

Official Journal

of the European Union

L 320



English edition

Legislation

Volume 53

7 December 2010

Contents

II *Non-legislative acts*

REGULATIONS

- Commission Regulation (EU) No 1136/2010 of 6 December 2010 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

DIRECTIVES

- ★ **Commission Directive 2010/89/EU of 6 November 2010 amending Council Directive 91/414/EEC to include quinmerac as active substance and amending Decision 2008/934/EC ⁽¹⁾** 3

DECISIONS

2010/752/EU:

- ★ **Council Decision of 2 December 2010 appointing one Netherlands member of the European Economic and Social Committee** 7

2010/753/CFSP:

- ★ **Political and Security Committee Decision Atalanta/5/2010 of 26 November 2010 on the appointment of an EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)** 8

Price: EUR 3

(Continued overleaf)

⁽¹⁾ Text with EEA relevance

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.

2010/754/CFSP:

- ★ **Political and Security Committee Decision EUPM/1/2010 of 30 November 2010 concerning the extension of the mandate of the Head of Mission of the European Union Police Mission in Bosnia and Herzegovina** 9

- ★ **Council Decision 2010/755/CFSP of 6 December 2010 amending Decision 2009/906/CFSP on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)** 10

2010/756/EU:

- ★ **Decision of the European Parliament of 7 October 2010 on discharge in respect of the implementation of the budget of the European Police College for the financial year 2008** 11

Resolution of the European Parliament of 7 October 2010 with observations forming an integral part of its Decision on discharge in respect of the implementation of the budget of the European Police College for the financial year 2008 12

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 1136/2010

of 6 December 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 7 December 2010.

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

Done at Brussels, 6 December 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	AL	39,4
	MA	94,7
	MK	66,1
	TR	132,6
	ZZ	83,2
0707 00 05	EG	145,5
	JO	182,1
	TR	87,4
	ZZ	138,3
0709 90 70	MA	77,7
	TR	108,7
	ZZ	93,2
0805 10 20	AR	50,8
	BR	57,8
	MA	54,9
	TR	51,5
	ZA	52,1
	ZW	48,4
	ZZ	52,6
0805 20 10	MA	67,2
	ZZ	67,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	60,9
	IL	72,2
	TR	62,2
	ZZ	65,1
0805 50 10	AR	45,9
	TR	57,6
	UY	57,1
	ZZ	53,5
0808 10 80	AR	74,9
	AU	164,5
	BR	50,3
	CA	87,1
	CL	84,2
	CN	86,4
	MK	26,7
	NZ	99,2
	US	92,5
	ZA	116,6
	ZZ	88,2
0808 20 50	CN	68,9
	US	112,9
	ZZ	90,9

⁽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'.

DIRECTIVES

COMMISSION DIRECTIVE 2010/89/EU

of 6 November 2010

amending Council Directive 91/414/EEC to include quinmerac as active substance and amending Decision 2008/934/EC

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Commission Regulations (EC) No 451/2000 ⁽²⁾ and 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list included quinmerac.
- (2) In accordance with Article 11e of Regulation (EC) No 1490/2002 the applicant withdrew its support of the inclusion of that active substance in Annex I to Directive 91/414/EEC within two months from receipt of the draft assessment report. Consequently, Commission Decision 2008/934/EC of 5 December 2008 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances ⁽⁴⁾ was adopted on the non-inclusion of quinmerac.
- (3) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifier (hereinafter the applicant) submitted a new application requesting the accelerated procedure to be applied, as provided for in Article 14 to 19 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment

of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽⁵⁾.

