion management is an essential part of the basis for the investment decision'. Both presentations expressly raised the possible conflicting interpretations of priority access based on Article 16 of Directive 2009/28/EC on the one hand and the maximisation principle under Article 16 of Regulation (EC) No 714/2009 on the other hand.
- (67) Clearly describing the way the TSOs intended to resolve this conflict for the KF project, the presentations described that 'capacity for wind power production to the onshore grid will be reserved based on the day-ahead forecast' and that 'the remaining capacity is to be given to the market coupling [thus defining the capacity available for trade] and used in the same way as the capacity on other interconnectors'. While the 2014 presentation did not highlight (in writing) the reduced capacity for the market compared to the earlier project plan, this was also not hidden. To the contrary, both presentations follow the exact same structure and, if held next to each other, clearly show the difference.
- (68) Thus, since 2010, the importance of the approach to congestion management was repeatedly set out in meetings with national regulators and the European Commission services, highlighting that different legal requirements from secondary legislation might be seen as in contradiction. At least the later presentations also clearly set out the planned approach the project parties intend to take to resolve this issue, and the impact this would have on cross-border capacity. During those years, national authorities and the Commission kept supporting the project, including with significant financial contributions, without requesting changes to the project structure.
- (69) The Commission also notes that the proposed concept has been extensively discussed with the concerned national authorities, and that none of the national regulators involved has raised objections with respect to the envisaged congestion management concept. On the contrary, the concept was approved by all regulators of the concerned 'Hansa' region in the context of the approval of the capacity calculation method of the Hansa Region.
- (70) Of course, the mere fact that national authorities and the Commission have over a number of years not raised legal concerns as regards a project cannot in any way be seen as a justification for granting a derogation to the project. Furthermore, as also highlighted by a reply to the consultation, certain changes in (or clarifications to) regulatory requirements are to be expected for projects with very long implementation periods. However, given the complexity of the topic and the extensive discussions on the regulatory framework, the Commission cannot exclude that the project parties may have reasonably assumed they could go ahead with the project as planned. This is also acknowledged by several submissions to the Commission, including those who see the derogation rather critically. Furthermore, had national regulators, ministries or the Commission raised objections, the project could possibly have been adapted before the start of its operation, e.g. by increasing the connection capacity onshore to accommodate increased flows for trade (as had initially been planned but then dropped when the project was amended).
- (71) The reason that congestion management was mentioned as an *essential* part for the investment decision was that the investment decision had to take into account the interests of all involved parties. This included the role of the offshore wind facilities, which received subsidies via different national support systems. It is clear that if maximum capacity had to be granted for trade, this would result in an increased likelihood for the offshore wind facilities to be curtailed.

- (72) Of course, to the extent that curtailment is non-market based, Article 13(7) entitles those generation facilities to full financial compensation of lost revenues from support schemes and on the day-ahead market. Where lost revenues could be higher than this (e.g. from the intraday market or system services) the Regulation sets out no obligation for compensation (although such an obligation could flow from national law). In any event, a significant increase in curtailment of offshore wind farms would considerably change the basic assumptions of the project, which aimed at increasing the options for offshore wind farms to transport electricity to shore, increase the reliability of electricity supply to the DK 2 zone, and to increase capacity for trade, but without significantly changing the situation of the existing offshore wind farms or the priority given to their infeed under the respective national frameworks. Had the project parties known that maximum capacity needed to be made available for trade notwithstanding the priority access rights of wind farms, the project might thus never have been realised.
- (73) Against the background of regular contacts with national regulators, ministries and the Commission explaining the planned approach, it is plausible that the project parties could have misunderstood the legal situation. Taking this into account, and in view of the specific attention to be paid to the challenges facing this particular demonstration project for hybrid assets, the application of legal requirements which would require major changes to the project fundamentals and which, had they been clear earlier, could have stopped the project from being realised or changed the project fundamentals, could indeed be seen as creating substantial problems for the operation of the small connected system.
- (74) Thus, the Commission can conclude that the full application of Article 16(8) of the Electricity Regulation to the KF system would create substantial problems for the operation of a small connected system.

5.3. Scope of the derogation

- (75) The derogation applies to calculation and allocation of cross-zonal capacity on the KF interconnection, derogating from the requirements of Article 16(8) of the Electricity Regulation in so far as it sets out a minimum threshold of 70 % of the *total* transmission capacity of the KF interconnection. Instead, Article 16(8) of the Electricity Regulation shall apply in so far as at least 70 % of the *residual* capacity shall be made available, meaning at least 70 % of the capacity remaining after deduction of what is needed to transport the production from the wind farms Baltic 1, Baltic 2 and Kriegers Flak to their respective onshore systems, based on daily forecasts of the electricity generation from those farms.
- (76) Where other provisions refer to the 'minimum threshold' as set out in Article 16(8) of the Electricity Regulation, this shall be interpreted as referring to the minimum threshold as set out in this decision. This applies also to electricity network codes and guidelines including CACM, FCA and EB, as well as to the terms, conditions and methodologies based upon those Commission Regulations.
- (77) All other requirements of Article 16 of the Electricity Regulation, in particular the requirement to make available the maximum level of capacity of interconnections complying with the safety standards of secure network operation, shall remain applicable.

5.4. No obstruction to the transition towards renewable energy, increased flexibility, energy storage, electromobility and demand response

- (78) Article 64 of the Electricity Regulation sets out that the decision shall aim to ensure that it does not obstruct the transition towards renewable energy, increased flexibility, energy storage, electromobility and demand response.
- (79) The derogation decision aims to enable a first of its kind demonstration project which aims at better integration of renewable energies into the electricity system. It therefore does not obstruct the transition towards renewable energies. It also has no noticeable impact on electromobility or demand response.
- (80) As regards increased flexibility and energy storage, it is important to note that the possibility for flexibility services (including storage) to support the electric system directly depends on providing exact and clear investment and dispatch signals to those service providers. Where structural congestion exists within a bidding zone, this results in distorted investment signals for location-specific flexibility services. By way of example, investment in hydrogen

generation or battery storage inside the KF system could be more viable in a regulatory framework which correctly reflects the congestion between the KF system and both onshore systems. In view of the significant technological challenges of offshore investments, this does not automatically mean that such investments would be viable in case of a separate offshore bidding zone for the KF system, but it is clear that the approach under the derogation decision can have a negative impact on such investment potentials compared to the establishment of an offshore bidding zone.

- (81) On the other hand, Article 64 of the Electricity Regulation does not require derogation decisions to maximise the potential for flexibility or energy storage, but only to ‘aim to ensure that the derogation does not obstruct it’. In other words, the derogation shall not prevent developments which, without the derogation, would occur naturally. However, it is not certain whether the KF system would, in the absence of a derogation, be operated as a separate offshore bidding zone. As also highlighted by respondents to the consultation, an offshore bidding zone could have significant advantages for market functioning, transparency, and efficient use of network assets, but it also brings with it certain complexities e.g. in the distribution of costs and benefits. Without setting up an offshore bidding zone, it is not clear whether full implementation of Article 16(8) of the Electricity Regulation would in the context of the KF project by itself provide more exact investment signals for flexibility services or storage.
- (82) Thus, while the derogation does not obstruct the transition towards increased flexibility including energy storage, it is important to take into account the need for appropriate investment signals and its impact on possible storage or other flexibility investments as regards the derogation conditions.

5.5. Limitation of the derogation in time and conditions aiming to increase competition and integration with the internal market for electricity

- (83) Article 64 of the Electricity Regulation expressly sets out that the derogation shall be limited in time and that it shall be subject to conditions aiming to increase competition and integration with the internal market for electricity.

5.5.1. Limitation in time

- (84) A limitation of time may thus not only be warranted by the principle of proportionality, e.g. if a shorter derogation could address the problems at stake or if a longer derogation would lead to disproportional burden for market participants. The Regulation provides for a *mandatory* limitation for several purposes. First and foremost, the Regulation assumes that the general regulatory framework can be applied to all situations in the internal market, and that such a general application is beneficial for society. While Article 64 recognises that derogations may be required for specific situations, these derogations are susceptible to increase complexity of the overall system, and can be barriers to integration also in neighbouring areas. Furthermore, the justification of the derogation is generally based on the technical and regulatory framework at the time, and on a given network topology. All these situations are bound to change. Finally, it is important for market participants to be able to predict regulatory changes sufficiently in advance. Thus, all derogations need to be limited in time.
- (85) The only situation where the Regulation provides for general derogation possibilities without time limitations concerns outermost regions within the meaning of Article 349 TFEU which cannot be interconnected with the Union’s energy market for evident physical reasons. This is easily understandable as those regions do not have any impact on the internal market for electricity. As KF is not an outermost region, there thus needs to be a clear and predictable limitation in time of the derogation.
- (86) The derogation request proposes a limitation in time based on the operation and connection of the three offshore wind farms. The wording thus appears not to be unlimited in time. However, this condition is not sufficiently precise as to what still constitutes ‘operation’ of the initial wind farms, and does not allow third parties to predict the regulatory framework sufficiently in advance.

- (87) For the avoidance of doubt, it should be clearly identifiable whether an offshore wind farm connected to the KF system still constitutes one of the initial wind farms or not. Thus, a condition should be added in any event that from the date on which any of the three wind farms stops operating other than for usual maintenance or repairs with a limited duration, or becomes subject to significant modifications, which shall be deemed to be the case at least where a new connection agreement is required or where the generation capacity of the wind farm is increased by more than 5 %, production from this wind farm shall no longer be deducted from the total transmission capacity, before calculating the residual capacity, thereby increasing the available capacity for trade on the interconnector.
- (88) However, if one or two of the wind farms stop operating or otherwise benefitting from the derogation, this shall not negatively impact the commercial situation of the other wind farms or the operation of the system. Thus, the derogation shall not be terminated just because one of the wind farms' production is no longer entitled to *ex ante* deduction from the total transmission capacity, but only if *all* of the three wind farms are no longer entitled to this deduction.
- (89) As concerns the appropriate duration of the derogation, the Commission notes that the immediate application of the rules from which a derogation is requested would require significant modifications to the regulatory and commercial arrangements for KF, with potential negative consequences for the operation of the wind farms.
- (90) On the other hand, the Commission notes that granting the derogation for as long as the wind farms operate and remain connected could mean that the derogation would apply for 20 years or longer, considering the average lifetime of offshore wind farms. Such a long derogation could lead to significant disadvantages for market integration.
- (91) Furthermore, it is important that the derogation for KF does not create an unchangeable and inflexible, somewhat alien, element in the developing offshore regulatory framework. To ensure sufficient flexibility but at the same time give adequate certainty and predictability to all project parties and to other market participants, regular reviews of the framework approved in this derogation decision should be established.
- (92) The Commission thus has to strike a balance between the legitimate interests of the project partners of KF and the neighbouring Member States who have trusted in the legality of the regulatory solution developed for the first-of-its kind project and the interests of EU consumers and producers to benefit from the principle of maximisation of cross-border flows.
- (93) The Commission takes into account that developing and implementing a regulatory solution which does not require a derogation is possible ⁽²⁰⁾ but will need considerable time and would also bring with it considerable complexity. The same is true for the necessary contractual adaptations to the new regulatory treatment compliant with the EU rules. Furthermore, as the regulatory framework for offshore hybrid assets is currently under discussion, sufficient time should be provided to ensure that such adaptations do not have to start before a solid and clear basis has been ensured. It therefore appears appropriate to grant the derogation for a period of 10 years.
- (94) However, it cannot be fully excluded that continuous derogation will still be required to maintain the economic balance and ensure the viability of the KF system even beyond this 10 year period. Thus, the Commission may extend this period where justified. The derogation, including any prolongations, should not exceed a period of 25 years, as this would go beyond the expected remaining lifetime of the wind farms.
- (95) The Commission's review on any prolongation request shall include an assessment as to whether it is possible for the project structure to be changed in a way that would enable full integration of the KF system into the general regulatory framework, e.g. by the definition of offshore bidding zones. Any such change to the project structure would take due account of the economic balance as established under the derogation decision. A detailed procedure for the application and granting of such prolongation is set out in Section 5.5.3.

⁽²⁰⁾ In the consultation, stakeholders pointed notably at the possibility of developing an Offshore Bidding Zone for the project.

5.5.2. *Other conditions*

- (96) As regards further conditions to be imposed, imposing an increase in the minimum capacity available for trade on an otherwise unchanged project would directly contribute to reinstating the problem to be resolved by the derogation in those hours where cables in the KF system are congested. On the other hand, where such cables are not congested, the maximisation principle applies in any case, thus the maximum technically feasible capacity already needs to be made available, up to the total transmission capacity of the transmission system.
- (97) This being said, room for an increase in available capacity cannot be fully excluded in the longer term. In particular, the earlier plans for the project still provided for the construction of additional direct current cables, and these plans were abandoned due to 2,5-fold cost increases of required components (see recitals 40-42 above). Thus, it is not excluded that such investments could be made in the future. Notably, the KF grant agreement provided for the possibility of integrating a Swedish wind farm into the KF system and raised the possibility of increasing the capacity in such a scenario.
- (98) Where new technological or market developments or investments in new offshore wind farms in the proximity of KF make an upgrade of the existing system or the construction of new cables increasing the capacity available for trade financially viable (taking into account the need to ensure safe operation of the KF system and adjacent systems), such investments should be conducted. In case of prolongation requests, the Commission assessment shall also include whether or not such investments into additional capacity could be reasonably expected.
- (99) If providers of flexibility services show concrete interest in realizing projects inside or nearby the KF system which could increase available capacity for trade by making use of flexibility services (e.g. storing excess wind production in offshore batteries), such investments shall be duly considered by the national authorities in question, making use of their potential to increase available capacity for trade up to the minimum value as set out in Article 16(8) of the Electricity Regulation.

5.5.3. *Procedure for eventual prolongation requests*

- (100) In order for the Commission assess whether the derogation is still necessary in view of possible future clarifications and changes to the legal framework for hybrid projects, the national authorities shall report to the Commission sufficiently in advance of the end of the derogation period whether they deem necessary the extension of the derogation. Should the national authorities wish to request prolongation of the present derogation, a joint request shall be submitted sufficiently in advance of the end of the derogation period to allow a thorough analysis of the prolongation request and early information to market participants on the future regulatory framework for KF. Any such request shall include a cost-benefit analysis demonstrating the effects of the derogation both on the KF system and on the regional and European level, comparing at least the possibilities of continuing the derogation in its present form, increasing the available capacity by conducting additional investments, and fully integrating the KF system into the general regulatory framework for offshore hybrid assets as applicable at the time of the prolongation request.
- (101) Whenever deciding on a prolongation request, the Commission shall take due account of the economic interests of the connected wind farms and involved system operators, but also of the wider socioeconomic impact of the derogation at a regional and European level. In particular, the review shall establish whether and how the KF system should be integrated into a wider regulatory framework for hybrid assets.
- (102) In order to take sufficient account of changes to the regulatory framework as well as technological and market developments, any prolongations (if granted) should be limited in time.
- (103) If the Commission comes to the conclusion that, in order to grant a prolongation, changes to the regulatory approach as set out under this decision are required, or that other conditions are necessary to increase competition or market integration, sufficient time shall be given for their implementation, giving also sufficient advance notice to other market participants of possible changes to available cross-border capacity.

HAS ADOPTED THIS DECISION:

Article 1

A derogation is granted to the Kriegers Flak Combined Grid Facility from the provisions of Article 16(8) of Regulation (EU) 2019/943. In calculating whether the minimum levels of available capacity for cross-zonal trade are reached, the capacity basis to be used for calculating the minimum capacity shall be the residual capacity after deduction of the capacity necessary for transporting the forecasted electricity production by the wind farms connected to the Kriegers Flak Combined Grid Facility at the day ahead stage to the respective national onshore systems, rather than the total transmission capacity.

Article 16(1) of Regulation (EU) 2019/943 remains fully applicable, and the maximum level of capacity of the Kriegers Flak Combined Grid Facility and of the transmission networks affected by the cross-border capacity of the Kriegers Flak Combined Grid Facility, going up to the total network capacity of the Kriegers Flak Combined Grid Facility, shall be made available to market participants complying with the safety standards of secure network operation.

