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Legislation

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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2021/1873 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 20 October 2021

on the extension of the term of the Community plant variety rights for varieties of the species *Asparagus officinalis* L. and of the species groups flower bulbs, woody small fruits and woody ornamentals

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 118, first paragraph, thereof,

Having regard to the proposal from the European Commission,

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

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

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

Whereas:

- (1) Technical difficulties in breeding, due to complex genetic backgrounds or to the slow or technically complicated reproduction of the species *Asparagus officinalis* L. and the species groups flower bulbs, woody small fruits and woody ornamentals, need to be addressed by means of investments in research and development activities. Once protection of plant variety rights is granted for that species and those species groups, it takes years to multiply the plants and to build up a stock that is sufficiently large to generate a reasonable income. Accordingly, the time during which the holder of the plant variety rights can generate income based on that protection is limited. To encourage investments in research and development for varieties of that species and those species groups, it is necessary to prolong the term of protection of plant variety rights and incentivise breeding activities to develop new varieties in order to meet the needs of farmers and consumers and to address the impact of climate change. Those investments require more time to be profitable than for the overwhelming majority of other species, such as agricultural crops, which often have a shorter life span and a larger and wider range of consumers.
- (2) The market introduction and market uptake of a new variety of the species *Asparagus officinalis* L. and the species groups flower bulbs, woody small fruits and woody ornamentals require more time in order for that new variety to be profitable than for other species, as experience has shown that such a new variety reveals its commercial value only in the long term. For those reasons, an equitable refunding of investments in research and development is only possible at a fairly late stage of the protection of that species and those species groups in comparison with other species.

⁽¹⁾ OJ C 220, 9.6.2021, p. 86.

⁽²⁾ Position of the European Parliament of 14 September 2021 (not yet published in the Official Journal) and decision of the Council of 5 October 2021.

- (3) Council Regulation (EC) No 2100/94 ⁽³⁾ establishes a system of Community plant variety rights as the sole and exclusive form of Community industrial property rights for plant varieties. In accordance with Article 19(1) of that Regulation, the term of the Community plant variety right is to run until the end of the 25th calendar year or, in the case of varieties of vine and tree species, until the end of the 30th calendar year, following the year of grant.
- (4) In order to establish a legal environment conducive to achieving an equitable refunding, it is appropriate to extend by a further five years the term of the Community plant variety rights for varieties of the species *Asparagus officinalis* L. and of the species groups flower bulbs, woody small fruits and woody ornamentals. That extension should apply to rights granted before, on or after the date of entry into force of this Regulation.
- (5) For reasons of consistency, such extension should apply to all Community plant variety rights for varieties of the species *Asparagus officinalis* L. and of the species groups flower bulbs, woody small fruits and woody ornamentals.
- (6) The period of extension should be reduced if national property rights for those varieties have been effective in a Member State prior to the grant of a Community plant variety right and, accordingly, would already have allowed breeders to exploit their varieties,

HAVE ADOPTED THIS REGULATION:

Article 1

Extension of the term of Community plant variety rights

1. The term of the Community plant variety rights, as provided for in Article 19(1) of Regulation (EC) No 2100/94, shall, for varieties of the species *Asparagus officinalis* L. and of the species groups flower bulbs, woody small fruits and woody ornamentals, be extended by five years.
2. Paragraph 1 of this Article is without prejudice to Article 116(4), fourth indent, of Regulation (EC) No 2100/94.

Article 2

Reduction of the extension

For plant varieties for which one or more national plant variety rights have been granted prior to the grant of a Community plant variety right, but to which Article 116(4), fourth indent, of Regulation (EC) No 2100/94 does not apply, the extension of the term provided for in Article 1 of this Regulation shall be reduced by the longest period in full calendar years during which any national plant variety right or rights granted have been effective in a Member State in respect of the same variety prior to the grant of the Community plant variety rights.

Article 3

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*.

⁽³⁾ Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (OJ L 227, 1.9.1994, p. 1).

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

Done at Strasbourg, 20 October 2021.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
A. LOGAR

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1874

of 25 October 2021

correcting the German language versions of Regulation (EU) 2018/395 laying down detailed rules for the operation of balloons as well as for the flight crew licensing for balloons, and of Implementing Regulation (EU) 2018/1976 laying down detailed rules for the operation of sailplanes as well as for the flight crew licensing for sailplanes

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 Articles 23, 27 and 31 thereof,

Whereas:

- (1) The German language version of Commission Regulation (EU) 2018/395 ⁽²⁾ contains errors in Part-BFCL, Subpart BPL, points BFCL.125 BPL(a) and BFCL.145 BPL(e), of Annex III that alter the meaning of the text.
- (2) The German language version of Commission Implementing Regulation (EU) 2018/1976 ⁽³⁾ contains similar errors in Part-SFCL, Subpart SPL, points SFCL.125 SPL(a) and SFCL.145 SPL(e), of Annex III that alter the meaning of the text.
- (3) The German language versions of Regulation (EU) 2018/395 and Implementing Regulation (EU) 2018/1976 should therefore be corrected accordingly. The other language versions are not affected.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 127 of Regulation (EU) 2018/1139,

⁽¹⁾ OJ L 212, 22.8.2018, p. 1.