- (4) The application was submitted to the United Kingdom, which had been designated rapporteur Member State by Regulation (EC) No 451/2000. The time period for the accelerated procedure was respected. The specification of the active substance and the supported uses are the same as were the subject of Decision 2008/934/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.
- (5) The United Kingdom evaluated the additional data submitted by the applicant and prepared an additional report. It communicated that report to the European Food Safety Authority (hereinafter 'the Authority') and to the Commission on 18 June 2009. The Authority communicated the additional report to the other Member States and the applicant for comments and forwarded the comments it had received to the Commission. In accordance with Article 20(1) of Regulation (EC) No 33/2008 and at the request of the Commission, the Authority presented its conclusion on quinmerac to the Commission on 26 February 2010 ⁽⁶⁾. The draft assessment report, the additional report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 28 October 2010 in the format of the Commission review report for quinmerac.
- (6) It has appeared from the various examinations made that plant protection products containing quinmerac may be expected to satisfy, in general, the requirements laid down in Article 5(1) (a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which have been examined and detailed in the Commission review report. It is therefore appropriate to include quinmerac in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 29.2.2000, p. 25.

⁽³⁾ OJ L 224, 21.8.2002, p. 23.

⁽⁴⁾ OJ L 333, 11.12.2008, p. 11.

⁽⁵⁾ OJ L 15, 18.1.2008, p. 5.

⁽⁶⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance quinmerac. EFSA Journal 2010; 8(3):1523. [68 pp.]. doi:10.2903/j.efsa.2010.1523. Available online: www.efsa.europa.eu

- (7) Without prejudice to that conclusion, it is appropriate to obtain further information on certain specific points. Article 6(1) of Directive 91/414/EC provides that inclusion of a substance in Annex I may be subject to conditions. Therefore, it is appropriate to require that the applicant submit further information to confirm the results of the risk assessment on the basis of most recent scientific knowledge as regards the potential of plant metabolism to result in an opening of the quinoline ring, the residues in rotational crops and the long term risk for earthworms due to the metabolite BH 518-5.
- (8) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.
- (9) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of six months after inclusion to review existing authorisations of plant protection products containing quinmerac to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should vary, replace or withdraw, as appropriate, existing authorisations, in accordance with the provisions of Directive 91/414/EEC. By derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.
- (10) The experience gained from previous inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8 (2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market⁽¹⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the directives which have been adopted until now amending Annex I.
- (11) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (12) Commission Decision 2008/934/EC of 5 December 2008 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances provides for the non-inclusion of quinmerac and the withdrawal of authorisations for plant protection products containing that substance by 31 December 2011. It is necessary to delete the line concerning quinmerac in the Annex to that Decision.
- (13) It is therefore appropriate to amend Decision 2008/934/EC accordingly.
- (14) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

The line concerning quinmerac in the Annex to Decision 2008/934/EC is deleted.

Article 3

Member States shall adopt and publish by 31 October 2011 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 November 2011.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 4

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing quinmerac as an active substance by 1 November 2011.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to quinmerac are met, with the exception of those identified in part B of the entry concerning that active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13 of that Directive.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing quinmerac as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 30 April 2011 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning quinmerac. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1) (b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing quinmerac as the only active substance, where necessary, amend or withdraw the authorisation by 30 April 2015 at the latest; or
- (b) in the case of a product containing quinmerac as one of several active substances, where necessary, amend or

withdraw the authorisation by 30 April 2015 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 5

This Directive shall enter into force on 1 May 2011.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 6 November 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EC.

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'316	Quinmerac CAS No: 90717-03-6 CIPAC No: 563	7-chloro-3-methylquinoline-8-carboxylic acid	≥ 980 g/kg	1 May 2011	30 April 2021	PART A Only uses as herbicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on quinmerac, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 October 2010 shall be taken into account. In this overall assessment Member States shall pay particular attention to: — the protection of groundwater when the active substance is applied in regions with vulnerable soil and/or climatic conditions; — the dietary exposure of consumers to residues of quinmerac (and its metabolites) in succeeding rotational crops — the risk to aquatic organisms and the long term risk for earthworms. Conditions of use shall include risk mitigation measures, where appropriate. The Member States concerned shall request the submission of information as regards: — the potential of plant metabolism to result in an opening of the quinoline ring; — residues in rotational crops and the long term risk for earthworms due to the metabolite BH 518-5. They shall ensure that the applicant provides such confirmatory data and information to the Commission by 30 April 2013.'

