

Official Journal

of the European Union

L 44



English edition

Legislation

Volume 53

19 February 2010

Contents

II *Non-legislative acts*

REGULATIONS

Commission Regulation (EU) No 136/2010 of 18 February 2010 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EU) No 137/2010 of 18 February 2010 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year	3
Commission Regulation (EU) No 138/2010 of 18 February 2010 fixing the export refunds on milk and milk products	5
Commission Regulation (EU) No 139/2010 of 18 February 2010 granting no export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 619/2008	9
Commission Regulation (EU) No 140/2010 of 18 February 2010 granting no export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 619/2008.....	10
Commission Regulation (EU) No 141/2010 of 18 February 2010 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95	11

Price: EUR 3

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission Regulation (EU) No 142/2010 of 18 February 2010 fixing the rates of the refunds applicable to milk and milk products exported in the form of goods not covered by Annex I to the Treaty	13
--	----

DECISIONS

★ Council Decision 2010/96/CFSP of 15 February 2010 on a European Union military mission to contribute to the training of Somali security forces	16
★ Council Decision 2010/97/CFSP of 16 February 2010 on adapting and extending the period of application of the measures in Decision 2002/148/EC concluding consultations with Zimbabwe under Article 96 of the ACP-EC Partnership Agreement	20

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 136/2010

of 18 February 2010

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 February 2010.

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

Done at Brussels, 18 February 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	126,1
	JO	84,0
	MA	88,4
	TN	127,6
	TR	104,5
	ZZ	106,1
0707 00 05	EG	233,5
	JO	143,3
	MA	83,3
	TR	136,3
	ZZ	149,1
0709 90 70	MA	124,7
	TR	156,0
	ZZ	140,4
0709 90 80	EG	69,8
	MA	131,9
	ZZ	100,9
0805 10 20	EG	47,4
	IL	51,4
	MA	50,0
	TN	51,5
	TR	59,5
	ZZ	52,0
0805 20 10	EG	76,8
	IL	147,8
	MA	87,4
	TR	87,0
	ZZ	99,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	52,8
	EG	70,4
	IL	81,8
	JM	106,6
	MA	87,9
	PE	62,6
	PK	54,0
	TR	61,9
	ZZ	72,3
0805 50 10	EG	76,3
	IL	75,7
	MA	68,6
	TR	75,0
	ZZ	73,9
0808 10 80	CA	65,8
	CL	59,9
	CN	69,2
	MK	24,7
	US	132,6
	ZZ	70,4
0808 20 50	CL	75,8
	CN	70,0
	US	99,1
	ZA	98,2
	ZZ	85,8

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EU) No 137/2010**of 18 February 2010****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2009/10 marketing year are fixed by Commission Regulation (EC) No 877/2009 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 129/2010 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 877/2009 for the 2009/10, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 February 2010.

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

Done at Brussels, 18 February 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 253, 25.9.2009, p. 3.

⁽⁴⁾ OJ L 40, 13.2.2010, p. 53.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 19 February 2010

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	44,99	0,00
1701 11 90 ⁽¹⁾	44,99	1,41
1701 12 10 ⁽¹⁾	44,99	0,00
1701 12 90 ⁽¹⁾	44,99	1,11
1701 91 00 ⁽²⁾	52,01	1,87
1701 99 10 ⁽²⁾	52,01	0,00
1701 99 90 ⁽²⁾	52,01	0,00
1702 90 95 ⁽³⁾	0,52	0,21

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

COMMISSION REGULATION (EU) No 138/2010
of 18 February 2010
fixing the export refunds on milk and milk products

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 164(2), in conjunction with Article 4, thereof,

Whereas:

- (1) Article 162(1) of Regulation (EC) No 1234/2007 provides that the difference between prices on the world market for the products listed in Part XVI of Annex I to that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the market in milk and milk products, export refunds should be fixed in accordance with the rules and certain criteria provided for in Articles 162, 163, 164, 167, 169 and 170 of Regulation (EC) No 1234/2007.
- (3) Article 164(1) of Regulation (EC) No 1234/2007 provides that export refunds may vary according to destination, especially where the world market situation, the specific requirements of certain markets or obligations resulting from agreements concluded in accordance with Article 300 of the Treaty make this necessary.

- (4) Export refunds for the Dominican Republic have been differentiated to take into account the reduced custom duties applied on imports under the import tariff quota under the Memorandum of Understanding between the European Community and the Dominican Republic on import protection for milk powder in the Dominican Republic ⁽²⁾, approved by Council Decision 98/486/EC ⁽³⁾. Due to a changed market situation in the Dominican Republic, characterised by increased competition for milk powder, the quota is no longer fully used. In order to maximise the use of the quota, the differentiation of export refunds for the Dominican Republic should be abolished.
- (5) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 164 of Regulation (EC) No 1234/2007 shall be granted on the products and for the amounts set out in the Annex to this Regulation, subject to the conditions provided for in Article 3(2) of Commission Regulation (EC) No 1282/2006 ⁽⁴⁾.

Article 2

This Regulation shall enter into force on 19 February 2010.

