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⁽¹⁾ Text with EEA relevance.

EN

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2020/2145

of 1 September 2020

amending Delegated Regulation (EU) No 876/2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council as regards changes to the composition, functioning and management of colleges for central counterparties**(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 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories ⁽¹⁾, and in particular Article 18(6) thereof,

Whereas:

- (1) Regulation (EU) No 648/2012 has been amended by Regulation (EU) 2019/2099 of the European Parliament and of the Council ⁽²⁾ as regards, among other things, the procedures for the authorisation of CCPs and the authorities involved in such authorisation, and requirements for the recognition of third-country CCPs. Those amendments include changes to the composition, functioning and management of CCP colleges. Those changes should be reflected in Commission Delegated Regulation (EU) No 876/2013 ⁽³⁾.
- (2) According to Article 18(2), points (ca) and (i), of Regulation (EU) No 648/2012, the CCP's competent authority is to provide full and detailed reasons in writing if it does not consent to a competent authority or a central bank of issue participating in the college at their request. For reasons of efficiency and legal certainty, it is important that those reasons are given within a reasonable time limit.
- (3) In accordance with Article 19(3) of Regulation (EU) No 648/2012, the European Central Bank ('ECB') has two votes when it is a member of a CCP college both in the framework of its tasks concerning the prudential supervision of credit institutions within the single supervisory mechanism and as the central bank of issue of one of the most relevant Union currencies of the financial instruments cleared. In order to reflect the appropriate representation of the ECB, it should be laid down that in such cases, the ECB should have two participants with voting rights.
- (4) It is necessary to ensure an efficient flow of documentation between college members and to give college members enough time to prepare for the college meetings. The CCP's competent authority should therefore circulate the agenda of the college meeting and all information relevant for the preparation of that meeting well in advance.

⁽¹⁾ OJ L 201, 27.7.2012, p. 1.

⁽²⁾ Regulation (EU) 2019/2099 of the European Parliament and of the Council of 23 October 2019 amending Regulation (EU) No 648/2012 as regards the procedures and authorities involved for the authorisation of CCPs and requirements for the recognition of third-country CCPs (OJ L 322, 12.12.2019, p. 1).

⁽³⁾ Commission Delegated Regulation (EU) No 876/2013 of 28 May 2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on colleges for central counterparties (OJ L 244, 13.9.2013, p. 19).

- (5) In order to ensure a proper functioning of colleges and to ensure that a college meets on a regular basis, a meeting of a CCP college should be held at least annually. College members may also request that a meeting of the CCP college be held when they consider such meeting to be necessary.
- (6) A physical meeting of the college may not always be possible. The CCP college should therefore be able to vote by written procedure where considered appropriate by the CCP's competent authority or at the request of a college member.
- (7) Article 18(1) of Regulation (EU) No 648/2012 as amended by Regulation (EU) 2019/2099 attributes new responsibilities to CCP colleges, including for outsourcing arrangements. The CCP's competent authority should therefore provide college members with information about any changes in a CCP's outsourcing arrangements for major activities linked to risk management.
- (8) In order to enable the college to perform its duties, the CCP's competent authority should provide college members with information about changes in the CCP's participation requirements, clearing membership models, account segregation models, changes in the CCP's default management procedures and changes in the CCP's payment and settlement arrangements, and with reports on the CCP's test of its default procedures conducted in accordance with Article 49(2) of Regulation (EU) No 648/2012.
- (9) In order to protect confidential information and to ensure that college members are informed on an equal basis, confidential information should be exchanged by secure means.
- (10) In order to provide college members with sufficient time to prepare for the CCP college meeting and to enable them to raise any points of interest or concern regarding the competent authority's review or evaluation as referred to in Article 21 of Regulation (EU) No 648/2012, the information referred to in paragraph 4 of that Article should be submitted to the college members early enough for them to review and discuss that information in advance.
- (11) Delegated Regulation (EU) No 876/2013 should therefore be amended accordingly.
- (12) This Regulation is based on draft regulatory technical standards submitted to the Commission by the European Securities and Markets Authority following consultation of the European System of Central Banks.
- (13) The amendments are limited in scope and concern only competent authorities without imposing any additional requirements on market participants. In addition, it is important that CCP colleges can adjust as soon as possible to the new requirements introduced by Regulation (EU) 2019/2099. Because of the limited scope and impact of the amendments and the urgency of their application, the European Securities and Markets Authority considered it highly disproportionate to conduct open public consultations on the draft regulatory technical standards on which this Regulation is based, and to analyse the potential related costs and benefits. The European Securities and Markets Authority has however requested the advice of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) No 876/2013

Delegated Regulation (EU) No 876/2013 is amended as follows:

- (1) in Article 2, the following paragraph 4a is inserted:

‘4a. Competent authorities as referred to in Article 18(2), point (ca), of Regulation (EU) No 648/2012, and central banks of issue as referred to in Article 18(2), point (i), of that Regulation, that wish to participate in the college shall submit a reasoned request to the CCP's competent authority. The CCP's competent authority shall, within 20 calendar days of the receipt of the request, either provide the requesting competent authority or central bank with a copy of the written agreement for review and approval, or substantiating in writing why the request has been rejected.’;

⁽⁴⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

(2) in Article 3, paragraph 4 is replaced by the following:

‘4. Where an authority has the right to participate in the college under more than one of points (c) to (i) of Article 18(2) of Regulation (EU) No 648/2012, it may nominate additional participants who shall have no voting rights.’;

(3) in Article 3, the following paragraph 6 is added:

‘6. By way of derogation from paragraphs 4 and 5, the ECB may nominate two participants with voting rights where it is a member of the college pursuant to both points (c) and (h) of Article 18(2) of Regulation (EU) No 648/2012.’;

(4) in Article 4(4), the following subparagraphs are added:

‘For the purposes of point (b), the CCP’s competent authority shall circulate a draft agenda for each meeting of the college, other than for meetings called in emergency situations, well in advance of each meeting, in order to enable the members of the college to contribute to the setting of the agenda, in particular by adding points to the agenda.

The agenda shall be finalised and distributed by the CCP’s competent authority to college members sufficiently in advance of a meeting of the college. The CCP’s competent authority and other college members shall distribute any information to be considered at a meeting of the college well in advance of the meeting.

For the purposes of point (c), the CCP’s competent authority shall distribute the minutes of meetings to college members as soon as practicable following the meetings and give them sufficient time to comment.’;

(5) in Article 4(5), the following subparagraph is added:

‘College members may request that the CCP’s competent authority holds a meeting of the college. The CCP’s competent authority shall duly provide reasons for any rejection of such request.’;

(6) in Article 4, the following paragraph 8 is added:

‘8. The college may vote by written procedure where proposed by the CCP’s competent authority or at the request of a college member.’;

(7) Article 5(2) is amended as follows:

(a) the introductory sentence is replaced by the following:

‘The CCP’s competent authority shall at least provide the following information to the college members.’;

(b) the following points are added:

‘(r) changes in any outsourcing arrangements of the CCP for major activities linked to risk management;

(s) changes in the participation requirements, clearing membership models and account segregation models of the CCP;

(t) changes in the default procedures of the CCP, and reports on the test of the CCP’s default procedures conducted by the CCP in accordance with Article 49(2) of Regulation (EU) No 648/2012;

(u) changes in the payment and settlement arrangements of the CCP.’;

(8) in Article 5, the following paragraph 6 is added:

‘6. College members shall exchange confidential information by secure means of communication and on an equal basis.’;

(9) the following Article 5a is inserted:

‘Article 5a

College input on review and evaluation

1. The information referred to in Article 21(4) of Regulation (EU) No 648/2012 shall be submitted to the college members in time for them to review and discuss that information before the next college meeting.

2. College members may raise any point of interest or of concern they may have with regard to the review or evaluation by the CCP’s competent authority referred to in Article 21 of Regulation (EU) No 648/2012. The CCP’s competent authority shall take such points of interest or of concern into account to the extent possible and shall inform the college member who raised them how they were taken into account.’.

*Article 2***Entry into force**

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, 1 September 2020.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION DELEGATED REGULATION (EU) 2020/2146
of 24 September 2020
supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards
exceptional production rules in organic production

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 ⁽¹⁾, and in particular Article 22(1)(b) and (c) thereof,

Whereas:

- (1) Chapter III of Regulation (EU) 2018/848 lays down general production rules for organic products.
- (2) Certain events such as extreme climatic events or widespread animal or plant diseases may have serious effects on the organic production in the holdings or production units affected in the Union. In order to allow organic production to continue or recommence, Regulation (EU) 2018/848 provides for the adoption of exceptional production rules, provided that they are limited to situations that qualify as catastrophic circumstances in the Union, taking into account the differences in the ecological balance, climate and local conditions in the outermost regions of the Union.
- (3) Having regard to the variety of cases and circumstances that may occur in the Member States and in view of the lack of experience with the application of Article 22 of Regulation (EU) 2018/848, it is not possible, at this stage, to set common criteria at Union level to determine whether a situation could qualify as catastrophic circumstances. However, it is appropriate to provide that the Member State where such a situation occurs should issue a formal decision recognising the situation as catastrophic circumstances. That formal decision should be issued either for a whole area or for an individual operator.
- (4) It is necessary to limit the use of exceptional production rules in the Union to what is strictly necessary to organic production to continue or recommence. The derogations provided for in this Regulation should therefore be limited in time and only be granted to the affected types of production, or, where relevant, land parcels, and to all relevant operators in the area concerned, or to the individual operator covered by the formal decision.
- (5) It is necessary to lay down in this Regulation the exceptional production rules that may be applied in case of catastrophic circumstances for plant, livestock, aquaculture and wine production in terms of derogations and their conditions.
- (6) When operators affected by catastrophic circumstances cannot have access to organic or in conversion plant reproductive material for the organic production of plants and plant products other than plant reproductive material, it is necessary to provide for the possibility for those operators to use non-organic plant reproductive material under certain conditions.
- (7) When a high mortality of animals, including bees or other insects, occurs in a holding or a production unit and operators cannot have access to organic animals, bees or other insects to renew or reconstitute their herd or flock, it is necessary to provide for the possibility for those operators to use non-organic animals under certain conditions.
- (8) As certain extreme climatic events such as serious droughts or flooding may reduce drastically the availability of organic or in-conversion feed, it is necessary to provide for the possibility for the operators affected to feed livestock with non-organic feed..

⁽¹⁾ OJ L 150, 14.6.2018, p. 1.

- (9) As certain events such as earthquakes or flooding may destroy partly the grazing lands or the buildings used by livestock in a holding or a production unit, it is necessary to provide for the possibility for the operators affected to derogate from the obligation for livestock to graze, or to be kept according to the maximum stocking densities in buildings and minimum surfaces for indoor and outdoor areas as laid down in an implementing act adopted pursuant to Article 14(3) of Regulation (EU) 2018/848.
- (10) As certain extreme climatic events such as serious droughts or flooding may reduce drastically the availability of organic roughage, fresh or dried fodder, or silage, it is necessary to provide for the possibility for the operators affected to decrease the percentage of the dry matter in the daily rations for bovine animals, ovine animals, caprine animals and equine animals, provided that the animals' nutritional requirements at their various stages of their development are met.
- (11) As certain events other than climatic conditions such as fires or earthquakes may reduce drastically the availability of nectar and pollen for bees, it is necessary to provide for the possibility to feed bee colonies with organic honey, organic pollen, organic sugar syrups, or organic sugar, where the survival of the colony is endangered.
- (12) As certain events such as extreme climatic conditions, fires or earthquakes may reduce drastically the sources of nectar and pollen in certain areas, it is necessary to provide for the possibility for the operators affected to move bee colonies to areas that may not consist essentially of organically produced crops, or of spontaneous vegetation or non-organically managed forests or crops that are only treated with low environmental impact methods, where the survival of the colony is endangered.
- (13) When a high mortality of aquaculture animals occurs in a holding or a production unit and operators cannot have access to organic aquaculture animals to renew or reconstitute their stock, it is necessary to provide for the possibility for those operators to use non-organic aquaculture animals under specific conditions.
- (14) When certain catastrophic circumstances negatively affect the sanitary status of organic grapes, it is necessary to provide for the possibility for winemakers affected to use more sulphur dioxide than the maximum amount as laid down in the implementing act adopted pursuant to Article 24(9) of Regulation (EU) 2018/848 but in any case no more than the maximum amount set out in Part B of Annex I to Commission Delegated Regulation (EU) 2019/934 ⁽²⁾ to obtain a comparable final product.
- (15) For the purpose of transparency and controls, it is necessary that information on the derogations granted is shared in an harmonised way between Member States and the Commission via a computer system.
- (16) It is necessary to ensure that operators to whom derogations were granted comply with the conditions of the derogations granted. For the purpose of controls, operators should keep documentary evidence proving that they were granted certain derogations relevant to their activities and that they comply with the conditions related thereto.
- (17) In the interest of clarity and legal certainty, this Regulation should apply from the date of application of Regulation (EU) 2018/848,

HAS ADOPTED THIS REGULATION:

Article 1

Recognition of catastrophic circumstances

1. For the purposes of the exceptional production rules referred to in Article 22(1) of Regulation (EU) 2018/848, in order for a situation to qualify as catastrophic circumstances deriving from an 'adverse climatic event', 'animal diseases', an 'environmental incident', a 'natural disaster' or a 'catastrophic event', as well as any comparable situation, it shall be recognised as catastrophic circumstances by a formal decision issued by the Member State in which the situation occurs.

⁽²⁾ Commission Delegated Regulation (EU) 2019/934 of 12 March 2019 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files (OJ L 149, 7.6.2019, p. 1).

2. Depending on whether the catastrophic circumstances affect a specific area or an individual operator, the formal decision issued under paragraph 1 shall refer to the area or operator concerned.

Article 2

Conditions for derogations

1. Following the formal decision referred to in Article 1, the competent authorities may, upon identification of the operators affected in the area concerned or upon request from the individual operator concerned, grant the relevant derogations set out in Article 3 and the conditions related thereto, provided that those derogations and conditions apply:

- (a) for a limited period and no longer than necessary, and in no case longer than 12 months, to continue or recommence organic production as carried out before the date of application of those derogations;
- (b) in relation to specifically affected types of production or, where relevant, land parcels; and
- (c) to all relevant organic operators affected in the area concerned or only to the individual operator concerned, as the case may be.

2. The application of the derogations referred to in paragraph 1 shall be without prejudice to the validity of the certificates referred to in Article 35 of Regulation (EU) 2018/848 during the period where the derogations apply, provided that the operator or operators concerned fulfil the conditions under which derogations were granted.

Article 3

Specific derogations from Regulation (EU) 2018/848

1. By way of derogation from point 1.8.1 of Part I of Annex II to Regulation (EU) 2018/848, for the production of plants and plant products other than plant reproductive material, non-organic plant reproductive material may be used when the use of organic or in conversion plant reproductive material is not possible, provided that point 1.8.5.3 of Part I of that Annex and, where appropriate, the requirements set out in point 1.7 of Part I of that Annex are complied with.

2. By way of derogation from point 1.3.1 of Part II of Annex II to Regulation (EU) 2018/848, the herd or flock may be renewed or reconstituted with non-organic animals in the case of high mortality of animals and when organically reared animals are not available, provided that the respective conversion periods specified in point 1.2.2 of Part II of that Annex II are complied with.

The first subparagraph shall apply *mutatis mutandis* to the production of bees and other insects.

3. By way of derogation from point 1.4.1(b) of Part II of Annex II to Regulation (EU) 2018/848, livestock may be fed with non-organic feed instead of organic or in-conversion feed, when feed production is lost or restrictions are imposed.

4. By way of derogation from points 1.4.2.1, 1.6.3 and 1.6.4 of Part II of Annex II to Regulation (EU) 2018/848, when the production unit of livestock is affected, the grazing on organic land, the stocking density in buildings and minimum surfaces for indoor and outdoor areas as laid down in an implementing act adopted pursuant to Article 14(3) of that Regulation may be adapted.

5. By way of derogation from point 1.9.1.1(f) of Part II of Annex II to Regulation (EU) 2018/848, when feed production is lost or when restrictions are imposed, the percentage of the dry matter consisting of roughage, fresh or dried fodder, or silage in daily rations may be reduced, provided that the animal's nutritional requirements at the various stages of its development are met.

6. By way of derogation from point 1.9.6.2(b) of Part II of Annex II to Regulation (EU) 2018/848, where the survival of the colony is endangered for other reasons than climatic conditions, bee colonies may be fed with organic honey, organic pollen, organic sugar syrups, or organic sugar.

7. By way of derogation from points 1.9.6.5(a) and (c) of Part II of Annex II to Regulation (EU) 2018/848, where the survival of the colony is endangered, bee colonies may be moved to areas not respecting the provisions for the placing of the apiaries.

8. By way of derogation from point 3.1.2.1(a) of Part III of Annex II to Regulation (EU) 2018/848, aquaculture stock may be renewed or reconstituted with non-organic aquaculture animals in case of high mortality of aquaculture animals and when organically reared animals are not available, provided that the latter two thirds of the duration of the production cycle are managed under organic management.

9. By way of derogation from the implementing act adopted pursuant to Article 24(9) of Regulation (EU) 2018/848 and establishing in particular the conditions for use of products and substances authorised in organic production, sulphur dioxide may be used in the making of products of the wine sector, up to the maximum content set out in Part B of Annex I to Delegated Regulation (EU) 2019/934 when the sanitary status of organic grapes obliges the winemaker to use more sulphur dioxide than in previous years to obtain a comparable final product.

Article 4

Monitoring and reporting

1. Member States shall immediately inform the Commission and the other Member States on the derogations granted by their competent authorities pursuant to this Regulation via a computer system made available by the Commission that enables the electronic exchange of documents and information.
2. Any operator to whom the granted derogations apply shall keep documentary evidence relating to the granted derogations as well as documentary evidence on the use of those derogations during the period where those derogations apply.
3. The competent authorities, or where appropriate, the control authorities or control bodies of the Member States, shall verify the compliance of the operators with the conditions of the granted derogations.

Article 5

Entry into force and application

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

It shall apply from 1 January 2022.