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

DECISIONS

COUNCIL DECISION

of 2 December 2010

appointing one Netherlands member of the European Economic and Social Committee

(2010/752/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 302 thereof,

Article 1

Mr Leon MEIJER, *senior beleidsadviseur Europese Zaken*, is hereby appointed as a member of the European Economic and Social Committee for the remainder of the current term of office, which is until 20 September 2015.

Having regard to the proposal of the Netherlands government,

Having regard to the opinion of the European Commission,

Article 2

Whereas:

This Decision shall take effect on the day of its adoption.

(1) On 13 September 2010, the Council adopted Decision 2010/570/EU appointing the members of the European Economic and Social Committee for the period from 21 September 2010 to 20 September 2015 ⁽¹⁾.

Done at Brussels, 2 December 2010.

(2) A member's seat on the European Economic and Social Committee has become vacant following the end of the term of office of Ms Melanie BOUWKNEGT,

For the Council
The President
M. WATHELET

⁽¹⁾ OJ L 251, 25.9.2010, p. 8.

POLITICAL AND SECURITY COMMITTEE DECISION ATALANTA/5/2010**of 26 November 2010****on the appointment of an EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)**

(2010/753/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

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

Having regard to Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ⁽¹⁾ (Atalanta), and in particular Article 6 thereof,

Whereas:

- (1) Pursuant to Article 6 of Joint Action 2008/851/CFSP, the Council authorised the Political and Security Committee (PSC) to take decisions on the appointment of the EU Force Commander.
- (2) On 19 July 2010, the PSC adopted Decision Atalanta/4/2010 ⁽²⁾ appointing Rear Admiral Philippe COINDREAU as EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.
- (3) The EU Operation Commander has recommended the appointment of Rear Admiral Juan RODRÍGUEZ GARAT as the new EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.

(4) The EU Military Committee supports that recommendation.

(5) In accordance with Article 5 of the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications,

HAS ADOPTED THIS DECISION:

Article 1

Rear Admiral Juan RODRÍGUEZ GARAT is hereby appointed EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.

Article 2

This Decision shall enter into force on 14 December 2010.

Done at Brussels, 26 November 2010.

For the Political and Security Committee
The Chairman
W. STEVENS

⁽¹⁾ OJ L 301, 12.11.2008, p. 33.⁽²⁾ OJ L 199, 31.7.2010, p. 28.

POLITICAL AND SECURITY COMMITTEE DECISION EUPM/1/2010**of 30 November 2010****concerning the extension of the mandate of the Head of Mission of the European Union Police
Mission in Bosnia and Herzegovina**

(2010/754/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

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

Having regard to Council Decision 2009/906/CFSP of 8 December 2009 on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) ⁽¹⁾, and in particular Article 10(1) thereof,

Whereas:

(1) Under Article 10(1) of Decision 2009/906/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with the third paragraph of Article 38 of the Treaty, to take the relevant decisions for the purposes of political control and strategic direction of the European Union Police Mission in Bosnia and Herzegovina (EUPM BiH), including, in particular, the decision to appoint a Head of Mission.

(2) On 15 December 2009, upon a proposal of the Secretary-General/High Representative, the PSC, by its Decision EUPM/1/2009 ⁽²⁾, extended the mandate of Mr Stefan FELLER as Head of Mission of EUPM BiH until 31 December 2010.

(3) On 15 November 2010, the High Representative of the Union for Foreign Affairs and Security Policy proposed to the PSC to extend the mandate of Mr Stefan FELLER as Head of Mission of EUPM BiH for an additional year, until 31 December 2011,

HAS ADOPTED THIS DECISION:

Article 1

The mandate of Mr Stefan FELLER as Head of Mission of the European Union Police Mission in Bosnia and Herzegovina is hereby extended until 31 December 2011.