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

Done at Brussels, 18 February 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 218, 6.8.1998, p. 46.

⁽³⁾ OJ L 218, 6.8.1998, p. 45.

⁽⁴⁾ OJ L 234, 29.8.2006, p. 4.

ANNEX

Export refunds on milk and milk products applicable from 19 February 2010

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0401 30 31 9100	L20	EUR/100 kg	0,00	0402 29 19 9900	L20	EUR/100 kg	0,00
0401 30 31 9400	L20	EUR/100 kg	0,00	0402 29 99 9100	L20	EUR/100 kg	0,00
0401 30 31 9700	L20	EUR/100 kg	0,00	0402 29 99 9500	L20	EUR/100 kg	0,00
0401 30 39 9100	L20	EUR/100 kg	0,00	0402 91 10 9370	L20	EUR/100 kg	0,00
0401 30 39 9400	L20	EUR/100 kg	0,00	0402 91 30 9300	L20	EUR/100 kg	0,00
0401 30 39 9700	L20	EUR/100 kg	0,00	0402 91 99 9000	L20	EUR/100 kg	0,00
0401 30 91 9100	L20	EUR/100 kg	0,00	0402 99 10 9350	L20	EUR/100 kg	0,00
0401 30 99 9100	L20	EUR/100 kg	0,00	0402 99 31 9300	L20	EUR/100 kg	0,00
0401 30 99 9500	L20	EUR/100 kg	0,00	0403 90 11 9000	L20	EUR/100 kg	0,00
0402 10 11 9000	L20	EUR/100 kg	0,00	0403 90 13 9200	L20	EUR/100 kg	0,00
0402 10 19 9000	L20	EUR/100 kg	0,00	0403 90 13 9300	L20	EUR/100 kg	0,00
0402 10 99 9000	L20	EUR/100 kg	0,00	0403 90 13 9500	L20	EUR/100 kg	0,00
0402 21 11 9200	L20	EUR/100 kg	0,00	0403 90 13 9900	L20	EUR/100 kg	0,00
0402 21 11 9300	L20	EUR/100 kg	0,00	0403 90 33 9400	L20	EUR/100 kg	0,00
0402 21 11 9500	L20	EUR/100 kg	0,00	0403 90 59 9310	L20	EUR/100 kg	0,00
0402 21 11 9900	L20	EUR/100 kg	0,00	0403 90 59 9340	L20	EUR/100 kg	0,00
0402 21 17 9000	L20	EUR/100 kg	0,00	0403 90 59 9370	L20	EUR/100 kg	0,00
0402 21 19 9300	L20	EUR/100 kg	0,00	0404 90 21 9120	L20	EUR/100 kg	0,00
0402 21 19 9500	L20	EUR/100 kg	0,00	0404 90 21 9160	L20	EUR/100 kg	0,00
0402 21 19 9900	L20	EUR/100 kg	0,00	0404 90 23 9120	L20	EUR/100 kg	0,00
0402 21 91 9100	L20	EUR/100 kg	0,00	0404 90 23 9130	L20	EUR/100 kg	0,00
0402 21 91 9200	L20	EUR/100 kg	0,00	0404 90 23 9140	L20	EUR/100 kg	0,00
0402 21 91 9350	L20	EUR/100 kg	0,00	0404 90 23 9150	L20	EUR/100 kg	0,00
0402 21 99 9100	L20	EUR/100 kg	0,00	0404 90 81 9100	L20	EUR/100 kg	0,00
0402 21 99 9200	L20	EUR/100 kg	0,00	0404 90 83 9110	L20	EUR/100 kg	0,00
0402 21 99 9300	L20	EUR/100 kg	0,00	0404 90 83 9130	L20	EUR/100 kg	0,00
0402 21 99 9400	L20	EUR/100 kg	0,00	0404 90 83 9150	L20	EUR/100 kg	0,00
0402 21 99 9500	L20	EUR/100 kg	0,00	0404 90 83 9170	L20	EUR/100 kg	0,00
0402 21 99 9600	L20	EUR/100 kg	0,00	0405 10 11 9500	L20	EUR/100 kg	0,00
0402 21 99 9700	L20	EUR/100 kg	0,00	0405 10 11 9700	L20	EUR/100 kg	0,00
0402 29 15 9200	L20	EUR/100 kg	0,00				
0402 29 15 9300	L20	EUR/100 kg	0,00				
0402 29 15 9500	L20	EUR/100 kg	0,00				
0402 29 19 9300	L20	EUR/100 kg	0,00				
0402 29 19 9500	L20	EUR/100 kg	0,00				