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

Done at Brussels, 24 September 2020.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION DELEGATED REGULATION (EU) 2020/2147
of 8 October 2020
supplementing Regulation (EU) 2019/516 of the European Parliament and of the Council by defining
the list of issues to be addressed in every verification cycle

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/516 of the European Parliament and of the Council of 19 March 2019 on the harmonisation of gross national income at market prices and repealing Council Directive 89/130/EEC, Euratom and Council Regulation (EC, Euratom) No 1287/2003 (GNI Regulation) ⁽¹⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) Gross national income at market prices (GNI) data should be reliable, exhaustive and comparable and appropriate measures should be established for this purpose.
- (2) In accordance with Article 5(1) of the GNI Regulation and in order to verify the sources, their uses and the methods used to produce GNI aggregates and their components, the Commission draws up a verification model in close cooperation with the GNI Expert Group. This model should take into account the list of issues established in the present Delegated Regulation.
- (3) Based on the process of verifying GNI data, the lessons learned from the previous verification cycles and the feedback from national accounts experts from the Member States, the Commission has identified the issues to ensure the reliability, exhaustiveness and comparability of the GNI data,

HAS ADOPTED THIS REGULATION:

Article 1

The list of issues to ensure the reliability, exhaustiveness and comparability of the GNI data to be addressed in every verification cycle shall include the following subjects:

- definition of geographic territory,
- principles of estimating dwelling services,
- treatment of repayments of VAT,
- measures on exhaustiveness,
- treatment of non-collected VAT.

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, 8 October 2020.

For the Commission
The President
Ursula VON DER LEYEN

⁽¹⁾ OJ L 91, 29.3.2019, p. 19.

COMMISSION DELEGATED REGULATION (EU) 2020/2148**of 8 October 2020****amending Regulation (EU) No 139/2014 as regards runway safety and aeronautical data****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ⁽¹⁾, and in particular Article 39(1) thereof,

Whereas:

- (1) Commission Regulation (EU) No 139/2014 ⁽²⁾ lays down requirements and administrative procedures related to aerodromes, including their management, operation, certification and oversight.
- (2) Regulation (EU) No 139/2014 contains general requirements for aerodrome operators as regards the management of aeronautical data and aeronautical information. With a view to maintain or enhance existing safety levels of aerodrome operations, aerodrome operators should be required to ensure a high quality of aeronautical data and aeronautical information as part of the aeronautical data chain part, from data origination to the provision of data for the purpose of aeronautical information services. For that purpose, data quality requirements should be further completed at the operations level similar to the requirements applicable to air navigation service ATM/ANS providers, notably on data protection, data catalogue and data exchange.
- (3) Runway safety is one of the high-risk accident occurrence categories identified by the International Civil Aviation Organization (ICAO). Runway-safety-related accidents account for the majority of all accidents at global level. Regulation (EU) No 139/2014 should therefore be amended in order to reduce the number of runway-safety-related accidents and serious incidents involving runway incursions, but also other runway-safety-related events, such as runway confusion, ground collisions and runway excursions.
- (4) Training and proficiency check programmes, including initial and recurrent training, for operational personnel should be harmonised across Member States by establishing common training requirements that should be complied with by the aerodrome operators.
- (5) Records should be kept by aerodrome operators with regard to training history, driving authorisations, vehicle authorisations and maintenance and language proficiency.
- (6) The current regulatory framework does not include requirement for the origination of NOTAM (Notice to Air Men) by the aerodrome operator. This has led to legal uncertainty as to when, for which reasons, and under what conditions, an aerodrome operator needs to originate a NOTAM on something that may affect safety. Therefore, the amendment should complete the regulatory framework for the origination and publication of NOTAM by the aerodrome operator, taking into account provisions of Annex 15 to the Convention on International Civil Aviation, signed at Chicago on 7 December 1944 ('the Chicago Convention').

⁽¹⁾ OJ L 212, 22.8.2018, p. 1.

⁽²⁾ Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 44, 14.2.2014, p. 1).

- (7) Investigations of accidents indicate that the standards for runway surface condition assessment and reporting are not harmonised, and have shown that this fact is a significant contributing factor to runway excursions, in particular when the runway is wet or contaminated. ICAO has consequently amended a number of Standards and Recommended Practices (SARPs) in several of the Annexes to the Chicago Convention, and has produced extensive guidance material in order to establish a globally harmonised reporting format for runway surface condition assessment and reporting.
- (8) Regulation (EU) No 139/2014 should therefore be amended to implement the applicable ICAO SARPs on runway surface condition assessment and reporting, including adding definitions of new terms.
- (9) In order to reduce the risk of an occurrence resulting from expectation bias in the handover of operational activities, aerodrome personnel should be provided with updated information regarding the operational situation at the moment of handover.
- (10) Foreign object debris (FOD) on the manoeuvring areas and the apron poses a significant safety risk to operations at aerodromes. The measures to effectively mitigate that risk should be based on ICAO SARPs and guidance material and internationally accepted practices.
- (11) Vehicle drivers, condition and suitability of vehicles as well as their communication and surveillance equipment are also contributing factors to runway safety events and damages to aircraft. The conditions of authorisation to drivers and vehicles should be strengthened and new rules should be established for the operation of vehicles on the movement area and other operational areas of the aerodrome.
- (12) Based upon safety recommendations and feedback from Member States and stakeholders, the Commission identified a need to enhance the situational awareness between pilots, air traffic services personnel and vehicle drivers when operating on the manoeuvring area, as a measure to prevent runway incursions. Therefore, provisions should be in place to ensure the language proficiency in English of vehicle drivers that operate on the manoeuvring area of the aerodrome corresponds to an operational level. However, it might be the case that, on some aerodromes, the use of such language does not necessarily improve the safety of runway operations. Therefore, competent authorities should be entitled to deviate from the English language proficiency requirement, supported by a safety assessment covering one or several aerodromes.
- (13) The number of vehicles at an aerodrome should be limited to only those that are relevant to ensuring the safety of operations. To address the problem of call-sign confusion, those vehicles should be properly equipped, including with radio or lighting. Exceptions should be provided for vehicles that do not comply with the conditions of operation but need to temporarily enter and operate within the aerodrome. In order to ensure that Union legislation is harmonised with ICAO standards, driving rules at an aerodrome should be based on Annexes 2 and 14 to the Chicago Convention and ICAO guidance document Doc 4444 PANS-ATM.
- (14) Investigations of accidents and serious incidents during aircraft towing operations indicate that the lack of situational awareness, insufficient aircraft clearances and insufficient or improper lighting of the towed aircraft during night are the contributing factors to damages to aircraft. Therefore, measures to improve safety during aircraft towing operation, in terms of routing, guidance, lighting, communication procedures, coordination of different actors, as well as specific measures to face adverse weather or meteorological conditions should be introduced.
- (15) Rules should be established to clarify which mobile objects, other than vehicles, should be lighted at an aerodrome. This includes removing an inconsistency regarding the areas of the aerodrome to which the marking and lighting requirements for vehicle apply.
- (16) In order to enhance safety, regularity and efficiency of operations, standard taxi routes at the aerodromes should be established. The operation of aircraft transponders should be taken into account if they are supported by the surface movement guidance and control system of an aerodrome.

- (17) Investigations of runway incursion accidents and incidents indicate shortcomings in the communication procedures between air traffic services and vehicle drivers as well as unaware pedestrians. Therefore, coordinated procedures should be established for communication between the aerodrome operator and the air traffic services unit in order to regulate issues such as used languages, frequencies, operation of pedestrians on the manoeuvring area, use of signals and other communication means in case of communication failures. Those procedures should cover dissemination of significant aerodrome-related information through radio communication.
- (18) To prevent further occurrences caused by the presence of pedestrians on the movement area, entry of unauthorised personnel in the manoeuvring area and other controlling areas should be forbidden. Measures to ensure the control of pedestrian movement should be taken.
- (19) Regulation (EU) No 139/2014 does not explicitly provide for the aerodrome operator obligations concerning the operations in winter conditions. In order to align Union legislation with the ICAO standards of Annexes 14 and 15 to the Chicago Convention, obligations affecting aerodromes that are subject to prolonged winter periods with runways covered with compacted snow or ice should be introduced. Those obligations should be based on the existing practices after feedback of aeroplane manufacturers and ICAO.
- (20) In order to ensure that Union legislation is harmonised with ICAO standards, the aerodrome operator should be required to assess the runway surface condition and assign a RWYCC (Runway Condition Code).
- (21) The maintenance programme of an aerodrome should ensure that the facilities, systems, vehicles and equipment necessary for the operation of the aerodrome do not impair the safety, regularity and efficiency of air navigation. The maintenance programme should observe human factors principles in accordance with Annex 14 to the Chicago Convention and the aerodrome operator should have the means for the effective implementation of the maintenance programme.
- (22) The requirements set out in Regulation (EU) No 139/2014 with regard to pavement maintenance, especially with regard to runway surface friction characteristics, should be harmonised with ICAO standards in order to mitigate the risk of runway excursions, but also that arising from FOD presence.
- (23) Based on the relevant provisions of Annex 14 to the Chicago Convention, Regulation (EU) No 139/2014 should be complemented with improved requirements on the maintenance of the power supply system of the aerodrome and new requirements regarding the maintenance of the aerodrome lighting system. In addition, specific requirements for the maintenance of aerodrome signs and markings should be included.
- (24) The European Union Aviation Safety Agency has prepared draft implementing rules and submitted them with Opinion No 02/2018 and No 03/2019 in accordance with points (b) and (c) of Article 75(2) and with Article 76(1) of Regulation (EU) 2018/1139.
- (25) Regulation (EU) No 139/2014 should therefore be amended accordingly.
- (26) Considering the effects of the COVID-19 outbreak on the resources of the competent authorities and the operators concerned and in order to provide them an immediate relief and to allow adequate preparation, the application of the requirements regarding the reporting of surface contaminants, runway surface conditions and operations in winter should be postponed until 12 August 2021, and the application of the rules regarding the quality management system should be postponed until 27 January 2022,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 139/2014

Annexes I, III and IV to Regulation (EU) No 139/2014 are amended in accordance with the Annex to this Regulation.

*Article 2***Date of entry into force and application**

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

Points (3)(d), (3)(e), (3)(q) and (3)(r) of the Annex to this Regulation, as well as point ADR.OPS.A.057(d)(4) of Annex IV to Regulation (EU) No 139/2014 shall apply from 12 August 2021.

Points (2)(a), (3)(a) and (b) of the Annex shall apply from 27 January 2022.

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

Done at Brussels, 8 October 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes I, III and IV are amended as follows:

(1) Annex I is amended as follows:

(a) the following points (6a), (6b) and (6c) are inserted:

‘(6a) “Aeronautical Information Circular (AIC)” means a notice containing information that does not qualify for the origination of a notice to air men (NOTAM) or for inclusion in the AIP, but which relates to flight safety, air navigation, technical, administrative or legislative matters;

(6b) “aeronautical information product” means aeronautical data and aeronautical information provided either as digital data sets or as a standardised presentation in paper or electronic media. Aeronautical information products include the following:

- AIP, including amendments and supplements,
- AIC,
- aeronautical charts,
- NOTAM,
- digital data sets;

(6c) “Aeronautical Information Publication (AIP)” means a publication issued by or with the authority of a Member State and containing aeronautical information of a lasting character essential to air navigation;”;

(b) the following point (15a) is inserted:

‘(15a) “contaminated runway” means a runway whose surface area (whether in isolated areas or not) within the length and width being used is covered in significant part by one or more of the substances listed under the runway surface condition descriptors’;

(c) the following point (17a) is inserted:

‘(17a) “data set” means an identifiable collection of data;’;

(d) the following point (18a) is inserted:

‘(18a) “dry”, in respect of runway conditions, means that the surface of the runway is free of visible moisture and not contaminated within the area intended to be used;’;

(e) the following point (19a) is inserted:

‘(19a) “foreign object debris (FOD)” means an inanimate object within the movement area which has no operational or aeronautical function and which has the potential to be a hazard to aircraft operation;’;

(f) the following points (24a) and (24b) are inserted:

‘(24a) “lighting system reliability” means the probability that the complete installation operates within the specified tolerances and the system is operationally usable;

(24b) “Location Indicators” means the latest effective edition of the “Location Indicators” (Doc 7910), approved and published by the International Civil Aviation Organization;’;

(g) the following points (34a) and (34b) are inserted:

‘(34a) “notice to airmen (NOTAM)” means a notice distributed by means of telecommunication containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations;

(34b) “NOTAM code” means the code contained in the latest effective edition of the “Procedures for Air Navigation Services – ICAO Abbreviations and Codes” (PANS ABC – Doc 8400), approved and published by the International Civil Aviation Organization;’;

(h) the following points (38a), (38b), (38c), (38d), (38e), (38f), (38g) and (38h) are inserted:

- ‘(38a) “runway condition assessment matrix (RCAM)” means a matrix that allows the assessment of the runway condition code (RWYCC), using associated procedures, from a set of observed runway surface conditions and pilot report of braking action;
- (38b) “runway condition code (RWYCC)” means a number, to be used in the runway condition report (RCR), that describes the effect of the runway surface condition on aeroplane deceleration performance and lateral control;
- (38c) “runway condition report (RCR)” means a comprehensive standardised report relating to the conditions of the runway surface and their effects on the aeroplane landing and take-off performance, described by means of runway conditions code;
- (38d) “runway-end safety area (RESA)” means an area symmetrical about the runway centre line and adjacent to the end of the strip primarily intended to reduce the risk of damage to an aeroplane undershooting or overrunning the runway;
- (38e) “runway-holding position” means a designated position intended to protect a runway, an obstacle limitation surface, or an Instrument Landing Systems (ILS) or Microwave Landing System (MLS) critical or sensitive area at which taxiing aircraft and vehicles must stop and hold, unless otherwise authorised by the aerodrome control tower;
- (38f) “runway strip” means a defined area including the runway and stopway, if provided, intended to:
 - (a) reduce the risk of damage to aircraft running off a runway;
 - (b) protect aircraft flying over it during take-off or landing operations;
- (38g) “runway surface condition” means a description of the condition of the runway surface used in the RCR which establishes the basis for the determination of the RWYCC for aeroplane performance purposes;’;
- (38h) ‘runway surface condition descriptors’ means one of the following substances on the surface of the runway:
 - (a) compacted snow: snow that has been compacted into a solid mass such that aeroplane tyres, at operating pressures and loadings, will run on the surface without significant further compaction or rutting of the surface;
 - (b) dry snow: snow from which a snowball cannot readily be made;
 - (c) frost: ice crystals formed from airborne moisture on a surface whose temperature is at or below freezing; frost differs from ice in that frost crystals grow independently and therefore, have a more granular texture;
 - (d) ice: water that has frozen or compacted snow that has transitioned into ice in cold and dry conditions;
 - (e) slush: snow that is so water-saturated that water will drain from it when a handful is picked up or will splatter if stepped on forcefully;
 - (f) standing water: water of depth greater than 3 mm;
 - (g) wet ice: ice with water on top of it or ice that is melting;
 - (h) wet snow: snow that contains enough water to be able to make a well compacted, solid snowball, but water will not squeeze out’;

(i) the following points (41a), (41b) and (41c) are inserted:

- ‘(41a) “slippery wet runway” means a wet runway whose surface friction characteristics for a significant portion of it have been determined to be degraded;
- (41b) “SNOWTAM” means:
 - (a) with effect from 7 January 2021 until 12 August 2021, a special series NOTAM notifying the presence or removal of hazardous conditions due to snow, ice, slush or standing water associated with snow, slush and ice on the movement area, by means of a specific format;

- (b) with effect from 12 August 2021, a special series NOTAM given in a standard format, which provides a surface condition report notifying the presence or cessation of conditions due to snow, ice, slush, frost or water associated with snow, slush, ice, or frost on the movement area;
- (41c) “specially prepared winter runway” means a runway with a dry frozen surface of compacted snow or ice, or both, which has been treated with sand or grit or has been mechanically treated to improve runway friction;”;
- (j) point (47) is replaced by the following:
- ‘(47) “terms of the certificate” means the following:
- ICAO Location Indicators,
 - conditions to operate (VFR/IFR, day/night),
 - aeroplane operations on specially prepared winter runways,
 - runway,
 - declared distances,
 - runway types and approaches provided,
 - aerodrome reference code,
 - scope of aircraft operations with higher aerodrome reference code letter,
 - provision of apron management services (yes/no),
 - rescue and firefighting level of protection;”;
- (k) point (48) is replaced by the following:
- ‘(48) “visual aids” means indicators and signalling devices, markings, lights, signs and markers or combinations thereof;”;
- (l) the following point (49) is added:
- ‘(49) “wet runway” means a runway whose surface is covered by any visible dampness or water up to and including 3 mm deep within the area intended to be used.’;
- (2) Annex III is amended as follows:
- (a) point ADR.OR.D.007 is replaced by the following:
- ‘ADR.OR.D.007 Management of aeronautical data and aeronautical information**
- (a) As part of its management system, the aerodrome operator shall implement and maintain a quality management system covering the following activities:
- (1) its aeronautical data activities;
 - (2) its aeronautical information provision activities.
- (b) The aerodrome operator shall, as part of its management system, establish a security management system to ensure the security of operational data it receives, or produces, or otherwise employs, so that access to that operational data is restricted only to those authorised.
- (c) The security management system of the aerodrome operator shall define the following elements:
- (1) the procedures relating to data security risk assessment and mitigation, security monitoring and improvement, security reviews and lesson dissemination;
 - (2) the means designed to detect security breaches and to alert personnel with appropriate security warnings;
 - (3) the means of controlling the effects of security breaches and of identifying recovery action and mitigation procedures to prevent reoccurrence.
- (d) The aerodrome operator shall ensure the security clearance of its personnel with respect to aeronautical data security.
- (e) The aerodrome operator shall take the necessary measures to protect its aeronautical data against cyber security threats.’;

- (b) point ADR.OR.D.017 is replaced by the following:

‘ADR.OR.D.017 Training and proficiency check programmes

- (a) The aerodrome operator shall establish and implement a training programme for personnel involved in the operation, maintenance and management of the aerodrome, to ensure their continued competence, and that they are aware of the rules and procedures relevant to operation of the aerodrome and the relationship of their functions and tasks to the aerodrome operation as a whole.
- (b) The training referred to in point (a) shall:
- (1) include initial, recurrent, refresher and continuation training;
 - (2) be appropriate to the functions and tasks for the personnel;
 - (3) include the applicable operational procedures and requirements of the aerodrome, as well as driving.
- (c) The aerodrome operator shall ensure that any other personnel, including personnel of other organisations that operate or provide services at the aerodrome, allowed unescorted access to the movement area and other operational areas of the aerodrome, is adequately trained and qualified for such unescorted access.
- (d) The training referred to in point (c) shall:
- (1) include initial, recurrent, refresher and continuation training;
 - (2) include the applicable operational procedures and requirements of the aerodrome, as well as driving.
- (e) The aerodrome operator shall ensure that personnel referred to in points (a) and (c) have successfully completed the necessary initial training prior to being allowed:
- (1) to perform their duties unattended;
 - (2) unescorted access to the movement area and other operational areas of the aerodrome.
- The initial training shall include theoretical and practical training of adequate duration and competence assessments of the personnel following the provision of the training.
- (f) In order to continue to perform their duties unattended and being allowed unescorted access to the movement area and other operational areas of the aerodrome and unless otherwise specified in this Part and Part-ADR. OPS, the aerodrome operator shall ensure that personnel referred to in points (a) and (c) have been trained on the rules and procedures relevant to operation of the aerodrome by successfully completing:
- (1) recurrent training, at intervals not exceeding 24 months since the completion of their initial training. If the recurrent training is undertaken within the last 3 calendar months of the interval, the new interval period shall be counted from the expiry date of the original interval;
 - (2) refresher training, prior to performing their duties unattended or being allowed unescorted access to the movement area or other operational area of the aerodrome, when they are absent from their duties for a period not less than 3 and not more than 12 consecutive months. In case of absence beyond 12 consecutive months, such personnel shall undergo initial training in accordance with point (c);
 - (3) continuation training due to changes to their operating environment or assigned tasks, as necessary.
- (g) The aerodrome operator shall establish and implement a proficiency check programme for personnel referred to in point (a), and ensure for personnel referred to in point (c) that they have demonstrated their capabilities in the performance of their tasks, in accordance with a proficiency check programme, in order to ensure:
- (1) their continued competence;
 - (2) that they are aware of the rules and procedures relevant to their functions and tasks.