Article 2

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

It shall apply until 31 December 2011.

Done at Brussels, 30 November 2010.

For the Political and Security Committee

The Chairperson

W. STEVENS

⁽¹⁾ OJ L 322, 9.12.2009, p. 22.

⁽²⁾ OJ L 330, 16.12.2009, p. 79.

COUNCIL DECISION 2010/755/CFSP**of 6 December 2010****amending Decision 2009/906/CFSP on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 8 December 2009, the Council adopted Decision 2009/906/CFSP⁽¹⁾ on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH). That Decision expires on 31 December 2011.
- (2) EUPM is being conducted in the context of a situation which may deteriorate and could harm the objectives of the common foreign and security policy as set out in Article 21 of the Treaty.
- (3) Following the entry into force of the Lisbon Treaty the Political and Security Committee (PSC) is to exercise political control and strategic direction of the European Union Police Missions under the responsibility of the Council and the High Representative of the Union for Foreign Affairs and Security Policy (HR).
- (4) Decision 2009/906/CFSP should be amended to provide for a financial reference amount covering the expenditure of EUPM for the period from 1 January to 31 December 2011,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2009/906/CFSP is hereby amended as follows:

(1) Article 9(2) is replaced by the following:

‘2. Under the responsibility of the Council and the HR, the PSC shall exercise political control and strategic direction of EUPM.’;

(2) in Article 10(1) the first sentence is replaced by the following:

‘1. The PSC shall exercise, under the responsibility of the Council and the HR, political control and strategic direction of EUPM.’;

(3) the following subparagraph is added to Article 12(1):

‘The financial reference amount intended to cover the expenditure of EUPM for the period from 1 January to 31 December 2011 shall be EUR 17 600 000.’.

Article 2

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

Done at Brussels, 6 December 2010.

For the Council
The President
J. MILQUET

⁽¹⁾ OJ L 322, 9.12.2009, p. 22.

DECISION OF THE EUROPEAN PARLIAMENT

of 7 October 2010

on discharge in respect of the implementation of the budget of the European Police College for the financial year 2008

(2010/756/EU)

THE EUROPEAN PARLIAMENT,

— having regard to the final annual accounts of the European Police College for the financial year 2008,

— having regard to the Court of Auditors' report on the annual accounts of the European Police College for the financial year 2008, together with the College's replies ⁽¹⁾,

— having regard to the Council's recommendation of 16 February 2010 (5827/2010 – C7-0061/2010),

— having regard to its Decision of 5 May 2010 ⁽²⁾ postponing the discharge decision for the financial year 2008, and the replies by the Director of the European Police College,

— having regard to Article 276 of the EC Treaty and Article 319 of the Treaty on the Functioning of the European Union,

— having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾, and in particular Article 185 thereof,

— having regard to Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) ⁽⁴⁾, and in particular Article 16 thereof,

— having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Regulation (EC, Euratom) No 1605/2002 ⁽⁵⁾, and in particular Article 94 thereof,

— having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,

— having regard to the second report of the Committee on Budgetary Control (A7-0253/2010),

1. refuses to grant the Director of the European Police College discharge in respect of the implementation of the College's budget for the financial year 2008 ⁽⁶⁾;

2. sets out its observations in the resolution below;

3. instructs its President to forward this Decision and the resolution that forms an integral part of it to the Director of the European Police College, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President
Jerzy BUZEK

The Secretary-General
Klaus WELLE

⁽¹⁾ OJ C 304, 15.12.2009, p. 124.

⁽²⁾ OJ L 252, 25.9.2010, p. 232.

⁽³⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁴⁾ OJ L 256, 1.10.2005, p. 63.

⁽⁵⁾ OJ L 357, 31.12.2002, p. 72.

⁽⁶⁾ The decision to close the accounts of the European Police College for the financial year 2008 shall be taken at a subsequent part-session, in accordance with Article 5(2)(b) first subparagraph of Annex VI to Parliament's Rules of Procedure.

RESOLUTION OF THE EUROPEAN PARLIAMENT**of 7 October 2010****with observations forming an integral part of its Decision on discharge in respect of the implementation of the budget of the European Police College for the financial year 2008**

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Police College for the financial year 2008,
 - having regard to the Court of Auditors' report on the annual accounts of the European Police College for the financial year 2008, together with the College's replies ⁽¹⁾,
 - having regard to the Council's recommendation of 16 February 2010 (5827/2010 – C7-0061/2010),
 - having regard to its Decision of 5 May 2010 ⁽²⁾ postponing the discharge decision for the financial year 2008, and the replies by the Director of the European Police College,
 - having regard to Article 276 of the EC Treaty and Article 319 of the Treaty on the Functioning of the European Union,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾, and in particular Article 185 thereof,
 - having regard to Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) ⁽⁴⁾, and in particular Article 16 thereof,
 - having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Regulation (EC, Euratom) No 1605/2002 ⁽⁵⁾, and in particular Article 94 thereof,
 - having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A7-0253/2010),
- A. whereas the College was set up in 2001 and, with effect from 1 January 2006, was transformed into a Community body within the meaning of Article 185 of the Financial Regulation, thus coming under the provisions of the framework Financial Regulation for agencies,
- B. whereas the Court of Auditors in its report on the annual accounts of the College for the financial year 2006, qualified its opinion with regard to the legality and regularity of the underlying transactions on the grounds that the procurement procedures did not comply with the provisions of the Financial Regulation,
- C. whereas the Court of Auditors, in its report on the annual accounts of the College for the financial year 2007, qualified its opinion on the reliability of the accounts and the legality and regularity of the underlying transactions,

⁽¹⁾ OJ C 304, 15.12.2009, p. 124.⁽²⁾ OJ L 252, 25.9.2010, p. 232.⁽³⁾ OJ L 248, 16.9.2002, p. 1.⁽⁴⁾ OJ L 256, 1.10.2005, p. 63.⁽⁵⁾ OJ L 357, 31.12.2002, p. 72.

- D. whereas the Court of Auditors, in its report on the annual accounts of the College for the financial year 2008, added an emphasis of matter to its opinion on the reliability of the accounts, without expressly qualifying it, and qualified its opinion on the legality and regularity of the underlying transactions,
- E. whereas in its abovementioned Decision of 5 May 2010 the Parliament decided to postpone the grant of discharge for the financial year 2008,

General considerations

Recurrence of the College's major deficits

1. Considers it unacceptable that since the College was established as an agency (2006), it struggled to meet the standards of good administration expected from a regulatory agency; stresses that since 2006 repeated audits have highlighted issues in the College's adherence to the Financial and Staff regulations, to the accounting system as well as the failings in budget management, human resources, procurement procedures and rules governing expenditure on courses; is aware that the College's improvements are expected to be complete only from 2014 when the College's Multi-Annual Plan (approved by the Governing Board in May 2010) is due to be fully implemented; is, therefore, not ready to accept that the College needs at least 9 years (2006-14) to reach an acceptable standard of good administration expected from a regulatory agency;