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0405 10 19 9500	L20	EUR/100 kg	0,00	0406 30 39 9500	L04	EUR/100 kg	0,00
0405 10 19 9700	L20	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0405 10 30 9100	L20	EUR/100 kg	0,00	0406 30 39 9700	L04	EUR/100 kg	0,00
0405 10 30 9300	L20	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0405 10 30 9700	L20	EUR/100 kg	0,00	0406 30 39 9930	L04	EUR/100 kg	0,00
0405 10 50 9500	L20	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0405 10 50 9700	L20	EUR/100 kg	0,00	0406 30 39 9950	L04	EUR/100 kg	0,00
0405 10 90 9000	L20	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0405 20 90 9500	L20	EUR/100 kg	0,00	0406 40 50 9000	L04	EUR/100 kg	0,00
0405 20 90 9700	L20	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0405 90 10 9000	L20	EUR/100 kg	0,00	0406 40 90 9000	L04	EUR/100 kg	0,00
0405 90 90 9000	L20	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 10 20 9640	L04	EUR/100 kg	0,00	0406 90 13 9000	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 10 20 9650	L04	EUR/100 kg	0,00	0406 90 15 9100	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 10 20 9830	L04	EUR/100 kg	0,00	0406 90 17 9100	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 10 20 9850	L04	EUR/100 kg	0,00	0406 90 21 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 20 90 9913	L04	EUR/100 kg	0,00	0406 90 23 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 20 90 9915	L04	EUR/100 kg	0,00	0406 90 25 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 20 90 9917	L04	EUR/100 kg	0,00	0406 90 27 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 20 90 9919	L04	EUR/100 kg	0,00	0406 90 32 9119	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 30 31 9730	L04	EUR/100 kg	0,00	0406 90 35 9190	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 30 31 9930	L04	EUR/100 kg	0,00	0406 90 35 9990	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 30 31 9950	L04	EUR/100 kg	0,00	0406 90 37 9000	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
				0406 90 61 9000	L04	EUR/100 kg	0,00
					L40	EUR/100 kg	0,00

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0406 90 63 9100	L04	EUR/100 kg	0,00	0406 90 86 9200	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 63 9900	L04	EUR/100 kg	0,00	0406 90 86 9400	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 69 9910	L04	EUR/100 kg	0,00	0406 90 86 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 73 9900	L04	EUR/100 kg	0,00	0406 90 87 9300	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 75 9900	L04	EUR/100 kg	0,00	0406 90 87 9400	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 76 9300	L04	EUR/100 kg	0,00	0406 90 87 9951	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 76 9400	L04	EUR/100 kg	0,00	0406 90 87 9971	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 76 9500	L04	EUR/100 kg	0,00	0406 90 87 9973	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 78 9100	L04	EUR/100 kg	0,00	0406 90 87 9974	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 78 9300	L04	EUR/100 kg	0,00	0406 90 87 9975	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 79 9900	L04	EUR/100 kg	0,00	0406 90 87 9979	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 81 9900	L04	EUR/100 kg	0,00	0406 90 88 9300	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 85 9930	L04	EUR/100 kg	0,00	0406 90 88 9500	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 85 9970	L04	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00

The destinations are defined as follows:

L20: All destinations with the exception of:

- (a) third countries: Andorra, Holy See (Vatican City State), Liechtenstein and the United States of America;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar
- (d) the destinations referred to in Article 33(1), Article 41(1) and Article 42(1) of Commission Regulation (EC) No 612/2009 (OJ L 186, 17.7.2009, p. 1).

L04: Albania, Bosnia and Herzegovina, Serbia, Kosovo (*), Montenegro and the former Yugoslav Republic of Macedonia.

L40: All destinations with the exception of:

- (a) third countries: L04, Andorra, Iceland, Liechtenstein, Norway, Switzerland, Holy See (Vatican City State), the United States of America, Croatia, Turkey, Australia, Canada, New Zealand and South Africa;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.
- (d) the destinations referred to in Article 33(1), Article 41(1) and Article 42(1) of Commission Regulation (EC) No 612/2009 (OJ L 186, 17.7.2009, p. 1).

(*) As defined by United Nations Security Council Resolution 1244 of 10 June 1999.

COMMISSION REGULATION (EU) No 139/2010**of 18 February 2010****granting no export refund for butter in the framework of the standing invitation to tender provided
for in Regulation (EC) No 619/2008**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 164(2), in conjunction with Article 4, thereof,

Whereas:

(1) Commission Regulation (EC) No 619/2008 of 27 June 2008 opening a standing invitation to tender for export refunds concerning certain milk products ⁽²⁾ provides for a permanent tender.

(2) Pursuant to Article 6 of Commission Regulation (EC) No 1454/2007 of 10 December 2007 laying down common rules for establishing a tender procedure for fixing export refunds for certain agricultural products ⁽³⁾ and following

an examination of the tenders submitted in response to the invitation to tender, it is appropriate not to grant any refund for the tendering period ending on 16 February 2010.

(3) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

For the standing invitation to tender opened by Regulation (EC) No 619/2008, for the tendering period ending on 16 February 2010, no export refund shall be granted for the products and destinations referred to in points (a) and (b) of Article 1 and in Article 2 of that Regulation.

Article 2

This Regulation shall enter into force on 19 February 2010.

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

Done at Brussels, 18 February 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 168, 28.6.2008, p. 20.

⁽³⁾ OJ L 325, 11.12.2007, p. 69.