⁽²⁾ Commission Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons as well as for the flight crew licensing for balloons pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council (OJ L 71, 14.3.2018, p. 10).

⁽³⁾ Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes as well as for the flight crew licensing for sailplanes pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council (OJ L 326, 20.12.2018, p. 64).

HAS ADOPTED THIS REGULATION:

Article 1

(does not concern the English language)

Article 2

(does not concern the English language)

Article 3

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

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

Done at Brussels, 25 October 2021.

For the Commission
The President
Ursula VON DER LEYEN

DECISIONS

COUNCIL DECISION (EU) 2021/1875

of 22 October 2021

concerning the position to be adopted on behalf of the Union in the annual consultations with the United Kingdom to agree on total allowable catches

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 29 April 2021 the Council adopted Decision (EU) 2021/689 ⁽¹⁾ on the conclusion of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ⁽²⁾ (the 'Trade and Cooperation Agreement'). The Trade and Cooperation Agreement entered into force on 1 May 2021.
- (2) Under Article 494 of the Trade and Cooperation Agreement, the Union and the United Kingdom (the 'Parties') agreed to cooperate with a view to ensuring that fishing activities for shared stocks in their waters are environmentally sustainable in the long term and contribute to achieving economic and social benefits, while fully respecting the rights and obligations of independent coastal States as exercised by the Parties. The Parties share the objective of exploiting shared stocks at rates intended to maintain and progressively restore populations of harvested species above biomass levels that can produce the maximum sustainable yield (MSY).
- (3) Pursuant to Article 498 of the Trade and Cooperation Agreement, the Parties are to hold annual consultations to agree on total allowable catches (TACs) for shared stocks.
- (4) The Commission should carry out the annual consultations on behalf of the Union and on the basis of Union positions to be established by the Council in accordance with the relevant Treaty provisions.
- (5) The regular and full involvement of the Council and its preparatory bodies in the process of annual consultations with the United Kingdom on fixing fishing opportunities for the stocks in question should be ensured by means of extensive coordination and cooperation between the Council and the Commission, in accordance with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union (TEU).
- (6) The European Parliament is to be immediately and fully informed pursuant to Article 218(10) of the Treaty on the Functioning of the European Union (TFEU).

⁽¹⁾ Council Decision (EU) 2021/689 of 29 April 2021 on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (OJ L 149, 30.4.2021, p. 2).

⁽²⁾ OJ L 149, 30.4.2021, p. 10.

- (7) Article 2(1) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾ requires the Union to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies.
- (8) Article 2(2) of Regulation (EU) No 1380/2013 requires the Union to apply the precautionary approach to fisheries management and to aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels that can produce MSY.
- (9) Article 2(5), point (j), of Regulation (EU) No 1380/2013 requires that fisheries management be coherent with the objective of achieving a good environmental status as set out in Directive 2008/56/EC of the European Parliament and of the Council ⁽⁴⁾. Article 2(5), point (a), of Regulation (EU) No 1380/2013, read in conjunction with Article 7(1), point (d), of that Regulation, further requires the Union to gradually eliminate discards by, inter alia, promoting fishing methods that contribute to more selective fishing and to the avoidance and reduction, as far as possible, of unwanted catches, as well as fishing with low impact on marine ecosystem and fishery resources.
- (10) Article 3, point (c), of Regulation (EU) No 1380/2013 provides that the Union is to take management and conservation measures based on the best available scientific advice.
- (11) Article 28 of Regulation (EU) No 1380/2013 provides that the Union is to conduct its external fisheries relations in accordance with the objectives and principles set out in Articles 2 and 3 of that Regulation and is to, inter alia, actively support and contribute to the development of scientific knowledge and advice. Article 28 of Regulation (EU) No 1380/2013 also provides that the provisions on external policy set out in Part VI of that Regulation are without prejudice to specific provisions adopted under Article 218 TFEU.
- (12) Article 33 of Regulation (EU) No 1380/2013 lays down principles and objectives of the management of stocks of common interest to the Union and third countries, as well as provisions concerning agreements on exchange and joint management.
- (13) In view of the evolving nature of fishery resources covered by the Trade and Cooperation Agreement and the need for the Union's position to take account of new developments, including new scientific and other relevant information presented before or during the annual consultations, provisions should be laid down for the year-to-year specification of the Union position in those consultations. Those provisions should be in accordance with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) TEU.
- (14) Pursuant to point 2(c) of Annex II to Council Decision (EU) 2021/1765 ⁽⁵⁾, the Union may seek to record matters agreed by the Parties following consultations under Article 498 of the Trade and Cooperation Agreement.
- (15) It is therefore appropriate to establish the position to be adopted on behalf of the Union in the annual consultations with the United Kingdom, as the outcome of those consultations should be implemented into Union law,

⁽³⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁽⁴⁾ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

⁽⁵⁾ Council Decision (EU) 2021/1765 of 5 October 2021 on the position to be adopted on behalf of the European Union, for the period 2021–2026, within the Specialised Committee on Fisheries established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (OJ L 355, 7.10.2021, p. 135).