Unless otherwise specified in this Part and Part-ADR.OPS, the aerodrome operator shall ensure that persons referred to in points (a) and (c) undergo proficiency checks at intervals not exceeding 24 months since the completion of their initial training.

(h) The aerodrome operator shall ensure that:

- (1) adequately qualified and experienced instructors for the provision of training and assessors for the assessments and the proficiency checks are used;
- (2) suitable facilities, means and equipment are used for the provision of the training and, where applicable, for the conduct of the proficiency checks.

(i) The aerodrome operator shall establish and implement procedures for the implementation of the training and proficiency check programmes and shall:

- (1) maintain appropriate qualification, training and proficiency check records to demonstrate compliance with this requirement;
- (2) upon request, make such records available to its personnel concerned;
- (3) if a person is employed by another employer, upon request, make such records of that person available to that new employer.;

(c) point ADR.OR.D.035(d) is amended as follows:

(i) point (6) is replaced by the following:

‘(6) the current version of the hazard register;’;

(ii) the following points (7) and (8) are added:

- ‘(7) driving authorisations and, if appropriate, language proficiency certificates, for at least four years after the end of a person’s employment, or the revocation or cancellation of a driving authorisation, or until this area of activity has been audited by the competent authority;
- (8) vehicle authorisations and aerodrome operator’s vehicle maintenance records, for at least four years after a vehicle is removed from operations, or until this area has been audited by the competent authority.’;

(3) Annex IV is amended as follows:

(a) point ADR.OPS.A.010 is replaced by the following:

‘ADR.OPS.A.010 Data quality requirements

The aerodrome operator shall have formal arrangements with the organisations with which it exchanges aeronautical data or aeronautical information and shall ensure the following:

- (a) all data relevant to the aerodrome and available services is provided with the required quality; data quality requirements (DQRs) are complied with at data origination and maintained during data transmission;
- (b) the accuracy of aeronautical data is as specified in the aeronautical data catalogue;
- (c) the integrity of aeronautical data is maintained throughout the data process from origination to transmission, based on the integrity classification specified in the aeronautical data catalogue. In addition, procedures shall be put in place so that:
 - (1) for routine data, corruption is avoided throughout the processing of the data;
 - (2) for essential data, corruption does not occur at any stage of the entire process and additional processes are included, as needed, to address potential risks in the overall system architecture to ensure data integrity at that level;
 - (3) for critical data, corruption does not occur at any stage of the entire process and additional integrity assurance processes are included to fully mitigate the effects of faults identified by thorough analysis of the overall system architecture as potential data integrity risks;
- (d) the resolution of the aeronautical data is commensurate with the actual data accuracy;
- (e) the traceability of the aeronautical data;
- (f) the timeliness of the aeronautical data, including any limits on the effective period;

- (g) the completeness of the aeronautical data;
- (h) the format of the delivered data meets the specified requirements.;
- (b) the following points ADR.OPS.A.020 to ADR.OPS.A.055 are added:

ADR.OPS.A.020 Common reference systems

For the purpose of air navigation, the aerodrome operator shall use:

- (a) the World Geodetic System – 1984 (WGS-84) as the horizontal reference system;
- (b) the mean sea level (MSL) datum as the vertical reference system;
- (c) the Gregorian calendar and coordinated universal time (UTC) as the temporal reference systems.

ADR.OPS.A.025 Data error detection and authentication

When originating, processing or transmitting data to the aeronautical information service (AIS) provider, the aerodrome operator shall:

- (a) ensure that digital data error detection techniques are used during the transmission and storage of aeronautical data, in order to support the applicable data integrity levels;
- (b) ensure that the transfer of aeronautical data is subject to a suitable authentication process such that recipients are able to confirm that the data or information has been transmitted by an authorised source.

ADR.OPS.A.030 Aeronautical data catalogue

When originating, processing or transmitting data to the AIS provider, the aerodrome operator shall ensure that the aeronautical data referred to in Appendix 1 to Annex III (Part-ATM/ANS.OR) to Commission Implementing Regulation (EU) 2017/373 (*) conform to the data catalogue specifications.

ADR.OPS.A.035 Data validation and verification

When originating, processing or transmitting data to the AIS provider, the aerodrome operator shall ensure that validation and verification techniques are employed so that the aeronautical data meets the associated DQRs. In addition:

- (a) the verification shall ensure that the aeronautical data is received without corruption and that the aeronautical data process does not introduce corruption;
- (b) aeronautical data and aeronautical information entered manually shall be subject to independent verification to detect any errors that may have been introduced;
- (c) when using aeronautical data to obtain or calculate new aeronautical data, the initial data shall be verified and validated, except when provided by an authoritative source.

ADR.OPS.A.040 Error handling requirements

The aerodrome operator shall ensure that:

- (a) errors identified during data origination and after data delivery are addressed, corrected or resolved;
- (b) priority is given to managing errors in critical and essential aeronautical data.

ADR.OPS.A.045 Metadata

The aerodrome operator shall ensure that metadata include, as a minimum:

- (a) the identification of the organisations or entities performing any action of originating, transmitting or manipulating the aeronautical data;
- (b) the action performed;
- (c) the date and time the action was performed.

ADR.OPS.A.050 Data transmission

The aerodrome operator shall ensure that aeronautical data is transmitted by electronic means.

ADR.OPS.A.055 Tools and software

When originating, processing or transmitting aeronautical data to the AIS provider, the aerodrome operator shall ensure that tools and software used to support or automate aeronautical data processes perform their functions without adversely impacting the quality of the aeronautical data.

(*) Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OJ L 62, 8.3.2017, p. 1).;

(c) the following point ADR.OPS.A.057 is added:

ADR.OPS.A.057 Origination of NOTAM

(a) The aerodrome operator shall:

- (1) establish and implement procedures in accordance with which it originates a NOTAM issued by the relevant aeronautical information services provider:
 - (i) that contains information on the establishment, condition, or change of any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel involved with flight operations;
 - (ii) that contains information of a temporary nature and of short duration or that concerns operationally significant permanent changes or temporary changes of long duration that are made at short notice, except for extensive text or graphics, or both;
- (2) designate aerodrome personnel, who have successfully completed relevant training and demonstrated their competence, to originate NOTAM and provide relevant information to the aeronautical information service providers with which it has arrangements;
- (3) ensure that all other aerodrome personnel whose duties involve the use of NOTAM have successfully completed relevant training and demonstrated their competence to do so.

(b) The aerodrome operator shall originate a NOTAM when it is necessary to provide the following information:

- (1) establishment of, closure of, or significant changes in the operation of aerodromes or heliports or runways;
- (2) establishment of, withdrawal of, or significant changes in the operation of the aerodrome services;
- (3) establishment of, withdrawal of, or significant changes in the operational capability of radio navigation and air-ground communication services for which the aerodrome operator is responsible;
- (4) unavailability of backup and secondary systems, having a direct operational impact;
- (5) establishment of, withdrawal of, or significant changes to visual aids;
- (6) interruption of, or return to operation of, major components of aerodrome lighting systems;
- (7) establishment of, withdrawal of, or significant changes to procedures for air navigation services for which the aerodrome operator is responsible;
- (8) occurrence or correction of major defects or impediments in the manoeuvring area;
- (9) changes to, and limitations on, the availability of fuel, oil and oxygen;

- (10) establishment of, withdrawal of, or return to, operation of hazard beacons marking obstacles to air navigation;
 - (11) planned laser emissions, laser displays and search lights in the aerodrome surroundings, if pilots' night vision is likely to be impaired;
 - (12) erecting or removal of, or changes to, obstacles to air navigation in the takeoff, climb, missed approach, approach areas, as well as on the runway strip;
 - (13) changes in aerodrome or heliport rescue and firefighting category;
 - (14) presence of, removal of, or significant changes in, hazardous conditions due to snow, slush, ice, radioactive material, toxic chemicals, volcanic ash deposition or water on the movement area;
 - (15) presence of a runway or portion thereof which is slippery wet;
 - (16) presence of a runway which is not available due to runway marking works; or information about the time lag required for making the runway available, if the equipment used for such works can be removed, when necessary;
 - (17) presence of hazards that affect air navigation, including presence of wildlife, obstacles, displays and major events.
- (c) For the purposes of point (b), the aerodrome operator shall ensure that:
- (1) NOTAM is originated with sufficient lead time for the affected parties to take any required action, except in the case of unserviceability, release of radioactive material, toxic chemicals and other events that cannot be foreseen;
 - (2) a NOTAM notifying unserviceability of associated facilities, services and navigation aids at the aerodrome, provides an estimate of the unserviceability period or of the time at which restoration of service is expected;
 - (3) within three months from the issuance of a permanent NOTAM, the information contained in the NOTAM is included in the aeronautical information products affected;
 - (4) within three months from the issuance of a temporary NOTAM of long duration, the information contained in the NOTAM is included in an AIP supplement;
 - (5) when a NOTAM with an estimated end of validity unexpectedly exceeds the three-month period, a replacement NOTAM is originated unless the condition is expected to last for a further period of more than three months; in that case, the aerodrome operator shall ensure that the information is published in an AIP supplement.
- (d) In addition, the aerodrome operator shall ensure that:
- (1) except as provided for in point (d)(4), each NOTAM it originates contains the applicable information in the order shown in the NOTAM Format set out in Appendix 1 to this Annex;
 - (2) NOTAM text is composed of the significations or uniform abbreviated phraseology assigned to the ICAO NOTAM Code, complemented by ICAO abbreviations, indicators, identifiers, designators, call signs, frequencies, figures and plain language;
 - (3) a NOTAM is originated in the English language or the national language, as agreed with the relevant aeronautical information services provider;
 - (4) information concerning snow, slush, ice, frost, standing water or water associated with snow, slush, ice or frost on the movement area is disseminated by means of SNOWTAM and contains the information in the order shown in the SNOWTAM Format set out in Appendix 2 to this Annex;
 - (5) when an error has occurred in a NOTAM, a NOTAM with a new number is originated to replace the erroneous NOTAM or the erroneous NOTAM is cancelled and a new NOTAM is originated;
 - (6) when a NOTAM is originated to cancel or replace a previous NOTAM:
 - (a) the series and number/year of the previous NOTAM are indicated;
 - (b) the Location Indicators and subject of both NOTAM are the same;

- (7) only one NOTAM is cancelled or replaced by a new NOTAM;
 - (8) each originated NOTAM deals with only one subject and one condition of the subject;
 - (9) each originated NOTAM is as brief as possible and compiled so that its meaning is clear without the need to refer to another document;
 - (10) an originated NOTAM containing permanent or temporary information of long duration includes appropriate references to the AIP or AIP supplement;
 - (11) the ICAO Location Indicator included in the text of an originated NOTAM for the aerodrome is the one contained in the Location Indicators. A curtailed form of such indicators shall not be used.
- (e) The aerodrome operator shall, following the publication of a NOTAM that it has originated, review its content to ensure its accuracy, and ensure the dissemination of the information to all relevant aerodrome personnel and organisations at the aerodrome.
- (f) The aerodrome operator shall maintain records:
- (1) of the NOTAM it originated and those that were issued;
 - (2) regarding the implementation of points (a)(2) and (3).;
- (d) the following point ADR.OPS.A.60 is added:

‘ADR.OPS.A.060 Reporting of surface contaminants

The aerodrome operator shall report to the aeronautical information services and air traffic services units on matters of operational significance affecting aircraft and aerodrome operations on the movement area, particularly in respect of the presence of the following:

- (a) water;
 - (b) snow;
 - (c) slush;
 - (d) ice;
 - (e) frost;
 - (f) anti-icing or de-icing liquid chemicals or other contaminants;
 - (g) snowbanks or drifts.;
- (e) the following point ADR.OPS.065 is added:

‘ADR.OPS.A.065 Reporting of the runway surface condition

- (a) The aerodrome operator shall report the runway surface condition over each third of the runway using a runway condition report (RCR). The report shall include a runway condition code (RWYCC) using numbers 0 to 6, the contaminant coverage and depth, and a description using the following terms:

- (1) COMPACTED SNOW;
- (2) DRY;
- (3) DRY SNOW;
- (4) DRY SNOW ON TOP OF COMPACTED SNOW;
- (5) DRY SNOW ON TOP OF ICE;
- (6) FROST;
- (7) ICE;
- (8) SLIPPERY WET;
- (9) SLUSH;
- (10) SPECIALLY PREPARED WINTER RUNWAY;
- (11) STANDING WATER;
- (12) WATER ON TOP OF COMPACTED SNOW;

- (13) WET;
 - (14) WET ICE;
 - (15) WET SNOW;
 - (16) WET SNOW ON TOP OF COMPACTED SNOW;
 - (17) WET SNOW ON TOP OF ICE;
 - (18) CHEMICALLY TREATED;
 - (19) LOOSE SAND.
- (b) Reporting shall commence when a significant change in runway surface condition occurs due to water, snow, slush, ice or frost.
 - (c) Reporting of the runway surface condition shall continue to reflect significant changes until the runway is no longer contaminated. When that situation occurs, the aerodrome operator shall issue an RCR that states that the runway is wet or dry as appropriate.
 - (d) Friction measurements shall not be reported.
 - (e) When a paved runway or portion thereof is slippery wet, the aerodrome operator shall make such information available to the relevant aerodrome users. That shall be done by originating a NOTAM and shall describe the location of the affected portion.’;

- (f) the following Appendix 1 is added:

Appendix 1

NOTAM FORMAT

Priority indicator																→	
Address																	
Date and time of filing																→	
Originator's indicator																<<=	
Message series, number and identifier																	
NOTAM containing new information	 NOTAMN (series and number/year)																
NOTAM replacing a previous NOTAM	 NOTAMR..... (series and number/year) (series and number/year of NOTAM to be replaced)																
NOTAM cancelling a previous NOTAM	 NOTAMC..... (series and number/year) (series and number/year of NOTAM to be cancelled)																
Qualifiers																	
	FIR	NOTAM Code	Traffic	Purpose	Scope	Lower limit	Upper limit	Coordinates, Radius									
Q)																	<<=
Identification of ICAO Location Indicators in which the facility, airspace or condition reported on is located								A) →									
Period of validity																	
From (date-time group)				B)													→
To (PERM or date-time group)				C)													EST* PERM* <<=
Time schedule (if applicable)				D)												→	
																<<=	
Text of NOTAM; Plain-language entry (using ICAO abbreviations)																	
E)																	
Lower limit				F)												→	
Upper limit				G)												)<<=	
Signature																	

*Delete as appropriate'

- (b) The aerodrome operator shall establish and implement procedures to provide organisations operating or providing services at the aerodrome, with aerodrome-related operational information that may affect the execution of the tasks of the personnel of such organisations.’;
- (i) point ADR.OPS.B.010 is amended as follows:
- (i) points (c), (d) and (e) are replaced by the following:
- ‘(c) The training programme shall be conducted in accordance with point ADR.OR.D.017, with the following exceptions:
- (1) recurrent training shall include theoretical and continuous practical training;
 - (2) proficiency checks shall be conducted at intervals not exceeding 12 months since the completion of the initial training.
- (d) The training of rescue and firefighting personnel shall be designed to impart fundamental knowledge and practical skills related to the execution of their duties.
- (e) Temporary reduction of the level of protection of the aerodrome’s rescue and firefighting services, due to unforeseen circumstances, shall not require prior approval by the competent authority.’;
- (ii) point (f) is deleted;
- (j) the following point ADR.OPS.B.016 is inserted:

‘ADR.OPS.B.016 Foreign object debris control programme

- (a) The aerodrome operator shall establish and implement a foreign object debris (FOD) control programme and shall require organisations operating or providing services at the aerodrome to participate in that programme.
- (b) As part of the FOD control programme, the aerodrome operator shall:
- (1) ensure personnel awareness and participation, and that such personnel have successfully completed relevant training and demonstrated their competence;
 - (2) establish and implement measures to prevent generation of FOD;
 - (3) establish and implement procedures to:
 - (i) detect FOD, including the monitoring and inspection of the movement area or adjacent areas in accordance with an inspection schedule and whenever such an inspection is required due to activities, weather phenomena, or occurrences that may have led to the generation of FOD;
 - (ii) promptly remove, contain, and dispose of FOD, and provide all relevant means necessary;
 - (iii) notify, as soon as possible, aircraft operators in the case of identified aircraft parts;
- (c) collect and analyse data and information to identify FOD sources and trends, and implement corrective or preventive measures, or both, to improve the effectiveness of the programme.’;
- (k) the following point ADR.OPS.B.024 is inserted:

‘ADR.OPS.B.024 Authorisation of vehicle drivers

- (a) Except as provided for in point (d), the driving of a vehicle on any part of the movement area or other operational areas of an aerodrome shall require an authorisation issued to the driver by the operator of that aerodrome. The driving authorisation shall be issued to a person who:
- (1) is allocated tasks that involve driving in such areas;
 - (2) holds a valid driving licence, and any other licence required for the operation of specialised vehicles;
 - (3) has successfully completed a relevant driving training programme and demonstrated his or her competence in accordance with point (b);

- (4) has demonstrated language proficiency in accordance with point ADR.OPS.B.029, if that person intends to drive a vehicle on the manoeuvring area;
 - (5) has received training by its employer on the use of the vehicle intended to operate at the aerodrome.
- (b) The aerodrome operator shall establish and implement a driving training programme for drivers that operate on the apron or other operational areas, except the manoeuvring area, and for drivers that operate on the manoeuvring area. The training programme shall:
 - (1) be appropriate to the characteristics and operation of the aerodrome, the driver's functions and tasks to be performed, and the areas of the aerodrome that drivers may be authorised to operate;
 - (2) include:
 - (i) theoretical and practical training of adequate duration, at least in the following areas:
 - (A) regulatory framework and personal responsibilities;
 - (B) vehicle standards, aerodrome operational requirements and procedures;
 - (C) communications;
 - (D) radiotelephony, for drivers that operate in the manoeuvring area;
 - (E) human performance;
 - (F) familiarisation with the operating environment;
 - (ii) competence assessment of the drivers.
- (c) A driving authorisation issued in accordance with point (a) shall specify the parts of the movement area or other operational areas on which the driver is allowed to drive and shall remain valid as long as:
 - (1) the requirements of points (a)(1) and (a)(2) are met;
 - (2) the holder of the driving authorisation:
 - (i) undergoes and successfully completes training and proficiency checks in accordance with points ADR.OR.D.017 (f) and (g);
 - (ii) if applicable, continues to demonstrate the required language proficiency in accordance with point ADR.OPS.B.029.
- (d) Notwithstanding point (a), the aerodrome operator may permit a person to temporarily drive a vehicle on the movement area or other operational areas if:
 - (1) that person holds a valid driving licence, and any other licence required for the operation of specialised vehicles;
 - (2) that vehicle is escorted by a vehicle driven by a driver authorised in accordance with point (a).
- (e) The aerodrome operator shall:
 - (1) establish a system and implement procedures for:
 - (i) issuing driving authorisations and temporarily permitting the driving of vehicles;
 - (ii) ensuring that drivers to whom a driving authorisation has been issued, continue to comply with points (c)(1) and (c)(2);
 - (iii) monitoring the compliance of drivers with any driving requirements applicable at the aerodrome and for taking appropriate action, including the suspension and revocation of driving authorisations or permissions to temporarily drive a vehicle;
 - (2) maintain relevant records.;
- (l) point ADR.OPS.B.25 is deleted;
- (m) the following points ADR.OPS.B.026, ADR.OPS.B.027, ADR.OPS.B.028 and ADR.OPS.B.029 are inserted:

'ADR.OPS.B.026 Authorisation of vehicles

- (a) The operation of a vehicle on the movement area or other operational areas shall require an authorisation issued by the aerodrome operator. The authorisation may be issued if the vehicle is used in activities related to the operation of the aerodrome and:
- (1) is serviceable and fit for the intended operation;
 - (2) complies with the marking and lighting requirements of point ADR.OPS.B.080;
 - (3) is equipped with a radio allowing two-way communication on the appropriate air traffic services frequency and any other frequency necessary, if it is intended to be operated on either of the following areas:
 - (i) the manoeuvring area;
 - (ii) other operational areas where communication with the air traffic services unit or other operational units of the aerodrome is necessary;
 - (4) is fitted with a transponder or other equipment that supports surveillance, if it is intended to be operated on the manoeuvring area, and the aerodrome is equipped with a surface movement guidance and control system whose operation requires the use of a transponder or other equipment supporting surveillance fitted on the vehicles.
- (b) The aerodrome operator shall limit the number of vehicles authorised to operate on the movement area and other operational areas to the minimum number required for the safe and efficient operation of the aerodrome.
- (c) An authorisation issued in accordance with point (a) shall:
- (1) specify the parts of movement area or other operational areas where the vehicle may be operated;
 - (2) remain valid as long as the requirements of point (a) are met.
- (d) The aerodrome operator shall assign a call sign to a vehicle authorised in accordance with point (a) to operate at the aerodrome, if that vehicle is required to be radio-equipped. The call sign assigned to a vehicle shall:
- (1) not cause confusion regarding its identity;
 - (2) be appropriate to its function;
 - (3) for vehicles that operate in the manoeuvring area, be coordinated with the air traffic services unit, and disseminated to the relevant organisations at the aerodrome.
- (e) By derogation from point (a), the aerodrome operator may permit:
- (1) a vehicle authorised in accordance with points (a)(1) and (2), which is not equipped with a radio required under point (a)(3) and a transponder or other equipment supporting surveillance required under point (a)(4), to be occasionally operated in the areas referred to in points (a)(3) and (a)(4), provided that:
 - (i) that vehicle is escorted, at all times, by an authorised vehicle meeting the requirement of point (a)(3) and, if necessary, point (a)(4);
 - (ii) the escorting vehicle complies with the marking and lighting requirements of point ADR.OPS.B.080;
 - (iii) low-visibility procedures are not in effect, if the escorted vehicle is to be operated in the manoeuvring area;
 - (2) the temporary entry of a vehicle to the aerodrome and its operation on the movement area or other operational areas, subject to the following conditions:
 - (a) a visual inspection of that vehicle determines that its condition does not endanger safety;
 - (b) that vehicle is escorted, at all times, by an authorised vehicle which:
 - (i) meets the requirement of point (a)(3) and, if necessary, point (a)(4), when operating in the areas referred to in points (a)(3) and (a)(4);
 - (ii) complies with the marking and lighting requirements of point ADR.OPS.B.080;

- (c) low-visibility procedures are not in effect, if the vehicle is to be operated in the manoeuvring area.
- (f) The aerodrome operator shall:
 - (1) establish and implement procedures for:
 - (i) issuing vehicle authorisations and temporary permitting the entry to the aerodrome and operation of vehicles;
 - (ii) assigning call signs to vehicles;
 - (iii) monitoring the compliance of vehicles with point ADR.OPS.B.026 and for taking appropriate action, including the suspension and revocation of vehicle authorisations or permissions to temporarily operate a vehicle;
 - (2) maintain relevant records.

ADR.OPS.B.027 Operation of vehicles

- (a) The driver of a vehicle on the manoeuvring area shall operate the vehicle:
 - (1) only as authorised by the air traffic services unit, and in accordance with the instructions issued by that unit;
 - (2) in compliance with all mandatory instructions conveyed by markings and signs unless otherwise authorised by the air traffic services unit;
 - (3) in compliance with all mandatory instructions conveyed by lights.
- (b) The driver of a vehicle on the manoeuvring area shall operate the vehicle in accordance with the following rules:
 - (1) emergency vehicles that proceed to the assistance of an aircraft in distress shall be afforded priority over all other surface movement traffic;
 - (2) subject to the provisions of point (1):
 - (i) vehicles and vehicles towing aircraft shall give way to aircraft which are landing, taking off, or taxiing;
 - (ii) vehicles that do not tow aircraft shall give way to vehicles towing aircraft;
 - (iii) vehicles that do not tow aircraft shall give way to other vehicles that do not tow aircraft in accordance with the air traffic services unit instructions;
 - (iv) notwithstanding the provisions of points (i), (ii) and (iii), vehicles and vehicles towing aircraft shall comply with the instructions issued by the air traffic services unit.
- (c) The driver of a radio-equipped vehicle, intending to operate or operating on the manoeuvring area, shall:
 - (1) establish satisfactory two-way radio communication with the air traffic services unit on the appropriate air traffic services frequency before entering the manoeuvring area, and maintain a continuous listening watch on the assigned frequency;
 - (2) before entering the manoeuvring area, obtain authorisation from the air traffic services unit and shall operate only as authorised by the air traffic services unit. Notwithstanding such an authorisation, entry to a runway or runway strip or change in the operation authorised, shall be subject to a further specific authorisation by the air traffic services unit;
 - (3) read back to the air traffic services personnel safety-related parts of the instructions which are transmitted by voice. Instructions to enter, hold short of, cross and operate on any runway, taxiway or runway strip shall always be read back;
 - (4) read back to the air traffic services personnel or acknowledge instructions other than in point (3) in a manner to clearly indicate that they have been understood and shall be complied with.
- (d) The driver of a vehicle that is operating in the manoeuvring area, when in doubt as to the position of the vehicle with respect to the manoeuvring area, shall:

- (1) notify the air traffic services unit of the circumstances, including the last known position;
 - (2) simultaneously, unless otherwise instructed by the air traffic services unit, vacate the runway, taxiway, or other part of the manoeuvring area, to a safe distance as expeditiously as possible;
 - (3) after actions referred to in points (1) and (2), stop the vehicle.
- (e) The driver of a vehicle on the manoeuvring area:
- (1) when operating a vehicle on a runway strip when that runway is used for landing or take-off, shall not approach the runway closer than the distance at which the runway-holding position or any road-holding positions have been established for that runway;
 - (2) when a runway is used for landing or take-off, shall not operate a vehicle on:
 - (i) the part of the runway strip extending beyond the runway ends of that runway;
 - (ii) the runway-end safety areas of that runway;
 - (iii) a clearway, if available, at a distance that would endanger an aircraft on the air.
- (f) The driver of a radio-equipped vehicle on the apron shall, if so required at the aerodrome:
- (1) establish satisfactory two-way radio communication with the responsible unit designated by the aerodrome operator before entering the apron;
 - (2) maintain a continuous listening watch on the assigned frequency.
- (g) The driver of a vehicle on the apron shall operate the vehicle in accordance with the following:
- (1) only as authorised by the responsible unit designated by the aerodrome operator, and in accordance with the instructions issued by that unit;
 - (2) in compliance with all mandatory instructions conveyed by markings and signs unless otherwise authorised by the responsible unit designated by the aerodrome operator;
 - (3) in compliance with all mandatory instructions conveyed by lights;
 - (4) give way to an emergency vehicle, an aircraft taxiing, about to taxi, or being pushed or towed;
 - (5) give way to other vehicles in accordance with local regulations;
 - (6) always give priority over emergency vehicles responding to an emergency.
- (h) The driver of a vehicle on the movement area and other operational areas shall:
- (1) operate the vehicle in accordance with the established speed limits and driving routes;
 - (2) not be engaged in disturbing or distracting activities while driving;
 - (3) comply with the communication requirements and the operational procedures contained in the aerodrome manual.
- (i) The driver of a vehicle escorting another vehicle shall ensure that the driver of the escorted vehicle operates the vehicle in accordance with the instructions given.
- (j) The driver of a vehicle shall park the vehicle only in areas designated by the aerodrome operator.
- (k) The aerodrome operator shall establish and implement procedures to ensure that drivers that operate on the movement area and other operational areas comply with points (a) to (j).

ADR.OPS.B.028 Aircraft towing

The aerodrome operator shall:

- (a) establish aircraft manoeuvring procedures and designate routes to be used during aircraft towing operations on the movement area, to ensure safety;
- (b) ensure the provision of adequate and appropriate guidance during towing operations;
- (c) ensure that towed aircraft display lights during towing operations, in accordance with the provisions of point SERA.3215 of the Annex to Commission Implementing Regulation (EU) No 923/2012 (*);
- (d) establish and implement procedures to ensure adequate communication and coordination between the organisation executing the towing operation, the apron management services unit, and the air traffic services unit, as appropriate to the towing operation;
- (e) establish and implement procedures to ensure safety of towing operations in adverse weather or meteorological conditions, including by limiting or not permitting such operations.

ADR.OPS.B.029 Language proficiency

- (a) A person required under point ADR.OPS.B.024 to demonstrate language proficiency, shall demonstrate proficiency, at least at an operational level both in the use of phraseologies and in plain language, in accordance with point (b), in:
 - (1) the English language; and
 - (2) any other language or languages used at the aerodrome for radio communication purposes with the air traffic services unit of the aerodrome.
- (b) The applicant shall demonstrate the ability to:
 - (1) communicate effectively in voice-only and in face-to-face situations;
 - (2) communicate on common and work-related topics with accuracy and clarity;
 - (3) use appropriate communicative strategies to exchange messages and to recognise and resolve misunderstandings in a general or work-related context;
 - (4) handle successfully the linguistic challenges presented by a complication or unexpected turn of events which occurs within the context of a routine work situation or communicative task with which they are otherwise familiar;
 - (5) use a dialect or accent which is intelligible to the aeronautical community.
- (c) Language proficiency shall be demonstrated by a certificate issued by the organisation that conducted the assessment, attesting the language or languages, the level or levels of proficiency, and the date of the assessment.
- (d) Except for persons who have demonstrated language proficiency at an expert level, the language proficiency shall be re-assessed every:
 - (1) four years from the date of the assessment, if the level demonstrated is operational level;
 - (2) six years from the date of the assessment, if the level demonstrated is extended level.
- (e) The demonstration of language proficiency shall be done through a method of assessment, which shall contain:
 - (1) the process by which an assessment is done;
 - (2) the qualifications of the assessors conducting assessments of language proficiency;
 - (3) the appeal procedure.

- (f) The aerodrome operator shall make available language training to maintain the required level of language proficiency of its personnel.
- (g) By way of derogation from point (a), the Member State may decide that the English language proficiency may not be required for personnel referred to in point ADR.OPS.B.024, for radio communication purposes with the air traffic services unit of the aerodrome. In such case, it shall perform a safety assessment covering one or several aerodromes.
- (h) The operator of the aerodrome may issue an authorisation to a person who has not demonstrated compliance with points (a) and (b) until:
 - (1) 7 January 2026 as regards English language;
 - (2) 7 January 2023 as regards any language other than the English language.

(*) Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (OJ L 281, 13.10.2012, p. 1).;

- (n) point ADR.OPS.B.030 is replaced by the following:

‘ADR.OPS.B.030 Surface movement guidance and control system

- (a) The aerodrome operator shall ensure that a surface movement guidance and control system is provided at the aerodrome.
- (b) As part of the surface movement guidance and control system, the aerodrome operator shall, in coordination with the air traffic services provider, assess the need to establish standard routes for taxiing aircraft on the aerodrome. Where standard routes are provided, the aerodrome operator shall:
 - (1) ensure that they are adequate and suitable for the aerodrome traffic, design and intended operations, and properly identified;
 - (2) provide relevant information to the aeronautical information services provider for publication in the AIP.
- (c) Where the operation of the surface movement guidance and control system requires the use of a transponder by aircraft on the movement area, the aerodrome operator shall coordinate with the air navigation services provider:
 - (1) the relevant transponder operating procedures to be complied with by aircraft operators;
 - (2) the provision of the relevant information to the aeronautical information services provider for publication in the AIP.’;

(o) the following point ADR.OPS.B.031 is inserted:

‘ADR.OPS.B.031 Communications

- (a) Vehicles and the air traffic services unit shall communicate in accordance with the applicable requirements of Section 14 of the Annex to Implementing Regulation (EU) No 923/2012.
- (b) The aerodrome operator shall, in coordination with the air traffic services provider, establish communication procedures, including:
 - (1) the frequencies and the language or languages to be used for communication between the air traffic services unit and vehicles that intend to operate or are operating on the manoeuvring area;
 - (2) communication between the air traffic services unit and pedestrians that intend to operate or are operating on the manoeuvring area;
 - (3) dissemination of significant aerodrome-related information that may affect the safety of operations on the manoeuvring area, using radio communications;
 - (4) signals and other communication means, to be used, in all visibility conditions, in the case of radio communication failure between the air traffic services unit and vehicles or pedestrians on the manoeuvring area.’;

- (p) the following point ADR.OPS.B.033 is inserted:

‘ADR.OPS.B.033 Control of pedestrians

- (a) The aerodrome operator shall establish and implement procedures to:
- (1) limit the access to the movement area and other operational areas only to persons whose duties require them to have access to such areas;
 - (2) ensure that such persons are allowed unescorted access to such areas only if they have received relevant training and demonstrated their competence;
 - (3) control the movement of persons on the apron, and ensure that passengers embarking or disembarking an aircraft or who need to walk to, from or across the apron:
 - (i) are escorted by trained and competent personnel;
 - (ii) do not interfere with stationary aircraft and ground servicing activities;
 - (iii) are protected from operating aircraft, including the effects of their engines, as well as vehicular or other activities.
- (b) The aerodrome operator shall establish and implement procedures to ensure:
- (1) the orderly and safe entry and operation in the manoeuvring area of personnel whose tasks involve access to this area without a vehicle;
 - (2) that such personnel:
 - (i) are properly equipped, including with high-visibility clothing, orientation means, and means allowing two-way communication with the air traffic services unit and the respective unit of the aerodrome operator during such operations;
 - (ii) obtain authorisation from the air traffic services unit before entering the manoeuvring area. Notwithstanding such an authorisation, entry to a runway or runway strip or change in the operation authorised shall be subject to a further specific authorisation by the air traffic services unit;
 - (iii) do not enter the manoeuvring area when low-visibility procedures are in effect.’;

- (q) point ADR.OPS.B.035 is replaced by the following:

‘ADR.OPS.B.035 Operations in winter conditions

- (a) The aerodrome operator shall, when the aerodrome is expected to operate in conditions when snow, slush or ice may accumulate on the movement area, develop and implement a snow plan. As part of the snow plan, the aerodrome operator shall:
- (1) have provisions for the use of materials to remove or to prevent the formation of ice and frost or to improve runway surface friction characteristics;
 - (2) ensure, as far as reasonably practical, the removal of snow, slush or ice from the runways in use and the other parts of the movement area which are intended to be used for the operation of aircraft.
- (b) The aerodrome operator shall provide for publication in the AIP information regarding:
- (1) the availability of equipment for snow removal and snow and ice control operations;
 - (2) approval status, if applicable, regarding the use of specially prepared winter runways;
 - (3) the type of materials in use for movement area surface treatment.’;

- (r) the following points ADR.OPS.B.036 and ADR.OPS.B.037 are inserted:

‘ADR.OPS.B.036 Operations on specially prepared winter runways

- (a) An aerodrome operator may, subject to the prior approval of the competent authority, establish and use procedures for the operation of aeroplanes on specially prepared winter runways, when the contaminant type is compacted snow or ice. Specially prepared winter runways may be associated with primary RWYCC 4; however, if treatment does not justify a RWYCC 4, the normal procedure in accordance with point ADR.OPS.B.037 shall apply.