COMMISSION REGULATION (EU) No 140/2010**of 18 February 2010****granting no export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 619/2008**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 164(2), in conjunction with Article 4, thereof,

Whereas:

- (1) Commission Regulation (EC) No 619/2008 of 27 June 2008 opening a standing invitation to tender for export refunds concerning certain milk products ⁽²⁾ provides for a standing invitation to tender procedure.
- (2) Pursuant to Article 6 of Commission Regulation (EC) No 1454/2007 of 10 December 2007 laying down common rules for establishing a tender procedure for

fixing export refunds for certain agricultural products ⁽³⁾ and following an examination of the tenders submitted in response to the invitation to tender, it is appropriate not to grant any refund for the tendering period ending on 16 February 2010.

- (3) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

For the standing invitation to tender opened by Regulation (EC) No 619/2008, for the tendering period ending on 16 February 2010, no export refund shall be granted for the product and destinations referred to in point (c) of Article 1 and in Article 2 respectively of that Regulation.

Article 2

This Regulation shall enter into force on 19 February 2010.

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

Done at Brussels, 18 February 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 168, 28.6.2008, p. 20.

⁽³⁾ OJ L 325, 11.12.2007, p. 69.

COMMISSION REGULATION (EU) No 141/2010**of 18 February 2010****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 143 thereof,

Having regard to Council Regulation (EC) No 614/2009 of 7 July 2009 on the common system of trade for ovalbumin and lactalbumin ⁽²⁾, and in particular Article 3(4) 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 for poultrymeat and egg products 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. The representative prices should therefore be published.

(3) In view of the situation on the market, this amendment should be applied as soon as possible.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by 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*.

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

Done at Brussels, 18 February 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 181, 14.7.2009, p. 8.

⁽³⁾ OJ L 145, 29.6.1995, p. 47.

ANNEX

to the Commission Regulation of 18 February 2010 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

‘ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security under Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “70 % chickens”, frozen	99,5	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “65 % chickens”, frozen	117,3	0	BR
		116,2	1	AR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	210,2	27	BR
		198,7	31	AR
		316,5	0	CL
0207 14 50	Fowls of the species <i>Gallus domesticus</i> , breasts, frozen	190,1	7	BR
0207 14 60	Fowl of the species <i>Gallus domesticus</i> , legs, frozen	98,9	13	BR
		94,5	15	AR
0207 25 10	Turkeys, not cut in pieces, presented as “80 % turkeys”, frozen	172,0	0	BR
0207 27 10	Turkeys, boneless cuts, frozen	272,1	7	BR
		291,3	2	CL
0408 11 80	Egg yolks	324,1	0	AR
0408 91 80	Eggs, not in shell, dried	355,3	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	272,9	4	BR
		162,0	43	AR
3502 11 90	Egg albumin, dried	594,0	0	AR

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). The code “ZZ” represents “other origins”.

COMMISSION REGULATION (EU) No 142/2010**of 18 February 2010****fixing the rates of the refunds applicable to milk and milk products exported in the form of goods not covered by Annex I to the Treaty**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) ⁽¹⁾, and in particular Article 164(2) thereof,

Whereas:

- (1) Article 162(1)b of Regulation (EC) No 1234/2007 provides that the difference between prices in international trade for the products referred to in Article 1(1)(p) and listed in Part XVI of Annex I to that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in Part IV of Annex XX to that Regulation.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Part IV of Annex XX to Regulation (EC) No 1234/2007.
- (3) In accordance with the second paragraph, subparagraph (a) of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed.
- (4) Article 162(2) of Regulation (EC) No 1234/2007 lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.
- (5) In the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.
- (6) Article 15(2) of Regulation (EC) No 1043/2005 provides that, when the rate of the refund is being fixed, account is to be taken, where appropriate, of aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the agricultural markets to the basic products listed in Annex I to Regulation (EC) No 1043/2005 or to assimilated products.
- (7) Article 100(1) of Regulation (EC) No 1234/2007 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.
- (8) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Part XVI of Annex I to Regulation (EC) No 1234/2007, and exported in the form of goods listed in Part IV of Annex XX to Regulation (EC) No 1234/2007, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 19 February 2010.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 172, 5.7.2005, p. 24.

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

Done at Brussels, 18 February 2010.

*For the Commission,
On behalf of the President,
Heinz ZOUREK
Director-General Enterprise and Industry*

ANNEX

Rates of the refunds applicable from 19 February 2010 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	0,00	0,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3)	0,00	0,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	0,00	0,00
	(b) on exportation of other goods	0,00	0,00

⁽¹⁾ The rates set out in this Annex are not applicable to exports to:

- (a) third countries: Andorra, the Holy See (Vatican City State), Liechtenstein, the United States of America and the goods listed in Tables I and II of Protocol 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation.
- (b) territories of EU Member States not forming part of the customs territory of the Community: Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.
- (d) the destinations referred to in Article 33(1), Article 41(1) and Article 42(1) of Commission Regulation (EC) No 612/2009 (OJ L 186, 17.7.2009, p. 1).