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted on behalf of the Union in the annual consultations with the United Kingdom on fishing opportunities for shared stocks, including deep-sea stocks, under Article 498 of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (the 'Trade and Cooperation Agreement') is set out in the Annex to this Decision.
2. The specification of the Union's position, as referred to in paragraph 1, shall be conducted on an annual basis in accordance with Article 2.

Article 2

1. The regular and full involvement of the Council throughout the annual consultations shall be ensured by means of extensive coordination and cooperation between the Council and the Commission.
2. Before the start of and throughout the annual consultations with the United Kingdom, the Commission shall take the steps necessary to ensure that the position to be expressed on behalf of the Union takes account of the latest scientific advice and other relevant information available, in accordance with the principles and orientations set out in the Annex. The position shall be reflected in the written record documenting the arrangements made between the Union and the United Kingdom resulting from the consultations under Article 498 of the Trade and Cooperation Agreement.
3. To this effect, the Commission shall send to the Council, sufficiently in advance of the annual consultations and, where necessary, in the course of those consultations, a written document, based on the advice and information referred to in paragraph 2, setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf. The Council shall remain seized of the matter throughout the process, and the Commission shall send to the Council, in sufficient time before signature of the written record referred to in paragraph 2, the Union's position for approval of the detailed results of the annual consultations.
4. The process referred to in this Article shall include *in situ* coordination meetings, presentations, debriefings and discussions, and the full involvement of national delegations in the annual consultations, including as part of the Union delegation, and, when needed, in technical meetings.
5. If, in the course of the annual consultations, it is impossible for the Union to reach an agreement with the United Kingdom, and in order for the Union's position to take account of new elements, the Commission shall refer the matter to the Council.
6. If, after the conclusion of the annual consultations, it is appropriate to amend the TACs in the year or years for which they were agreed, the Commission shall, in sufficient time and on the basis of the latest scientific and other relevant information and in accordance with the principles and orientations set out in the Annex, submit to the Council a new written document setting out the particulars of the proposed specification of the Union's position regarding such amendment, for discussion and endorsement of the details of the position to be expressed on the Union's behalf, before the signature of a written record.

Article 3

This Decision shall apply until 30 June 2027. It shall be assessed as necessary and, where appropriate, revised by the Council upon a proposal from the Commission. A review shall in any event take place by 30 June 2023.

Article 4

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

Done at Brussels, 22 October 2021.

For the Council

The President

G. DOVŽAN

ANNEX

THE POSITION TO BE ADOPTED ON BEHALF OF THE UNION IN THE ANNUAL CONSULTATIONS WITH THE UNITED KINGDOM TO AGREE ON TOTAL ALLOWABLE CATCHES**1. PRINCIPLES**

In the framework of the annual consultations with the United Kingdom, the Union shall:

- (a) seek to ensure that the fishing opportunities agreed are consistent with international law, and in particular with the provisions of the 1982 United Nations (UN) Convention on the Law of the Sea and of the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;
- (b) seek to ensure that the Union's international commitments are respected;
- (c) seek consistency and synergy with the policies that the Union is pursuing as part of its bilateral fisheries relations with other third countries and within regional fisheries management organisations, and ensure consistency with its other policies, in particular in the fields of external relations, employment, the environment, trade, development, and research and innovation;
- (d) ensure that the TACs and other functionally linked measures are set in a way which is consistent with the Trade and Cooperation Agreement and fully take into account any measures or guidance established by the Specialised Committee on Fisheries (SCF);
- (e) seek to ensure that TACs are jointly determined in accordance with the common fisheries policy (CFP) objective of ensuring that fisheries are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, including the core conservation objective of the CFP, namely MSY, as well as with the applicable multiannual plans;
- (f) seek alignment with the Council conclusions of 19 March 2012 on a communication from the Commission on the external dimension of the CFP;
- (g) seek to ensure non-discriminatory rules for the Union fleet based on the same principles and standards as those applicable under Union law;
- (h) seek to establish timelines for the annual consultations on fishing opportunities;
- (i) seek to ensure consistency with the Union's environmental legislation, in particular with Directive 2008/56/EC, as well as with other Union policies.

2. ORIENTATIONS

The Union is to make every effort to reach an agreement with the United Kingdom on fishing opportunities (TACs and their functionally linked measures), based on the approach outlined below.

In doing so, the Commission shall work closely with the Council during the annual consultations, in order to:

- (a) seek to establish TACs based on the best available scientific advice, in order to achieve the MSY exploitation rate;
- (b) seek to establish TACs under the precautionary approach to fisheries where such scientific advice on MSY exploitation rates is not available;
- (c) seek to prevent overexploitation of the relevant stocks by setting TACs at a level similar to earlier years where no scientific advice is available;
- (d) seek to combine different scientific advice for establishing the TACs, including where such advice combines MSY and precautionary advice, for TACs with a mismatch between the advice area and the management areas, or where TACs combine more than one species, and seek an appropriate way of taking into account advice when establishing the TACs for skates and rays;