- (b) In order to obtain prior approval by the competent authority, the aerodrome operator shall:
 - (1) establish procedures which include the following:
 - (i) the type of equipment or the type, the quality and the quantity of the material, or both, which are used to improve runway surface condition and method of application;
 - (ii) monitoring the meteorological parameters;
 - (iii) management of loose contaminants;
 - (iv) assessment of the achieved results;
 - (2) obtain aeroplane data that relates to stopping performance on the runway with the special treatment from at least one aeroplane operator;
 - (3) analyse and process the data obtained under point (2), in order to demonstrate the capability to establish runway conditions in accordance with a given RWYCC;
 - (4) establish a maintenance programme that covers both preventive and corrective maintenance for equipment which is used in order to achieve consistent performance.
- (c) The aerodrome operator shall establish and implement a programme to monitor the continuous effectiveness of the procedure. The programme shall use braking action reports from aeroplane data that shall be compared with the reported runway conditions.
- (d) The aerodrome operator shall evaluate the performance of winter operations after the end of the winter period in order to identify necessity for:
 - (1) additional training requirements;
 - (2) update of the procedures;
 - (3) additional or different equipment and materials.

ADR.OPS.B.037 Assessment of runway surface condition and assignment of runway condition code

Whenever the contaminants listed in points ADR.OPS.A.060(a) to (e) are present on the surface of a runway, the aerodrome operator shall:

- (a) assign a RWYCC based on the type and depth of the contaminant and temperature;
 - (b) inspect the runway whenever the runway surface condition may have changed due to meteorological conditions, assess the runway surface condition and assign a new RWYCC;
 - (c) use special air-reports to trigger reassessment of RWYCC.;
- (s) point ADR.OPS.B.080 is replaced by the following:

'ADR.OPS.B.080 Marking and lighting of vehicles and other mobile objects

- (a) The aerodrome operator shall ensure that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are:
 - (1) marked by use of conspicuous colours, or display, at suitable locations, flags of appropriate size, chequered pattern and contrasting colours;
 - (2) lighted with low-intensity obstacle lights whose type and characteristics are appropriate to their function, if the vehicles and the aerodrome are used at night or in conditions of low visibility. The colour of the lights to be displayed shall be as follows:
 - (i) flashing blue for vehicles associated with emergency or security;
 - (ii) flashing yellow for other vehicles, including follow-me vehicles;
 - (iii) fixed red for objects with limited mobility.
- (b) The aerodrome operator may exempt from point (a) aircraft servicing equipment and vehicles used only on aprons.;

- (t) point ADR.OPS.C.005 is replaced by the following:

‘ADR.OPS.C.005 Maintenance – General

- (a) The aerodrome operator shall establish and implement a maintenance programme, which includes preventive maintenance where appropriate, to maintain aerodrome facilities, systems and equipment necessary for the operation of the aerodrome in a condition which does not impair the safety, regularity or efficiency of air navigation. The design and implementation of the maintenance programme shall observe human factors principles.
 - (b) The aerodrome operator shall ensure that appropriate and adequate means are provided for the effective implementation of the maintenance programme.’;
- (u) the following point ADR.OPS.C.007 is inserted:

‘ADR.OPS.C.007 Maintenance of vehicles

- (a) The aerodrome operator shall:
 - (1) establish and implement a maintenance programme, which includes preventive maintenance and observes human factors principles, for rescue and firefighting vehicles, to ensure effectiveness of the vehicles and their equipment and compliance with the specified response time throughout the life of the vehicle;
 - (2) ensure the implementation of a maintenance programme for its other vehicles that operate on the movement area or other operational areas.
 - (b) The aerodrome operator shall:
 - (1) establish procedures to support the implementation of the maintenance programme referred to in point (a);
 - (2) ensure that appropriate and adequate means and facilities are provided for its effective implementation;
 - (3) keep maintenance records for each vehicle.
 - (c) The aerodrome operator shall ensure that organisations that operate or provide services at the aerodrome:
 - (1) maintain their vehicles that operate on the movement area or other operational areas, in accordance with an established maintenance programme, including preventive maintenance;
 - (2) keep relevant maintenance records.
 - (d) The aerodrome operator shall ensure that unserviceable vehicles are not used for operations.’;
- (v) points ADR.OPS.C.010 and ADR.OPS.C.015 are replaced by the following:

‘ADR.OPS.C.010 Maintenance of pavements, other ground surfaces and drainage

- (a) The aerodrome operator shall inspect the surfaces of all movement areas including pavements (runways, taxiways and aprons), adjacent areas and drainage to regularly assess their condition as part of an aerodrome preventive and corrective maintenance programme.
- (b) The aerodrome operator shall:
 - (1) maintain the surfaces of all movement areas with the objective of avoiding and eliminating any FOD that might cause damage to aircraft or impair the operation of aircraft systems;
 - (2) maintain the surface of runways, taxiways and aprons in order to prevent the formation of harmful irregularities;
 - (3) maintain the runway in a condition so as to provide surface friction characteristics at or above the minimum standards;
 - (4) periodically inspect and document the runway surface friction characteristics for maintenance purposes. The frequency of those inspections shall be sufficient to determine the trend of the surface friction characteristics of the runway;

- (5) take corrective maintenance action to prevent the runway surface friction characteristics for either the entire runway or a portion thereof, when uncontaminated, from falling below the minimum standards.

ADR.OPS.C.015 Maintenance of visual aids and electrical systems

- (a) The aerodrome operator shall establish and implement a preventive and corrective maintenance programme to ensure the serviceability of the electrical systems and the availability of power supply to all necessary facilities of the aerodrome, in a manner that ensures the safety, regularity and efficiency of air navigation.
- (b) The aerodrome operator shall establish and implement a preventive and corrective maintenance programme to ensure the serviceability of the individual lights and the aerodrome's lighting systems reliability, in a manner that ensures continuity of guidance to, and control of aircraft and vehicles, as follows:
- (1) For a precision approach runway Category II or III, the system of preventive maintenance shall have as its objective that, during any period of Category II or III operations, all approach and runway lights are serviceable and that, in any event, at least:
- (i) 95 % of the lights are serviceable in each of the following elements:
 - (A) precision approach Category II and III lighting system, the inner 450 m;
 - (B) runway centre line lights;
 - (C) runway threshold lights;
 - (D) runway edge lights.
 - (ii) 90 % of the lights are serviceable in the touchdown zone lights;
 - (iii) 85 % of the lights are serviceable in the approach lighting system beyond 450 m;
 - (iv) 75 % of the lights are serviceable in the runway-end lights.
- (2) The lights that may be unserviceable in accordance with point (1) shall not alter the basic pattern of the lighting system.
- (3) An unserviceable light shall not be permitted adjacent to another unserviceable light, except in a barrette or a crossbar where two adjacent unserviceable lights may be permitted.
- (4) For a stop bar that is provided at a runway-holding position and is used in conjunction with a runway intended for operations in runway visual range conditions less than a value of 550 m, the system of preventive maintenance shall have the following objectives:
- (i) no more than two lights shall remain unserviceable;
 - (ii) two adjacent lights shall not remain unserviceable unless the light spacing is significantly less than that required.
- (5) For a taxiway intended for use in runway visual range conditions less than a value of 550 m, the system of preventive maintenance shall have as its objective that no two adjacent taxiway centre line lights be unserviceable.
- (6) For a precision approach runway Category I, the system of preventive maintenance employed shall have as its objective that, during any period of Category I operations, all approach and runway lights are serviceable and that, in any event:
- (i) at least 85 % of the lights are serviceable in each of the following:
 - (A) precision approach Category I lighting system;
 - (B) runway threshold lights;
 - (C) runway edge lights;
 - (D) runway-end lights;
 - (ii) an unserviceable light shall not be permitted adjacent to another unserviceable light unless the light spacing is significantly less than that required.

- (7) For a runway meant for take-off in runway visual range conditions less than a value of 550 m, the system of preventive maintenance shall have as its objective that, during any period of operations, all runway lights are serviceable, and that, in any event:
- (i) at least:
 - (A) 95 % of the lights are serviceable in the runway centre line lights (where provided) and in the runway edge lights;
 - (B) 75 % of the lights are serviceable in the runway-end lights;
 - (ii) an unserviceable light shall not be permitted adjacent to another unserviceable light.
- (8) For a runway meant for take-off in runway visual range conditions of a value of 550 m or greater, the system of preventive maintenance shall have as its objective that, during any period of operations, all runway lights are serviceable, and that, in any event:
- (i) at least 85 % of the lights are serviceable in the runway edge lights and runway-end lights;
 - (ii) an unserviceable light shall not be permitted adjacent to another unserviceable light.
- (9) For a runway equipped with visual approach slope indicator systems, the system of preventive maintenance shall have as its objective that, during any period of operations, all units are serviceable. A unit shall be considered unserviceable if the number of unserviceable lights is such that the unit does not provide the intended guidance to the aircraft.
- (c) For the purposes of point (b), a light shall be deemed to be unserviceable if:
- (1) the main beam average intensity is less than 50 % of the value specified in the certification specifications issued by the Agency. For light units where the designed main beam average intensity is above the value specified in the certification specifications issued by the Agency, the 50 % value shall be related to that design value;
 - (2) the filter associated with the light is missing, damaged, or the light does not produce the correct colour light beam.
- (d) The aerodrome operator shall establish and implement a preventive and corrective maintenance programme to ensure the serviceability and reliability of the system of markings and signs of the aerodrome, in a manner that ensures continuity of guidance to, and control of aircraft and vehicles.
- (e) Construction or maintenance activities shall not take place in the proximity of aerodrome electrical systems when low-visibility procedures are in effect at the aerodrome.
- (f) The aerodrome operator shall ensure that:
- (1) the preventive maintenance programmes referred to in points (a), (b) and (d) include appropriate inspections and checks of the individual elements of each system, and of the system itself, which are conducted in accordance with established procedures, and at defined intervals, appropriate to the intended operation and system;
 - (2) appropriate corrective actions are taken to rectify any identified defects.
- (g) The aerodrome operator shall maintain records of the relevant maintenance activities.’
-

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2149**of 9 December 2020****amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds, in order to add Italy as a Union authority and to take into account the withdrawal of the United Kingdom from the Union**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds, ⁽¹⁾ and in particular Article 17, Article 19(1 and 2), and Article 20 thereof,

Whereas:

- (1) The Withdrawal Agreement ⁽²⁾ sets out the arrangements for the withdrawal of the United Kingdom of Great Britain and Northern Ireland ('United Kingdom') from the Union and from the European Atomic Energy Community ('Euratom').
- (2) The transition period set out in Part Four of the Withdrawal Agreement ends on 31 December 2020 when Union law ceases to apply to and in the United Kingdom.
- (3) Pursuant to Article 5(4) of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement, read in conjunction with Annex 2 to that Protocol, the provisions of Regulation (EC) No 2368/2002 apply to and in the United Kingdom in respect of Northern Ireland. The Protocol on Ireland/Northern Ireland will become applicable at the end of the transition period.
- (4) Annex II to Regulation (EC) No 2368/2002 lists the Participants in the Kimberley Process certification scheme and their duly appointed competent authorities.
- (5) By virtue of the adoption of the Administrative Decision '*Admission of the United Kingdom of Great Britain and Northern Ireland to the Kimberley Process Certification Scheme*' by Kimberley Process Participants at the Delhi Plenary in November 2019, the United Kingdom is admitted as a Kimberley Process certification scheme Participant, with such participation taking effect only from the date on which Union law ceases to apply to and in the United Kingdom. The United Kingdom should be added to the list of Kimberley Process Participants in Annex II to Regulation (EC) No 2368/2002.
- (6) In addition, the addresses of the competent authorities of several participants in the Kimberley Process, found in Annex II to Regulation (EC) No 2368/2002, require an update.
- (7) Article 19 of Regulation (EC) No 2368/2002 provides for a list of Union authorities to be maintained by the Commission in Annex III to that Regulation.
- (8) Following the request for designation of a Union authority pursuant to Article 19 of Regulation (EC) No 2368/2002 by Italy, the Commission met with the Union authority designated by Italy to verify its preparedness to assume the duties referred to in Regulation (EC) No 2368/2002. The preparations undertaken and the procedures envisaged by the Union authority designated by Italy suggest that it will be able to reliably, timely, effectively and adequately fulfil the tasks required by Chapters II, III and V of Regulation (EC) No 2368/2002. The relevant authority in Italy should therefore be added to the list of Union authorities in Annex III to Regulation (EC) No 2368/2002.
- (9) Following the withdrawal of the United Kingdom from the Union and Euratom, the Union authority in the United Kingdom should be removed from the list of Union authorities in Annex III to Regulation (EC) No 2368/2002.

⁽¹⁾ OJ L 358, 31.12.2002, p. 28.

⁽²⁾ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).

- (10) In accordance with Article 17(4) of Regulation (EC) No 2368/2002, the Commission shall list in Annex V each organisation that fulfils the requirements of Article 17. Following the withdrawal of the United Kingdom from the Union and Euratom, the *London Diamond Bourse and Club* should be removed from the list of diamond organisations implementing the system of warranties and industry self-regulation, found in Annex V to Regulation (EC) No 2368/2002.
- (11) Annexes II, III and V to Regulation (EC) No 2368/2002 should be amended accordingly.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 22 of Regulation (EC) No 2368/2002.
- (13) To allow the Union's implementation of the Kimberley Process certification scheme in relation to the United Kingdom as soon as possible, this Regulation should enter into force as a matter of urgency,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2368/2002 is amended as follows:

- (1) Annex II is replaced by the text in Annex I to this Regulation;
- (2) Annex III is replaced by the text in Annex II to this Regulation;
- (3) Annex V is replaced by the text in Annex III to this Regulation.

Article 2

This Regulation shall enter into force on the 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, 9 December 2020.

For the Commission
Josep BORRELL FONTELLES
Vice-President

ANNEX I

ANNEX II

List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 2, 3, 8, 9, 12, 17, 18, 19 and 20

ANGOLA

Ministry of Mineral Resources and Petroleum and Gas
Av. 4 de Fevereiro no 105
1279 Luanda
Angola

Export authority:

Ministry of Industry and Trade
Largo 4 de Fevereiro #3
Edifício Palacio de vidro
1242 Luanda
Angola

ARMENIA

Department of Gemstones and Jewellery
Ministry of Economy
M. Mkrtchyan 5
Yerevan
Armenia

AUSTRALIA

Department of Foreign Affairs and Trade
Investment and Business Engagement Division
R.G. Casey Building
John McEwen Crescent
Barton ACT 0221
Australia

Import and export authority:

Department of Home Affairs
Customs and Border Revenue Branch
Australian Border Force
5 Constitution Ave
Canberra City 2600
Australia
Department of Industry, Science, Energy and Resources
GPO Box 2013
Canberra ACT 2601
Australia

BANGLADESH

Export Promotion Bureau
TCB Bhaban
1, Karwan Bazaar
Dhaka
Bangladesh

BELARUS

Ministry of Finance
Department for Precious Metals and Precious Stones
Sovetskaja Str, 7
220010 Minsk
Republic of Belarus

BOTSWANA

Ministry of Minerals, Green Technology and Energy Security (MMGE)
Fairgrounds Office Park, Plot No 50676 Block C
P/Bag 0018
Gaborone
Botswana

BRAZIL

Ministry of Mines and Energy
Esplanada dos Ministérios, Bloco 'U', 4º andar
70065, 900 Brasilia, DF
Brazil

CAMBODIA

Ministry of Commerce
Lot 19–61, MOC Road (113 Road), Phum Teuk Thla, Sangkat Teuk Thla
Khan Sen Sok, Phnom Penh
Cambodia

CAMEROON

National Permanent Secretariat for the Kimberley Process
Ministry of Mines, Industry and Technological Development
Intek Building, 6th floor,
Navik Street
BP 35601 Yaounde
Cameroon

CANADA

International:
Global Affairs Canada Natural Resources and Governance Division (MES) 125 Sussex Drive Ottawa, Ontario K1A 0G2
Canada
For General Enquiries at Natural Resources Canada:
Kimberley Process Office
Lands and Minerals Sector Natural Resources Canada (NRCan)
580 Booth Street, 10th floor
Ottawa, Ontario
Canada K1A 0E4

CENTRAL AFRICAN REPUBLIC

Secrétariat permanent du processus de Kimberley
BP: 26 Bangui
Central African Republic

CHINA, People's Republic of

Department of Duty Collection
General Administration of China Customs (GACC)
No 6 Jianguomen Nie Rev.
Dongcheng District, Beijing 100730
People's Republic of China

HONG KONG, Special Administrative Region of the People's Republic of China

Department of Trade and Industry
Hong Kong Special Administrative Region
Peoples Republic of China
Room 703, Trade and Industry Tower

700 Nathan Road
Kowloon
Hong Kong
China

MACAO, Special Administrative Region of the People's Republic of China

Macao Economic Bureau
Government of the Macao Special Administrative Region
Rua Dr Pedro José Lobo, no. 1–3, 25th Floor
Macao

CONGO, Democratic Republic of

Centre d'Expertise, d'Evaluation et de Certification des Substances Minérales Précieuses et Semi-précieuses (CEEC)
3989, av des cliniques
Kinshasa/Gombe
Democratic Republic of Congo

CONGO, Republic of

Bureau d'Expertise, d'Evaluation et de Certification des Substances Minérales Précieuses (BEEC)
BP 2787
Brazzaville
Republic of Congo

COTE D'IVOIRE

Ministère de l'Industrie et des Mines
Secrétariat Permanent de la Représentation en Côte d'Ivoire du Processus de Kimberley (SPRPK-CI)
Abidjan-Plateau, Immeuble les Harmonies II
Abidjan
Côte d'Ivoire

ESWATINI

Office for the Commissioner of Mines
Minerals and Mines Departments, Third Floor Lilunga Building (West Wing),
Somhlolo Road,
Mbabane
Eswatini

EUROPEAN UNION

European Commission
Service for Foreign Policy Instruments
Office EEAS 03/330
B-1049 Bruxelles/Brussel
Belgium