DECISIONS

COUNCIL DECISION 2010/96/CFSP

of 15 February 2010

on a European Union military mission to contribute to the training of Somali security forces

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28 and 43(2) thereof,

Having regard to the proposal by the High Representative of the Union for Foreign Affairs and Security Policy (HR),

Whereas:

approach to the situation in Somalia, and that this support should be part of a larger and coherent framework involving close EU cooperation and coordination with the African Union, the United Nations and other relevant partners, in particular the United States of America. With regard to the African Union, the Council furthermore underlined the importance of the role of the African Union Mission in Somalia (AMISOM).

- (1) In its Resolution 1872 (2009) on the situation in Somalia, adopted on 26 May 2009, the United Nations Security Council (UNSC) stressed the importance of the re-establishment, training, equipping and retention of Somali security forces, and urged Member States and regional and international organisations to offer technical assistance for the training and equipping of the Somali security forces. In its Resolution 1897 (2009), adopted on 30 November 2009, the UNSC recalled its previous resolutions and reaffirmed its respect for the sovereignty, territorial integrity, political independence and unity of Somalia.
- (2) In its conclusions of 27 July 2009, the Council decided to step up the engagement for promoting peace and development in Somalia. To this end, the Council studied the possibilities for the Union to contribute to international efforts, including in the field of security.
- (3) In its conclusions of 17 November 2009, the Council stated that further Union support to the Somali security sector should be considered within a comprehensive EU
- (4) On 17 November 2009, the Council approved a Crisis Management Concept on a possible European Security and Defence mission to contribute to the training of the security forces of the Somali Transitional Federal Government (TFG) and requested further planning work. Subsequently, the Political and Security Committee (PSC) appointed a Planning Authority.
- (5) By letters dated 18 November 2009 and 23 January 2010 respectively, the TFG expressed its appreciation for the Union's efforts to coordinate the training of the Somali security forces and its efforts towards peace and stability in Somalia, and assured the Union of its commitment to bear its responsibility with regard to the recruitment, training and retention of recruits; it also emphasised its commitment to a broader security sector policy in Somalia.
- (6) By letter dated 30 November 2009, African Union Deputy Special Representative for Somalia, on behalf of the African Union Commission, welcomed the positive reflection of the EU regarding the training of over 2 000 Somali security forces.
- (7) On 8 December 2009, the Council selected a military strategic option for the potential EU military mission.

- (8) In its report to the UNSC of 31 December 2009, the United Nations Secretary-General referred to the Crisis Management Concept regarding a possible European Security and Defence Policy mission to support the training of the Somali security forces and underlined that when the EU planning for the delivery of training would be implemented, the EU trainers would be expected to follow harmonised and approved curricula.
- (9) By letter dated 5 January 2010, the Minister of Defence of Uganda welcomed the Union's envisaged mission in support of the Somali security sector and invited the Union to participate in the training of Somali security forces in Uganda for a period of at least one year.
- (10) On 20 January 2010, the Union made an offer to the TFG to contribute to the training of the Somali security forces.
- (11) In its conclusions of 25 January 2010, the Council agreed to set up an EU military mission to contribute to the training of Somali security forces in Uganda, where Somali forces are already being trained. The mission would also facilitate the coordination of EU action with AMISOM. The Council furthermore agreed that the EU military mission would be launched with the next intake of trainees, scheduled to start in spring 2010, and that it would be conducted in close coordination with partners, including the TFG, Uganda, the African Union, the United Nations and the United States of America. The Council recognised the need to carry out this training as part of a wider international effort and encompassing, *inter alia*, the vetting of trainees, the monitoring and mentoring of the forces once back in Mogadishu and the funding and payment of the salaries of the soldiers.
- (12) The PSC should exercise, under the responsibility of the Council and of the HR, political control over the EU military mission, provide it with strategic direction and take the relevant decisions in accordance with the third subparagraph of Article 38 of the Treaty on European Union (TEU).
- (13) It is necessary for international agreements relating to the participation of third States in EU missions and to the status of EU units and personnel to be negotiated and concluded.
- (14) The operational expenditure arising from this Decision, which has military or defence implications, should be borne by the Member States pursuant to Article 41(2) of the TEU and in accordance with Council Decision 2008/975/CFSP of 18 December 2008 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena) ⁽¹⁾ (hereinafter 'ATHENA').
- (15) Article 28(1) of the TEU calls for Council decisions to lay down the means to be made available to the Union. The financial reference amount, for a 12-month period, for the common costs of the EU military mission constitutes the best current estimate and is without prejudice to the final figures to be included in a budget to be approved in accordance with the rules laid down in ATHENA.
- (16) In accordance with Article 5 of the Protocol on the position of Denmark annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. Denmark does not, therefore, participate in the financing of this mission,
- HAS ADOPTED THIS DECISION:
- Article 1*
Mission
1. The Union shall conduct a military training mission, hereinafter called 'EUTM Somalia', in order to contribute to strengthening the Somali Transitional Federal Government (TFG) as a functioning government serving the Somali citizens. In particular, the objective of the EU military mission shall be to contribute to a comprehensive and sustainable perspective for the development of the Somali security sector by strengthening the Somali security forces through the provision of specific military training, and support to the training provided by Uganda, of 2 000 Somali recruits up to and including platoon level, including appropriate modular and specialised training for officers and non-commissioned officers. The EU military mission shall operate in close cooperation and coordination with other actors in the international community, in particular, the United Nations, the African Union Mission in Somalia (AMISOM), and the United States of America.
2. The EU military training carried out to that end shall take place mainly in Uganda, in accordance with the political objective of the EU mission to contribute to the training of Somali security forces, as defined in the Crisis Management Concept approved by the Council on 17 November 2009. An element of this EU military mission shall also be based in Nairobi.