- (e) seek to establish TACs with MSY assessment and F_{MSY} advice in accordance with the MSY objective of the CFP and the applicable multiannual plans; where the multiannual plans allow for the use of the F_{MSY} ranges as provided by the International Council for the Exploration of the Sea (ICES), the Union should seek to make use of those provisions, if the conditions set out in those multiannual plans are fulfilled;
 - (f) seek to set TACs based on the precautionary approach corresponding to the headline advice in the ICES scientific advice sheet with precautionary advice for: (i) by-catch stocks (under multiannual plans); (ii) target stocks (under multiannual plans) where ICES provides precautionary advice only; and (iii) TACs with multiannual precautionary advice, where stability should be pursued;
 - (g) seek to take into account the difficulty of fishing all stocks in a mixed fishery at the MSY level at the same time, and in particular where it is difficult to avoid the phenomenon of choke species, including TACs with 0-catch advice for either target or by-catch TACs; the Union should seek, where relevant under the multiannual plans, to accompany the TAC level with remedial measures in the relevant sea basins;
 - (h) seek to establish TACs for scientific or monitoring purposes in line with the scientific advice;
 - (i) seek consistency with the Union's applicable law in relation to specific species and stocks;
 - (j) seek convergence on the species for which fishing is to be prohibited, based on scientific advice, including the general prohibition on fisheries on deep-sea sharks;
 - (k) seek agreed approaches on the method and application of the adjustments to the agreed TACs following the application of exemptions to the landing obligation (*de minimis* and survivability exemptions from the obligation to land all catches); the Union should seek the highest possible level of agreed approaches for such exemptions in a manner consistent with Article 15 of Regulation (EU) No 1380/2013;
 - (l) seek agreement on the approach for the conservation of northern seabass, based on ICES scientific advice;
 - (m) seek to agree on other functionally linked measures to TACs, in particular with regard to existing special conditions and inter-area flexibilities, in line with Regulation (EU) No 1380/2013, in particular Article 15(8) and (9) thereof;
 - (n) seek to identify, based on the best available scientific advice, and in accordance with Article 499(4) of the Trade and Cooperation Agreement, the stocks to be regarded as 'special stocks' for the purpose of establishing provisional TACs where the annual consultations can not be concluded in a timely manner in accordance with Article 498(2) of the Trade and Cooperation Agreement;
 - (o) seek to agree joint requests to ICES where a need for additional advice is identified;
 - (p) seek to ensure that TAC levels, in accordance with scientific advice, are established in time for the start of the fishing year for sandeel, sprat and Norway pout in the North Sea, where the fishing year does not follow the calendar year;
 - (q) seek to continue the existing provisional quota-swap mechanism until the SCF establishes a permanent mechanism.
-

COMMISSION IMPLEMENTING DECISION (EU) 2021/1876**of 20 October 2021****on greenhouse gas emissions covered by Decision No 406/2009/EC of the European Parliament and of the Council for the year 2019 for each Member State**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC ⁽¹⁾, and in particular Article 19(6) thereof,

Whereas:

- (1) Decision No 406/2009/EC of the European Parliament and of the Council ⁽²⁾ lays down annual emission allocations for each Member State for each year of the period 2013 to 2020 and a mechanism to annually assess compliance with those limits. Member States' annual emission allocations expressed in tonnes of CO₂ equivalent are contained in Commission Decision 2013/162/EU ⁽³⁾. The adjustments to the annual emission allocations for each Member State are set in Commission Implementing Decision 2013/634/EU ⁽⁴⁾.
- (2) Article 19 of Regulation (EU) No 525/2013 provides for a procedure for the review of Member States' greenhouse gas emissions inventories for the purpose of assessing compliance with Decision No 406/2009/EC. The annual review referred to in Article 19(2) of Regulation (EU) No 525/2013 was carried out on the basis of the 2019 emissions data reported to the Commission in March 2021 in accordance with the procedures laid down in Chapter III of Commission Implementing Regulation (EU) No 749/2014 ⁽⁵⁾ and Annex XVI to that Regulation.
- (3) The total amount of greenhouse gas emissions covered by Decision No 406/2009/EC for the year 2019 for each Member State should take into consideration the technical corrections and revised estimates calculated during the annual review as contained in the final review reports drawn up pursuant to Article 35(2) of Implementing Regulation (EU) No 749/2014.
- (4) This Decision should enter into force on the day of its publication in order to be aligned with the provisions of Article 19(7) of Regulation (EU) No 525/2013 which sets the date of publication of this Decision as the starting point for the four-month period when Member States are allowed to use the flexibility mechanisms under Decision No 406/2009/EC,

⁽¹⁾ OJ L 165, 18.6.2013, p. 13.

⁽²⁾ Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 5.6.2009, p. 136).

⁽³⁾ Commission Decision 2013/162/EU of 26 March 2013 on determining Member States' annual emission allocations for the period from 2013 to 2020 pursuant to Decision No 406/2009/EC of the European Parliament and of the Council (OJ L 90, 28.3.2013, p. 106).

⁽⁴⁾ Commission Implementing Decision 2013/634/EU of 31 October 2013 on the adjustments to Member States' annual emission allocations for the period from 2013 to 2020 pursuant to Decision No 406/2009/EC of the European Parliament and of the Council (OJ L 292, 1.11.2013, p. 19).

⁽⁵⁾ Commission Implementing Regulation (EU) No 749/2014 of 30 June 2014 on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 203, 11.7.2014, p. 23).