The College's management in the years 2006-09

2. Considers unacceptable the lack of responsibility and professionalism of the former Director responsible to Parliament for the implementation of the 2008 budget; stresses the following findings reported by the Czech Presidency on 18 May 2009:
 - the College's mismanagement: in connection with the Internal Audit Service findings, the Commission offered help to the College, but the Director never approached either DG JLS or DG BUDG,
 - communication within the secretariat: the lack of communication and trust between the Director and the staff led to prolonged disputes,
 - lack of transparency: instead of identifying the problems and asking for advice from the Governing Board or from the Commission, the Director did not share the information which was then discovered on a random basis,
 - the Director accountable to the College's Governing Board: the Director did not respect the decisions of the Governing Board;
3. Deplores the fact that the College's Governing Board did not respond properly to the former Director's managerial failings, out of concern not to harm the agency's image;
4. Considers it unacceptable that the Governing Board decided not to take disciplinary action mainly because of the possibility of legal action by the former Director;
5. Insists, therefore, that the Governing Board of the College must be held responsible and suggests that changes be made to prevent this situation from recurring in future; calls for a reconsideration of the position of the Commission to grant it the right to vote and to constitute a blocking minority on decisions concerning the budgetary, financial and administrative management of the agency within the Governing Boards of the College and of the other Union agencies;

Structural deficits

6. Calls, furthermore, into question the capability of the College to fully overcome its structural problems with respect to:
- the small size of the College which calls into question its capacity to handle effectively the complexities of the EU's Financial and Staff regulations,
 - the location of the College's secretariat, in Bramshill, some 70 kilometres from London, which is a disadvantage, inter alia, as regards recruitment and public transport links,
 - the College's governance costs which are not insignificant, given that while employing only 24 staff, the College has a 27-member Governing Board (figures as at the start of the 2008 financial year);
7. Suggests, therefore, examining the possibility of attaching the College to Europol as a concrete solution to the College's structural and chronic problems; suggests, also, that the Court of Auditors carry out a comprehensive review of regulatory agencies to examine, inter alia, the proportion of operating, governance and operational costs and assess ways of addressing structural or other problems, with a view to complementing the Commission's own evaluation of regulatory agencies;

Court of Auditors' position

8. Notes that the Court of Auditors is not ready to rapidly deliver an opinion in letter form evaluating the establishment of the College's Action Plan as requested by the Parliament in paragraph 23 of its resolution ⁽¹⁾ which forms an integral part of its Decision of 5 May 2010 on discharge for the financial year 2008; takes, nevertheless, into due account the Court of Auditors' declaration that it has already extensively reported in its specific annual reports of the years from 2006 to 2008 on the problems it has found in the College;

The College's Action Plan for 2010-2014

9. Notes that the new Director of the College has delivered on time the Action Plan as requested in paragraph 22 of the Parliament's abovementioned resolution of 5 May 2010; regrets, nevertheless, the lack of accuracy in the description of the specific actions to be taken by the College; regrets also that most of the indicators proposed by the College are vague and do not always clearly help to assess the implementation of the objectives;
10. Notes that, at the request of the Parliament to adopt an Action Plan, the Director of the College and its Governing Board have estimated a realistic 4-year period (i.e. from 2010 to 2014) in which to meet the objectives set out in the Annex to the Parliament's abovementioned resolution of 5 May 2010; is, therefore, not ready to accept that the College needs 4 more years to reach an acceptable standard of good administration as expected from a regulatory agency;
11. Requests that the Director of the College inform the discharge authority on the progress of the implementation of the Action Plan every 6 months;

Specific remarks*Validation of the financial procedures and new accounting system (Article 43 of the framework Financial Regulation)*

12. Voices concern at the difficulties experienced in 2008 in migrating the old accounting system to ABAC and the late implementation of a proper accounting system which still put at risk the quality of the financial information concerning the carry-overs from the previous year, the use of assigned revenue and the link with certain figures in the balance sheet for 2007; expresses its deep concern about the fact the College's actions are now delayed until 2011 due to the resignation of two key actors in the financial circuit: the Accounting Officer and the Finance and Budget Officer;

⁽¹⁾ OJ L 252, 25.9.2010, p. 233.