Article 2

The derogation under Article 1 shall encompass all references to the minimum capacity to be made available for trade under Article 16(8) of Regulation (EU) 2019/943, in Regulation (EU) 2019/943 and in Commission Regulations based upon this Regulation.

Article 3

The derogation under Article 1 shall be applicable until 10 years after adoption of the Commission Decision. This period may be prolonged by the Commission pursuant to Article 4. The total duration of the derogation, including any prolongations, shall not exceed 25 years.

Where any of the three wind farms connected to the Kriegers Flak Combined Grid Facility stops operating other than for usual maintenance or repairs with a limited duration, or such wind farm becomes subject to significant modifications, electricity forecasts to be produced by this wind farm shall no longer be deducted under Article 1, thereby increasing the available capacity for trade on the interconnector. Interruptions in production due to low market prices or instructions from system operators are not to be considered. Modifications shall be deemed to be significant at least where a new connection agreement is required or where the generation capacity of the wind farm is increased by more than 5 %.

Article 4

The Danish and German authorities may request the Commission to prolong the derogation period set out in Article 3. Any such request shall be submitted sufficiently in advance of the end of the derogation period. Any request for prolongation of the derogation shall include an analysis of the costs and benefits of the regulatory approach chosen under the derogation, including quantitative analysis. It shall also provide analysis on possible alternative solutions, notably the integration of the Kriegers Flak Combined Grid Facility into the general regulated system for offshore hybrid assets applicable at that time, the creation of a separate offshore bidding zone for the Kriegers Flak Combined Grid Facility, and/or conducting additional investments to increase available transmission capacity. If the Commission, following a request for prolongation, comes to the conclusion that changes to the regulatory approach as set out under this decision are required, or that other conditions are necessary to increase competition or market integration, sufficient time shall be given for their implementation, giving also sufficient advance notice to other market participants of possible changes to available cross-border capacity.

Article 5

If providers of flexibility services show concrete interest in realising projects which could increase available capacity for trade in the Kriegers Flak Combined Grid Facility by making use of flexibility services, such investments shall be duly considered by the Danish and German authorities, making use of their potential to increase available capacity for trade up to the minimum value as set out in Article 16(8) of the Electricity Regulation. Where such investments are proposed but not enabled in the Kriegers Flak Combined Grid Facility, the national authorities shall inform the Commission thereof.

Article 6

This Decision is addressed to the Kingdom of Denmark and the Federal Republic of Germany.

Done at Brussels, 11 November 2020.

For the Commission

Kadri SIMSON

Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2020/2124**of 9 December 2020****not granting a Union authorisation for the biocidal product family ‘Contec Hydrogen Peroxide’***(notified under document C(2020) 8394)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular the first subparagraph of Article 44(5) thereof,

Whereas:

- (1) On 25 January 2017, Contec Cleanroom (UK) Ltd. submitted an application in accordance with Article 43(1) of Regulation (EU) No 528/2012 for authorisation of a biocidal product family named ‘Contec Hydrogen Peroxide’ of product-type 2, as described in Annex V to that Regulation, providing written confirmation that the competent authority of United Kingdom had agreed to evaluate the application. On 25 March 2019, Contec Europe took over as prospective authorisation holder, due to the withdrawal of the United Kingdom from the European Union, and the competent authority of Slovenia accepted to take over the role of the evaluating Competent Authority, as of 1 February 2020. The application was recorded under case number BC-GN057178-26 in the Register for Biocidal Products.
- (2) ‘Contec Hydrogen Peroxide’ contains hydrogen peroxide, as the active substance, which is included in the Union list of approved active substances referred to in Article 9(2) of Regulation (EU) No 528/2012.
- (3) On 28 August 2019, the evaluating competent authority submitted, in accordance with Article 44(1) of Regulation (EU) No 528/2012, an assessment report and the conclusions of its evaluation to the European Chemicals Agency (‘the Agency’).
- (4) On 7 April 2020, the Agency submitted to the Commission an opinion ⁽²⁾ on ‘Contec Hydrogen Peroxide’ in accordance with Article 44(3) of Regulation (EU) No 528/2012.
- (5) The opinion concludes that ‘Contec Hydrogen Peroxide’ is a ‘biocidal product family’ within the meaning of Article 3 (1)(s) of Regulation (EU) No 528/2012, but does not meet the condition laid down in Article 19(1)(b)(i) of that Regulation.
- (6) According to the opinion of the Agency, the applicant has not demonstrated that ‘Contec Hydrogen Peroxide’ is sufficiently effective, due to inconsistencies within the submitted efficacy studies, which did not prove that all relevant criteria are met.
- (7) The Commission concurs with the opinion of the Agency and considers it therefore appropriate not to grant a Union authorisation for ‘Contec Hydrogen Peroxide’.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ ECHA opinion on the Union authorisation of the biocidal product family ‘Contec Hydrogen Peroxide’, ECHA/BPC/248/2020, adopted on 5 March 2020, <https://echa.europa.eu/bpc-opinions-on-union-authorisation>

HAS ADOPTED THIS DECISION:

Article 1

A Union authorisation is not granted to Contec Europe for the making available on the market and use of the biocidal product family 'Contec Hydrogen Peroxide'.

Article 2

This Decision is addressed to Contec Europe, ZI du Prat, Avenue Paul Duplex, 56000 Vannes, France.

Done at Brussels, 9 December 2020.

For the Commission
Stella KYRIAKIDES
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2020/2125**of 16 December 2020****recognising the Government of Nunavut as a body that is authorised to issue documents attesting compliance with Regulation (EC) No 1007/2009 of the European Parliament and of the Council for placing seal products on the Union market**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products ⁽¹⁾ and, in particular, the second subparagraph of Article 3(1a) thereof,

Whereas:

- (1) Regulation (EC) No 1007/2009 establishes harmonised rules concerning the placing on the Union market of seal products. It lays down in its Article 3(1) the conditions for placing on the market of seal products resulting from hunts conducted by Inuit or other indigenous communities. At the time of placing seal products on the market, they are to be accompanied by a document attesting compliance with the conditions set out in Article 3(1) of Regulation (EC) No 1007/2009 issued by a body recognised for that purpose by the Commission.
- (2) By Decision C(2015) 5253 ⁽²⁾, the Commission recognised the 'Department of Environment, Government of Nunavut' as a body authorised to issue documents attesting compliance with the conditions set out in Article 3(1) of Regulation (EC) No 1007/2009 for placing seal products on the Union market.
- (3) In light of the amendments to Regulation (EC) No 1007/2009 by Regulation (EU) 2015/1775 of the European Parliament and of the Council ⁽³⁾ and of Commission Implementing Regulation (EU) 2015/1850 ⁽⁴⁾, the Commission adopted Decision C(2015) 7273 ⁽⁵⁾ in addition to Decision C(2015) 5253.
- (4) On 4 August 2020, the Commission received a letter from the Department of Economic Development and Transportation of Nunavut dated 22 April 2020 requesting to amend the name of its recognised body to reflect a reorganisation inside the Government of Nunavut.
- (5) The Department of Economic Development and Transportation of Government of Nunavut asked for the name 'Department of Environment, Government of Nunavut' to be changed to 'Government of Nunavut'.
- (6) The Department of Economic Development and Transportation of Government of Nunavut specified that this change of name did not imply any change in the function and role of the recognised body.
- (7) The body 'Government of Nunavut' satisfies the requirements for recognised bodies set out in the third subparagraph of Article 3(1a) of Regulation (EC) No 1007/2009 and Article 3(1) of Implementing Regulation (EU) 2015/1850.

⁽¹⁾ OJ L 286, 31.10.2009, p. 36.

⁽²⁾ Commission Decision C(2015) 5253 of 30 July 2015 recognising the Department of Environment, Government of Nunavut for the purposes of Article 6 of Commission Regulation (EU) No 737/2010 of 10 August 2010 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products.

⁽³⁾ Regulation (EU) 2015/1775 of the European Parliament and of the Council of 6 October 2015 amending Regulation (EC) No 1007/2009 on trade in seal products and repealing Commission Regulation (EU) No 737/2010 (OJ L 262, 7.10.2015, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2015/1850 of 13 October 2015 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products (OJ L 271, 16.10.2015, p. 1).

⁽⁵⁾ Commission Decision C(2015) 7273 of 26 October 2015 recognising the Department of Environment, Government of Nunavut in accordance with Article 3 of Commission Implementing Regulation (EU) 2015/1850 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products.

- (8) It is therefore appropriate to recognise the body 'Government of Nunavut' as a body that is authorised to issue documents attesting compliance with the conditions set out in Article 3(1) of Regulation (EC) No 1007/2009,

HAS ADOPTED THIS DECISION:

Article 1

The body 'Government of Nunavut' is hereby recognised as a body that is authorised to issue documents attesting compliance with the conditions set out in Article 3(1) of Regulation (EC) No 1007/2009.

Article 2

Decisions C(2015) 5253 and C(2015) 7273 are repealed.

Article 3

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

Done at Brussels, 16 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2020/2126**of 16 December 2020****on setting out the annual emission allocations of the Member States for the period from 2021 to 2030 pursuant to Regulation (EU) 2018/842 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) In order to set out the annual emission allocations of the Member States for the period from 2021 to 2030 in the sectors within the scope of Regulation (EU) 2018/842, the relevant calculations need to be based on the most accurate data available. Therefore, the total greenhouse gas emissions falling within the scope of Regulation (EU) 2018/842 and submitted by the Member States to the Commission pursuant to Article 7 of Regulation (EU) No 525/2013 of the European Parliament and of the Council ⁽²⁾ in the year 2020 are established following a comprehensive review. That review has been conducted by the Commission, assisted by the European Environment Agency, in accordance with Article 19(1) of Regulation (EU) No 525/2013 and constitutes reviewed greenhouse gas emissions data for the years 2005 and 2016 to 2018 in accordance with Article 4(3) of Regulation (EU) 2018/842.
- (2) Equally accurate data as the reviewed inventory data are required in relation to greenhouse gas emissions from stationary installations within the scope of Directive 2003/87/EC of the European Parliament and of the Council ⁽³⁾, which establishes a system for greenhouse gas emission allowance trading within the Union ('EU ETS') as deriving from the Union Registry of verified emissions of those installations ('Registry'). To the extent the 2005 EU ETS emissions in the Registry do not correspond to the current scope of Directive 2003/87/EC or Regulation (EU) 2018/842, relevant Commission Decisions ⁽⁴⁾ adopted pursuant to Directive 2003/87/EC or Decision No 406/2009/EC of the European Parliament and of the Council ⁽⁵⁾, as well as national allocation plans and the official correspondence between the Commission and the respective Member States are used for providing complementary emission data.

⁽¹⁾ OJ L 156, 19.6.2018, p. 26.

⁽²⁾ Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18.6.2013, p. 13).

⁽³⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

⁽⁴⁾ Commission Decision 2013/162/EU of 26 March 2013 on determining Member States' annual emission allocations for the period from 2013 to 2020 pursuant to Decision No 406/2009/EC of the European Parliament and of the Council (OJ L 90, 28.3.2013, p. 106); Commission Implementing Decision 2013/634/EU of 31 October 2013 on the adjustments to Member States' annual emission allocations for the period from 2013 to 2020 pursuant to Decision No 406/2009/EC of the European Parliament and of the Council (OJ L 292, 1.11.2013, p. 19); Commission Decision (EU) 2017/1471 of 10 August 2017 amending Decision 2013/162/EU to revise Member States' annual emission allocations for the period from 2017 to 2020 (OJ L 209, 12.8.2017, p. 53).

⁽⁵⁾ Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 5.6.2009, p. 136).

- (3) In order to ensure consistency of the determined annual emission allocations with the reported greenhouse gas emissions for each year of the period from 2021 to 2030, Member States' annual emission allocations need to be calculated in CO₂ equivalents by applying the same values for global warming potentials, namely values set out in the Intergovernmental Panel for Climate Change 5th Assessment Report and listed in the Annex to Commission Delegated Regulation (EU) 2020/1044 ⁽⁶⁾.
- (4) To calculate the annual emission allocation for each Member State for the year 2030 in accordance with the greenhouse gas emission reductions in 2030 in relation to their 2005 levels specified in Annex I to Regulation (EU) 2018/842, a five-step methodology applies.
- (5) First, the value for the 2005 greenhouse gas emissions is determined. The quantity of greenhouse gas emissions of stationary installations within the scope of Directive 2003/87/EC that existed in 2005 is subtracted from the reviewed total greenhouse gas emissions for the year 2005. To Member States participating in the EU ETS since later than 2005, the quantity of 2005 emissions as determined in Decision 2013/162/EU applies. The extension of the scope of Directive 2003/87/EC in 2013 is reflected by calculating the 2005 equivalent value of the corresponding adjustment of the annual emission allocation for 2020 in accordance with Decision No 406/2009/EC as set out in Implementing Decision 2013/634/EU. As required by Article 10(1)(a) of Regulation (EU) 2018/842, the calculation also reflects changes of installation coverage between 2005 and 2012, in the same way as set out in Decision (EU) 2017/1471.
- (6) Second, the annual emission allocation for each Member State for the year 2030 is calculated by applying the percentage laid down in Annex I to Regulation (EU) 2018/842 to the calculated 2005 emission value.
- (7) Third, the average quantity of greenhouse gas emissions within the scope of Regulation (EU) 2018/842 in the years 2016, 2017 and 2018 of each Member State is calculated by subtracting the average quantity of verified greenhouse gas emissions from stationary installations within the scope of Directive 2003/87/EC in the years 2016, 2017 and 2018 in the respective Member State and CO₂ emissions of domestic aviation from its average total reviewed greenhouse gas emissions for the years 2016, 2017 and 2018.
- (8) Fourth, the annual emission allocations for each Member State for the years 2021 to 2029 are calculated. They are established on the basis of a linear trajectory starting at the average quantity for the years 2016, 2017 and 2018 at five-twelfths of the distance from 2019 to 2020 and ending with its annual emission allocation for the year 2030. For Greece, Croatia and Hungary, the linear trajectory starts in 2020, as this results in a lower allocation for those Member States.
- (9) Last, the resulting values of the annual emission allocations are adjusted. EU ETS allowances pertaining to greenhouse gas emissions from stationary installations excluded from the EU ETS in accordance with Article 27 of Directive 2003/87/EC, as notified by Member States to the Commission under that Article, to the extent they are excluded from the Union emission cap under that Directive for 2021 onwards, fall therefore within the scope of Regulation (EU) 2018/842. Subsequently, the quantities deducted from the cap are added to the annual emission allocations of the relevant Member States for the period from 2021 to 2030. The amount of adjustment specified in Annex IV to Regulation (EU) 2018/842 is added to the annual emission allocation for the year 2021 for each Member State listed in that Annex.
- (10) The total maximum quantities for certain Member States following reduction of EU ETS allowances that may be taken into account for a Member State's compliance between 2021 and 2030 in accordance with Article 9 of Regulation (EU) 2018/842 are determined by applying the percentages notified by Member States pursuant to Article 6(3) of that Regulation to the values of the calculated 2005 greenhouse gas emissions values.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Climate Change Committee,

⁽⁶⁾ Commission Delegated Regulation (EU) 2020/1044 of 8 May 2020 supplementing Regulation (EU) 2018/1999 of the European Parliament and of the Council with regard to values for global warming potentials and the inventory guidelines and with regard to the Union inventory system and repealing Commission Delegated Regulation (EU) No 666/2014 (OJ L 230, 17.7.2020, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The values for the 2005 greenhouse gas emissions for each Member State pursuant to Article 4(3) of Regulation (EU) 2018/842 shall apply as set out in Annex I to this Decision.

Article 2

The annual emission allocation for each Member State for each year of the period from 2021 to 2030 pursuant to Article 4 (3) of Regulation (EU) 2018/842, adjusted in accordance with Article 10 of that Regulation, shall apply as set out in Annex II to this Decision.

Article 3

The total quantities pursuant to Article 4(4) of Regulation (EU) 2018/842 that may be taken into account for a Member State's compliance under Article 9 of that Regulation shall apply as set out in Annex III to this Decision.