GABON

Centre Permanent du Processus de Kimberley (CPPK)
Ministry of Equipment, Infrastructure, and Mines
Immeuble de la Géologie, 261 rue Germain Mba
B.P. 284/576
Libreville
Gabon

GHANA

Ministry of Lands and Natural Resources
Accra P.O. Box M 212
Ghana

Import and export authority:

Precious Minerals Marketing Company Ltd (PMMC)
Diamond House
PO Box M.108
Accra
Ghana

GUINEA

Ministry of Mines and Geology
Boulevard du Commerce – BP 295
Quartier Almamy/Commune de Kaloum
Conakry
Guinea

GUYANA

Geology and Mines Commission
P O Box 1028
Upper Brickdam
Stabroek
Georgetown
Guyana

INDIA

Government of India, Ministry of Commerce & Industry
Udyog Bhawan
New Delhi 110 011
India

Import and export authority:

The Gem & Jewellery Export Promotion Council
KP Exporting/Importing Authority
Tower A, AW-1010, Baharat Diamond Bourse
Opp NABARD Bank, Bandra Kurla Complex
Bandra (E), Mumbai – 400 051
India

INDONESIA

Directorate of Export and Import Facility, Ministry of Trade M. I. Ridwan Rais Road, No 5 Blok I Iantai 4
Jakarta Pusat Kotak Pos. 10110
Jakarta
Indonesia

ISRAEL

Ministry of Economy and Industry Office of the Diamond Controller
3 Jabotinsky Road
Ramat Gan 52520
Israel

JAPAN

Agency for Natural Resources and Energy
Mineral and Natural Resources Division
Ministry of Economy, Trade and Industry
1-3-1 Kasumigaseki, Chiyoda-ku
100-8901 Tokyo, Japan
Japan

KAZAKHSTAN

Ministry for Investments and Development of the Republic of Kazakhstan
Committee for Technical Regulation and Metrology
11, Mangilik el street
Nur-Sultan
Republic of Kazakhstan

KOREA, Republic of

Ministry of Foreign Affairs
United Nations Division 60 Sajik-ro 8-gil
Jongno-gu
Seoul 03172
Korea

LAOS, People's Democratic Republic

Department of Import and Export
Ministry of Industry and Commerce
Phonxay road, Saisettha District
Vientiane, Lao PDR
P.O Box: 4107
Laos

LEBANON

Ministry of Economy and Trade
Lazariah Building
Down Town
Beirut
Lebanon

LESOTHO

Department of Mines
Ministry of Mining
Corner Constitution and Parliament Road
P.O. Box 750
Maseru 100
Lesotho

LIBERIA

Government Diamond Office
Ministry of Mines and Energy
Capitol Hill
P.O. Box 10-9024
1000 Monrovia 10
Liberia

MALAYSIA

Ministry of International Trade and Industry
MITI Tower,
No 7, Jalan Sultan Haji Ahmad Shah 50480 Kuala Lumpur
Malaysia

Import and export authority:

Royal Malaysian Customs Department
Jabatan Kastam Diraja Malaysia,
Kompleks Kementerian Kewangan No 3,
Persiaran Perdana,
Presint 2, 62596 Putrajaya,
Malaysia.

MALI

Ministère des Mines
Bureau d'Expertise d'Évaluation et de Certification des Diamants Bruts
Cité administrative, P.O. BOX: 1909
Bamako
République du Mali

MAURITIUS

Import Division
Ministry of Industry, Commerce & Consumer Protection 4th Floor, Anglo Mauritius Building
Intendance Street
Port Louis
Mauritius

MEXICO

Directorate-General for International Trade in Goods
189 Pachuca Street, Condesa, 17th Floor
Mexico City, 06140
Mexico

Import and export authority:

Directorate-General for Trade Facilitation and Foreign Trade
SE. Undersecretary of Industry and Trade
1940 South Insurgentes Avenue, PH floor
Mexico City, 01030
Mexico
SHCP-AGA. Strategic Planning and Coordination
Customs Administration "2"
160 Lucas Alaman Street, Obrera
Mexico City, 06800
Mexico

NAMIBIA

The Government of Republic of Namibia Ministry of Mines and Energy
Directorate of Diamond Affairs Private Bag 13297
1st Aviation Road (Eros Airport)
Windhoek
Namibia

NEW ZEALAND

Middle East and Africa Division
Ministry of Foreign Affairs and Trade
Private Bag 18 901

Wellington
New Zealand

Import and export authority:

New Zealand Customs Service
1 Hinemoa Street
PO box 2218
Wellington 6140
New Zealand

NORWAY

Ministry of Foreign Affairs
Department for Regional Affairs
Section for Southern and Central Africa
Box 8114 Dep
0032 Oslo, Norway

PANAMA

National Customs Authority
Panama City, Curundu, Dulcidio Gonzalez Avenue, building # 1009
Republic of Panama

RUSSIAN FEDERATION

International:
Ministry of Finance
9, Ilyinka Street
109097 Moscow
Russian Federation

Import and Export Authority:

Gokhran of Russia
14, 1812 Goda St.
121170 Moscow
Russian Federation

SIERRA LEONE

Ministry of Mines and Mineral Resources
Youyi Building
Brookfields
Freetown
Sierra Leone
Import and export authority:
National Minerals Agency
New England Ville
Freetown
Sierra Leone

SINGAPORE

Ministry of Trade and Industry
100 High Street
#09-01, The Treasury
Singapore 179434
Import and Export authority:
Singapore Customs
55 Newton Road
#06-02 Revenue House
Singapore 307987

SOUTH AFRICA

South African Diamond and Precious Metals Regulator
251 Fox Street
Doornfontein 2028
Johannesburg
South Africa

SRI LANKA

National Gem and Jewellery Authority
25, Galle Face Terrace
Post Code 00300
Colombo 03
Sri Lanka

SWITZERLAND

State Secretariat for Economic Affairs (SECO)
Sanctions Unit
Holzikofenweg 36
CH-3003 Berne/Switzerland

TAIWAN, PENGHU, KINMEN AND MATSU, SEPARATE CUSTOMS TERRITORY

Export/Import Administration Division
Bureau of Foreign Trade
Ministry of Economic Affairs
1, Hu Kou Street
Taipei, 100
Taiwan

TANZANIA

Mining Commission
Ministry of Energy and Minerals
P.O BOX 2292
40744 Dodoma
Tanzania

THAILAND

Department of Foreign Trade
Ministry of Commerce
563 Nonthaburi Road
Muang District, Nonthaburi 11000
Thailand

TOGO

The Ministry of Mines and Energy
Head Office of Mines and Geology
216, Avenue Sarakawa
B.P. 356
Lomé
Togo

TURKEY

Foreign Exchange Department
Ministry of Treasury and Finance
T.C. Başbakanlık Hazine
Müsteşarlığı İnönü Bulvarı No 36

06510 Emek, Ankara
Turkey

Import and Export Authority:

Istanbul Gold Exchange/Borsa Istanbul Precious Metals and Diamond
Market (BIST)
Borsa İstanbul, Resitpasa Mahallesi,
Borsa İstanbul Caddesi No 4
Sarıyer, 34467, Istanbul
Turkey

UKRAINE

Ministry of Finance
State Gemological Centre of Ukraine
38–44, Degtyarivska St.
Kyiv 04119
Ukraine

UNITED ARAB EMIRATES

U.A.E. Kimberley Process Office
Dubai Multi Commodities Centre
Dubai Airport Free Zone
Emirates Security Building
Block B, 2nd Floor, Office # 20
P.O. Box 48800
Dubai
United Arab Emirates

UNITED KINGDOM ⁽¹⁾

Government Diamond Office
Conflict Department
Room WH1.214
Foreign, Commonwealth & Development Office
King Charles Street
London
SW1A 2AH
United Kingdom

UNITED STATES OF AMERICA

United States Kimberley Process Authority
U.S. Department of State
Bureau of Economic and Business Affairs
2201 C Street, NW
Washington DC 20520
United States of America

Import and export authority:

U.S. Customs and Border Protection
Office of Trade
1400 L Street, NW
Washington, DC 20229
United States of America
U.S. Census Bureau

⁽¹⁾ Without prejudice to the application of Regulation (EC) No 2368/2002 to and in the United Kingdom in respect of Northern Ireland, in accordance with Article 5(4), read in conjunction with Annex 2, point 47, of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement as of 1 January 2021 (OJ L 29, 31.1.2020, p. 7).

4600 Silver Hill Road
Room 5K167
Washington, DC 20233
United States of America

VENEZUELA

Central Bank of Venezuela
36 Av. Urdaneta, Caracas, Capital District
Caracas
ZIP Code 1010
Venezuela

VIETNAM

Ministry of Industry and Trade
Agency of Foreign Trade 54 Hai Ba Trung
Hoan Kiem
Hanoi
Vietnam

ZIMBABWE

Principal Minerals Development Office
Ministry of Mines and Mining Development
6th Floor, ZIMRE Centre
Cnr L.Takawira St/K. Nkrumah Ave.
Harare
Zimbabwe

Import and export authority:

Zimbabwe Revenue Authority
Block E 5th Floor, Mhlahlandlela Complex
Cnr Basch Street/10th Avenue
Bulawayo
Zimbabwe
Minerals Marketing Corporation of Zimbabwe
90 Mutare road,
Msasa
PO Box 2628
Harare
Zimbabwe'

ANNEX II

‘ANNEX III

List of Member States’ competent authorities and their tasks as referred to in Articles 2 and 19

BELGIUM

Federale Overheidsdienst Economie, KMO, Middenstand en Energie, Algemene Directie Economische Analyses en Internationale Economie, Dienst Vergunningen en Diamant/Service Public Fédéral Économie,

PME, Classes moyennes et Energie, Direction générale des Analyses économiques et de l’Economie internationale, Service Licences et Diamants
(Federal Public Service Economy SME’s, Self-employed and Energy, Directorate-General for Economic Analyses & International Economy)
Italiëlei 124, bus 71
B-2000 Antwerpen
Tel. +32 (0)2 277 54 59
Fax +32 (0)2 277 54 61 or +32 (0)2 277 98 70

Email: kpcs-belgiumdiamonds@economie.fgov.be

In Belgium the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002 and the customs treatment will only be done at:

The Diamond Office
Hoveniersstraat 22
B-2018 Antwerpen

CZECH REPUBLIC

In the Czech Republic the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002 and the customs treatment will only be done at:

Generální ředitelství cel
Budějovická 7
140 96 Praha 4
Česká republika
Tel. (420-2) 61 33 38 41, (420-2) 61 33 38 59, cell (420-737) 213 793
Fax (420-2) 61 33 38 70

Email: diamond@cs.mfcr.cz

Permanent service at designated custom office – Praha Ruzyně
Tel. (420-2) 20 113 788 (Mondays to Fridays -7:30am – 15:30pm)
Tel. (420-2) 20 119 678 (Saturdays, Sundays and rest – 15:30pm – 7:30am)

GERMANY

In Germany the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002, including the issuing of Union certificates, will only be done at the following authority:

Hauptzollamt Koblenz
Zollamt Idar-Oberstein
Zertifizierungsstelle für Rohdiamanten
Hauptstraße 197
D-55743 Idar-Oberstein
Tel. +49 6781 56 27 0
Fax +49 6781 56 27 19

Email: poststelle.za-idar-oberstein@zoll.bund.de

For the purpose of Articles 5(3), 6, 9, 10, 14(3), 15 and 17 of this Regulation, concerning in particular reporting obligations to the Commission, the following authority shall act as competent German authority:

Generalzolldirektion
– Direktion VI –
Recht des grenzüberschreitenden Warenverkehrs/Besonderes Zollrecht
Krelingstraße 50
D-90408 Nürnberg
Tel. +49 228 303-49874
Fax +49 228 303-99106

Email: DVIA3.gzd@zoll.bund.de

IRELAND

The Kimberley Process and Responsible Minerals Authority
Geoscience Regulation Office
Department of Environment, Climate and Communications
29–31 Adelaide Road
Dublin
D02 X285
Ireland
Tel. +353 1 678 2000

Email: KPRMA@DECC.gov.ie

ITALY

In Italy the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002, including the issuing of Union certificates, will only be done at the following authority:

Agenzia delle Dogane e dei Monopoli
Laboratorio chimico di Torino – Ufficio antifrode – Direzione Interregionale Liguria, Piemonte e Valle d'Aosta
Corso Sebastopoli, 3
10134 Torino
Tel. +39 011 3166341 – 0369206

Email: dir.liguria-piemonte-valledaosta.lab.torino@adm.gov.it

For the purpose of Articles 5(3), 6, 9, 10, 14(3), 15, and 17 of this Regulation, concerning in particular reporting obligations to the Commission, the following authority shall act as the competent Italian authority:

Agenzia delle Dogane e dei Monopoli
Ufficio Origine e valore – Direzione Dogane
Piazza Mastai, 12
00153 Roma
Tel. +39 06 50245216

Email: dir.dogane.origine@adm.gov.it

PORTUGAL

Autoridade Tributária e Aduaneira
Direção de Serviços de Licenciamento
R. da Alfândega, 5
1149-006 Lisboa
Tel. + 351 218 813 843/8
Fax + 351 218 813 986

Email: dsl@at.gov.pt

In Portugal the controls of imports and exports of rough diamonds required by required by Regulation (EC) No 2368/2002, including the issuing of EU certificates, will only be done at the following authority:

Alfândega do Aeroporto de Lisboa
Aeroporto de Lisboa,
Terminal de Carga, Edifício 134

1750-364 Lisboa
Tel. +351 210030080
Fax +351 210037777

Email address: aalisboa-kimberley@at.gov.pt

ROMANIA

Autoritatea Națională pentru Protecția Consumatorilor
(National Authority for Consumer Protection)
1 Bd. Aviatorilor Nr. 72, sectorul 1 București, România
(72 Aviatorilor Bvd., sector 1, Bucharest, Romania)
Cod postal (Postal code) 011865
Tel. (40-21) 318 46 35/312 98 90/312 12 75
Fax (40-21) 318 46 35/314 34 62
www.anpc.ro

ANNEX III

'ANNEX V

List of diamond organisations implementing the system of warranties and industry self-regulation referred to in Articles 13 and 17

Antwerpsche Diamantkring CV
Hoveniersstraat 2 bus 515
B-2018 Antwerpen

Beurs voor Diamanthandel CV
Pelikaanstraat 78
B-2018 Antwerpen

Diamantclub van Antwerpen CV
Pelikaanstraat 62
B-2018 Antwerpen

Vrije Diamanthandel NV
Pelikaanstraat 62
B-2018 Antwerpen'

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2150**of 16 December 2020****amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin**

THE EUROPEAN COMMISSION,

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

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

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 ⁽²⁾, and in particular Article 5(6)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.
- (3) Regulation (EC) No 1484/95 should therefore be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 150, 20.5.2014, p. 1.

⁽³⁾ Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC (OJ L 145, 29.6.1995, p. 47).

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

Done at Brussels, 16 December 2020.

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

ANNEX

'ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin ⁽¹⁾
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	167,1	47	AR
		136,8	62	BR
		245	17	CL
		205,4	28	TH
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	164,4	42	BR'

(¹) Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7).

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2151**of 17 December 2020****laying down rules on harmonised marking specifications on single-use plastic products listed in Part D of the Annex to Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment ⁽¹⁾, and in particular Article 7(2) thereof,

Whereas:

- (1) Directive (EU) 2019/904 lays down general requirements on the marking of certain single-use plastic products that are frequently inappropriately disposed of. The marking is to inform consumers of the presence of plastic in the product; of the waste disposal means to be avoided for that product; and the resulting negative impact of littering or other inappropriate means of waste disposal of the product on the environment.
- (2) Directive (EU) 2019/904 requires the Commission to establish harmonised specifications for the marking of single-use plastic products listed in Part D of its Annex. The harmonised specifications for the position, size and design of the marking should take into account the different product groups covered. The format, colours, minimum resolution and font sizes to be used should be specified in order to ensure that each element of the marking is fully visible.
- (3) The Commission evaluated existing markings identified through a stakeholder online survey and the market overview, in order to understand the assessment mechanism and the requirements behind the markings and their impact.
- (4) The Commission has consulted representative groups of consumers and has performed a field test to ascertain that the markings are effective and easily understandable and to avoid misleading information.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 39 of Directive 2008/98/EC of the European Parliament and of the Council ⁽²⁾,

HAS ADOPTED THIS REGULATION:

*Article 1***Packaging**

For the purposes of this Regulation, ‘packaging’ means sales packaging and grouped packaging as defined in point 1 of Article 3 of Directive 94/62/EC of the European Parliament and of the Council ⁽³⁾.

⁽¹⁾ OJ L 155, 12.6.2019, p. 1.

⁽²⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

⁽³⁾ European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10.).

*Article 2***Harmonised marking specifications**

1. The harmonised marking specifications for sanitary towels (pads), and for tampons and tampon applicators are laid down in Annex I.
2. The harmonised marking specifications for wet wipes, i.e. pre-wetted personal care and domestic wipes are laid down in Annex II.
3. The harmonised marking specifications for tobacco products with filters and filters marketed for use in combination with tobacco products are laid down in Annex III.
4. The harmonised marking specifications for beverage cups are laid down in Annex IV.

*Article 3***Languages**

The information text of the marking shall be written in the official language or languages of the Member State(s) where the single-use plastic product is placed on the market.

*Article 4***Entry into force and application**

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

It shall apply from 3 July 2021.

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

Done at Brussels, 17 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Harmonised marking specifications for sanitary towels (pads), and for tampons and tampon applicators

1. Packaging of sanitary towels (pads), with the surface area of 10 cm² or more, shall bear the following printed marking:



Note: the black line bordering the marking is not part thereof. Its only purpose is to show the thin white line bordering the marking against the white page.

By way of derogation from the first sentence of this point, the marking of packaging of sanitary towels (pads) placed on the market before 4 July 2022 may be affixed by means of stickers.

2. Packaging of tampons and tampon applicators, with the surface area of 10 cm² or more, shall bear the following printed marking:



Note: the black line bordering the marking is not part thereof. Its only purpose is to show the thin white line bordering the marking against the white page.

By way of derogation from the first sentence of this point, the marking of packaging of tampons and tampons applicators placed on the market before 4 July 2022 may be affixed by means of stickers.

3. The marking set out in points 1 and 2 shall comply with the requirements laid down in this point.

(a) Position of the marking

The marking shall be placed horizontally on the external front or top surface, whichever is more clearly visible, of the packaging.