13. Stresses that the Court of Auditors' audit of a sample of commitments (see the Court of Auditor's report on the annual accounts of the College, paragraph 15) showed that, in three cases, there was no audit trail to retrace the financial execution such that it was not possible to match their closing balances in the accounts at 31 December 2008;
14. Stresses that, in its specific annual report for 2006, the Court of Auditors had already mentioned that the College had not established the necessary systems and procedures to enable it to prepare a financial report in compliance with the requirements of the framework Financial Regulation applicable to the Agencies;

Budgetary programming and monitoring

15. Voices concern at the College's weaknesses in programming and monitoring the budget implementation; notes, in particular, that 31 % of the College's total budget had to be carried over in 2008; considers inadequate and vague the measures proposed by the College in this regard;
16. Notes that already for the budget year 2007 more than 20 % (EUR 0,5 million) of the College's appropriations carried over from the preceding year were cancelled;

Financial management of the College's work

17. Voices concern at the College's financial management of its work; notes, in particular, that for the year 2008 the Court flagged up the absence of:

— a legal commitment in three cases covering a total of EUR 39 500,

— a budgetary commitment preceding the legal commitment in nine cases covering a total of EUR 244 200,

and considers inadequate and vague the measures proposed by the College in this regard;

Procurement control environment

18. Voices concern at the College's constant lack of compliance with the Financial Regulation with regard to public procurement rules; notes, in particular, the irregularities in the procedure used for a public supply contract worth the equivalent of some 2 % of operational expenditure in 2008;
19. Stresses that, in its specific annual reports for the years 2006 and 2007, the Court of Auditors had already criticised the College for not having the documentation available to justify the need to purchase particular items and to explain the recourse to a particular supplier;

Expenditure verification environment

20. Stresses the fact that the Court of Auditors identified in 2008 a large number of cases in which the administrative and financial rules governing expenditure on the organisation of courses and seminars, which accounts for a major proportion (64 %) of the College's operational expenditure, were not followed; notes that the main irregularities concerned: failure to submit supporting documents in respect of the costs incurred, failure to provide confirmation of attendance and to supply original invoices and documents necessary for the reimbursement of accommodation expenses, and failure to query travel costs for experts; calls on the College to adopt measures to ensure an adequate *ex ante* and *ex post* verification capacity;
21. Voices concern at the fact that, in its specific annual reports for the years 2006 and 2007, the Court of Auditors had already remarked that the budget appropriations were not used in accordance with the principle of sound financial management (Article 25 of the College's Financial Regulation);

Appropriations used to finance private expenditure

22. Regrets that the external audit on using appropriations to finance private expenditure announced by the College and to be carried out by an external company, has not been launched yet; is, therefore, concerned about this delay which certainly will not facilitate the work of the external company;
23. Notes that in its response following the hearing of 25 January 2010, the Director at that time announced to the members of the Committee on Budgetary Control that funds had been recovered; remarks, however, that GBP 2 320,77 on transport costs and taxis for 2007 seems not to have been recovered yet;
24. Notes also that the amount of expenditure for the use of mobile phones and cars by staff is still not clear;
25. Stresses the fact that, in its specific annual report for the year 2007, the Court of Auditors had already signalled that it was not feasible for the auditors to review all payments made during the year 2007 as it was not possible to quantify either the amount that was irregularly spent on private use or all the different types of private expenditure incurred;

Human resource management: reliance on interim staff for sensitive posts

26. Is concerned that, until now, interim staff have been employed for financial work; notes that it was not until 2009 that the College issued a vacancy notice for the recruitment of an Internal Control Standards Coordinator and that the interviews for that post were then scheduled for early 2010; voices concern at the fact that two key actors in the financial circuit staff (the Accounting Officer and the Finance and Budget Officer) have recently resigned;
27. Refers, for other observations accompanying its Decision on discharge, which are of a horizontal nature, to its resolution of 5 May 2010 ⁽¹⁾ on the performance, financial management and control of the agencies.

⁽¹⁾ OJ L 252, 25.9.2010, p. 241.

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