⁽¹⁾ OJ L 345, 23.12.2008, p. 96.

*Article 2***Appointment of the EU Commander**

1. Colonel Ricardo GONZÁLEZ ELUL is hereby appointed EU Mission Commander.
2. The EU Mission Commander shall exercise the functions of EU Operation Commander and EU Force Commander.

*Article 3***Designation of the EU Headquarters**

The EU Headquarters of the mission shall be located in Uganda. It will include a liaison office in Nairobi and a support cell in Brussels. It shall perform the functions of both Operational Headquarters and Force Headquarters.

*Article 4***Planning and launch of the mission**

The Decision to launch the EU military mission shall be adopted by the Council following approval of the Mission Plan.

*Article 5***Political control and strategic direction**

1. Under the responsibility of the Council and the High Representative of the Union for Foreign Affairs and Security Policy (HR), the Political and Security Committee (PSC) shall exercise the political control and strategic direction of the EU military mission. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 38 of the Treaty on European Union (TEU). This authorisation shall include the powers to amend the planning documents, including the Mission Plan and the Chain of Command. It shall also include the powers to take decisions on the appointment of the EU Mission Commander. The powers of decision with respect to the objectives and termination of the EU military mission shall remain vested in the Council.
2. The PSC shall report to the Council at regular intervals.
3. The PSC shall, at regular intervals, receive reports from the chairman of the EU Military Committee (EUMC) regarding the conduct of the EU military mission. The PSC may invite the EU Mission Commander to its meetings, as appropriate.

*Article 6***Military direction**

1. The EUMC shall monitor the proper execution of the EU military mission conducted under the responsibility of the EU Mission Commander.

2. The EUMC shall, at regular intervals, receive reports from the EU Mission Commander. It may invite the EU Mission Commander to its meetings, as appropriate.

3. The chairman of the EUMC shall act as the primary point of contact with the EU Mission Commander.

*Article 7***Implementation and consistency of the Union's response**

1. The HR shall ensure the implementation of this Decision and its consistency with the Union's external action as a whole, including the Union's development programmes.
2. The EU Mission Commander shall assist the HR in the implementation of this Decision.

*Article 8***Participation by third States**

1. Without prejudice to the Union's decision-making autonomy or to the single institutional framework, and in accordance with the relevant guidelines of the European Council, third States may be invited to participate in the mission.
2. The Council hereby authorises the PSC to invite third States to offer contributions and to take the relevant decisions on acceptance of the proposed contributions, upon the recommendation of the EU Mission Commander and the EUMC.
3. Detailed modalities for the participation by third States shall be the subject of agreements concluded pursuant to Article 37 of the TEU and in accordance with the procedure laid down in Article 218 of the Treaty on the Functioning of the European Union (TFEU). Where the Union and a third State have concluded an agreement establishing a framework for the latter's participation in crisis management missions of the Union, the provisions of such an agreement shall apply in the context of this mission.
4. Third States making significant military contributions to the EU military mission shall have the same rights and obligations in terms of day-to-day management of the mission as Member States taking part in the mission.
5. The Council hereby authorises the PSC to take relevant decisions on the setting-up of a Committee of Contributors, should third States provide significant military contributions.

*Article 9***Status of EU-led personnel**

The status of EU-led units and personnel, including the privileges, immunities and further guarantees necessary for the fulfilment and smooth functioning of their mission, may be the subject of an agreement concluded pursuant to Article 37 of the TEU and in accordance with the procedure laid down in Article 218(3) of the TFEU.

*Article 10***Financial arrangements**

1. The common costs of the EU military mission shall be administered in accordance with Council Decision 2008/975/CFSP of 18 December 2008 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena) ⁽¹⁾ ('ATHENA').

2. The financial reference amount for the common costs of the EU military mission shall be EUR 4,8 million. The percentage of the reference amount referred to in Article 32(3) of ATHENA shall be 60 %.

*Article 11***Release of information to third parties**

1. The HR is hereby authorised to release to the United Nations (UN), the African Union (AU, AMISOM), and other third parties associated with this Decision, EU classified information and documents generated for the purposes of the EU military mission up to the level of classification appropriate for each of them and in accordance with the Council's security regulations ⁽²⁾.

2. The HR is hereby authorised to release to the UN, the AU, AMISOM and other third parties associated with this Decision, EU non-classified documents relating to Council deliberations on the EU military mission which are covered by the obligation

of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽³⁾.