Where the marking of the minimum size cannot fit in its entirety on the external front or top surface of the packaging, it may be placed partly on two sides of the packaging, i.e. top and front, or front and side, whichever is more clearly visible.

Where it is not possible to place the marking horizontally due to the shape or size of the packaging, it may be rotated 90° and placed vertically.

The boxes of the marking shall not be separated.

When opening the packaging in accordance with any instructions, the marking should not be torn or made illegible.

(b) Size of the marking

The marking shall be composed of two equal-sized red and blue boxes, which are placed next to each other, and a rectangular black box containing the information text 'PLASTIC IN PRODUCT', placed below the two equal-sized boxes. The ratio between the height and length of the marking shall be 1:2.

Where the area of the external front or top surface of the packaging on which the marking is placed is less than 65 cm², the minimum size of the marking shall be 1,4 cm by 2,8 cm (3,92 cm²). In all other cases, the marking shall cover at least 6 % of the surface area on which it is placed. The maximum required size of the marking shall be 3 cm by 6 cm (18 cm²).

(c) Design of the marking

The design of the marking shall be reproduced without adding any effects, adjusting the colours, retouching or extending the background. The marking shall be reproduced at a minimum resolution of 300 dots per inch when printed in actual size. The marking shall be bordered by a thin white line.

The information text 'PLASTIC IN PRODUCT' shall be in upper case and in Helvetica Bold font. The font size shall be a minimum of 5 pt and a maximum of 14 pt.

Where the information text is translated into another or several official languages of the Member States, the translated information text shall be placed either close below the marking, or inside the rectangular black box below the first language, and shall be in both cases clearly visible. In exceptional cases due to spatial constraints on the external front or top surface of the packaging, the information text translated into another or several official languages of the Member States may be placed elsewhere on the packaging as close as possible to the marking and where it is clearly visible. The translated information text shall be in upper case and in Helvetica Bold font. The font size shall be a minimum of 5 pt and a maximum of 14 pt. Where the information text in additional languages is placed in the rectangular black box, derogations from the maximum required size of the marking are possible.

The colours having the following colour codes shall be used:

- White: C = 0 / M = 0 / Y = 0 / K = 0
 - Black: C = 0 / M = 0 / Y = 0 / K = 100
 - Red: C = 0 / M = 90 / Y = 60 / K = 0
 - Blue: C = 60 / M = 0 / Y = 0 / K = 0.
-

ANNEX II

Harmonised marking specifications for wet wipes

1. Packaging of wet wipes (i.e. pre-wetted personal care and domestic wipes), with the surface area of 10 cm² or more, shall bear the following printed marking:



Note: the black line bordering the marking is not part thereof. Its only purpose is to show the thin white line bordering the marking against the white page.

By way of derogation from the first sentence of this point, the marking of packaging of wet wipes placed on the market before 4 July 2022 may be affixed by means of stickers.

2. The marking shall comply with the requirements laid down in this point.

(a) Position of the marking

The marking shall be placed horizontally on the external front or top surface, whichever is more clearly visible, of the packaging.

Where the marking of the minimum size cannot fit in its entirety on the external front or top surface of the packaging, it may be placed partly on two sides of the packaging, i.e. top and front, or front and side, whichever is more clearly visible.

Where it is not possible to place the marking horizontally due to the shape or size of the packaging, it may be rotated 90° and placed vertically.

The boxes of the marking shall not be separated.

When opening the packaging in accordance with any instructions, the marking should not be torn or made illegible.

(b) Size of the marking

The marking shall be composed of two equal-sized red and blue boxes, which are placed next to each other, and a rectangular black box containing the information text 'PLASTIC IN PRODUCT' placed below the two equal-sized boxes. The ratio between the height and length of the marking shall be 1:2.

Where the area of the external front or top surface of the packaging on which the marking is placed is less than 65 cm², the minimum size of the marking shall be 1,4 cm by 2,8 cm (3,92 cm²). In all other cases, the marking shall cover at least 6 % of the surface area on which it is placed. The maximum required size of the marking shall be 3 cm by 6 cm (18 cm²).

(c) Design of the marking

The design of the marking shall be reproduced without adding any effects, adjusting the colours, retouching or extending the background. The marking shall be reproduced at a minimum resolution of 300 dots per inch when printed in actual size. The marking shall be bordered by a thin white line.

The information text 'PLASTIC IN PRODUCT' shall be in upper case and in Helvetica Bold font. The font size shall be a minimum of 5 pt and a maximum of 14 pt.

Where the information text is translated into another or several official languages of the Member States, the translated information text shall be placed either close below the marking, or inside the rectangular black box below the first language, and shall be in both cases clearly visible. In exceptional cases due to spatial constraints on the external front or top surface of the packaging, the information text translated into another or several official languages of the Member States may be placed elsewhere on the packaging as close as possible to the marking and

where it is clearly visible. The translated information text shall be in upper case and in Helvetica Bold font. The font size shall be a minimum of 5 pt and a maximum of 14 pt. Where the information text in additional languages is placed in the rectangular black box, derogations from the maximum required size of the marking are possible.

The colours having the following colour codes shall be used:

- White: $C = 0 / M = 0 / Y = 0 / K = 0$
 - Black: $C = 0 / M = 0 / Y = 0 / K = 100$
 - Red: $C = 0 / M = 90 / Y = 60 / K = 0$
 - Blue: $C = 60 / M = 0 / Y = 0 / K = 0$.
-

ANNEX III

Harmonised marking specifications for tobacco products with filters and filters marketed for use in combination with tobacco products

1. Unit packet as defined in point 30 of Article 2 of Directive 2014/40/EU ('unit packet') and outside packaging as defined in point 29 of Article 2 of Directive 2014/40/EU ('outside packaging') for tobacco products with filters with the surface area of 10 cm² or more; and packaging for filters marketed for use in combination with tobacco products with the surface area of 10 cm² or more shall bear the following printed marking:



Note: the black line bordering the marking is not part thereof. Its only purpose is to show the thin white line bordering the marking against the white page.

By way of derogation from the first sentence of this point, the marking of unit packet and outside packaging for tobacco products with filters and packaging for filters marketed for use in combination with tobacco products placed on the market before 4 July 2022 may be affixed by means of stickers.

2. The marking shall comply with the requirements laid down in this point.

- (a) Position of the marking

- (i) Tobacco products with filters

The marking shall be placed horizontally on the external back surface of the unit packet and on the outside packaging.

Where the marking of the minimum size cannot fit horizontally on the external back surface of the unit packet, it may be rotated 90° and placed vertically on the back surface or on any of the external lateral surfaces of the unit packet. In all cases, it shall be clearly visible.

The boxes of the marking shall not be separated.

The marking shall not obstruct in any way the visibility of the health warnings required by Directive 2014/40/EU.

The marking shall not be totally or partially covered by other labels or stamps.

When opening the unit packet and of the outside packaging in accordance with any instructions, the marking should not be torn or made illegible.

- (ii) Filters marketed for use in combination with tobacco products

The marking shall be placed horizontally on the external front or top surface, whichever is more clearly visible, of the packaging.

Where the marking of the minimum size cannot fit in its entirety on the external front or top surface of the packaging, it may be placed horizontally partly on two sides of the packaging, i.e. top and front or front and side, whichever is more clearly visible.

Where it is not possible to place the marking horizontally due to the shape or size of the packaging, it may be rotated 90° and placed vertically.

The boxes of the marking shall not be separated.

When opening of the packaging in accordance with any instructions, the marking should not be torn or made illegible.

(b) Size of the marking

The marking shall be composed of two equal-sized red and blue boxes, which are placed next to each other, and a rectangular black box containing the information text 'PLASTIC IN FILTER' placed below the two equal-sized boxes. The ratio between the height and length of the marking shall be 1:2.

(i) Tobacco products with filters

Where the area of the external back surface of the unit packet is less than 65 cm², the minimum size of the marking shall be 1,4 cm by 2,8 cm (3,92 cm²). In all other cases, the marking shall cover at least 6 % of the surface area on which it is placed. The maximum required size of the marking shall be 3 cm by 6 cm (18 cm²).

(ii) For filters marketed for use in combination with tobacco products

Where the area of the external front or top surface of the packaging on which the marking is placed is less than 65 cm², the minimum size of the marking shall be 1,4 cm by 2,8 cm (3,92 cm²). In all other cases, the marking shall cover at least 6 % of the surface area on which it is placed. The maximum required size of the marking shall be 3 cm by 6 cm (18 cm²).

(c) Design of the marking

The design of the marking shall be reproduced without adding any effects, adjusting the colours, retouching or extending the background. The marking shall be reproduced at a minimum resolution of 300 dots per inch when printed in actual size. The marking shall be bordered by a thin white line.

The information text 'PLASTIC IN FILTER' shall be in upper case and in Helvetica Bold font. The font size shall be a minimum of 5 pt and a maximum of 14 pt.

Where the information text is translated into another or several official languages of the Member States, the translated information text shall be placed either close below the marking, or inside the rectangular black box below the first language, and shall be in both cases clearly visible. In exceptional cases due to spatial constraints on the external front or top surface of the packaging, the information text translated into another or several official languages of the Member States may be placed elsewhere on the packaging as close as possible to the marking and where it is clearly visible. The translated information text shall be in upper case and in Helvetica Bold font. The font size shall be a minimum of 5 pt and a maximum of 14 pt. Where the information text in additional languages is placed in the rectangular black box, derogations from the maximum required size of the marking are possible.

The colours having the following colour codes shall be used:

- White: C = 0 / M = 0 / Y = 0 / K = 0
 - Black: C = 0 / M = 0 / Y = 0 / K = 100
 - Red: C = 0 / M = 90 / Y = 60 / K = 0
 - Blue: C = 60 / M = 0 / Y = 0 / K = 0.
-

ANNEX IV

Harmonised marking specifications for beverage cups

1. Beverage cups made partly from plastic shall bear the following printed marking:



Note: the black line bordering the marking is not part thereof. Its only purpose is to show the thin white line bordering the marking against the white page.

By way of derogation from the first sentence of this point, the marking of beverage cups made partly from plastic placed on the market before 4 July 2022 may be affixed by means of stickers.

2. Beverage cups made wholly from plastic shall bear either the following printed marking or the following engraved/embossed marking:

Printed



Note: the black line bordering the marking is not part thereof. Its only purpose is to provide contrast against the white page.

By way of derogation from the first sentence of this point, the marking of beverage cups made wholly from plastic placed on the market before 4 July 2022 may be affixed by means of stickers.

Engraved/embossed



Note: the black line bordering the marking and grey background are not part thereof. Its only purpose is to provide contrast against the white page.

3. The marking for beverage cups made partly from plastic shall comply with the requirements laid down in this point.

(a) Position of the marking

(i) Traditional cups:

The marking shall be placed horizontally on the external surface of the cup away from the rim to avoid contact with the consumer's mouth when drinking. The marking shall not be placed under the base of the cup.

(ii) Champagne-type cups:

The marking shall be placed horizontally on the external surface of the cup, including the upper side of the base that holds the stem. The marking shall be placed away from the rim to avoid contact with the consumer's mouth when drinking. The marking shall not be placed under the base of the cup.

Where it is not possible to place the marking horizontally due to the shape or size of the cup, it may be rotated 90° and placed vertically.

The boxes of the marking shall not be separated.

(b) Size of the marking

The marking shall be composed of two equal-sized red and blue boxes, which are placed next to each other, and a rectangular black box containing the information text 'PLASTIC IN PRODUCT' placed below the two equal-sized boxes. The ratio between the height and length of the marking shall be 1:2.

For cups with a volume of less than 500 ml, the minimum size of the marking shall be 1,4 cm by 2,8 cm (3,92 cm²).

For cups with a volume of 500 ml or more, the minimum size of the marking shall be 1,6 cm by 3,2 cm (5,12 cm²).

(c) Design of the marking

The design of the marking shall be reproduced without adding any effects, adjusting the colours, retouching or extending the background. The marking shall be reproduced at a minimum resolution of 300 dots per inch when printed in actual size. The marking shall be bordered by a thin white line.

The information text 'PLASTIC IN PRODUCT' shall be in upper case and in Helvetica Bold font. The font size shall be a minimum of 5 pt for the cups of less than 500 ml and of 6 pt for the cups of 500 ml or more.

Where the information text is translated into another or several official languages of the Member States, the translated information text shall be placed either close below the marking, or inside the rectangular black box below the first language, and shall be in both cases clearly visible. In exceptional cases due to spatial constraints on the external surface of the cup, the information text translated into another or several official languages of the Member States may be placed elsewhere on the cup as close as possible to the marking and where it is clearly visible. The translated information text shall be in upper case and in Helvetica Bold font. The font size shall be a minimum of 5 pt for the cups of less than 500 ml and 6 pt for the cups of 500 ml and more. Where the information text in additional languages is placed in the rectangular black box, derogations from the maximum required size of the marking are possible.

The colours having the following colour codes shall be used:

— White: C = 0 / M = 0 / Y = 0 / K = 0

— Black: C = 0 / M = 0 / Y = 0 / K = 100

— Red: C = 0 / M = 90 / Y = 60 / K = 0

— Blue: C = 60 / M = 0 / Y = 0 / K = 0.

4. The marking for beverage cups made wholly from plastic shall comply with the requirements laid down in this point

(a) Position of the marking

(i) Traditional cups

The marking shall be placed horizontally on the external surface of the cup, wherever is more clearly visible. The marking shall not be placed under the base of the cup. When printed, the marking shall be placed away from the rim to avoid contact with the consumer's mouth when drinking. In the case of ridged cups, the marking shall not be embossed/engraved on the ridges.

(ii) Champagne-type cups

The marking shall be placed horizontally on the external surface of the cup, including the upper side of the base that holds the stem, wherever is more clearly visible. The marking shall not be placed under the base of the cup. When printed, the marking shall be placed away from the rim to avoid contact with the consumer's mouth when drinking. In the case of ridged cups, the marking shall not be embossed/engraved on the ridges.

Where it is not possible to place the marking horizontally due to the shape or size of the cup, it may be rotated 90° and placed vertically.

(b) Size of the marking

The marking shall be rectangular-shaped and ratio between the height and length is 1:2.

For cups with a volume of less than 500 ml, the minimum size of the marking shall be 1,4 cm by 2,8 cm (3,92 cm²).

For cups with a volume of 500 ml or more, the minimum size of the marking shall be 1,6 cm by 3,2 cm (5,12 cm²).

(c) Design of the marking

(i) Printed:

The design of the marking shall be reproduced in black ink without adding any effects, retouching or extending the background. The marking shall be reproduced at a minimum resolution of 300 dots per inch when printed in actual size. The marking should have sufficiently high contrast to the background to be highly readable. To this end, the outline of the marking should be printed in one of the following colours.

— White: C = 0 / M = 0 / Y = 0 / K = 0

— Black: C = 0 / M = 0 / Y = 0 / K = 100

— Red: C = 0 / M = 90 / Y = 60 / K = 0

— Blue: C = 60 / M = 0 / Y = 0 / K = 0.

(ii) Engraved/embossed:

The design of the marking shall be reproduced without adding effects, retouching or extending the background. The white outline as shown in the marking under point 1.2 of this Annex represents the lines to be engraved or embossed on the cup.

The information text 'MADE OF PLASTIC' shall be in upper case and in Helvetica Bold font. The font size shall be a minimum of 5 pt for the cups of less than 500 ml and of 6 pt for the cups of 500 ml or more.

Where the information text is translated into another or several official languages of the Member States, the translated information text shall be placed either close below the marking, or inside the rectangular black box below the first language, and shall be in both cases clearly visible. In exceptional cases due to spatial constraints on the external surface of the cup, the information text translated into another or several official languages of the Member States may be placed elsewhere on the cup as close as possible to the marking and where it is clearly visible. The translated information text shall be in upper case and in Helvetica Bold font. The font size shall be a minimum of 5 pt for the cups of less than 500 ml and 6 pt for the cups of 500 ml and more.

When printed, the colours having the following colour codes shall be used:

— White: C = 0 / M = 0 / Y = 0 / K = 0

— Black: C = 0 / M = 0 / Y = 0 / K = 100.

DECISIONS

COMMISSION DECISION (EU) 2020/2152

of 17 December 2020

on fees due to the European Union Agency for the Cooperation of Energy Regulators for collecting, handling, processing and analysing of information reported under Regulation (EU) No 1227/2011 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) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators ⁽¹⁾, and in particular Article 32(2) thereof,

Whereas:

- (1) Open and fair competition in the internal electricity and gas markets and ensuring a level playing field for market participants requires integrity and transparency of wholesale energy markets. Regulation (EU) No 1227/2011 of the European Parliament and of the Council ⁽²⁾ establishes a comprehensive framework to achieve this objective.
- (2) Regulation (EU) No 1227/2011 obliges the European Union Agency for the Cooperation of Energy Regulators, hereinafter the 'Agency', to monitor wholesale energy markets in order to ensure, in close cooperation with the national regulatory authorities and other national authorities, their effective oversight. Point (b) of Article 32(1) of Regulation (EU) 2019/942 introduces fees to improve the Agency's funding and to cover costs related to this monitoring and oversight function. Increased funding available to the Agency should also enable the Agency to improve the quality of the services provided by the Agency to entities reporting data and, if applicable, to market participants in general.
- (3) The legislator sets out in Article 32 of Regulation (EU) 2019/942 the scope and the basic principles of the fee scheme and tasks the Commission with setting the fees and the way in which they are to be paid.
- (4) In accordance with Article 32(2) of Regulation (EU) 2019/942, a public consultation took place and the Agency's Administrative Board and Board of Regulators were consulted. The public consultation was complemented by a stakeholder workshop to which all current potential addressees of the fee scheme were invited as well as associations representing those addressees or other market participants.
- (5) Commission Delegated Regulation (EU) 2019/715 ⁽³⁾ establishes the framework financial regulation for the bodies which are set up by the Union under the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community and which have legal personality and receive contributions charged to the Union budget. The Agency is such a body and, as required by Delegated Regulation (EU) 2019/715, adopted its own financial rules, the Financial Regulation of the Agency ⁽⁴⁾, which do not depart from those pursuant to Delegated Regulation (EU) 2019/715.

⁽¹⁾ OJ L 158, 14.6.2019, p. 22.

⁽²⁾ Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (OJ L 326, 8.12.2011, p. 1).