HAS ADOPTED THIS DECISION:

Article 1

The total sum of greenhouse gas emissions covered by Decision No 406/2009/EC for each Member State for the year 2019 arising from the corrected inventory data upon completion of the annual review referred to in Article 19(2) of Regulation (EU) No 525/2013 is set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 20 October 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Member State	Greenhouse gas emissions for the year 2019 covered by Decision No 406/2009/EC (tonnes of carbon dioxide equivalent)
Belgium	72 013 554
Bulgaria	25 814 515
Czechia	60 543 276
Denmark	32 050 593
Germany	444 262 722
Estonia	6 208 760
Ireland	45 579 575
Greece	44 744 947
Spain	201 878 747
France	336 358 317
Croatia	16 058 241
Italy	274 938 773
Cyprus	4 377 563
Latvia	8 650 111
Lithuania	14 298 998
Luxembourg	9 239 043
Hungary	44 894 942
Malta	1 427 261
The Netherlands	97 096 843
Austria	50 218 754
Poland	209 084 930
Portugal	41 527 062
Romania	75 211 340
Slovenia	10 809 900
Slovakia	20 087 964
Finland	29 643 287
Sweden	31 679 703
United Kingdom	329 100 245

COMMISSION IMPLEMENTING DECISION (EU) 2021/1877**of 22 October 2021****on the framework of inclusion measures of the Erasmus+ and European Solidarity Corps Programmes 2021-2027****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 165(4) and 166(4) thereof,

Having regard to Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013 ⁽¹⁾, and in particular Article 15 thereof,

Having regard to Regulation (EU) 2021/888 of the European Parliament and of the Council of 20 May 2021 establishing the European Solidarity Corps Programme and repealing Regulations (EU) 2018/1475 and (EU) No 375/2014 ⁽²⁾, and in particular Article 16(2) thereof,

Whereas:

- (1) The need to strengthen and extend the Erasmus+ Programme was expressed by the European Council on several occasions. Furthermore, in the consultations on the mid-term evaluation of the Erasmus+ Programme (2014-2020) established by Regulation (EU) No 1288/2013 of the European Parliament and of the Council ⁽³⁾, and on the programme which would replace that programme ⁽⁴⁾, the need for continuity in the Erasmus+ Programme's scope, architecture and delivery mechanisms was established. At the same time a need for a number of improvements was identified, such as making the Erasmus+ Programme more inclusive, simpler and more manageable for beneficiaries.
- (2) Both the Erasmus+ Regulation and the Solidarity Corps Regulation foresee that the Commission shall develop a framework of inclusion measures for people with fewer opportunities ⁽⁵⁾. Taking into consideration the similarities of the Erasmus+ and the European Solidarity Corps Programmes as regards some of the target groups addressed (people with fewer opportunities in the Erasmus+ Programme and young people with fewer opportunities in the European Solidarity Corps Programme), the shared nature of the implementing structures of the two Programmes, and the similarities in the funding structure, a joint framework of inclusion measures should be established.
- (3) The framework of inclusion measures should take into account areas of intervention for global challenges as set out in Annex III, point 4, of Regulation (EU) 2021/947 of the European Parliament and of the Council ⁽⁶⁾, as well as the European Union Work Plan for Sport 2021-2024. Organisations such as the entities receiving grants under the Programmes have a key role in making inclusion a reality, particularly in terms of organisational development, acquiring and building more capacity in handling inclusion projects and accessibility requirements, promoting inclusion across the organisation, and outreach and support to participants before, during and after the project.

⁽¹⁾ OJ L 189, 28.5.2021, p. 1. Hereinafter "the Erasmus+ Regulation".

⁽²⁾ OJ L 202, 8.6.2021, p. 32. Hereinafter "the European Solidarity Corps Regulation." The Erasmus+ and European Solidarity Corps Programme will also be jointly referred to hereinafter as "the Programmes".

⁽³⁾ Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing "Erasmus+": the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (OJ L 347, 20.12.2013, p. 50).

⁽⁴⁾ Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013 (OJ L 189, 28.5.2021, p. 1).

⁽⁵⁾ The Erasmus+ Regulation defines "people with fewer opportunities" in Article 2(25), and the European Solidarity Corps Regulation defines "young people with fewer opportunities" in Article 2(4), in a largely identical manner. In this Decision, they will also be referred to as "participants with fewer opportunities".

⁽⁶⁾ Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009 (OJ L 209, 14.6.2021, p. 1).

- (4) In some cases, people with fewer opportunities are less likely to participate in the Programmes for financial reasons, whether because of their economic situation or because of the higher participation costs that their specific situation generates, as is often the case for people with disabilities. In such cases, their participation could be facilitated with targeted financial support.
- (5) Lack of awareness about the availability of dedicated measures for people with fewer opportunities can result in less participation of these target groups. Greater effort is needed to raise awareness and increase their levels of information and awareness about the opportunities in place and how to access them.
- (6) Organisations are invited to address inclusion and diversity in line with their needs and those of their community. Staff dealing specifically with issues of inclusion and diversity and with participants with fewer opportunities in their organisations can benefit from working together with peers from other organisations to support people with fewer opportunities. Different forms of support, such as training sessions, peer learning experiences and job shadowing opportunities, can be arranged with a view to helping to increase their capacity in this respect.
- (7) A strong supportive approach to participants with fewer opportunities is key to help removing the obstacles to their full participation in the Programmes.
- (8) Inclusion and diversity are part of the criteria to select applications for funding and to allocate financial support. Quality projects that actively address inclusion and diversity and that involve participants with fewer opportunities may be given priority in the grant awarding process.
- (9) People with fewer opportunities should be reached out to in their respective personal environments by tailoring the approach to their specific information and accessibility needs. An important success factor for providing information to under-represented groups is the cooperation with stakeholders working with these target groups and the involvement of users at local and regional level.
- (10) Dedicated monitoring activities, using a set of specific indicators, should provide qualitative and quantitative data to gradually support an even more strategic and targeted use of the available budget under the Programmes.
- (11) Inclusion measures may already be in place in the national context. Complementarity and synergies with the measures put in place by this framework may contribute to achieving a greater impact in reaching out to and supporting participants with fewer opportunities.
- (12) This Decision and the ensuing inclusion action plans should respect the fundamental rights and observe the principles recognised by the Charter of Fundamental Rights of the European Union. ⁽⁷⁾ They should also ensure full respect for the right to non-discrimination and to promote the application of Article 21 of the Charter.
- (13) The actors involved in the process of making the Erasmus+ and the European Solidarity Corps Programmes more inclusive and diverse are heterogeneous and contribute to the development of ideas and new or improved mechanisms, as well as act as key multipliers of the inclusion and diversity efforts,

⁽⁷⁾ Hereinafter referred to as “the Charter”.

HAS ADOPTED THIS DECISION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

1. This Decision establishes a framework of inclusion measures for the Erasmus+ and European Solidarity Corps Programmes for the period of the 2021-2027 Multiannual Financial Framework.
2. It lays down the objectives of the framework and the actions and mechanisms to be implemented.

Article 2

Objectives of the framework of inclusion measures

1. The general objective of the framework of inclusion measures is to facilitate the access to the Erasmus+ and European Solidarity Corps Programmes for people with fewer opportunities, to ensure the putting in place of measures to remove the obstacles that may prevent such access, and to serve as a basis for further implementation guidance as set out in the Annex. Based on the principle that the Programmes have to be accessible for all, regardless of the barriers people may face, the aim is to leave no one behind and contribute to more inclusive societies.
2. The framework of inclusion measures has four specific objectives:
 - (a) mainstreaming inclusion and diversity as a cross-cutting priority and guiding principle;
 - (b) ensuring the offer of inclusive features and mechanisms within the design of the Programmes and the budget allocated to its actions, and that the focus on inclusion and diversity is taken into account at all stages of the Programmes' management;
 - (c) establishing a common understanding of those who may be considered people with fewer opportunities and fostering a positive approach to diversity;
 - (d) supporting beneficiary organisations in establishing more high quality projects that address inclusion and diversity, and in designing and implementing projects in a more inclusive and diverse manner.
3. The Annex to this Decision provides a non-exhaustive list of the actions which the Commission has taken and will take in order to provide guidance on the implementation of inclusion measures in the Erasmus+ and European Solidarity Corps Programmes.

CHAPTER II

INCLUSION MEASURES

Article 3

Learning formats

The Programmes shall offer flexible and accessible learning formats to enable reaching out to large target groups, thus increasing the integration of people with fewer opportunities in education and training, youth, sport and solidarity activities.

*Article 4***Support to participants with fewer opportunities**

Mechanisms to adequately prepare and support participants with fewer opportunities before, during and after their participation within the Programmes, such as preparatory visits, linguistic support, reinforced mentorship and coaching, shall be available and duly financed.

*Article 5***Support to organisations**

Mechanisms shall be put in place to:

- (a) support organisations in making inclusion a reality, particularly in terms of organisational development, accessibility and the interaction with participants with fewer opportunities before, during and after the project. This can take the form of support activities for staff dealing specifically with inclusion and diversity in organisations, such as training and thematic networking opportunities, to work together to support people with fewer opportunities and to ensure inclusive selection procedures;
- (b) support organisations in their key role to reach out and raise awareness among potential participants with fewer opportunities on the various opportunities and support mechanisms that the Programmes offer them.

*Article 6***Financial support**

1. The Programmes shall provide adequate levels of financial support to participants with fewer opportunities, contributing to removing the barriers that prevent them to participate in Programme's activities on equal footing to their peers. This includes taking into consideration the most appropriate mechanisms for granting such support.
2. The Programmes shall make available reinforced financial support for organisations working with participants with fewer opportunities, recognising the additional efforts put in place to effectively involve these target groups in their project activities.

*Article 7***Selection process**

Priority may be given in the grant awarding process to quality projects that actively address the inclusion and involvement of participants with fewer opportunities.

*Article 8***User-friendliness of programme's documents**

The Programmes shall ensure that the application and reference documents are user-friendly and accessible and available in different languages. Those documents shall have a clear structure and use simple language in order to support the needs of people with fewer opportunities.

*Article 9***Training activities**

Funding may be provided under the Programmes to offer training activities aimed at inclusion of people with fewer opportunities for, inter alia, experts, practitioners, staff of the organisations and participants. These training activities shall be aimed at creating opportunities for the exchange of best practices, building competences and for encouraging innovative ideas regarding inclusion measures.

*Article 10***Supportive approach**

The Programmes shall provide qualitative support for inclusion measures through the Erasmus+ and European Solidarity Corps national agencies and the European Education and Culture Executive Agency (EACEA), as well as through structures such as Support, Advanced Learning and Training Opportunities (SALTO) Inclusion and Diversity.

*Article 11***Communication activities**

Information and awareness-raising about the opportunities offered by the Programmes and the inclusion support mechanisms may have to be conveyed and adapted to their national and sector-specific context for each category of participants with fewer opportunities. To achieve this, implementing organisations are encouraged to provide suitable and accessible information material, establish different outreach and information channels, share best practices, and proactively target and contact organisations active in the fields of inclusion and diversity. These tasks shall be carried out in particular by the Erasmus+ and European Solidarity Corps national agencies. To support the implementation of these tasks, inclusion and diversity officers shall be appointed in the national agencies.

CHAPTER III

MONITORING AND REPORTING*Article 12***Monitoring activities**

1. Relevant data shall be collected, in particular by the Commission and by Erasmus+ and European Solidarity Corps national agencies and the EACEA, during the lifespan of the Programmes through a mix of sources, such as the IT tools supporting the implementation of the Programmes or the participant surveys.
2. Monitoring tasks will be carried out by the Commission with the help of the Erasmus+ and European Solidarity Corps national agencies and the EACEA, and through ad-hoc analysis, while respecting the applicable data protection rules and procedures for processing sensitive personal data.

*Article 13***Inclusion action plans**

1. As an integral part of their work programmes, the Erasmus+ and European Solidarity Corps national agencies shall develop inclusion action plans, based on this framework of inclusion measures, and with particular attention to the specific challenges to access the Programmes within the national contexts. They shall report on a regular basis to the Commission on the progress made in the implementation of their inclusion action plan.
2. The Commission shall monitor the implementation of those inclusion action plans on a regular basis.
3. Where necessary, the Commission shall provide recommendations and observations to the national agencies in relation to their inclusion action plans, with a view to improve the design, implementation and follow-up of the content of these action plans.

*Article 14***Reporting**

The Commission shall publish reports on a regular basis on the progress made in the implementation of the inclusion measures, in particular through the mid-term evaluation of the Programmes and annual reporting activities.

*Article 15***Complementarity and synergies**

1. In the implementation of the inclusion measures, national agencies may ensure complementarity with other existing national measures for inclusion, in order to maximise the impact of these efforts for participants with fewer opportunities.
2. Synergies with other Union funds and national funds shall be sought, to allow for a greater impact and reinforced support to people with fewer opportunities.

CHAPTER IV

FINAL PROVISIONS*Article 16***Co-creation**

1. The implementation of these measures to make the Programmes more inclusive and diverse shall be carried out based on a co-creation spirit, in constant dialogue with relevant stakeholders, in particular international and national organisations and networks active in the field of inclusion and diversity, experts, practitioners and participants themselves, the Erasmus+ and European Solidarity Corps national agencies, the EACEA, the SALTO Resource Centres, the Erasmus+ Committee, and representatives of other Union institutions.
2. This dialogue may take place in a wide range of settings, ranging from European events to ad hoc working groups, targeted consultations and training and networking opportunities – either taking place physically, online or in a hybrid mode.

*Article 17***Entry into force**

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

Done at Brussels, 22 October 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Guidance for implementation of the inclusion measures for the Erasmus+ and European Solidarity Corps Programmes

The Commission, in consultation with stakeholders, may further develop the details for implementation of the inclusion measures set out in this Decision in implementation guidelines, to be elaborated and updated throughout the lifespan of the Erasmus+ and European Solidarity Corps Programmes 2021-2027.

The following guidance may be developed and progressively fine-tuned, as part of the regular programme lifecycle:

1. **Reference documents of the programme:** the Commission may provide guidance to stakeholders regarding the implementation modalities of inclusion and diversity measures in documents such as the call for proposals and programme guides, in the guidance for experts evaluating project proposals, as well as in application forms, and other technical documents, such as the Inclusion and Diversity Strategy ⁽¹⁾.

2. **Activities in the framework of the management of Erasmus+ and European Solidarity Corps national agencies:** as part of their periodic assessment process, national agencies shall provide information regarding the impact of their national plans in the area of inclusion and diversity and how they contribute to the overall inclusion and diversity objectives of the Programmes at Union level.

3. **Communication materials and strategic guidelines:** In addition to the programme reference documents, the Commission may develop further guidance documents with useful recommendations, success stories and good practices addressed to Erasmus+ and European Solidarity Corps national agencies and the European Education and Culture Executive Agency (EACEA), beneficiary organisations and potential participants with fewer opportunities to qualitatively support the implementation of inclusion and diversity measures, as well as to raise awareness about the different opportunities on offer. These materials and guidelines shall be developed in co-creation with relevant stakeholders in the field.

Where relevant, the Commission, with the support of the relevant implementing structures, shall ensure a wide reach of the materials referred to in point 3 of the second subparagraph. This shall be done through the dedicated websites, social media channels and other forms of communication, in the spirit of ensuring visibility and awareness among potential beneficiaries and participants with fewer opportunities, as well as to promote the active engagement of those potential beneficiaries and participants with fewer opportunities in the co-creation process of more inclusive and diverse Erasmus+ and European Solidarity Corps programmes.

⁽¹⁾ https://ec.europa.eu/programmes/erasmus-plus/resources/implementation-guidelines-erasmus-and-european-solidarity-corps-inclusion-and-diversity_en

COMMISSION IMPLEMENTING DECISION (EU) 2021/1878
of 25 October 2021
on the designation of the .eu top-level domain Registry
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/517 of the European Parliament and of the Council of 19 March 2019 on the implementation and functioning of the .eu top-level domain name and amending and repealing Regulation (EC) No 733/2002 and repealing Commission Regulation (EC) No 874/2004 ⁽¹⁾, and in particular Article 8 thereof,

Having regard to Commission Delegated Regulation (EU) 2020/1083 of 14 May 2020 Supplementing Regulation (EU) 2019/517 of the European Parliament and of the Council by establishing the eligibility and selection criteria and the procedure for the designation of the Registry of the .eu top-level domain name, and in particular Article 9(3) thereof ⁽²⁾,

Whereas:

- (1) The Commission is to designate the Registry entrusted with the organisation, administration and management of the .eu top-level domain on the basis of an open, transparent and non-discriminatory selection procedure. The selection procedure is to be organised by the Commission in two phases, whereby the Commission is to first assess the eligibility of the applicants and then establish the ranking of the eligible applicants based on the selection criteria defined in Delegated Regulation (EU) 2020/1083.
- (2) The current contract for the organisation, administration and management of the .eu top-level domain between the Commission and the Registry was signed on 10 October 2014 for a term of five years and then extended in 2019 for another three years. It will expire on 12 October 2022.
- (3) The Commission published a call for the selection of the .eu top-level domain Registry (2021-026011) in the *Official Journal of the European Union* on 1 March 2021 inviting applications from organisations wishing to be entrusted with the organisation, management and administration of the .eu top-level domain.
- (4) The call was closed on 18 May 2021 and five applications were received.
- (5) During the first phase of the selection procedure, the Commission assessed the absence of exclusion criteria and whether the applicants met the eligibility criteria. Four applications were found to be eligible. The list of eligible applicants was published on 9 July 2021 and the Commission informed each applicant of the results of the first phase of the procedure.
- (6) During the second phase of the procedure, the Commission assessed the eligible applicants and established a ranking on the basis of the selection criteria. The Commission examined the applications and established a scorecard comprised of the individual marks of each of the applications. The quality of the applications was evaluated, in line with Section 3.2 of the call, according to the quality of service proposed, the adequate level of human and technical resources proposed to fulfil the Registry tasks, and the financial and compliance standing proposed to fulfil the Registry tasks. The Commission also received assistance in the analysis of the applications from external independent experts.

⁽¹⁾ OJ L 91, 29.3.2019, p. 25.

⁽²⁾ OJ L 239, 24.7.2020, p. 1.

- (7) The Commission established the ranking of the applicants. The first ranked applicant, the European Registry for Internet Domains (EURid), should be designated as the next .eu top-level domain Registry and be invited to enter into negotiations to sign the contract in accordance with the call for selection. Such contract is to be governed by the principles laid down in Commission Implementing Regulation (EU) 2020/857 ⁽³⁾.
- (8) In accordance with Article 10 of Delegated Regulation (EU) 2020/1083, where the contract negotiations between the successful candidate and the Contracting Authority are terminated without the conclusion of a contract, the Commission will designate the next ranking applicant as the Registry,

HAS ADOPTED THIS DECISION:

Article 1

The European Registry for Internet Domains (EURid) shall be the .eu top-level domain Registry entrusted with the organisation, management and administration of the .eu top-level domain pursuant to Article 8(3) of Regulation (EU) 2019/517 and subject to the provisions of Article 2.

Article 2

The European Registry for Internet Domains (EURid) is invited to enter into a contract specifying the conditions according to which the Commission supervises the organisation, administration and management of the .eu top-level domain by the Registry, in accordance with Article 8(4) of Regulation (EU) 2019/517.

Should the contract negotiations between the European Registry for Internet Domains (EURid) and the Commission end without the conclusion of a contract, the next ranking applicant shall be designated as the Registry, in accordance with Article 10 of Delegated Regulation (EU) 2020/1083.

The service concession contract shall have an initial period of five years and may be extended once for an additional period of maximum five years.

Article 3

Commission Implementing Decision 2014/207/EU ⁽⁴⁾ is repealed.

Article 4

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

Done at Brussels, 25 October 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽³⁾ Commission Implementing Regulation (EU) 2020/857 of 17 June 2020 laying down the principles to be included in the contract between the European Commission and the .eu top-level domain Registry in accordance with Regulation (EU) 2019/517 of the European Parliament and of the Council (OJ L 195, 19.6.2020, p. 52).

⁽⁴⁾ Commission Implementing Decision 2014/207/EU of 11 April 2014 on the designation of the .eu Top Level Domain Registry (OJ L 109, 12.4.2014, p. 41).

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