*Article 12***Entry into force and termination**

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

2. The EU military mission shall terminate in 2011 after two consecutive six-month training periods.

3. This Decision shall be repealed as from the date of closure of the EU Headquarters, the liaison office in Nairobi and the support cell in Brussels, in accordance with the plans approved for the termination of the EU military mission, and without prejudice to the procedures regarding the audit and presentation of the accounts of the EU military mission, laid down in ATHENA.

*Article 13***Publication**

1. This Decision shall be published in the *Official Journal of the European Union*.

2. The PSC decisions on the appointment of an EU Mission Commander and on the acceptance of contributions from third States, as well as on the setting-up of a Committee of Contributors shall likewise be published in the *Official Journal of the European Union*.

Done at Brussels, 15 February 2010.

For the Council
The President
Á. GABILONDO

⁽¹⁾ OJ L 345, 23.12.2008, p. 96.

⁽²⁾ Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations (OJ L 101, 11.4.2001, p. 1).

⁽³⁾ Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

COUNCIL DECISION 2010/97/CFSP**of 16 February 2010****on adapting and extending the period of application of the measures in Decision 2002/148/EC concluding consultations with Zimbabwe under Article 96 of the ACP-EC Partnership Agreement**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 thereof,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾ and revised in Luxembourg on 25 June 2005 ⁽²⁾, hereinafter referred to as 'the ACP-EC Partnership Agreement', and in particular Article 96 thereof,

Having regard to the Internal Agreement between the representatives of the governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement ⁽³⁾, and in particular Article 3 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By Decision 2002/148/EC ⁽⁴⁾, the consultations with the Republic of Zimbabwe under Article 96(2)(c) of the ACP-EC Partnership Agreement were concluded and appropriate measures, as specified in the Annex to that Decision, were taken.

(2) By Decision 2009/144/EC ⁽⁵⁾ the application of the measures referred to in Article 2 of Decision 2002/148/EC, which had been extended until 20 February 2004 by Article 1 of Decision 2003/112/EC ⁽⁶⁾, until 20 February 2005 by Article 1 of Decision 2004/157/EC ⁽⁷⁾, until 20 February 2006 by Article 1 of Decision 2005/139/EC ⁽⁸⁾, until 20 February 2007 by Article 1 of Decision 2006/114/EC ⁽⁹⁾, until 20 February 2008 by Article 1

of Decision 2007/127/EC ⁽¹⁰⁾ and until 20 February 2009 by Article 1 of Decision 2008/158/EC ⁽¹¹⁾, was extended for a further period of 12 months until 20 February 2010.

(3) The creation of an inclusive Government should be recognised as an opportunity to re-establish a constructive relationship between the European Union and Zimbabwe and to support the implementation of its reform programme.

(4) However, taking into consideration recent events in Zimbabwe's political development, as well as the fact that certain important measures concerning the essential elements of the ACP-EC Partnership Agreement, fully integrated into the Global Political Agreement agreed among the three political parties, have still not been adequately implemented, the essential elements cited in Article 9 of the ACP-EC Partnership Agreement are not respected, and the current conditions in Zimbabwe do not ensure respect for human rights, democratic principles and the rule of law.

(5) The period of application of the measures should therefore be extended,

HAS ADOPTED THIS DECISION:

Article 1

The measures referred to in the annexed letter are hereby adopted as appropriate measures within the meaning of Article 96(2)(c) of the ACP-EC Partnership Agreement.

These measures shall apply for a period of 12 months from 21 February 2010 until 20 February 2011. The measures shall be kept under constant review.

The letter in the Annex to this Decision shall be addressed to the President of Zimbabwe, Mr Mugabe, and copied to Prime Minister Tsvangirai and Deputy Prime Minister Mutambara.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 209, 11.8.2005, p. 26.

⁽³⁾ OJ L 317, 15.12.2000, p. 376.

⁽⁴⁾ OJ L 50, 21.2.2002, p. 64.

⁽⁵⁾ OJ L 49, 20.2.2009, p. 15.

⁽⁶⁾ OJ L 46, 20.2.2003, p. 25.

⁽⁷⁾ OJ L 50, 20.2.2004, p. 60.

⁽⁸⁾ OJ L 48, 19.2.2005, p. 28.

⁽⁹⁾ OJ L 48, 18.2.2006, p. 26.

⁽¹⁰⁾ OJ L 53, 22.2.2007, p. 23.

⁽¹¹⁾ OJ L 51, 26.2.2008, p. 19.

Article 2

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

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 16 February 2010.

For the Council

The President

E. SALGADO

ANNEX

LETTER TO THE PRESIDENT OF ZIMBABWE

The European Union attaches the utmost importance to the provisions of Article 9 of the ACP-EC Partnership Agreement. As essential elements of the Partnership Agreement, respect for human rights, democratic institutions and the rule of law form the basis of our relations.

By letter of 19 February 2002, the European Union informed you of its decision to conclude the consultations held under Article 96 of the ACP-EC Partnership Agreement and to take appropriate measures within the meaning of Article 96(2)(c) of that Agreement.