Article 4

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

Done at Brussels, 16 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Values for the 2005 greenhouse gas emissions for each Member State pursuant to Article 4(3) of Regulation (EU) 2018/842

Member State	Value for the 2005 greenhouse gas emissions in tonnes of CO ₂ equivalent
Belgium	81 605 589
Bulgaria	22 326 386
Czechia	64 965 295
Denmark	40 368 089
Germany	484 694 619
Estonia	6 196 136
Ireland	47 687 589
Greece	62 985 180
Spain	241 979 192
France	401 113 722
Croatia	18 056 312
Italy	343 101 747
Cyprus	4 266 823
Latvia	8 597 807
Lithuania	13 062 124
Luxembourg	10 116 187
Hungary	47 826 909
Malta	1 020 601
The Netherlands	128 112 158
Austria	56 991 984
Poland	192 472 253
Portugal	48 635 827
Romania	78 235 752
Slovenia	11 826 308
Slovakia	23 137 112
Finland	34 439 858
Sweden	43 228 505

Annual emission allocations for each Member State for each year of the period from 2021 to 2030 pursuant to Article 4(3) of Regulation (EU) 2018/842, adjusted in accordance with Article 10 of that Regulation

Member State	Adjusted value of the annual emission allocation in tonnes of CO ₂ equivalent									
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Belgium	71 141 629	69 130 741	67 119 852	65 108 964	63 098 075	61 087 187	59 076 298	57 065 410	55 054 522	53 043 633
Bulgaria	27 116 956	25 159 860	24 805 676	24 451 491	24 097 307	23 743 123	23 388 939	23 034 755	22 680 571	22 326 386
Czechia	65 984 531	60 913 974	60 283 497	59 653 019	59 022 541	58 392 064	57 761 586	57 131 109	56 500 631	55 870 153
Denmark	32 127 535	31 293 868	30 460 202	29 626 535	28 792 868	27 959 201	27 125 535	26 291 868	25 458 201	24 624 534
Germany	427 306 142	413 224 443	399 142 745	385 061 046	370 979 348	356 897 650	342 815 951	328 734 253	314 652 554	300 570 856
Estonia	6 223 937	6 001 620	5 925 247	5 848 875	5 772 502	5 696 129	5 619 756	5 543 384	5 467 011	5 390 638
Ireland	43 479 402	42 357 392	41 235 382	40 113 372	38 991 362	37 869 352	36 747 342	35 625 332	34 503 322	33 381 312
Greece	46 227 407	46 969 645	47 711 883	48 454 122	49 196 360	49 938 598	50 680 836	51 423 075	52 165 313	52 907 551
Spain	200 997 922	198 671 005	196 344 088	194 017 170	191 690 253	189 363 335	187 036 418	184 709 500	182 382 583	180 055 665
France	335 726 735	326 506 522	317 286 309	308 066 096	298 845 883	289 625 670	280 405 456	271 185 243	261 965 030	252 744 817
Croatia	17 661 355	16 544 497	16 576 348	16 608 198	16 640 049	16 671 899	16 703 749	16 735 600	16 767 450	16 799 301
Italy	273 503 734	268 765 611	264 027 488	259 289 365	254 551 242	249 813 118	245 074 995	240 336 872	235 598 749	230 860 626
Cyprus	4 072 960	3 980 718	3 888 477	3 796 235	3 703 993	3 611 752	3 519 510	3 427 269	3 335 027	3 242 785
Latvia	10 649 507	8 854 834	8 758 222	8 661 610	8 564 998	8 468 386	8 371 774	8 275 162	8 178 551	8 081 939
Lithuania	16 112 304	13 717 534	13 488 659	13 259 784	13 030 909	12 802 033	12 573 158	12 344 283	12 115 408	11 886 533
Luxembourg	8 406 740	8 147 070	7 887 400	7 627 731	7 368 061	7 108 391	6 848 721	6 589 052	6 329 382	6 069 712
Hungary	49 906 277	43 342 400	43 484 478	43 626 556	43 768 634	43 910 712	44 052 791	44 194 869	44 336 947	44 479 025
Malta	2 065 044	1 239 449	1 187 854	1 136 258	1 084 663	1 033 068	981 473	929 878	878 282	826 687
The Netherlands	98 513 233	96 677 516	94 841 800	93 006 083	91 170 366	89 334 649	87 498 932	85 663 215	83 827 498	81 991 781
Austria	48 768 448	47 402 495	46 036 542	44 670 589	43 304 636	41 938 683	40 572 729	39 206 776	37 840 823	36 474 870
Poland	215 005 372	204 376 828	201 204 624	198 032 420	194 860 216	191 688 012	188 515 807	185 343 603	182 171 399	178 999 195
Portugal	42 526 461	40 821 093	40 770 978	40 720 863	40 670 748	40 620 633	40 570 518	40 520 403	40 470 288	40 420 173

Romania	87 878 093	76 914 871	76 884 391	76 853 912	76 823 433	76 792 954	76 762 474	76 731 995	76 701 516	76 671 037
Slovenia	11 403 194	11 107 762	10 991 138	10 874 515	10 757 891	10 641 268	10 524 644	10 408 021	10 291 397	10 174 774
Slovakia	23 410 477	21 151 422	21 052 577	20 953 731	20 854 886	20 756 040	20 657 195	20 558 350	20 459 504	20 360 659
Finland	28 840 335	27 970 110	27 099 886	26 229 661	25 359 436	24 489 212	23 618 987	22 748 762	21 878 538	21 008 313
Sweden	31 331 358	30 731 996	30 132 635	29 533 273	28 933 911	28 334 550	27 735 188	27 135 826	26 536 464	25 937 103

ANNEX III

**Total quantities pursuant to Article 4(4) of Regulation (EU) 2018/842 that may be taken into account
for a Member State's compliance under Article 9 of that Regulation**

Member State	Total quantity in tonnes of CO ₂ equivalent
Belgium	15 423 456
Denmark	8 073 618
Ireland	19 075 035
Luxembourg	4 046 475
Malta	204 120
Austria	11 398 397
Finland	6 887 972

COMMISSION IMPLEMENTING DECISION (EU) 2020/2127**of 16 December 2020****amending Commission Implementing Decision (EU) 2019/541 on the equivalence of the legal and supervisory framework applicable to approved exchanges and recognised market operators in Singapore in accordance with Regulation (EU) No 600/2014 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 ⁽¹⁾, and in particular Article 28(4) thereof,

Whereas:

- (1) Article 28(1) of Regulation (EU) No 600/2014 identifies the trading venues on which financial counterparties, as defined in Article 2(8) of Regulation (EU) No 648/2012 of the European Parliament and of the Council ⁽²⁾, and non-financial counterparties that meet the conditions in Article 10(1)(b) of Regulation (EU) No 648/2012, can conclude transactions in derivatives pertaining to a class of derivatives that has been declared subject to the trading obligation. The trading venues on which such transactions may be concluded is limited to regulated markets, multilateral trading facilities (MTFs), organised trading facilities (OTFs), and third-country trading venues recognised by the Commission as being subject to equivalent legal requirements and effective supervision in that third country. The relevant third country is also required to provide for an effective equivalent system for the recognition of trading venues authorised under Directive 2014/65/EU of the European Parliament and of the Council ⁽³⁾.
- (2) In accordance with Article 28(4) of Regulation (EU) No 600/2014, the Commission has, with Implementing Decision (EU) 2019/541 ⁽⁴⁾, determined that the legal and supervisory framework applicable to approved exchanges (AEs) and recognised market operators (RMOs) established in Singapore and authorised by the Monetary Authority of Singapore (MAS) ensures that they comply with legally binding requirements which are equivalent to the requirements for Union trading venues set out in Directive 2014/65/EU, Regulation (EU) No 596/2014 of the European Parliament and of the Council ⁽⁵⁾ and Regulation (EU) No 600/2014, and which are subject to effective supervision and enforcement in Singapore.
- (3) The list of AEs and RMOs set out in the Annex of Implementing Decision (EU) 2019/541 may be updated to extend, where appropriate, the scope of the equivalence decision as laid down under Article 28(4) of Regulation (EU) No 600/2014 to additional AEs and RMOs in Singapore, or to remove AEs and RMOs from the list. The Commission may undertake a specific review at any time where relevant developments make it necessary for the Commission to re-assess the determination made by that Decision. Based on the findings arising from a regular or specific review, the Commission may decide to amend, or repeal that Decision at any time, in particular where developments affect the conditions on the basis of which that Decision is adopted.

⁽¹⁾ OJ L 173, 12.6.2014, p. 84.

⁽²⁾ Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).

⁽³⁾ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).

⁽⁴⁾ Commission Implementing Decision (EU) 2019/541 of 1 April 2019 on the equivalence of the legal and supervisory framework applicable to approved exchanges and recognised market operators in Singapore in accordance with Regulation (EU) No 600/2014 of the European Parliament and of the Council (OJ L 93, 2.4.2019, p. 18).

⁽⁵⁾ Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC (OJ L 173, 12.6.2014, p. 1).

- (4) Since the adoption of Implementing Decision (EU) 2019/541, a number of additional RMOs established in Singapore obtained authorisation from MAS to trade in derivatives pertaining to a class of derivatives that has been declared subject to the trading obligation. In light of the information received from MAS, those additional RMOs comply with the legally binding requirements that Implementing Decision (EU) 2019/541 determined as equivalent to the requirements for Union trading venues set out in Directive 2014/65/EU. The Commission therefore considers it appropriate to update the list of AEs and RMOs set out in Implementing Decision (EU) 2019/541, which should be amended in order to include additional RMOs established in Singapore and authorised by MAS.
- (5) The measures provided for in this Decision are in accordance with the opinion of the European Securities Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2019/541 is replaced by the text in the Annex to this Decision.

Article 2

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

Done at Brussels, 16 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Approved exchanges authorised by the Monetary Authority of Singapore and considered equivalent to trading venues as defined in Directive 2014/65/EU:

- (1) Asia Pacific Exchange Pte Ltd;
- (2) ICE Futures Singapore Pte Ltd;
- (3) Singapore Exchange Derivatives Trading Limited.

Recognised Market Operators authorised by the Monetary Authority of Singapore and considered equivalent to trading venues as defined in Directive 2014/65/EU:

- (1) Cleartrade Exchange Pte Ltd;
 - (2) Tradition Singapore (Pte) Ltd;
 - (3) BGC Partners (Singapore) Ltd;
 - (4) GFI Group Pte Ltd;
 - (5) ICAP AP (Singapore) Pte Ltd;
 - (6) Tullet Prebon (Singapore) Ltd;
 - (7) Nittan Capital Singapore Pte Ltd;
 - (8) Bloomberg Tradebook Singapore Pte. Ltd.
-

COMMISSION IMPLEMENTING DECISION (EU) 2020/2128**of 16 December 2020****amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States***(notified under document C(2020) 9356)***(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,

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,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽³⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Implementing Decision 2014/709/EU ⁽⁴⁾ lays down animal health control measures in relation to African swine fever in certain Member States, where there have been confirmed cases of that disease in domestic or feral pigs (the Member States concerned). The Annex to that Implementing Decision demarcates and lists certain areas of the Member States concerned in Parts I to IV thereof, differentiated by the level of risk based on the epidemiological situation as regards that disease. The Annex to Implementing Decision 2014/709/EU has been amended several times to take account of changes in the epidemiological situation in the Union as regards African swine fever that need to be reflected in that Annex. The Annex to Implementing Decision 2014/709/EU was last amended by Commission Implementing Decision (EU) 2020/2019 ⁽⁵⁾, following changes in the epidemiological situation as regards that disease in Romania and Poland.
- (2) Since the date of adoption of Implementing Decision (EU) 2020/2019, there have been new occurrences of African swine fever in feral pigs in Slovakia, Poland and Germany.
- (3) In December 2020, several cases of African swine fever in feral pigs were observed in the districts of Vranov nad Topľou and Rimavská Sobota in Slovakia in areas currently listed in Part I of the Annex to Implementing Decision 2014/709/EU. These cases of African swine fever in feral pigs constitute an increased level of risk, which should be reflected in that Annex. Accordingly, these areas of Slovakia currently listed in Part I of the Annex to Implementing Decision 2014/709/EU, affected by these recent cases of African swine fever, should now be listed in Part II of that Annex instead of in Part I thereof, and the current boundaries of Part I also need to be redefined and enlarged to take account of these recent cases.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁴⁾ Commission Implementing Decision 2014/709/EU of 9 October 2014 concerning animal health control measures relating to African swine fever in certain Member States and repealing Implementing Decision 2014/178/EU (OJ L 295, 11.10.2014, p. 63).

⁽⁵⁾ Commission Implementing Decision (EU) 2020/2019 of 9 December 2020 amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States (OJ L 415, 10.12.2020, p. 53).

- (4) In addition, in December 2020 several cases of African swine fever in feral pigs were observed in the ostródzki district in Poland in an area listed in Part II of the Annex to Implementing Decision 2014/709/EU, located in close proximity to an area currently listed in Part I thereof. These new cases of African swine fever in feral pigs constitute an increased level of risk, which should be reflected in that Annex. Accordingly, this area of Poland currently listed in Part I of that Annex, that is in close proximity to an area listed in Part II affected by these recent cases of African swine fever, should now be listed in Part II of that Annex instead of in Part I thereof and the current boundaries of Part I also need to be redefined and enlarged to take account of these recent cases.
- (5) In addition, in December 2020 several cases of African swine fever in feral pigs were observed in the district of Gorlitz in Germany in an area listed in Part II of the Annex to Implementing Decision 2014/709/EU, located in close proximity to an area currently listed in Part I thereof. These new cases of African swine fever in feral pigs constitute an increased level of risk, which should be reflected in that Annex. Accordingly, this area of Germany currently listed in Part I of that Annex, that is in close proximity to the area listed in Part II affected by these recent cases of African swine fever, should now be listed in Part II of that Annex instead of in Part I thereof and the current boundaries of Part I also need to be redefined and enlarged to take account of these recent cases.
- (6) Following the recent cases of African swine fever in feral pigs in Slovakia, Poland and Germany and taking into account the current epidemiological situation in the Union, regionalisation in these Member States has been reassessed and updated. In addition, the risk management measures in place have also been reassessed and updated. These changes need to be reflected in the Annex to Implementing Decision 2014/709/EU.
- (7) In order to take account of recent developments in the epidemiological situation of African swine fever in the Union, and in order to combat the risks associated with the spread of that disease in a proactive manner, new high-risk areas of a sufficient size should be demarcated for Slovakia, Poland and Germany duly listed in Parts I and II of the Annex to Implementing Decision 2014/709/EU.
- (8) Given the urgency of the epidemiological situation in the Union as regards the spread of African swine fever, it is important that the amendments made to the Annex to Implementing Decision 2014/709/EU by this Decision take effect as soon as possible.
- (9) 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 2014/709/EU is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 December 2020.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

The Annex to Implementing Decision 2014/709/EU is replaced by the following:

‘ANNEX

PART I

1. Estonia

The following areas in Estonia:

- Hiiu maakond.

2. Hungary

The following areas in Hungary:

- Békés megye 950950, 950960, 950970, 951950, 952050, 952750, 952850, 952950, 953050, 953150, 953650, 953660, 953750, 953850, 953960, 954250, 954260, 954350, 954450, 954550, 954650, 954750, 954850, 954860, 954950, 955050, 955150, 955250, 955260, 955270, 955350, 955450, 955510, 955650, 955750, 955760, 955850, 955950, 956050, 956060, 956150 és 956160 kódszámú vadgazdálkodási egységeinek teljes területe,
- Bács-Kiskun megye 600150, 600850, 601550, 601650, 601660, 601750, 601850, 601950, 602050, 603250, 603750 és 603850 kódszámú vadgazdálkodási egységeinek teljes területe,
- Budapest 1 kódszámú, vadgazdálkodási tevékenységre nem alkalmas területe,
- Csongrád-Csanád megye 800150, 800160, 800250, 802220, 802260, 802310 és 802450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Fejér megye 400150, 400250, 400351, 400352, 400450, 400550, 401150, 401250, 401350, 402050, 402350, 402360, 402850, 402950, 403050, 403250, 403350, 403450, 403550, 403650, 403750, 403950, 403960, 403970, 404570, 404650, 404750, 404850, 404950, 404960, 405050, 405750, 405850, 405950, 406050, 406150, 406550, 406650 és 406750 kódszámú vadgazdálkodási egységeinek teljes területe,
- Jász-Nagykun-Szolnok megye 750150, 750160, 750260, 750350, 750450, 750460, 754450, 754550, 754560, 754570, 754650, 754750, 754950, 755050, 755150, 755250, 755350 és 755450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Komárom-Esztergom megye 250150, 250250, 250350, 250450, 250460, 250550, 250650, 250750, 250850, 250950, 251050, 251150, 251250, 251350, 251360, 251450, 251550, 251650, 251750, 251850, 252150 és 252250, kódszámú vadgazdálkodási egységeinek teljes területe,
- Pest megye 571550, 572150, 572250, 572350, 572550, 572650, 572750, 572850, 572950, 573150, 573250, 573260, 573350, 573360, 573450, 573850, 573950, 573960, 574050, 574150, 574350, 574360, 574550, 574650, 574750, 574850, 574860, 574950, 575050, 575150, 575250, 575350, 575550, 575650, 575750, 575850, 575950, 576050, 576150, 576250, 576350, 576450, 576650, 576750, 576850, 576950, 577050, 577150, 577350, 577450, 577650, 577850, 577950, 578050, 578150, 578250, 578350, 578360, 578450, 578550, 578560, 578650, 578850, 578950, 579050, 579150, 579250, 579350, 579450, 579460, 579550, 579650, 579750, 580250 és 580450 kódszámú vadgazdálkodási egységeinek teljes területe.

3. Latvia

The following areas in Latvia:

- Pāvilostas novada Vērgales pagasts,
- Stopiņu novada daļa, kas atrodas uz rietumiem no autoceļa V36, P4 un P5, Acones ielas, Dauguļupes ielas un Dauguļupītes,
- Grobiņas novads,
- Rucavas novada Dunikas pagasts.

4. Lithuania

The following areas in Lithuania:

- Klaipėdos rajono savivaldybės: Agluonėnų, Priekulės, Veiviržėnų, Judrėnų, Endriejavo, Vėžaičių, Kretingalės ir Dauparų-Kvietinių seniūnijos,

- Palangos miesto savivaldybė,
- Plungės rajono savivaldybės: Nausodžio sen dalis nuo kelio 166 į pietryčius ir Kulių seniūnija.

5. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gminy Wielbark i Rozogi w powiecie szczycieńskim,
- gminy Janowiec Kościelny, Janowo i część gminy Kozłowo położona na południe od linii wyznaczonej przez drogę łączącą miejscowości Rączki – Kownatki – Gardyny w powiecie nidzickim,
- powiat działdowski,
- część gminy Dąbrówno położona na wschód od linii wyznaczonej przez drogę nr 542 biegnącą od północnej granicy gminy do miejscowości Dąbrówno, a następnie na wschód od linii wyznaczonej przez drogę biegnącą od miejscowości Dąbrówno przez miejscowości Zamkowy Młyn – Wądryń do południowej granicy gminy w powiecie ostródzkim,
- gminy Kisielice, Susz, miasto Ława i część gminy wiejskiej Ława położona na zachód od linii wyznaczonej przez drogę nr 521 biegnącą od zachodniej granicy gminy do zachodniej granicy miasta Ława oraz na zachód od linii wyznaczonej przez drogę biegnącą od południowej granicy gminy miasta Ława przez miejscowość Katarzynki do południowej granicy gminy w powiecie ławskim,
- powiat nowomiejski.

w województwie podlaskim:

- gminy Wysokie Mazowieckie z miastem Wysokie Mazowieckie, Czyżew i część gminy Kulesze Kościelne położona na południe od linii wyznaczonej przez linię kolejną w powiecie wysokomazowieckim,
- gminy Miastkowo, Nowogród, Śniadowo i Zbójna w powiecie łomżyńskim,
- gminy Szumowo, Zambrów z miastem Zambrów i część gminy Kołaki Kościelne położona na południe od linii wyznaczonej przez linię kolejową w powiecie zambrowskim,

w województwie mazowieckim:

- powiat ostrołęcki,
- powiat miejski Ostrołęka,
- gminy Bielsk, Brudzeń Duży, Drobin, Gąbin, Łąck, Nowy Duninów, Radzanowo, Słupno i Stara Biała w powiecie płońskim,
- powiat miejski Płock,
- powiat sierpecki,
- powiat żuromiński,
- gminy Andrzejewo, Brok, Stary Lubotyń, Szulborze Wielkie, Wąsewo, Ostrów Mazowiecka z miastem Ostrów Mazowiecka, część gminy Małkinia Górna położona na północ od rzeki Brok w powiecie ostrowskim,
- gminy Dzierzgowo, Lipowiec Kościelny, miasto Mława, Radzanów, Szreńsk, Szydłowo i Wieczfnia Kościelna, w powiecie mławskim,
- powiat przasnyski,
- powiat makowski,
- gminy Gzy, Obryte, Zatory, Pułtusk i część gminy Winnica położona na wschód od linii wyznaczonej przez drogę łączącą miejscowości Bielany, Winnica i Pokrzywnica w powiecie pułtuskim,
- gminy wyszkowski,
- gminy Jadów, Strachówka i Tłuszcz w powiecie wołomińskim,
- gminy Korytnica, Liw, Łochów, Miedzna, Sadowne, Stoczek i miasto Węgrów w powiecie węgrowskim,

- gminy Kowala, Wierzbica, część gminy Wolanów położona na południe od linii wyznaczonej przez drogę nr 12 w powiecie radomskim,
- powiat miejski Radom,
- powiat szydłowiecki,
- powiat gostyniński,

w województwie podkarpackim:

- gminy Pruchnik, Rokietnica, Rożwienica, w powiecie jarosławskim,
- gminy Fredropol, Krasiczyn, Krzywczka, Medyka, Orły, Żurawica, Przemyśl w powiecie przemyskim,
- powiat miejski Przemyśl,
- gminy Gać, Jawornik Polski, Kańczuga, część gminy wiejskiej Przeworsk położona na zachód od miasta Przeworsk i na zachód od linii wyznaczonej przez autostradę A4 biegnącą od granicy z gminą Tryńcza do granicy miasta Przeworsk, część gminy Zarzecze położona na zachód od linii wyznaczonej przez drogę nr 1594R biegnącą od północnej granicy gminy do miejscowości Zarzecze oraz na południe od linii wyznaczonej przez drogi nr 1617R oraz 1619R biegnącą do południowej granicy gminy w powiecie przeworskim,
- powiat łańcucki,
- gminy Trzebownisko, Głogów Małopolski i część gminy Sokołów Małopolski położona na południe od linii wyznaczonej przez drogę nr 875 w powiecie rzeszowskim,
- gminy Dzikowiec, Kolbuszowa, Niwiska i Raniżów w powiecie kolbuszowskim,
- gminy Borowa, Czermin, Gawłuszowice, Mielec z miastem Mielec, Padew Narodowa, Przecław, Tuszów Narodowy w powiecie mieleckim,

w województwie świętokrzyskim:

- powiat opatowski,
- powiat sandomierski,
- gminy Bogoria, Łubnice, Oleśnica, Osiek, Połaniec, Rytwiany i Staszów w powiecie staszowskim,
- gmina Skarżysko Kościelne w powiecie skarżyskim,
- gmina Wąchock, część gminy Brody położona na zachód od linii wyznaczonej przez drogę nr 9 oraz na południowy - zachód od linii wyznaczonej przez drogi: nr 0618T biegnącą od północnej granicy gminy do skrzyżowania w miejscowości Lipie, drogę biegnącą od miejscowości Lipie do wschodniej granicy gminy oraz na północ od drogi nr 42 i część gminy Mirzec położona na zachód od linii wyznaczonej przez drogę nr 744 biegnącą od południowej granicy gminy do miejscowości Tychów Stary a następnie przez drogę nr 0566T biegnącą od miejscowości Tychów Stary w kierunku północno - wschodnim do granicy gminy w powiecie starachowickim,
- powiat ostrowiecki,
- gminy Gowarczów, Końskie i Stąporków w powiecie koneckim,

w województwie łódzkim:

- gminy Łyszkowice, Kocierzew Południowy, Kiernoza, Chąsno, Nieborów, część gminy wiejskiej Łowicz położona na północ od linii wyznaczonej przez drogę nr 92 biegnącej od granicy miasta Łowicz do zachodniej granicy gminy oraz część gminy wiejskiej Łowicz położona na wschód od granicy miasta Łowicz i na północ od granicy gminy Nieborów w powiecie łowickim,
- gminy Cielądz, Rawa Mazowiecka z miastem Rawa Mazowiecka w powiecie rawskim,
- gminy Bolimów, Głuchów, Godzianów, Lipce Reymontowskie, Maków, Nowy Kawęczyn, Skierniewice, Słupia w powiecie skierniewickim,
- powiat miejski Skierniewice,
- gminy Białaczów, Mniszków, Paradyż, Sławno i Żarnów w powiecie opoczyńskim,
- gminy Czerniewice, Inowłódz, Lubochnia, Rzeczyca, Tomaszów Mazowiecki z miastem Tomaszów Mazowiecki i Zelechlinek w powiecie tomaszowskim,

w województwie pomorskim:

- gminy Ostaszewo, miasto Krynica Morska oraz część gminy Nowy Dwór Gdański położona na południowy - zachód od linii wyznaczonej przez drogę nr 55 biegnącą od południowej granicy gminy do skrzyżowania z drogą nr 7, następnie przez drogę nr 7 i S7 biegnącą do zachodniej granicy gminy w powiecie nowodworskim,
- gminy Lichnowy, Miłoradz, Nowy Staw, Malbork z miastem Malbork w powiecie malborskim,
- gminy Mikołajki Pomorskie, Stary Targ i Sztum w powiecie sztumskim,
- powiat gdański,
- Miasto Gdańsk,
- powiat tczewski,
- powiat kwidzyński,

w województwie lubuskim:

- gminy Przytoczna, Pszczew, Skwierzyna i część gminy Trzciel położona na północ od linii wyznaczonej przez drogę nr 92 w powiecie międzyrzeckim,
- gminy Lubniewice i Krzeszyce w powiecie sulcińskim,
- gminy Bogdaniec, Deszczno, Lubiszyn i część gminy Witnica położona na północny - wschód od drogi biegnącej od zachodniej granicy gminy od miejscowości Krześnica, przez miejscowości Kamień Wielki - Mościce - Witnica - Kłopotowo do południowej granicy gminy w powiecie gorzowskim,

w województwie dolnośląskim:

- gminy Bolesławiec z miastem Bolesławiec, Gromadka i Osiecznica w powiecie bolesławieckim,
- gmina Węgliniec w powiecie zgorzeleckim,
- gmina Chocianów i część gminy Przemków położona na południe od linii wyznaczonej przez drogę nr 12 w powiecie polkowickim,
- gmina Jemielno, Niechlów i Góra w powiecie górowskim,
- gmina Rudna i Lubin z miastem Lubin w powiecie lubińskim,

w województwie wielkopolskim:

- gminy Krzemieniewo, Rydzyna, część gminy Świąciechowa położona na południe od linii wyznaczonej przez drogę nr 12 w powiecie leszczyńskim,
- część gminy Kwilcz położona na południe od linii wyznaczonej przez drogę nr 24, część gminy Międzychód położona na południe od linii wyznaczonej przez drogę nr 24 w powiecie międzychodzkiem,
- gminy Lwówek, Kuślin, Opalenica, część gminy Miedzichowo położona na północ od linii wyznaczonej przez drogę nr 92, część gminy Nowy Tomyśl położona na wschód od linii wyznaczonej przez drogę nr 305 w powiecie nowotomyskim,
- gminy Granowo, Grodzisk Wielkopolski i część gminy Kamieniec położona na wschód od linii wyznaczonej przez drogę nr 308 w powiecie grodziskim,
- gmina Czempin, miasto Kościan, część gminy wiejskiej Kościan położona na północny - zachód od linii wyznaczonej przez drogę nr 5 oraz na wschód od linii wyznaczonej przez kanał Obry, część gminy Krzywiń położona na wschód od linii wyznaczonej przez kanał Obry w powiecie kościańskim,
- powiat miejski Poznań,
- gminy Buk, Dopiewo, Komorniki, Tarnowo Podgórne, Stęszew, Swarzędz, Pobiedziska, Czerwonak, Mosina, miasto Luboń, miasto Puszczykowo i część gminy Kórnik położona na zachód od linii wyznaczonych przez drogi: nr S11 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 434 i drogę nr 434 biegnącą od tego skrzyżowania do południowej granicy gminy, część gminy Rokietnica położona na południowy zachód od linii kolejowej biegnącej od północnej granicy gminy w miejscowości Krzyszkowo do południowej granicy gminy w

miejsowości Kiekrz oraz część gminy wiejskiej Murowana Goślina położona na południe od linii kolejowej biegnącej od północnej granicy miasta Murowana Goślina do północno-wschodniej granicy gminy w powiecie poznańskim,

- gmina Kiszkowo i część gminy Klecko położona na zachód od rzeki Mała Wełna w powiecie gnieźnieńskim,
- gminy Lubasz, Czarnków z miastem Czarnków, część gminy Połajewo na położona na północ od drogi łączącej miejscowości Chraplewo, Tarnówko-Boruszyn, Krosin, Jakubowo, Połajewo - ul. Ryczywolska do północno-wschodniej granicy gminy oraz część gminy Wieleń położona na południe od linii kolejowej biegnącej od wschodniej granicy gminy przez miasto Wieleń i miejscowość Herburtowo do zachodniej granicy gminy w powiecie czarnkowsko-trzcianeckim,
- gminy Duszniki, Kaźmierz, Pniewy, Ostroróg, Wronki, miasto Szamotuły i część gminy Szamotuły położona na zachód od zachodniej granicy miasta Szamotuły i na południe od linii kolejowej biegnącej od południowej granicy miasta Szamotuły, do południowo-wschodniej granicy gminy oraz część gminy Obrzycko położona na zachód od drogi nr 185 łączącej miejscowości Gaj Mały, Słopanowo i Obrzycko do północnej granicy miasta Obrzycko, a następnie na zachód od drogi przebiegającej przez miejscowość Chraplewo w powiecie szamotulskim,
- gmina Budzyń w powiecie chodzieskim,
- gminy Mieścisko, Skoki i Wągrowiec z miastem Wągrowiec w powiecie wągrowieckim,
- gmina Dobrzyca i część gminy Gizalki położona na północ od linii wyznaczonej przez drogę nr 443 w powiecie pleszewskim,
- gmina Zagórów w powiecie śłupeckim,
- gmina Pyzdry w powiecie wrzesińskim,
- gminy Kotlin, Żerków i część gminy Jarocin położona na wschód od linii wyznaczonej przez drogi nr S11 i 15 w powiecie jarocińskim,
- gmina Rozdrażew, część gminy Koźmin Wielkopolski położona na wschód od linii wyznaczonej przez drogę nr 15, część gminy Krotoszyn położona na wschód od linii wyznaczonej przez drogę nr 15 oraz na wschód od granic miasta Krotoszyn w powiecie krotoszyńskim,
- gminy Nowe Skalmierzyce, Raszków, Ostrów Wielkopolski z miastem Ostrów Wielkopolski w powiecie ostrowskim,
- powiat miejski Kalisz,
- gminy Ceków – Kolonia, Godziesze Wielkie, Koźminek, Lisków, Mycielin, Opatówek, Szczytniki w powiecie kaliskim,
- gmina Małanów i część gminy Tuliszków położona na zachód od linii wyznaczonej przez drogę nr 72 w powiecie tureckim,
- gminy Rychwał, Rzgów, część gminy Grodziec położona na północ od linii wyznaczonej przez drogę nr 443, część gminy Stare Miasto położona na południe od linii wyznaczonej przez autostradę nr A2 w powiecie konińskim,

w województwie zachodniopomorskim:

- część gminy Boleszkowice położona na północny wschód od linii wyznaczonej przez drogę nr 31 i część gminy Dębno położona na północ od linii wyznaczonej przez drogę nr 31 biegnącą od zachodniej granicy gminy do miejscowości Sarbinowo, a następnie na północ od linii wyznaczonej przez drogę biegnącą od miejscowości Sarbinowo przez miejscowość Krześnica do wschodniej granicy gminy w powiecie myśliborskim,
- gmina Mieszkowice w powiecie gryfińskim.

6. Slovakia

The following areas in Slovakia:

- the whole district of Vranov nad Topľou, except municipalities included in part II,
- the whole district of Humenné,
- the whole district of Snina,

- the whole district of Medzilaborce,
- the whole district of Stropkov,
- the whole district of Svidník, except municipalities included in part II,
- the whole district of Bardejov, except municipalities included in part II,
- the whole district of Sobrance, except municipalities included in part III,
- in the district of Michalovce municipality Strážske,
- in the district of Gelnica, the whole municipalities of Uhorná, Smolnícka Huta, Mníšek nad Hnilcom, Prakovce, Helcmanovce, Gelnica, Kojšov, Veľký Folkmár, Jaklovce, Žakarovce, Margecany, Henclová and Stará Voda,
- in the whole district of Prešov, except municipalities included in part II,
- in the whole district of Sabinov, except municipalities included in part II,
- in the district Stará Ľubovňa, the whole municipalities of Šambron, Hromoš, Vislanka, Ďurková, Plavnica, Plaveč, Ľubotín, Údol, Orlov, Starina, Legnava,
- in the district of Rožňava, the whole municipalities of Brzotín, Gočaltovo, Honce, Jovice, Kružná, Kunová Teplica, Pača, Pašková, Pašková, Rakovnica,
- Rozložná, Rožňavské Bystré, Rožňava, Rudná, Štítnik, Vidová, Čučma and Betliar,
- in the district of Revúca, the whole municipalities of Držkovce, Chvalová, Gemerské Teplice, Gemerský Sad, Hucín, Jelšava, Leváre, Licince, Nadraž, Prihradzaný, Sekerešovo, Šivetice, Kameňany, Višňové, Rybník and Sása, Turčok, Rákoš, Sirk, Hrlica, Ploské, Ratková,
- in the district of Michalovce, the whole municipality of Strážske,
- in the district of Rimavská Sobota, municipalities located south of the road No.526 not included in Part II,
- in the district of Lučenec, the whole municipalities of Trenč, Veľká nad Ipľom, Jelšovec, Panické Dravce, Lučenec, Kalonda, Rapovce, Trebeľovce, Mučín, Lipovany, Pleš, Fiľakovské Kováče, Ratka, Fiľakovo, Biskupice, Belina, Radzovce, Čakanovce, Šiatorská Bukovinka, Čamovce, Šurice, Halič, Mašková, Ľuboreč, Šíd and Prša, Holiša, Boľkovce, Pinciná, Nitra nad Ipľom, Nové Hony, Veľké Dravce, Buzitka, Šávoľ, Bulhary,
- in the district of Veľký Krtíš, the whole municipalities of Ipľské Predmostie, Veľká Ves nad Ipľom, Sečianky, Kleňany, Hrušov, Vinica, Balog nad Ipľom, Dolinka, Kosihy nad Ipľom, Ďurkovce, Širákov, Kamenné Kosihy, Seľany, Veľká Čalomija, Malá Čalomija, Koláre, Trebušovce, Chrastince, Lesenice, Slovenské Ďarmoty, Opatovská Nová Ves, Bátorová, Nenince, Záhorce, Želovce, Sklabiná, Nová Ves, Obeckov, Vrbovka, Kiarov, Kováčovce, Zombor, Olováry, Čeláre, Glabušovce, Veľké Straciny, Malé Straciny, Malý Krtíš, Veľký Krtíš, Pôtor, Veľké Zlievce, Malé Zlievce, Bušince, Muľa, Ľuboriečka, Dolná Strehová, Vieska, Slovenské Kľačany, Horná Strehová, Chrtány and Závada.

7. Greece

The following areas in Greece:

- in the regional unit of Drama:
 - the community departments of Sidironero and Skaloti and the municipal departments of Livadero and Ksiropotamo (in Drama municipality),
 - the municipal department of Paranesti (in Paranesti municipality),
 - the municipal departments of Kokkinogeia, Mikropoli, Panorama, Pyrgoi (in Prosotsani municipality),
 - the municipal departments of Kato Nevrokopi, Chrysokéfalo, Achladea, Vathytopos, Volakas, Granitis, Dasotos, Eksohi, Katafyto, Lefkogeia, Mikrokleisoura, Mikromilea, Ochyro, Pagoneri, Perithorio, Kato Vrontou and Potamoi (in Kato Nevrokopi municipality),
- in the regional unit of Xanthi:
 - the municipal departments of Kimmerion, Stavroupoli, Gerakas, Dafnonas, Komnina, Kariofyto and Neochori (in Xanthi municipality),

- the community departments of Satres, Thermes, Kotyli, and the municipal departments of Myki, Echinós and Oraio and (in Myki municipality),
- the community department of Selero and the municipal department of Sounio (in Avdira municipality),
- in the regional unit of Rodopi:
 - the municipal departments of Komotini, Anthochorio, Gratini, Thrylorio, Kalhas, Karydia, Kikidio, Kosmio, Pandrosos, Aigeiros, Kallisti, Meleti, Neo Sidirochori and Mega Doukato (in Komotini municipality),
 - the municipal departments of Ipio, Arriana, Darmeni, Archontika, Fillyra, Ano Drosini, Aratos and the Community Departments Kehros and Organi (in Arriana municipality),
 - the municipal departments of Iasmos, Sostis, Asomatoi, Polyanthos and Amvrosia and the community department of Amaxades (in Iasmos municipality),
 - the municipal department of Amaranta (in Maroneia Sapon municipality),
- in the regional unit of Evros:
 - the municipal departments of Kyriaki, Mandra, Mavrokklisi, Mikro Dereio, Protokklisi, Roussa, Goniko, Geriko, Sidirochori, Megalo Derio, Sidiro, Giannouli, Agriani and Petrolofos (in Soufli municipality),
 - the municipal departments of Dikaia, Arzos, Elaia, Therapio, Komara, Marasia, Ormenio, Pentalofos, Petrola, Plati, Ptelea, Kyprinos, Zoni, Fulakio, Spilaio, Nea Vyssa, Kavili, Kastanies, Rizia, Sterna, Ampelakia, Valtos, Megali Doxipara, Neochori and Chandras (in Orestiada municipality),
 - the municipal departments of Asvestades, Ellinochori, Karoti, Koufovouno, Kiani, Mani, Sitochori, Alepochori, Asproneri, Metaxades, Vrysika, Doksa, Elafoxori, Ladi, Paliouri and Poimeniko (in Didymoteicho municipality),
- in the regional unit of Serres:
 - the municipal departments of Kerkini, Livadia, Makrynitsa, Neochori, Platanakia, Petritsi, Akritochori, Vyroneia, Gonimo, Mandraki, Megalochori, Rodopoli, Ano Poroia, Katw Poroia, Sidirokastro, Vamvakophyto, Promahonas, Kamaroto, Strymonochori, Charopo, Kastanousi and Chortero and the community departments of Achladochori, Agkistro and Kapnophyto (in Sintiki municipality),
 - the municipal departments of Serres, Elaionas and Oinoussa and the community departments of Orini and Ano Vrontou (in Serres municipality),
 - the municipal departments of Dasochoriou, Irakleia, Valtero, Karperi, Koimisi, Lithotopos, Limnochori, Podismeno and Chrysochorafa (in Irakleia municipality).

8. Germany

The following areas in Germany:

Bundesland Brandenburg:

- Landkreis Dahme-Spreewald:
 - Gemeinde Alt Zauche-Wußwerk,
 - Gemeinde Byhleguhre-Byhlen,
 - Gemeinde Märkische Heide,
 - Gemeinde Neu Zauche,
 - Gemeinde Schwielochsee mit den Gemarkungen Groß Liebitz, Guhlen, Mochow und Siegadel,
 - Gemeinde Spreewaldheide,
 - Gemeinde Straupitz,
- Landkreis Märkisch-Oderland:
 - Gemeinde Neuhardenberg,
 - Gemeinde Gusow-Platkow,
 - Gemeinde Lietzen,

- Gemeinde Falkenhagen (Mark),
- Gemeinde Zeschdorf,
- Gemeinde Treplin,
- Gemeinde Lebus mit den Gemarkungen Wüste-Kunersdorf, Wulkow bei Booßen, Schönfließ, Mallnow – westlich der Bahnstrecke RB 60,
- Gemeinde Fichtenhöhe – westlich der Bahnstrecke RB 60,
- Gemeinde Lindendorf – westlich der Bahnstrecke RB 60,
- Gemeinde Vierlinden – westlich der Bahnstrecke RB 60,
- Gemeinde Müncheberg mit den Gemarkungen Trebnitz und Jahnsfelde,
- Gemeinde Letschin mit den Gemarkungen Steintoch, Neu Rosenthal, Letschin, Kiehnwerder, Sietzing, Kienitz, Wilhelmsaue, Posedin, Solikante, Klein Neuendorf, Neubarnim, Ortwig, Groß Neuendorf, Ortwig Graben, Mehrin-Graben und Zelliner Loose,
- Gemeinde Seelow – westlich der Bahnstrecke RB 60,
- Landkreis Oder-Spree:
 - Gemeinde Storkow (Mark),
 - Gemeinde Wendisch Rietz,
 - Gemeinde Reichenwalde,
 - Gemeinde Diensdorf-Radlow,
 - Gemeinde Bad Saarow,
 - Gemeinde Rietz-Neuendorf mit den Gemarkungen Buckow, Glienicke, Behrendorf, Ahrendorf, Herzberg, Görzig, Pfaffendorf, Sauen, Wilmersdorf (G), Neubrück, Drahendorf, Alt Golm,
 - Gemeinde Tauche mit den Gemarkungen Briescht, Kossenblatt, Werder, Görsdorf (B), Giesendorf, Wiesendorf, Wulfersdorf, Falkenberg (T), Lindenberg,
 - Gemeinde Steinhöfel mit den Gemarkungen Demnitz, Steinhöfel, Hasenfelde, Ahrendorf, Heinersdorf, Tempelberg,
 - Gemeinde Langewahl,
 - Gemeinde Berkenbrück,
 - Gemeinde Briesen (Mark),
 - Gemeinde Jacobsdorf,
- Landkreis Spree-Neiße:
 - Gemeinde Jänschwalde,
 - Gemeinde Peitz,
 - Gemeinde Tauer,
 - Gemeinde Turnow-Preilack,
 - Gemeinde Drachhausen,
 - Gemeinde Schmogrow-Fehrow,
 - Gemeinde Drehn timer,
 - Gemeinde Guben mit der Gemarkung Schlagsdorf,
 - Gemeinde Schenkendöbern mit den Gemarkungen Grabko, Kerkwitz, Groß Gastrose,
- kreisfreie Stadt Frankfurt (Oder),

Bundesland Sachsen:

- Landkreis Görlitz:
 - Gemeinde Boxberg / O. L. östlich der K8481 und nördlich der S131,
 - Gemeinde Gablenz,
 - Gemeinde Görlitz nördlich der Bundesautobahn 4,

- Gemeinde Groß Düben,
- Gemeinde Hähnichen,
- Gemeinde Krauschwitz sofern nicht bereits Teil des gefährdeten Gebietes,
- Gemeinde Kreba-Neudorf östlich der S131 sowie der S121,
- Gemeinde Mücka östlich der S121,
- Gemeinde Neißeau,
- Gemeinde Niesky nördlich der S121 und westlich der B115,
- Gemeinde Quitzdorf am See nördlich der S121,
- Gemeinde Rietschen sofern nicht bereits Teil des gefährdeten Gebietes,
- Gemeinde Rothenburg/ O. L., sofern nicht bereits Teil des gefährdeten Gebietes,
- Gemeinde Schleife,
- Gemeinde Trebendorf östlich der K8481,
- Gemeinde Weißkeißel sofern nicht bereits Teil des gefährdeten Gebietes,
- Gemeinde Weißwasser / O. L. östlich der K8481.

PART II

1. Bulgaria

The following areas in Bulgaria:

- the whole region of Haskovo,
- the whole region of Yambol,
- the whole region of Stara Zagora,
- the whole region of Pernik,
- the whole region of Kyustendil,
- the whole region of Plovdiv,
- the whole region of Pazardzhik,
- the whole region of Smolyan,
- the whole region of Burgas excluding the areas in Part III.

2. Estonia

The following areas in Estonia:

- Eesti Vabariik (välja arvatud Hiiumaa maakond).

3. Hungary

The following areas in Hungary:

- Békés megye 950150, 950250, 950350, 950450, 950550, 950650, 950660, 950750, 950850, 950860, 951050, 951150, 951250, 951260, 951350, 951450, 951460, 951550, 951650, 951750, 952150, 952250, 952350, 952450, 952550, 952650, 953250, 953260, 953270, 953350, 953450, 953550, 953560, 953950, 954050, 954060, 954150, 956250, 956350, 956450, 956550, 956650 és 956750 kódszámú vadgazdálkodási egységeinek teljes területe,
- Borsod-Abaúj-Zemplén megye valamennyi vadgazdálkodási egységének teljes területe,
- Fejér megye 403150, 403160, 403260, 404250, 404550, 404560, 405450, 405550, 405650, 406450 és 407050 kódszámú vadgazdálkodási egységeinek teljes területe,
- Hajdú-Bihar megye valamennyi vadgazdálkodási egységének teljes területe,
- Heves megye valamennyi vadgazdálkodási egységének teljes területe,

- Jász-Nagykun-Szolnok megye 750250, 750550, 750650, 750750, 750850, 750970, 750980, 751050, 751150, 751160, 751250, 751260, 751350, 751360, 751450, 751460, 751470, 751550, 751650, 751750, 751850, 751950, 752150, 752250, 752350, 752450, 752460, 752550, 752560, 752650, 752750, 752850, 752950, 753060, 753070, 753150, 753250, 753310, 753450, 753550, 753650, 753660, 753750, 753850, 753950, 753960, 754050, 754150, 754250, 754360, 754370, 754850, 755550, 755650 és 755750 kódszámú vadgazdálkodási egységeinek teljes területe,
- Komárom-Esztergom megye: 251950, 252050, 252350, 252450, 252460, 252550, 252650, 252750, 252850, 252860, 252950, 252960, 253050, 253150, 253250, 253350, 253450 és 253550 kódszámú vadgazdálkodási egységeinek teljes területe,
- Nógrád megye valamennyi vadgazdálkodási egységeinek teljes területe,
- Pest megye 570150, 570250, 570350, 570450, 570550, 570650, 570750, 570850, 570950, 571050, 571150, 571250, 571350, 571650, 571750, 571760, 571850, 571950, 572050, 573550, 573650, 574250, 577250, 580050 és 580150 kódszámú vadgazdálkodási egységeinek teljes területe,
- Szabolcs-Szatmár-Bereg megye valamennyi vadgazdálkodási egységének teljes területe.

4. Latvia

The following areas in Latvia:

- Ādažu novads,
- Aizputes novads Aizputes, Āravas un Lažas pagasts, Kalvenes pagasta daļa uz rietumiem no ceļa pie Vārtājas upes līdz autoceļam A9, uz dienvidiem no autoceļa A9, uz rietumiem no autoceļa V1200, Kazdangas pagasta daļa uz rietumiem no ceļa V1200, P115, P117, V1296, Aizputes pilsēta,
- Aglonas novads,
- Aizkraukles novads,
- Aknīstes novads,
- Alojas novads,
- Alsungas novads,
- Alūksnes novads,
- Amatas novads,
- Apes novads,
- Auces novads,
- Babītes novads,
- Baldones novads,
- Baltnavas novads,
- Balvu novads,
- Bauskas novads,
- Beverīnas novads,
- Brocēnu novads,
- Burtnieku novads,
- Carnikavas novads,
- Cēsu novads
- Cesvaines novads,
- Ciblas novads,
- Dagdas novads,
- Daugavpils novads,
- Dobeles novads,
- Dundagas novads,

- Durbes novads,
- Engures novads,
- Ērgļu novads,
- Garkalnes novads,
- Gulbenes novads,
- Iecavas novads,
- Ikšķiles novads,
- Ilūkstes novads,
- Inčukalna novads,
- Jaunjelgavas novads,
- Jaunpiebalgas novads,
- Jaunpils novads,
- Jēkabpils novads,
- Jelgavas novads,
- Kandavas novads,
- Kārsavas novads,
- Ķeguma novads,
- Ķekavas novads,
- Kocēnu novads,
- Kokneses novads,
- Krāslavas novads,
- Krimuldas novads,
- Krustpils novads,
- Kuldīgas novada, Laidu pagasta daļa uz ziemeļiem no autoceļa V1296, Padures, Rumbas, Rendas, Kabiles, Vārmes, Pelču, Ēdoles, Īvandes, Kurmāles, Turlavas, Gudenieku un Snēpeles pagasts, Kuldīgas pilsēta,
- Lielvārdes novads,
- Līgatnes novads,
- Limbažu novads,
- Līvānu novads,
- Lubānas novads,
- Ludzas novads,
- Madonas novads,
- Mālpils novads,
- Mārupes novads,
- Mazsalacas novads,
- Mērsraga novads,
- Naukšēnu novads,
- Neretas novads,
- Ogres novads,
- Olaines novads,
- Ozolnieku novads,

- Pārgaujas novads,
- Pāvilostas novada Sakas pagasts, Pāvilostas pilsēta,
- Pļaviņu novads,
- Preiļu novads,
- Priekules novads,
- Priekuļu novads,
- Raunas novads,
- republikas pilsēta Daugavpils,
- republikas pilsēta Jelgava,
- republikas pilsēta Jēkabpils,
- republikas pilsēta Jūrmala,
- republikas pilsēta Rēzekne,
- republikas pilsēta Valmiera,
- Rēzeknes novads,
- Riebiņu novads,
- Rojas novads,
- Ropažu novads,
- Rugāju novads,
- Rundāles novads,
- Rūjienas novads,
- Salacgrīvas novads,
- Salas novads,
- Salaspils novads,
- Saldus novads,
- Saulkrastu novads,
- Sējas novads,
- Siguldas novads,
- Skrīveru novads,
- Skrundas novada Raņķu pagasta daļa uz ziemeļiem no autoceļa V1272 līdz robežai ar Ventas upi, Skrundas pagasta daļa no Skrundas uz ziemeļiem no autoceļa A9 un austrumiem no Ventas upes,
- Smiltenes novads,
- Stopiņu novada daļa, kas atrodas uz austrumiem no autoceļa V36, P4 un P5, Acones ielas, Dauguļupes ielas un Dauguļupītes,
- Strenču novads,
- Talsu novads,
- Tērvetes novads,
- Tukuma novads,
- Vaiņodes novada Vaiņodes pagasts un Embūtes pagasta daļa uz dienvidiem autoceļa P116, P106,
- Valkas novads,
- Varakļānu novads,

- Vārkavas novads,
- Vecpiebalgas novads,
- Vecumnieku novads,
- Ventspils novads,
- Viesītes novads,
- Viļakas novads,
- Viļānu novads,
- Zilupes novads.

5. Lithuania

The following areas in Lithuania:

- Alytaus miesto savivaldybė,
- Alytaus rajono savivaldybė,
- Anykščių rajono savivaldybė,
- Akmenės rajono savivaldybė,
- Birštono savivaldybė,
- Biržų miesto savivaldybė,
- Biržų rajono savivaldybė,
- Druskininkų savivaldybė,
- Elektrėnų savivaldybė,
- Ignalinos rajono savivaldybė,
- Jonavos rajono savivaldybė,
- Joniškio rajono savivaldybė,
- Jurbarko rajono savivaldybė: Eržvilko, Girdžių, Jurbarko miesto, Jurbarkų, Raudonės, Šimkaičių, Skirsnemunės, Smalininkų, Veliuonos ir Viešvilės seniūnijos,
- Kaišiadorių rajono savivaldybė,
- Kalvarijos savivaldybė,
- Kauno miesto savivaldybė,
- Kauno rajono savivaldybė: Akademijos, Alšėnų, Batniavos, Ežerėlio, Domeikavos, Garliavos, Garliavos apylinkių, Karmėlavos, Kulautuvos, Lapių, Linksmakalnio, Neveronių, Raudondvario, Ringaudų, Rokų, Samylų, Taurakiemio, Vandžiogalos, Užliedžių, Vilkijos, ir Zapyškio seniūnijos, Babtų seniūnijos dalis į rytus nuo kelio A1, ir Vilkijos apylinkių seniūnijos dalis į vakarus nuo kelio Nr. 1907,
- Kazlų rūdos savivaldybė,
- Kelmės rajono savivaldybė,
- Kėdainių rajono savivaldybė: Dotnuvos, Gudžiūnų, Kėdainių miesto, Krakių, Pelėdnagių, Surviliškio, Šėtos, Truskavos, Vilainių ir Josvainių seniūnijos dalis į šiaurę ir rytus nuo kelio Nr. 229 ir Nr. 2032,
- Kupiškio rajono savivaldybė,
- Kretingos rajono savivaldybė,
- Lazdijų rajono savivaldybė,
- Marijampolės savivaldybė,
- Mažeikių rajono savivaldybė,
- Molėtų rajono savivaldybė,

- Pagėgių savivaldybė,
- Pakruojo rajono savivaldybė,
- Panevėžio rajono savivaldybė,
- Panevėžio miesto savivaldybė,
- Pasvalio rajono savivaldybė,
- Radviliškio rajono savivaldybė,
- Rietavo savivaldybė,
- Prienų rajono savivaldybė,
- Plungės rajono savivaldybė: Žlibinų, Stalgėnų, Nausodžio sen dalis nuo kelio Nr. 166 į šiaurės vakarus, Plungės miesto ir Šateikių seniūnijos,
- Raseinių rajono savivaldybė: Betygalos, Girkalnio, Kalnujų, Nemakščių, Pagojukų, Paliepių, Raseinių miesto, Raseinių, Šiluvos, Viduklės seniūnijos,
- Rokiškio rajono savivaldybė,
- Skuodo rajono savivaldybės: Aleksandrijos, Ylakių, Lenkimų, Mosėdžio, Skuodo ir Skuodo miesto seniūnijos,
- Šakių rajono savivaldybė,
- Šalčininkų rajono savivaldybė,
- Šiaulių miesto savivaldybė,
- Šiaulių rajono savivaldybė,
- Šilutės rajono savivaldybė,
- Širvintų rajono savivaldybė,
- Šilalės rajono savivaldybė,
- Švenčionių rajono savivaldybė,
- Tauragės rajono savivaldybė,
- Telšių rajono savivaldybė,
- Trakų rajono savivaldybė,
- Ukmergės rajono savivaldybė,
- Utenos rajono savivaldybė,
- Varėnos rajono savivaldybė,
- Vilniaus miesto savivaldybė,
- Vilniaus rajono savivaldybė,
- Vilkaviškio rajono savivaldybė,
- Visagino savivaldybė,
- Zarasų rajono savivaldybė.

6. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gminy Kalinowo, Stare Juchy, Prostki oraz gmina wiejska Elk w powiecie elckim,
- powiat elbląski,
- powiat miejski Elbląg,

- powiat gołdapski,
 - powiat piski,
 - gminy Górowo Iławeckie z miastem Górowo Iławeckie i Sępólno w powiecie bartoszyckim,
 - gminy Biskupiec, Kolno, część gminy Olsztynek położona na południe od linii wyznaczonej przez drogę nr S51 biegnącą od wschodniej granicy gminy do miejscowości Ameryka oraz na zachód od linii wyznaczonej przez drogę biegnącą od skrzyżowania z drogą S51 do północnej granicy gminy, łączącej miejscowości Mańki – Mycyny – Ameryka w powiecie olsztyńskim,
 - gmina Grunwald, część gminy Małdyty położona na zachód od linii wyznaczonej przez drogę nr S7, część gminy Miłomłyn położona na zachód od linii wyznaczonej przez drogę nr S7, część gminy wiejskiej Ostróda położona na zachód od linii wyznaczonej przez drogę nr S7 oraz na południe od drogi nr 16, część miasta Ostróda położona na zachód od linii wyznaczonej przez drogę nr S7, część gminy Dąbrówno położona na zachód od linii wyznaczonej przez drogę nr 542 biegnącą od północnej granicy gminy do miejscowości Dąbrówno, a następnie na zachód od linii wyznaczonej przez drogę biegnącą od miejscowości Dąbrówno przez miejscowości Zamkowy Młyn – Wądryń do południowej granicy gminy w powiecie ostródzkim,
 - powiat giżycki,
 - powiat braniewski,
 - powiat kętrzyński,
 - gminy Lubomino i Orneta w powiecie lidzbarskim,
 - gmina Nidzica i część gminy Kozłowo położona na północ od linii wyznaczonej przez drogę łączącą miejscowości Rączki – Kownatki – Gardyny w powiecie nidzickim,
 - gminy Dźwierzuty, Jedwabno, Pasym, Szczytno i miasto Szczytno i Świętajno w powiecie szczycieńskim,
 - powiat mrągowski,
 - gminy Lubawa, miasto Lubawa, Zalewo i część gminy wiejskiej Iława położona na wschód od linii wyznaczonej przez drogę nr 521 biegnącą od zachodniej granicy gminy do zachodniej granicy miasta Iława oraz na wschód od linii wyznaczonej przez drogę biegnącą od południowej granicy gminy miasta Iława przez miejscowość Katarzynki do południowej granicy gminy w powiecie iławskim,
 - powiat węgorzewski,
- w województwie podlaskim:
- powiat bielski,
 - powiat grajewski,
 - powiat moniecki,
 - powiat sejneński,
 - gminy Łomża, Piątnica, Jedwabne, Przytuły i Wizna w powiecie łomżyńskim,
 - powiat miejski Łomża,
 - powiat siemiatycki,
 - powiat hajnowski,
 - gminy Ciechanowiec, Klukowo, Szepietowo, Kobylin-Borzymy, Nowe Piekuty, Sokoły i część gminy Kulesze Kościelne położona na północ od linii wyznaczonej przez linię kolejową w powiecie wysokomazowieckim,
 - gmina Rutki i część gminy Kołaki Kościelne położona na północ od linii wyznaczonej przez linię kolejową w powiecie zambrowskim,
 - powiat kolneński z miastem Kolno,
 - powiat białostocki,

- gminy Filipów, Jeleniewo, Przerośl, Raczek, Rutka-Tartak, Suwałki, Szypliszki Wiżajny oraz część gminy Bakalarzewo położona na północ od linii wyznaczonej przez drogę 653 biegnącej od zachodniej granicy gminy do skrzyżowania z drogą 1122B oraz na wschód od linii wyznaczonej przez drogę nr 1122B biegnącą od drogi 653 w kierunku południowym do skrzyżowania z drogą 1124B i następnie na północny - wschód od drogi nr 1124B biegnącej od skrzyżowania z drogą 1122B do granicy z gminą Raczek w powiecie suwalskim,
 - powiat miejski Suwałki,
 - powiat augustowski,
 - powiat sokółski,
 - powiat miejski Białystok,
- w województwie mazowieckim:
- powiat siedlecki,
 - powiat miejski Siedlce,
 - gminy Bielany, Ceranów, Jabłonna Lacka, Kosów Lacki, Repki, Sabnie, Sterdyń i gmina wiejska Sokołów Podlaski w powiecie sokołowskim,
 - gminy Grębków i Wierzbno w powiecie węgrowskim,
 - powiat łosicki,
 - powiat ciechanowski,
 - powiat sochaczewski,
 - gminy Policzna, Przyłęk, Tczów i Zwoleń w powiecie zwoleńskim,
 - powiat kozienicki,
 - gminy Chotcza i Solec nad Wisłą w powiecie lipskim,
 - gminy Gózd, Jastrzębia, Jedlnia Letnisko, Pionki z miastem Pionki, Skaryszew, Jedlińsk, Przytyk, Zakrzew, część gminy Iłża położona na zachód od linii wyznaczonej przez drogę nr 9, część gminy Wolanów położona na północ od drogi nr 12 w powiecie radomskim,
 - gminy Bodzanów, Bulkowo, Staroźreby, Słubice, Wyszogród i Mała Wieś w powiecie płockim,
 - powiat nowodworski,
 - powiat płoński,
 - gminy Pokrzywnica, Świercze i część gminy Winnica położona na zachód od linii wyznaczonej przez drogę łączącą miejscowości Bielany, Winnica i Pokrzywnica w powiecie pułtuskim,
 - gminy Dębówka, Klembów, Poświętne, Radzymin, Wołomin, miasto Kobyłka, miasto Marki, miasto Ząbki, miasto Zielonka w powiecie wołomińskim,
 - gminy Borowie, Garwolin z miastem Garwolin, Miastków Kościelny, Parysów, Pilawa, część gminy Wilga położona na północ od linii wyznaczonej przez rzekę Wilga biegnącą od wschodniej granicy gminy do ujścia do rzeki Wisły, część gminy Górzno położona na północ od linii wyznaczonej przez drogę łączącą miejscowości Łąki i Górzno biegnącą od wschodniej granicy gminy, następnie od miejscowości Górzno na północ od drogi nr 1328W biegnącej do drogi nr 17, a następnie na północ od linii wyznaczonej przez drogę biegnącą od drogi nr 17 do zachodniej granicy gminy przez miejscowości Józefów i Kobyła Wola w powiecie garwolińskim,
 - gminy Boguty – Pianki, Zaręby Kościelne, Nur i część gminy Małkinia Górna położona na południe od rzeki Brok w powiecie ostrowskim,
 - gminy Stupsk, Wiśniewo i Strzegowo w powiecie mławskim,
 - powiat miński,
 - powiat otwocki,
 - powiat warszawski zachodni,
 - powiat legionowski,

- powiat piaseczyński,
- powiat pruszkowski,
- powiat grójecki,
- powiat grodziski,
- powiat żyrardowski,
- powiat białobrzegi,
- powiat przysuski,
- powiat miejski Warszawa,

w województwie lubelskim:

- powiat bialski,
- powiat miejski Biała Podlaska,
- gminy Batorz, Godziszów, Janów Lubelski, Modliborzyce i Potok Wielki w powiecie janowskim,
- gminy Janowiec, Kazimierz Dolny, Końskowola, Kurów, Markuszów, Nałęczów, Puławy z miastem Puławy, Wąwolnica i Żyrzyn w powiecie puławskim,
- gminy Nowodwór, miasto Dęblin i część gminy Ryki położona na południe od linii wyznaczonej przez linię kolejową powiecie ryckim,
- gminy Adamów, Krzywda, Stoczek Łukowski z miastem Stoczek Łukowski, Wola Mysłowska, Trzebieszów, Stanin, Wojcieszków, gmina wiejska Łuków i miasto Łuków w powiecie łukowskim,
- powiat lubelski,
- powiat miejski Lublin,
- gminy Niedźwiada, Ostrów Lubelski, Serniki i Uścimów w powiecie lubartowskim,
- powiat łęczyński,
- powiat świdnicki,
- gminy Fajslawice, Gorzków, Izbica, Krasnystaw z miastem Krasnystaw, Kraśniczyn, Łopiennik Górny, Siennica Różana i część gminy Żółkiewka położona na północ od linii wyznaczonej przez drogę nr 842 w powiecie krasnostawskim,
- gminy Chełm, Ruda – Huta, Sawin, Rejowiec, Rejowiec Fabryczny z miastem Rejowiec Fabryczny, Siedliszcze, Wierzbica, część gminy Dorohusk położona na północ od linii wyznaczonej przez linię kolejową, część gminy Wojsławice położona na zachód od linii wyznaczonej przez drogę 1839L, część gminy Leśniowice położona na zachód od linii wyznaczonej przez drogę 1839L w powiecie chełmskim,
- powiat miejski Chełm,
- powiat kraśnicki,
- powiat opolski,
- powiat parczewski,
- powiat włodawski,
- powiat radzyński,

w województwie podkarpackim:

- powiat stalowowolski,
- gminy Oleszyce, Lubaczów z miastem Lubaczów, Wielkie Oczy w powiecie lubaczowskim,
- część gminy Kamień położona na zachód od linii wyznaczonej przez drogę nr 19, część gminy Sokołów Małopolski położona na północ od linii wyznaczonej przez drogę nr 875 w powiecie rzeszowskim,

- gminy Cmolas i Majdan Królewski w powiecie kolbuszowskim,
- gminy Grodzisko Dolne, część gminy wiejskiej Leżajsk położona na południe od miasta Leżajsk oraz na zachód od linii wyznaczonej przez rzekę San, w powiecie leżańskim,
- gmina Jarocin, część gminy Harasiuki położona na północ od linii wyznaczonej przez drogę nr 1048 R, część gminy Ulanów położona na północ od linii wyznaczonej przez rzekę Tanew, część gminy Nisko położona na zachód od linii wyznaczonej przez drogę nr 19 oraz na północ od linii wyznaczonej przez linię kolejową biegnącą od wschodniej granicy gminy do skrzyżowania z drogą nr 19, część gminy Jeżowe położona na zachód od linii wyznaczonej przez drogę nr 19 w powiecie niżańskim,
- powiat tarnobrzeski,

w województwie pomorskim:

- gminy Dzierżgoń i Stary Dzierżgoń w powiecie sztumskim,
- gmina Stare Pole w powiecie malborskim,
- gminy Stegny, Sztutowo i część gminy Nowy Dwór Gdański położona na północny - wschód od linii wyznaczonej przez drogę nr 55 biegnącą od południowej granicy gminy do skrzyżowania z drogą nr 7, następnie przez drogę nr 7 i S7 biegnącą do zachodniej granicy gminy w powiecie nowodworskim,

w województwie świętokrzyskim:

- gmina Tarłów i część gminy Ożarów położona na północ od linii wyznaczonej przez drogę nr 74 w powiecie opatowskim,
- część gminy Brody położona na zachód od linii kolejowej biegnącej od miejscowości Marcule i od północnej granicy gminy przez miejscowości Klepacze i Karczma Kunowska do południowej granicy gminy oraz na wschód od linii wyznaczonej przez drogę nr 9 i na północny - wschód od linii wyznaczonej przez drogę nr 0618T biegnącą od północnej granicy gminy do skrzyżowania w miejscowości Lipie oraz przez drogę biegnącą od miejscowości Lipie do wschodniej granicy gminy i część gminy Mirzec położona na wschód od linii wyznaczonej przez drogę nr 744 biegnącą od południowej granicy gminy do miejscowości Tychów Stary a następnie przez drogę nr 0566T biegnącą od miejscowości Tychów Stary w kierunku północno - wschodnim do granicy gminy w powiecie starachowickim,

w województwie lubuskim:

- powiat wschowski,
- gmina Kostrzyn nad Odrą i część gminy Witnica położona na południowy zachód od drogi biegnącej od zachodniej granicy gminy od miejscowości Krześnica, przez miejscowości Kamień Wielki - Mościce - Witnica - Kłopotowo do południowej granicy gminy w powiecie gorzowskim,
- gminy Gubin z miastem Gubin, Maszewo i część gminy Bytnica położona na zachód od linii wyznaczonej przez drogę nr 1157F w powiecie krośnieńskim,
- powiat słubicki,
- gminy Słońsk, Sulęcín i Torzym w powiecie sulęcińskim,
- gminy Bledzew i Międzyrzecz w powiecie międzyrzeckim,
- gminy Kolsko, część gminy Kozuchów położona na południe od linii wyznaczonej przez drogę nr 283 biegnącą od wschodniej granicy gminy do skrzyżowania z drogą nr 290 i na południe od linii wyznaczonej przez drogę nr 290 biegnącej od miasta Mirocín Dolny do zachodniej granicy gminy, część gminy Bytom Odrzański położona na północny zachód od linii wyznaczonej przez drogi nr 293 i 326, część gminy Nowe Miasteczko położona na zachód od linii wyznaczonych przez drogi 293 i 328, część gminy Siedlisko położona na północny zachód od linii wyznaczonej przez drogę biegnącą od rzeki Odry przy południowej granicy gminy do drogi nr 326 łączącej się z drogą nr 325 biegnącą w kierunku miejscowości Różanówka do skrzyżowania z drogą nr 321 biegnącą od tego skrzyżowania w kierunku miejscowości Bielawy, a następnie przedłużoną przez drogę przeciwpożarową biegnącą od drogi nr 321 w miejscowości Bielawy do granicy gminy w powiecie nowosolskim,

- gminy Nowogród Bobrzański, Trzebiechów część gminy Bojadła położona na północ od linii wyznaczonej przez drogę nr 278 biegnącą od wschodniej granicy gminy do skrzyżowania z drogą nr 282 i na północ od linii wyznaczonej przez drogę nr 282 biegnącej od miasta Bojadła do zachodniej granicy gminy i część gminy Sulechów położona na wschód od linii wyznaczonej przez drogę nr S3 w powiecie zielonogórskim,
- powiat żarski,
- gminy Brzeźnica, Iłowa, Małomice, Szprotawa, Wymiarki, Żagań, miasto Żagań, miasto Gozdnicza, część gminy Niegosławice położona na zachód od linii wyznaczonej przez drogę nr 328 w powiecie żagańskim,
- gminy Lubrza, Łagów i Świebodzin w powiecie świebodzińskim,

w województwie dolnośląskim:

- gmina Pęcław, część gminy Kotla położona na północ od linii wyznaczonej przez rzekę Krzycki Rów, część gminy wiejskiej Głogów położona na wschód od linii wyznaczonej przez drogi nr 12, 319 oraz 329, część miasta Głogów położona na wschód od linii wyznaczonej przez drogę nr 12 w powiecie głogowskim,
- gminy Grębocice i Polkowice w powiecie polkowickim,

w województwie wielkopolskim:

- gminy Przemęt i Wolsztyn w powiecie wolsztyńskim,
- gmina Wielichowo część gminy Kamieniec położona na zachód od linii wyznaczonej przez drogę nr 308 i część gminy Rakoniewice położona na zachód od linii wyznaczonej przez drogę nr 305 w powiecie grodziskim,
- gminy Lipno, Osieczna, Wijewo, Włoszakowice i część gminy Świąciechowa położona na północ od linii wyznaczonej przez drogę nr 12 w powiecie leszczyńskim,
- gmina Śmigiel, część gminy wiejskiej Kościan położona na południowy – wschód od linii wyznaczonej przez drogę nr 5 oraz na zachód od linii wyznaczonej przez kanał Obry, część gminy Krzywiń położona na zachód od linii wyznaczonej przez kanał Obry w powiecie kościańskim,
- powiat miejski Leszno,
- powiat obornicki,
- część gminy Połajewo na położona na południe od drogi łączącej miejscowości Chraplewo, Tarnówko-Boruszyn, Krosin, Jakubowo, Połajewo - ul. Ryczywolska do północno-wschodniej granicy gminy w powiecie czarnkowsko-trzcianeckim,
- gmina Suchy Las, część gminy wiejskiej Murowana Goślina położona na północ od linii kolejowej biegnącej od północnej granicy miasta Murowana Goślina do północno-wschodniej granicy gminy oraz część gminy Rokietnica położona na północ i na wschód od linii kolejowej biegnącej od północnej granicy gminy w miejscowości Krzyszkowo do południowej granicy gminy w miejscowości Kiekrz w powiecie poznańskim,
- część gminy Szamotuły położona na wschód od wschodniej granicy miasta Szamotuły i na północ od linii kolejowej biegnącej od południowej granicy miasta Szamotuły do południowo-wschodniej granicy gminy oraz część gminy Obrzycko położona na wschód od drogi nr 185 łączącej miejscowości Gaj Mały, Słopanowo i Obrzycko do północnej granicy miasta Obrzycko, a następnie na wschód od drogi przebiegającej przez miejscowość Chraplewo w powiecie szamotulskim.

w województwie łódzkim:

- gminy Drzewica, Opoczno i Poświętne w powiecie opoczyńskim,
- gminy Biała Rawska, Regnów i Sadkowice w powiecie rawskim,
- gmina Kowiesy w powiecie skierniewickim,

w województwie zachodniopomorskim:

- część gminy Boleszkowice położona na południowy - zachód od linii wyznaczonej przez drogę nr 31 i część gminy Dębno położona na południe od linii wyznaczonej przez drogę nr 31 biegnącą od zachodniej granicy gminy do miejscowości Sarbinowo, a następnie na południe od linii wyznaczonej przez drogę biegnącą od miejscowości Sarbinowo przez miejscowość Krześnica do wschodniej granicy gminy w powiecie myśliborskim.

7. Slovakia

The following areas in Slovakia:

- in the district of Gelnica, the whole municipality of Smolník,
- In the district of Košice-okolie the municipalities of Opátka, Košická Belá, Malá Lodina, Veľká Lodina, Kysak, Sokol, Trebejov, Obišovce, Družstevná pri Hornáde, Kostofany nad Hornádom, Budimír, Vajkovce, Chrastné, Čizatice, Kráľovce, Ploské, Nová Polhora, Boliarov, Kecеровce, Vtáčkovce, Herľany, Rankovce, Mudrovce, Kecеровský Lipovec, Opiná, Bunetice,
- the whole city of Košice,
- in the district of Michalovce, the whole municipalities of Tušice, Moravany, Pozdišovce, Michalovce, Zalužice, Lúčky, Závadka, Hnojné, Poruba pod Vihorlatom, Jovsa, Kusín, Klokočov, Kaluža, Vinné, Trnava pri Laborci, Oreské, Staré, Zbudza, Petrovce nad Laborcom, Lesné, Suché, Rakovec nad Ondavou, Nacina Ves, Voľa, and Pusté Čemerné,
- in the district of Vranov nad Topľou, the whole municipalities of Zámuto, Rudlov, Jusková Voľa, Banské, Cabov, Davidov, Kamenná Poruba, Večec, Čaklov, Sol, Komárany, Čičava, Nižný Kručov, Vranov nad Topľou, Sačurov, Sečovská Polianka, Dlhé Klčovo, Nižný Hrušov, Poša, Nižný Hrabovec, Hencovce, Kučín, Majerovce, Sedliská, Kladzany and Tovarnianska Polianka, Herrmanovce nad Topľou, Petrovce, Pavlovce, Hanušovce nad Topľou, Medzianky, Radvanovce, Babie, Vlača, Ďurďoš, Prosačov, Remeniny, Skrabské, Bystré, Petkovce, Michalok, Vyšný Žipov, Čierne nad Topľou, Zlatník, Hlinné, Jastrabie nad Topľou, Merník,
- in the district of Prešov, the whole municipalities of Tuhrina, Lúčina, Podhradík, Okružná, Ruská Nová Ves, Teriakovce, Lubotice, Vyšná Šebastová, Lipníky, Chmeľov, Čelovce, Pušovce, Proč, Šarišská Trstená, Chmeľovec, Podhorany, Nemcovce, Lada, Kapušany, Fulianka, Prešov, Fintice, Tulčík, Demjata, Veľký Slivník, Záhradné, Malý Slivník, Mošurov, Terňa, Gregorovce, Medzany, Malý Šariš, Župčany, Svinia, Veľký Šariš, Geraltov, Trnkov, Šarišská Poruba, Lažany, Červenica, Žehňa, Záborské, Dulova Ves, Kokošovce, Abranovce, Lesíček, Zlatá Baňa, Ruská Nová Ves, Teriakovce, Podhradník, Mirkovce, Brestov, Varhaňovce,
- in the district of Sabinov, the whole municipalities Ostrovany, Daletice, Jarovnice, Šarišské Michalany, Ražňany, Uzovce, Hubošovce, Ratvaj, Bodovce, Šarišské Sokolovce, Sabinov, Jakubovany, Uzovský Šalgov, Uzovské Pekľany, Pečovská Nová Ves, Rožkovany, Jakubova Voľa, Drienica, Červená Voda, Jakovany, Červenica pri Sabinove, Ľutina, Olejníkov, Lipany, Lúčka, Hanigovce, Milpoš, Kamenica,
- in the district of Svidník, the whole municipalities of Dukovce, Želmanovce, Kuková, Kalnište, Lužany pri Ondave, Lúčka, Giralto, Kračúnovce, Železník, Kobylince, Mičakovce,
- in the district of Bardejov, the whole municipalities of Kríže, Hervartov, Richvald, Šiba, Kľušov, Hertník, Fričkovce, Bartošovce, Kobyly, Osíkov, Vaniškovce, Janovce, Tročany, Abrahámovce, Raslavice, Buclovany, Lopúchov, Stulany, Koprivnica, Kochanovce, Harhaj, Vyšný Kručov, Brezov, Lascov, Marhaň, Kučín, Kožany, Kurima, Nemcovce, Porúbka, Hankovce, Olšavce, Nižná Voľa, Rešov, Vyšná Voľa, Poliakovce, Dubinné, Hrabovec, Komárov, Lukavica, Livov, Livovská Huta, Lukov, Malcov, Lenartov, Snakov, Hrabské, Gerlachov, Kružlov, Krivé, Bogliarka,
- in the district of Stará Ľubovňa, the whole municipalities of Kyjov, Pusté Pole, Šarišské Jastrabie, Čirč, Ruská Voľa nad Popradom, Obručné,
- in the district of Revúca, the whole municipalities of Gemer, Tornaľa, Žiar, Gemerská Ves, Levkuška, Otročok, Polina, Rašice, Licince, Leváre, Držkovce, Chvalová, Sekerešovo, Višňové,
- in the district of Rimavská Sobota, the whole municipalities of Abovce, Barca, Bátka, Cakov, Chanava, Dulovo, Figa, Gemerské Michalovce, Hubovo, Ivanice, Kaloša, Kesovce, Král, Lenartovce, Lenka, Neporadza, Orávka, Radnovce, Rakytník, Riečka, Rimavská Seč, Rumince, Stránska, Uzovská Panica, Valice, Vieska nad Blhom, Vlkyňa, Vyšné Valice, Včelince, Zádor, Číž, Štrkovec Tomášovce, Žíp, Španie Pole, Hostišovce, Budikovany, Teplý Vrch, Veľký Blh, Janice, Chrámec, Orávka, Martinová, Bottovo, Dubovec, Šimonovce, Širkovce Drňa, Hostice, Gemerské Dechtáre, Jestice, Petrovce, Dubno, Gemerský Jablonec,
- in the district of Prešov, the whole municipalities of Tuhrina and Lúčina.

8. Germany

The following areas in Germany:

Bundesland Brandenburg:

— Landkreis Oder-Spree:

- Gemeinde Grunow-Dammendorf,
- Gemeinde Mixdorf
- Gemeinde Schlaubetal,
- Gemeinde Neuzelle,
- Gemeinde Neißemünde,
- Gemeinde Lawitz,
- Gemeinde Eisenhüttenstadt,
- Gemeinde Vogelsang,
- Gemeinde Ziltendorf,
- Gemeinde Wiesenau,
- Gemeinde Friedland,
- Gemeinde Siehdichum
- Gemeinde Müllrose,
- Gemeinde Groß Lindow,
- Gemeinde Brieskow-Finkenheerd,
- Gemeinde Ragow-Merz,
- Gemeinde Beeskow,
- Gemeinde Rietz-Neuendorf mit den Gemarkungen Groß Rietz und Birkholz,
- Gemeinde Tauche mit den Gemarkungen Stremmen, Ranzig, Trebatsch, Sabrodt, Sawall, Mitweide und Tauche,

— Landkreis Dahme-Spreewald:

- Gemeinde Jamlitz,
- Gemeinde Lieberose,
- Gemeinde Schwielochsee mit den Gemarkungen Goyatz, Jessern, Lamsfeld, Ressen, Speichrow und Zaue,

— Landkreis Spree-Neiße:

- Gemeinde Schenkendöbern mit den Gemarkungen Stakow, Reicherskreuz, Groß Drewitz, Sembten, Lauschütz, Krayne, Lübbinchen, Grano, Pinnow, Bärenklau, Schenkendöbern und Atterwasch,
- Gemeinde Guben mit den Gemarkungen Bresinchen, Guben und Deulowitz,

— Landkreis Märkisch-Oderland:

- Gemeinde Zechin,
- Gemeinde Bleyen-Genschmar,
- Gemeinde Golzow,
- Gemeinde Küstriner Vorland,
- Gemeinde Alt Tucheband,
- Gemeinde Reitwein,
- Gemeinde Podelzig,
- Gemeinde Letschin mit der Gemarkung Sophienthal,

- Gemeinde Seelow – östlich der Bahnstrecke RB 60,
- Gemeinde Vierlinden – östlich der Bahnstrecke RB 60,
- Gemeinde Lindendorf – östlich der Bahnstrecke RB 60,
- Gemeinde Fichtenhöhe – östlich der Bahnstrecke RB 60,
- Gemeinde Lebus mit den Gemarkungen Lebus und Mallnow – östlich der Bahnstrecke RB 60,

Bundesland Sachsen:

- Landkreis Görlitz:
 - Gemeinde Bad Muskau,
 - Gemeinde Krauschwitz östlich des folgenden Straßenzuges: B115 nördlicher Teil (Jämlitzer Weg) - S123 (Geschwister-Scholl-Straße) - B115 Südlicher Teil (Görlitzer Straße),
 - Gemeinde Rietschen östlich der B115 und nördlich der Südgrenze Truppenübungsplatz Oberlausitz,
 - Gemeinde Rothenburg/ O. L. nördlich der Südgrenze Truppenübungsplatz Oberlausitz und Welschgraben,
 - Gemeinde Weißkeißel östlich der B115.

PART III

1. Bulgaria

The following areas in Bulgaria:

- the whole region of Blagoevgrad,
- the whole region of Dobrich,
- the whole region of Gabrovo,
- the whole region of Kardzhali,
- the whole region of Lovech,
- the whole region of Montana,
- the whole region of Pleven,
- the whole region of Razgrad,
- the whole region of Ruse,
- the whole region of Shumen,
- the whole region of Silistra,
- the whole region of Sliven,
- the whole region of Sofia city,
- the whole region of Sofia Province,
- the whole region of Targovishte,
- the whole region of Vidin,
- the whole region of Varna,
- the whole region of Veliko Tarnovo,
- the whole region of Vratza,
- in Burgas region:
 - the whole municipality of Burgas,
 - the whole municipality of Kameno,
 - the whole municipality of Malko Tarnovo,
 - the whole municipality of Primorsko,

- the whole municipality of Sozopol,
- the whole municipality of Sredets,
- the whole municipality of Tsarevo,
- the whole municipality of Sungurlare,
- the whole municipality of Ruen,
- the whole municipality of Aytos.

2. Latvia

The following areas in Latvia:

- Aizputes novada Kalvenes pagasta daļa uz austrumiem no ceļa pie Vārtājas upes līdz autoceļam A9, uz ziemeļiem no autoceļa A9, uz austrumiem no autoceļa V1200, Kazdangas pagasta daļa uz austrumiem no ceļa V1200, P115, P117, V1296,
- Kuldīgas novada, Laidu pagasta daļa uz dienvidiem no autoceļa V1296,
- Skrundas novada Rudbāržu, Nīkrāces pagasts, Raņķu pagasta daļa uz dienvidiem no autoceļa V1272 līdz robežai ar Ventas upi, Skrundas pagasts (izņemot pagasta daļa no Skrundas uz ziemeļiem no autoceļa A9 un austrumiem no Ventas upes), Skrundas pilsēta,
- Vaiņodes novada Embūtes pagasta daļa uz ziemeļiem autoceļa P116, P106.

3. Lithuania

The following areas in Lithuania:

- Jurbarko rajono savivaldybė: Seredžiaus ir Juodaičių seniūnijos,
- Kauno rajono savivaldybė: Čekiškės seniūnija, Babtų seniūnijos dalis į vakarus nuo kelio A1 ir Vilkijos apylinkių seniūnijos dalis į rytus nuo kelio Nr. 1907,
- Kėdainių rajono savivaldybė: Pernaravos seniūnija ir Josvainių seniūnijos pietvakarinė dalis tarp kelio Nr. 229 ir Nr. 2032,
- Plungės rajono savivaldybė: Alsėdžių, Babrungo, Paukštakių, Platelių ir Žemaičių Kalvarijos seniūnijos,
- Raseinių rajono savivaldybė: Ariogalos ir Ariogalos miesto seniūnijos,
- Skuodo rajono savivaldybės: Barstyčių, Notėnų ir Šačių seniūnijos.

4. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gminy Bisztynek i Bartoszyce z miastem Bartoszyce w powiecie bartoszyckim,
- gminy Kiwity i Lidzbark Warmiński z miastem Lidzbark Warmiński w powiecie lidzbarskim,
- gminy Łukta, Morąg, Miłakowo, część gminy Małdyty położona na wschód od linii wyznaczonej przez drogę nr S7, część gminy Miłomłyn położona na wschód od linii wyznaczonej przez drogę nr S7, część gminy wiejskiej Ostróda położona na wschód od linii wyznaczonej przez drogę nr S7 oraz na północ od drogi nr 16, część miasta Ostróda położona na wschód od linii wyznaczonej przez drogę nr w powiecie ostródzkim,
- powiat olecki,
- gminy Barczewo, Giętrząwałd, Jeziorany, Jonkowo, Dywity, Dobre Miasto, Purda, Stawiguda, Świątki, część gminy Olsztynek położona na północ od linii wyznaczonej przez drogę nr S51 biegnącą od wschodniej granicy gminy do miejscowości Ameryka oraz na wschód od linii wyznaczonej przez drogę biegnącą od skrzyżowania z drogą S51 do północnej granicy gminy, łączącej miejscowości Mańki – Mycyny – Ameryka w powiecie olsztyńskim,
- powiat miejski Olsztyn,

w województwie podlaskim:

- część gminy Bakalarzewo położona na południe od linii wyznaczonej przez drogę 653 biegnącej od zachodniej granicy gminy do skrzyżowania z drogą 1122B oraz na zachód od linii wyznaczonej przez drogę nr 1122B biegnącą od drogi 653 w kierunku południowym do skrzyżowania z drogą 1124B i następnie na południowy - zachód od drogi nr 1124B biegnącej od skrzyżowania z drogą 1122B do granicy z gminą Raczki w powiecie suwalskim,

w województwie mazowieckim:

- gminy Łaskarzew z miastem Łaskarzew, Maciejowice, Sobolew, Trojanów, Żelechów, część gminy Wilga położona na południe od linii wyznaczonej przez rzekę Wilga biegnącą od wschodniej granicy gminy do ujścia do rzeki Wisły, część gminy Górzno położona na południe od linii wyznaczonej przez drogę łączącą miejscowości Łąki i Górzno biegnącą od wschodniej granicy gminy, następnie od miejscowości Górzno na południe od drogi nr 1328W biegnącej do drogi nr 17, a następnie na południe od linii wyznaczonej przez drogę biegnącą od drogi nr 17 do zachodniej granicy gminy przez miejscowości Józefów i Kobyła Wola w powiecie garwolińskim,
- część gminy Iłża położona na wschód od linii wyznaczonej przez drogę nr 9 w powiecie radomskim,
- gmina Kazanów w powiecie zwoleńskim,
- gminy Ciepiałów, Lipsko, Rzecznów i Sienno w powiecie lipskim,

w województwie lubelskim:

- powiat tomaszowski,
- gminy Białopole, Dubienka, Kamień, Żmudź, część gminy Dorohusk położona na południe od linii wyznaczonej przez linię kolejową, część gminy Wojsławice położona na wschód od linii wyznaczonej przez drogę 1839L, część gminy Leśniowice położona na wschód od linii wyznaczonej przez drogę 1839L w powiecie chełmskim,
- gmina Rudnik i część gminy Żółkiewka położona na południe od linii wyznaczonej przez drogę nr 842 w powiecie krasnostawskim,
- powiat zamojski,
- powiat miejski Zamość,
- powiat biłgorajski,
- powiat hrubieszowski,
- gminy Dzwola i Chrzanów w powiecie janowskim,
- gmina Serokomla w powiecie łukowskim,
- gminy Abramów, Kamionka, Michów, Lubartów z miastem Lubartów, Firlej, Jeziorzany, Kock, Ostrówek w powiecie lubartowskim,
- gminy Kłoczew, Stężycza, Ulęż i część gminy Ryki położona na północ od linii wyznaczonej przez linię kolejową w powiecie ryckim,
- gmina Baranów w powiecie puławskim,

w województwie podkarpackim:

- gminy Cieszanów, Horyniec – Zdrój, Narol i Stary Dzików w powiecie lubaczowskim,
- gminy Kuryłówka, Nowa Sarzyna, miasto Leżajsk, część gminy wiejskiej Leżajsk położona na północ od miasta Leżajsk oraz część gminy wiejskiej Leżajsk położona na wschód od linii wyznaczonej przez rzekę San, w powiecie leżańskim,
- gminy Krzeszów, Rudnik nad Sanem, część gminy Harasiuki położona na południe od linii wyznaczonej przez drogę nr 1048 R, część gminy Ulanów położona na południe od linii wyznaczonej przez rzekę Tanew, część gminy Nisko położona na wschód od linii wyznaczonej przez drogę nr 19 oraz na południe od linii wyznaczonej przez linię kolejową biegnącą od wschodniej granicy gminy do skrzyżowania z drogą nr 19, część gminy Jeżowe położona na wschód od linii wyznaczonej przez drogę nr 19 w powiecie niżańskim,
- gminy Chłopice, Jarosław z miastem Jarosław, Laszki, Wiązownica, Pawłosiów, Radymno z miastem Radymno, w powiecie jarosławskim,
- gmina Stubno w powiecie przemyskim,

- część gminy Kamień położona na wschód od linii wyznaczonej przez drogę nr 19 w powiecie rzeszowskim,
- gminy Adamówka, Sieniawa, Tryńcza, miasto Przeworsk, część gminy wiejskiej Przeworsk położona na wschód od miasta Przeworsk i na wschód od linii wyznaczonej przez autostradę A4 biegnącą od granicy z gminą Tryńcza do granicy miasta Przeworsk, część gminy Zarzecze położona na wschód od linii wyznaczonej przez drogę nr 1594R biegnącą od północnej granicy gminy do miejscowości Zarzecze oraz na północ od linii wyznaczonej przez drogi nr 1617R oraz 1619R biegnącą do południowej granicy gminy w powiecie przeworskim,

w województwie lubuskim:

- gminy Nowa Sól i miasto Nowa Sól, Otyń oraz część gminy Kozuchów położona na północ od linii wyznaczonej przez drogę nr 283 biegnącą od wschodniej granicy gminy do skrzyżowania z drogą nr 290 i na północ od linii wyznaczonej przez drogę nr 290 biegnącej od miasta Mirocin Dolny do zachodniej granicy gminy, część gminy Bytom Odrzański położona na południowy wschód od linii wyznaczonej przez drogi nr 293 i 326, część gminy Nowe Miasteczko położona na wschód od linii wyznaczonych przez drogi 293 i 328, część gminy Siedlisko położona na południowy wschód od linii wyznaczonej przez drogę biegnącą od rzeki Odry przy południowe granicy gminy do drogi nr 326 łączącej się z drogą nr 325 biegnącą w kierunku miejscowości Różanówka do skrzyżowania z drogą nr 321 biegnącą od tego skrzyżowania w kierunku miejscowości Bielawy, a następnie przedłużoną przez drogę przeciwpożarową biegnącą od drogi nr 321 w miejscowości Bielawy do granicy gminy w powiecie nowosolskim,
- gminy Babimost, Czerwieńsk, Kargowa, Świdnica, Zabór, część gminy Bojadła położona na południe od linii wyznaczonej przez drogę nr 278 biegnącą od wschodniej granicy gminy do skrzyżowania z drogą nr 282 i na południe od linii wyznaczonej przez drogę nr 282 biegnącej od miasta Bojadła do zachodniej granicy gminy i część gminy Sulechów położona na zachód od linii wyznaczonej przez drogę nr S3 w powiecie zielonogórskim,
- część gminy Niegosławice położona na wschód od linii wyznaczonej przez drogę nr 328 w powiecie żagańskim,
- powiat miejski Zielona Góra,
- gminy Skąpe, Szczaniec i Zbąszynek w powiecie świebodzińskim,
- gminy Bobrowice, Dąbie, Krosno Odrzańskie i część gminy Bytnica położona na wschód od linii wyznaczonej przez drogę nr 1157F w powiecie krośnieńskim,
- część gminy Trzciel położona na południe od linii wyznaczonej przez drogę nr 92 w powiecie międzyrzeckim,

w województwie wielkopolskim:

- gmina Zbąszyń, część gminy Miedzichowo położona na południe od linii wyznaczonej przez drogę nr 92, część gminy Nowy Tomyśl położona na zachód od linii wyznaczonej przez drogę nr 305 w powiecie nowotomyskim,
- gmina Siedlec w powiecie wolsztyńskim,
- część gminy Rakoniewice położona na wschód od linii wyznaczonej przez drogę nr 305 w powiecie grodziskim,
- gminy Chocz, Czermin, Gołuchów, Pleszew i część gminy Gizałki położona na południe od linii wyznaczonej przez drogę nr 443 w powiecie pleszewskim,
- część gminy Grodziec położona na południe od linii wyznaczonej przez drogę nr 443 w powiecie konińskim,
- gminy Blizanów, Stawiszyn, Żelazków w powiecie kaliskim,

w województwie dolnośląskim:

- gminy Jerzmanowa, Żukowice, część gminy Kotla położona na południe od linii wyznaczonej przez rzekę Krzycki Rów, część gminy wiejskiej Głogów położona na zachód od linii wyznaczonej przez drogi nr 12, 319 oraz 329, część miasta Głogów położona na zachód od linii wyznaczonej przez drogę nr 12 w powiecie głogowskim,
- gminy Gaworzycze, Radwanice i część gminy Przemków położona na północ od linii wyznaczonej przez drogę nr 12 w powiecie polkowickim,

w województwie świętokrzyskim:

- część gminy Brody położona na wschód od linii kolejowej biegnącej od miejscowości Marcule i od północnej granicy gminy przez miejscowości Klepacze i Karczma Kunowska do południowej granicy gminy w powiecie starachowickim.

5. Romania

The following areas in Romania:

- Zona oraşului Bucureşti,
- Judeţul Constanţa,
- Judeţul Satu Mare,
- Judeţul Tulcea,
- Judeţul Bacău,
- Judeţul Bihor,
- Judeţul Bistriţa Năsăud,
- Judeţul Brăila,
- Judeţul Buzău,
- Judeţul Călăraşi,
- Judeţul Dâmboviţa,
- Judeţul Galaţi,
- Judeţul Giurgiu,
- Judeţul Ialomiţa,
- Judeţul Ilfov,
- Judeţul Prahova,
- Judeţul Sălaj,
- Judeţul Suceava
- Judeţul Vaslui,
- Judeţul Vrancea,
- Judeţul Teleorman,
- Judeţul Mehedinţi,
- Judeţul Gorj,
- Judeţul Argeş,
- Judeţul Olt,
- Judeţul Dolj,
- Judeţul Arad,
- Judeţul Timiş,
- Judeţul Covasna,
- Judeţul Braşov,
- Judeţul Botoşani,
- Judeţul Vâlcea,
- Judeţul Iaşi,
- Judeţul Hunedoara,
- Judeţul Alba,
- Judeţul Sibiu,
- Judeţul Caraş-Severin,
- Judeţul Neamţ,

- Județul Harghita,
- Județul Mureș,
- Județul Cluj,
- Județul Maramureș.

6. Slovakia

- the whole district of Trebišov,
- in the district of Michalovce, the whole municipalities of the district not included in Part I and Part II,
- Region Sobrance – municipalities Lekárovce, Pinkovce, Záhov, Bežovce,
- the whole district of Košice – okolie, except municipalities included in part II,
- In the district Rožňava, the municipalities of Bôrka, Lúčka, Jablonov nad Turňou, Drnava, Kováčová, Hrhov, Ardovo, Bohúňovo, Bretka, Čoltovo, Dlhá Ves, Gemerská Hôrka, Gemerská Panica, Kečovo, Meliata, Plešivec, Silica, Silická Brezová, Slavec, Hrušov, Krásnohorská Dlhá Lúka, Krásnohorské podhradie, Lipovník, Silická Jablonica, Brzotín, Jovice, Kružná, Pača, Rožňava, Rudná, Vidová and Čučma,
- in the district of Gelnica, the whole municipality of Smolník and Úhorná.

PART IV

Italy

The following areas in Italy:

- tutto il territorio della Sardegna.'
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