⁽³⁾ Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (OJ L 122, 10.5.2019, p. 1).

⁽⁴⁾ Decision No 8/2019 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 21 June 2019 on the Financial Regulation of the Agency for the Cooperation of Energy Regulators.

- (6) The Agency's programming document, established in accordance with Article 20 of Regulation (EU) 2019/942 and Article 32 of the Financial Regulation of the Agency, contains annual and multi-annual programming and in this context sets out in detail the Agency's tasks and the resources deployed for those tasks. The programming document is therefore the appropriate tool to identify those costs which are eligible to be covered by fees pursuant to point (b) of Article 32(1) of Regulation (EU) 2019/942.
- (7) Eligible costs should include those incurred by the Agency for collecting data in accordance with Commission Implementing Regulation (EU) No 1348/2014 ⁽⁵⁾, but also every other task or activity pursuant to Regulation (EU) No 1227/2011 involving handling, processing and analysing of the collected data in order to ensure integrity and transparency of wholesale energy markets. In accordance with Article 20 of Regulation (EU) 2019/942, the Commission provides an opinion on the Agency's draft programming document, including the Agency's proposals as regards which costs are considered as eligible for funding by fees.
- (8) In accordance with Article 31 of Regulation (EU) 2019/942, the Agency should be mainly financed from the general budget of the Union. Therefore, fee income should not exceed the contribution to the Agency from the Union budget.
- (9) In order to provide transparency that fees are only used to cover eligible costs and that the Agency remains to be mainly financed by the general budget of the Union, the Consolidated Annual Activity Report, established in accordance with Article 48 of the Financial Regulation of the Agency, should provide information about the different sources of revenue received and the use of this revenue.
- (10) Market participants are to be registered with Member States' regulatory authorities in accordance with Article 9 of Regulation (EU) No 1227/2011. Reporting parties, also called registered reporting mechanisms, are market participants, or entities reporting on behalf of market participants, which fulfil the technical and organisational requirements to ensure efficient, effective and safe exchange and handling of information for the purpose of reporting information pursuant to Article 8 of Regulation (EU) No 1227/2011 and to Implementing Regulation (EU) No 1348/2014. Registered reporting mechanisms are to be registered directly with the Agency, therefore, it is them who should pay the fees.
- (11) The invoices sent to the registered reporting mechanisms should include information about how the fee was calculated to make it transparent to the registered reporting mechanism how the different market participants it is reporting data for contribute to the invoiced fee. To avoid an undue financial burden for registered reporting mechanisms, it should be possible that large invoices are paid in instalments in agreement with the Agency. Deciding to which extent electricity or gas transmission system operators who are registered reporting mechanisms can recover costs incurred by having to pay the fees due to the Agency from network users via network tariffs is part of the duties and powers of Member States' regulatory authorities pursuant to Article 59(1) of Directive (EU) 2019/944 of the European Parliament and of the Council ⁽⁶⁾ and Article 41(1) of Directive 2009/73/EC of the European Parliament and of the Council ⁽⁷⁾.
- (12) In accordance with Article 32(2) of Regulation (EU) 2019/942, the fees should be proportionate to the costs of the relevant services as provided in a cost-effective way and be sufficient to cover those costs and they should be set at such a level as to ensure they are non-discriminatory and avoid placing an undue financial or administrative burden on market participants or entities reporting on their behalf.

⁽⁵⁾ Commission Implementing Regulation (EU) No 1348/2014 of 17 December 2014 on data reporting implementing Article 8(2) and Article 8(6) of Regulation (EU) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency (OJ L 363, 18.12.2014, p. 121).

⁽⁶⁾ Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).

⁽⁷⁾ Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).

- (13) The main cost drivers of the relevant services, and hence of the Agency's eligible costs, are the number of registered reporting mechanisms, the number of market participants they report for and the amount and the characteristics of the data they report. In order to reflect those cost drivers, the fee each registered reporting mechanism needs to pay should be a combination of a flat amount, the flat enrolment fee component, and a variable amount, the transaction records-based fee component, depending on the number of market participants for which the registered reporting mechanism is reporting data as well as the amount and the characteristics of the reported data.
- (14) The flat amount should reflect the Agency's costs for processing applications for registration as registered reporting mechanisms as well as for ensuring continued compliance of already registered reporting mechanisms with the requirements set out in Article 11 of Implementing Regulation (EU) No 1348/2014. Since those costs are incurred by the Agency regardless of whether registered reporting mechanisms report transaction records or fundamental data, the flat amount should be paid by all registered reporting mechanisms.
- (15) In order to avoid setting an undue financial burden on registered reporting mechanisms, the variable amount referred to in Article 6 should reflect the amount of reported transaction records, which is linked to the volume of trading and hence the potential revenues of a registered reporting mechanism. The variable component should take account of the fact that many registered reporting mechanisms report data for a multitude of market participants that are often active on several organised market places and are using different trading channels.
- (16) Points (b) and (c) of Article 4(1) of Implementing Regulation (EU) No 1348/2014 exclude small electricity and gas producers, who are often renewable energy producers, from continuous reporting under Regulation (EU) No 1227/2011. Introducing the fees should therefore not create a financial burden for such producers.
- (17) Fundamental data like information related to the capacity and use of facilities for production, storage, consumption or transmission of electricity and natural gas or related to the capacity and use of LNG facilities, is only collected by the Agency to complement the collected transaction records like orders, trades, non-standard contracts or transportation contracts. Fundamental data should therefore not be included in the calculation of the variable fee component. Since the status of a registered reporting mechanism as such is a significant cost driver for the Agency, registered reporting mechanisms reporting fundamental data should nevertheless pay the flat fee component.
- (18) In order to effectively uncover market abuses, the Agency does not only collect data on trades and other contracts, but also a considerable amount of data on orders to trade placed on organised market places like energy exchanges. Therefore, also orders to trade should be covered by the fee scheme in order to ensure cost proportionality. For the same reasons, lifecycle information should be covered by the fee scheme as well.
- (19) The fee scheme should not discriminate against trading at organised market places. Trading of wholesale energy products in relation to the supply of electricity or natural gas at organised market places is characterised by a higher level of standardisation than the trading of such products outside organised market places. Moreover, reported transaction records stemming from organised market places include orders to trade. Market developments in the trading of contracts for the supply of electricity or natural gas like algorithmic and high frequency trading are gaining in importance resulting in an increasing number of orders to trade being reported from organised market places per standard supply contract compared to supply contracts concluded outside organised market places. Transaction records on wholesale energy products in relation to the supply of electricity or natural gas stemming from organised market places should therefore be weighted differently than those stemming from outside organised market places when calculating the variable fee component.
- (20) Wholesale energy products in relation to the transportation of electricity or natural gas are characterised by a similar level of standardisation of contracts, regardless of whether traded outside or at organised market places, and there is limited competition between trading at organised market places and trading outside organised market places. In the case of such products, the fee scheme should therefore not differentiate between transaction records stemming from organised market places and those stemming from outside organised market places.

- (21) Since the fees are entirely determined by this Decision, which is the basis for the Agency establishing the amounts receivable, in accordance with Article 71 of the Financial Regulation of the Agency the invoices should be debit notes.
- (22) Pursuant to Article 71 of the Financial Regulation of the Agency, an agency is only to provide services after the corresponding fee has been paid in its entirety. Since the fees are calculated on the basis of the amount of transaction records reported in the previous year, the amounts receivable can only be established and invoices be sent out at the beginning of each year. Registered reporting mechanisms should nevertheless be able to continuously report data to the Agency, hence also prior to them having paid the invoice for the respective year. However, should a registered reporting mechanism be overdue with paying the invoice, the Agency should have the possibility to stop the entity's ability to report data, despite it being registered pursuant to Article 11 of Implementing Regulation (EU) No 1348/2014.
- (23) Year 2021 should be the first year when registered reporting mechanisms need to pay fees to cover the eligible costs identified in the programming document to be adopted by the Agency's Administrative Board by 31 December 2020 pursuant to Article 20 of Regulation (EU) 2019/942.
- (24) At the start of the fee scheme, registered reporting mechanisms should have the possibility to consider whether they would like to maintain their registration with the Agency. Therefore, they should be able, even after receiving the invoice over the annual fee, to avoid having to pay the fee by informing the Agency that they wish to cease being a registered reporting mechanism. In that case, they should have time to implement alternative solutions for fulfilling their obligations under Regulation (EU) No 1227/2011, for example by using the services of another registered reporting mechanism. In the coming years after the first year, registered reporting mechanisms should be able to decide before the end of each year if they would like to maintain this status or not and not be entitled to any reimbursement of fees paid or waiving of fees due.
- (25) Article 32(2) of Regulation (EU) 2019/942 requires the Commission to regularly examine the level of the fees. This should be done together with the evaluations of the Agency's performance pursuant to Article 45 of Regulation (EU) 2019/942. Such a requirement does not prevent the Commission from revising the fee scheme independently of those evaluations.
- (26) This Decision should enter into force on the third day after its publication as the Agency's programming document for 2021-2023 referred to in Articles 3(1) and 3(2) is to be adopted in December 2020. Since 2021 should be the first year registered reporting mechanisms need to pay fees, this Commission Decision, except for its Articles 3(1) and 3(2), should not be applied from its entry into force, but from 1 January 2021,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision sets the fees and the way in which they are to be paid to the European Union Agency for the Cooperation of Energy Regulators, hereinafter the 'Agency', for collecting, handling, processing and analysing of information reported by market participants or by entities reporting on their behalf pursuant to Article 8 of Regulation (EU) No 1227/2011.

Article 2

Definitions

For the purposes of this Regulation, the definitions of 'fundamental data' and 'organised market place' as laid down in Article 2(1) and 2(4) of Implementing Regulation (EU) No 1348/2014 shall apply.

In addition, the following definitions shall apply:

- (1) 'registered reporting mechanism' means an entity registered by the Agency in accordance with Article 11 of Implementing Regulation (EU) No 1348/2014 for the purpose of reporting transaction records or fundamental data;

- (2) 'transaction record' means an individual data set containing details of a trade, order to trade or contract, or containing lifecycle information such as modifications, early termination or corrections of trades, order to trades or contracts, which is reported to the Agency in accordance with Article 3 of Implementing Regulation (EU) No 1348/2014;
- (3) 'market participant' means an entity registered with the national regulatory authority in the Member State in accordance with Article 9 of Regulation (EU) No 1227/2011.

Article 3

Costs covered by fees

1. The programming document, including the budget, adopted by the Administrative Board of the Agency by 31 December of each year pursuant to Article 20 of Regulation (EU) 2019/942, hereinafter the 'programming document', shall identify those costs which are eligible for funding by fees in the following year and provide an estimate of the eligible costs planned to be funded by fees for additional two years thereafter. Eligible costs are costs, including overhead, incurred by the Agency by collecting, handling, processing and analysing of information reported by registered reporting mechanisms.
2. The programming document shall set the amount to be covered by fees in the following year. That amount shall:
 - (a) not exceed the eligible costs pursuant to paragraph 1;
 - (b) be lower than the Union contribution to the Agency according to the Union budget for the respective year.
3. The Agency shall provide detailed information on the amount of fees collected and the costs covered by the fees in the previous year in the Consolidated Annual Activity Report pursuant to Article 48 of the Financial Regulation of the Agency. The Agency shall make the respective sections of this report public.

Article 4

Obligation to pay fees

1. Each registered reporting mechanism shall pay a yearly fee calculated pursuant to Article 5. All fees shall be paid in EUR.
2. At the latest by 31 January of each year, the Agency shall send each registered reporting mechanism an invoice for the annual fee to be paid within a deadline of four weeks. The invoice shall provide detailed information on how this fee was calculated. The Agency and a registered reporting mechanism may mutually agree that invoices exceeding EUR 250 000 are paid in instalments. The deadline for payment of the last instalment shall not be later than 30 September.
3. In case an entity applies to become a registered reporting mechanism, the Agency shall send the entity an invoice amounting to 50 % of the flat enrolment fee component pursuant to point (a) of Article 5(1) and only accept the application once the invoice is paid. Where the Agency rejects the application because the entity does not comply with the requirements pursuant to Article 11 of Implementing Regulation (EU) No 1348/2014, the entity is not entitled to a reimbursement of the paid fee. After registration of an entity as registered reporting mechanism, the Agency shall send the entity an invoice over the remaining fee consisting of 50 % of the flat enrolment fee component pursuant to point (a) of Article 5(1) and, unless the registered reporting mechanism declares that it will solely report fundamental data, the transaction records-based component pursuant to Article 6(4).
4. Registered reporting mechanisms which cease to be registered by the Agency shall not be entitled to any reimbursement of paid fees or to the waiving of any fees due. They shall pay the fee for the respective year in full, unless they had informed the Agency at the latest by 31 December of the previous year that they no longer want to be registered by the Agency.

*Article 5***Calculation of the individual annual fees**

1. The annual fee that a registered reporting mechanism has to pay shall be the sum of the following components:
 - (a) a flat enrolment fee component of EUR 9 000;
 - (b) a transaction records-based fee component calculated pursuant to Article 6, unless a registered reporting mechanism is solely reporting fundamental data;
 - (c) where applicable, a positive or negative correction amount to balance differences between the transaction records-based fee component paid in the previous year and the transaction records-based fee component that would have been paid according to the actual reporting in that year.

The correction amount referred to in point (c) of the first subparagraph is calculated by subtracting the transaction records-based fee component calculated in the previous year from the transaction records-based fee component calculated in the current year.

In case of a registered reporting mechanism which was newly registered in the previous year, the correction amount pursuant to point (c) of the first subparagraph is calculated by subtracting the amount pursuant to Article 6(4) from the transaction records-based fee component calculated in the current year pursuant to Article 6(5) after dividing the latter by 365 and multiplying it with the number of calendar days between the registration date and the end of the previous year.

A negative correction amount referred to in point (c) of the first subparagraph shall not be higher than the transaction records-based fee component calculated for the current year.

2. In case the sum of the individual fees calculated for each registered reporting mechanism pursuant to paragraph 1 would exceed the amount to be covered by fees pursuant to Article 3(2), the individual fee that each registered reporting mechanism will have to pay is decreased by multiplying it with a reduction factor calculated as follows:

$$\text{Reduction factor} = \frac{\text{Amount pursuant to Article 3(2)}}{\text{Sum of individual fees calculated pursuant to Article 5(1)}}$$

*Article 6***Calculation of the transaction records-based fee component**

1. The transaction records-based fee component is calculated on the basis of the transaction records reported in the previous year by each registered reporting mechanism as follows:
 - (a) The Agency identifies the data clusters of the respective registered reporting mechanism. One data cluster shall consist of one of the following:
 - (i) all transaction records reporting wholesale energy products pursuant to point (a) of Article 3(1) of Implementing Regulation (EU) No 1348/2014 stemming from a specific market participant using a specific organised market place;
 - (ii) all transaction records reporting wholesale energy products pursuant to point (a) of Article 3(1) of Implementing Regulation (EU) No 1348/2014 stemming from a specific market participant without using an organised market place;
 - (iii) all transaction records reporting wholesale energy products pursuant to point (b) of Article 3(1) of Implementing Regulation (EU) No 1348/2014 stemming from a specific market participant;
 - (b) for each of the data clusters referred to in point (a) the Agency identifies the fee subcomponent pursuant to paragraph 2 or paragraph 3;
 - (c) the transaction records-based fee component is the sum of the subcomponents identified pursuant to point (b).
2. The fee subcomponents per data cluster for transaction records pursuant to subitems (i) and (iii) of point (a) of paragraph 1 are as follows:

Transaction records per data cluster	Fee subcomponent in EUR
1 to 1 000	250
1 001 to 10 000	500
10 001 to 100 000	1 000
100 001 to 1 million	2 000
More than 1 million to up to 10 million	4 000
More than 10 million to up to 100 million	8 000
More than 100 million	16 000

3. The fee subcomponents per data cluster for transaction records pursuant to subitem (ii) of point (a) of paragraph 1 are as follows:

Transaction records per data cluster	Fee subcomponent in EUR
1 to 100	250
101 to 1 000	500
1 001 to 10 000	1 000
10 001 to 100 000	2 000
100 001 to 1 million	4 000
More than 1 million to up to 10 million	8 000
More than 10 million	16 000

4. In case of a newly registered reporting mechanism the transaction records-based component in the year of registration is EUR 65 for each calendar day from the day of registration until the end of the year. The registered reporting mechanism and the Agency may mutually agree on a different amount in order to better reflect the expected reporting by the registered reporting mechanism.

5. In case of a registered reporting mechanism which was newly registered in the previous year, the number of transaction records for each data cluster is adjusted prior to identifying the respective fee subcomponents as follows:

$$\text{Adjusted number} = \frac{\text{Number of transaction records reported in the previous year} * 365}{\text{Calendar days between registration date and end of the previous year}}$$

Article 7

Enforcement

1. The invoices sent by the Agency pursuant to Article 4(2) or (3) shall constitute debit notes pursuant to Article 71 of the Financial Regulation of the Agency.

2. The Agency shall take all appropriate legal steps to ensure full payment of the invoices issued by applying the relevant rules, including those on default interest and on recovery, of the Financial Regulation of the Agency.

3. In case a registered reporting mechanism is overdue with paying the fee for at least one month, the Agency may decide to disable the registered reporting mechanism's ability to report data to the Agency until the fee is paid in full.

*Article 8***Transitional rules in 2021**

For fees paid in 2021 the following specific rules apply:

- (a) the earliest deadline the Agency may set for paying the invoices pursuant to Article 4(2) shall be 31 March 2021;
- (b) registered reporting mechanisms which inform the Agency at the latest by 31 March 2021 that they no longer want to be registered by the Agency shall not be obliged to pay the fee. They shall be able to continue to report data until 30 June 2021;
- (c) registered reporting mechanisms which fail to pay the fee may be disabled from reporting data to the Agency in accordance with Article 7(3) from 1 July 2021 at the earliest;
- (d) point (c) of Article 5(1) shall not apply to the fees levied in 2021.

*Article 9***Evaluation**

The Commission shall evaluate the implementation of this Decision by 5 July 2024 and every five years thereafter, together with the evaluation to be carried out pursuant to Article 45 of Regulation (EU) 2019/942.

*Article 10***Entry into force and application**

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

This Decision shall apply from 1 January 2021.

However, Article 3(1) and (2) shall apply from its entry into force.

Done at Brussels, 17 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

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