By letters of 19 February 2003, 19 February 2004, 18 February 2005, 15 February 2006, 21 February 2007, 19 February 2008 and 20 February 2009 the European Union informed you of its decisions not to revoke the appropriate measures and to extend the period of application until 20 February 2004, 20 February 2005, 20 February 2006, 20 February 2007, 20 February 2008, 20 February 2009 and 20 February 2010 respectively.

The European Union welcomes the formation of the Government of National Unity based on the Global Political Agreement (GPA) which has been set up on 13 February 2009. The European Union reiterates the great importance it attaches to the political dialogue, provided for in Article 8 of the ACP-EC Partnership Agreement, launched officially at the request of the Government of Zimbabwe at the EU-Zimbabwe Ministerial Troika on 18-19 June 2009 in Brussels and to the agreement reached on the way forward. This includes the definition of joint roadmaps with mutual commitments. These are intended to reflect on the Zimbabwe side the effective implementation of the GPA, and on the European Union side the progressive lifting of current restrictions and the normalisation of EU-Zimbabwe relations.

The European Union supports the Government of Zimbabwe's ongoing efforts to implement the GPA, and welcomes the intensified regional diplomacy led by South Africa in support of reform in Zimbabwe. However, the European Union regrets the lack of progress within the framework of the political dialogue provided for in Article 8 of the ACP-EC Partnership Agreement. The European Union continues to believe that significant progress in the implementation of the GPA is not only essential but possible and achievable as underlined in your exchanges with SADC.

In the light of the above, the European Union has concluded that the appropriate measures can only be fully revoked once the GPA is effectively implemented. The European Union has therefore decided to extend the period of application of the appropriate measures set out in Council Decision 2002/148/EC until 20 February 2011 and to adapt the appropriate measures to reflect the GPA's implementation since February 2009, in particular in the economic sphere. At this point in time no financial support should be channelled through the Government budget. The European Union has decided to work on progressing GPA implementation and to modify indents (b) and (c) as follows:

- (b) Financial support for all projects is suspended except those in support of the population, in particular in social sectors *and those in support of the reforms contained in the GPA.*
- (c) Financing shall be reoriented in support of the population in particular in social sectors *and in support of the stabilisation process of the country, in particular with regard to democratisation, respect for human rights and the rule of law.*

All the other measures listed in the Annex to Council Decision 2002/148/EC shall continue to apply without changes. The Council Decision can be reviewed at any time prior to 20 February 2011.

The European Union will therefore continue to support the stabilisation of the Government of National Unity and its reform programmes through its transitional support for agriculture and food security, social sectors, including health and education, and for GPA implementation.

The European Union wishes to re-emphasise the importance it attaches to future EU-Zimbabwe cooperation and to confirm its willingness to revive and advance the political dialogue provided for in Article 8 of the ACP-EC Partnership Agreement. In that context, we hope that sufficient progress will be made in the implementation of the GPA by the Government of Zimbabwe in the near future so as to allow the resumption of full cooperation.

Yours faithfully,

For the Commission

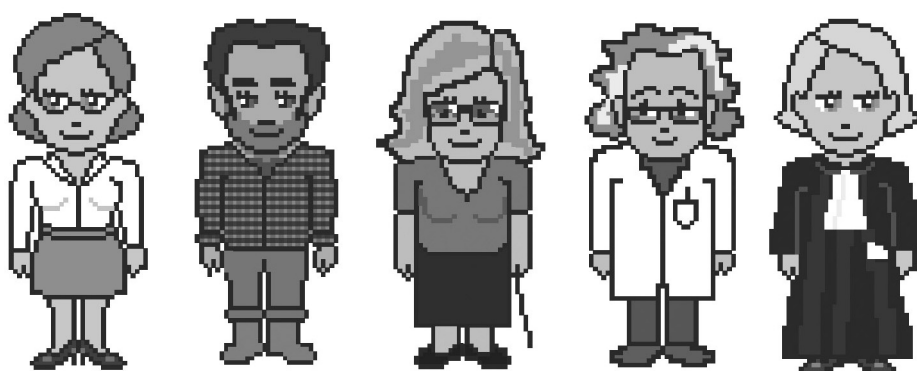
José Manuel BARROSO

For the Council

E. SALGADO

EU Book shop

All the EU publications
YOU are looking for!



bookshop.europa.eu

2010 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 100 per year
EU Official Journal, L + C series, paper + annual CD-ROM	22 official EU languages	EUR 1 200 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 770 per year
EU Official Journal, L + C series, monthly CD-ROM (cumulative)	22 official EU languages	EUR 400 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, CD-ROM, two editions per week	multilingual: 23 official EU languages	EUR 300 per year
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

In accordance with Council Regulation (EC) No 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual CD-ROM.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

CD-Rom formats will be replaced by DVD formats during 2010.

Sales and subscriptions

Subscriptions to various priced periodicals, such as the subscription to the *Official Journal of the European Union*, are available from our commercial distributors. The list of commercial distributors is available at:

http://publications.europa.eu/others/agents/index_en.htm

EUR-Lex (<http://eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN