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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 974/2011

of 29 September 2011

approving the active substance acrinathrin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 and Commission 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 Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 13(2) and Article 78(2) thereof,

Whereas:

- (1) In accordance with Article 80(1)(c) of Regulation (EC) No 1107/2009, Directive 91/414/EEC ⁽²⁾ is to apply to active substances for which completeness has been established in accordance with Article 16 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 ⁽³⁾, with respect to the procedure and the conditions for approval. Acrinathrin is an active substance for which completeness has been established in accordance with that Regulation.
- (2) Commission Regulations (EC) No 451/2000 ⁽⁴⁾ and 1490/2002 ⁽⁵⁾ lay down the detailed rules for the implementation of the second and third stages 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 acrinathrin.

- (3) In accordance with Article 3(2) of Commission Regulation (EC) No 1095/2007 of 20 September 2007 amending Regulation (EC) No 1490/2002 laying down further detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC and Regulation (EC) No 2229/2004 laying down further detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC ⁽⁶⁾ the notifier withdrew its support of the inclusion of that active substance in Annex I to Directive 91/414/EEC within 2 months from entry into force of that Regulation. 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 ⁽⁷⁾ was adopted on the non-inclusion of acrinathrin.
- (4) 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 Articles 14 to 19 of Regulation (EC) No 33/2008.
- (5) The application was submitted to France, which had been designated rapporteur Member State by Regulation (EC) No 1490/2002. 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.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ OJ L 230, 19.8.1991, p. 1.

⁽³⁾ OJ L 15, 18.1.2008, p. 5.

⁽⁴⁾ OJ L 55, 29.2.2000, p. 25.

⁽⁵⁾ OJ L 224, 21.8.2002, p. 23.

⁽⁶⁾ OJ L 246, 21.9.2007, p. 19.

⁽⁷⁾ OJ L 333, 11.12.2008, p. 11.

- (6) France 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 14 January 2010. 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 acrinathrin to the Commission on 21 October 2010 ⁽¹⁾. 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 17 June 2011 in the format of the Commission review report for acrinathrin.
- (7) It has appeared from the various examinations made that plant protection products containing acrinathrin 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 as regards the uses which were examined and detailed in the Commission review report. It is therefore appropriate to approve acrinathrin in accordance with Regulation (EC) No 1107/2009.
- (8) In accordance with Article 13(2) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is, however, necessary to include certain conditions and restrictions.
- (9) Without prejudice to the conclusion that acrinathrin should be approved, it is, in particular, appropriate to require further confirmatory information.
- (10) A reasonable period should be allowed to elapse before approval in order to permit Member States and the interested parties to prepare themselves to meet the new requirements resulting from the approval.
- (11) Without prejudice to the obligations defined by Regulation (EC) No 1107/2009 as a consequence of the approval, taking into account the specific situation created by the transition from Directive 91/414/EEC to Regulation (EC) No 1107/2009 the following should, however, apply. Member States should be allowed a period of 6 months after approval to review authorisations of plant protection products containing acrinathrin. Member States should, as appropriate, vary, replace or withdraw existing authorisations. By way of derogation from the above deadline, a longer period should be provided for the submission and assessment of the update of the complete Annex III dossier, as set out in Directive 91/414/EEC, of each plant protection product for each intended use in accordance with the uniform principles.
- (12) 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 ⁽²⁾ 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.
- (13) In accordance with Article 13(4) of Regulation (EC) No 1107/2009, the Annex to Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances ⁽³⁾ should be amended accordingly.
- (14) Decision 2008/934/EC provides for the non-inclusion of acrinathrin and the withdrawal of authorisations for plants protection products containing that substance by 31 December 2011. It is necessary to delete the line concerning acrinathrin in the Annex to that Decision. It is therefore appropriate to amend Decision 2008/934/EC accordingly.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Approval of active substance

The active substance acrinathrin, as specified in Annex I, is approved subject to the conditions laid down in that Annex.

Article 2

Re-evaluation of plant protection products

1. Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary, amend or withdraw existing authorisations for plant protection products containing acrinathrin as an active substance by 30 June 2012.

⁽¹⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance acrinathrin. EFSA Journal 2010;8(12):1872 [72 pp.] doi:10.2903/j.efsa.2010.1872. Available online: www.efsa.europa.eu/efsajournal.htm

⁽²⁾ OJ L 366, 15.12.1992, p. 10.

⁽³⁾ OJ L 153, 11.6.2011, p. 1.

By that date they shall in particular verify that the conditions in Annex I to this Regulation are met, with the exception of those identified in Part B of the column on specific provisions of that Annex, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to Directive 91/414/EEC in accordance with the conditions of Article 13(1) to (4) of that Directive and Article 62 of Regulation (EC) No 1107/2009.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing acrinathrin as either the only active substance or as one of several active substances all of which were listed in the Annex to Implementing Regulation (EU) No 540/2011 by 31 December 2011 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, on the basis of a dossier satisfying the requirements of Annex III to Directive 91/414/EEC and taking into account Part B of the column on specific provisions of Annex I to this Regulation. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 29(1) of Regulation (EC) No 1107/2009. Following that determination Member States shall:

- (a) in the case of a product containing acrinathrin as the only active substance, where necessary, amend or withdraw the authorisation by 31 December 2015 at the latest; or
- (b) in the case of a product containing acrinathrin as one of several active substances, where necessary, amend or

withdraw the authorisation by 31 December 2015 or by the date fixed for such an amendment or withdrawal in the respective act or acts which added the relevant substance or substances to Annex I to Directive 91/414/EEC or approved that substance or substances, whichever is the latest.

Article 3

Amendments to Implementing Regulation (EU) No 540/2011

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with Annex II to this Regulation.

Article 4

Amendments to Decision 2008/934/EC

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

Article 5

Entry into force and date of application

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2012.

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

Done at Brussels, 29 September 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
Acrinathrin CAS No 101007-06-1 CIPAC No 678	(S)- α -cyano-3-phenoxybenzyl (Z)-(1R,3S)-2,2-dimethyl-3-[2-(2,2,2-trifluoro-1-trifluoromethylethoxy-carbonyl)vinyl]cyclopropanecarboxylate or (S)- α -cyano-3-phenoxybenzyl (Z)-(1R)-cis-2,2-dimethyl-3-[2-(2,2,2-trifluoro-1-trifluoromethylethoxy-carbonyl)vinyl]cyclopropanecarboxylate	≥ 970 g/kg Impurities: 1,3-dicyclohexylurea: not more than 2 g/kg	1 January 2012	31 December 2021	PART A Only uses as insecticide and acaricide may be authorised at rates not exceeding 22,5 g/ha per application. PART B For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on acrinathrin, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 15 July 2011 shall be taken into account. In this overall assessment Member States: (a) shall pay particular attention to the protection of operators and workers and shall ensure that conditions of use include the application of adequate personal protective equipment, where appropriate; (b) shall pay particular attention to the risk to aquatic organisms, in particular fish, and shall ensure that conditions of authorisation include risk mitigation measures, where appropriate; (c) shall pay particular attention to the risk to non-target arthropods and bees and shall ensure that conditions of authorisation include risk mitigation measures. The applicant shall submit confirmatory information as regards: (1) the potential risk to groundwater from the metabolite 3-PBAld (*); (2) the chronic risk to fish; (3) the risk assessment for non-target arthropods; (4) the possible impact on the worker, the consumer and the environmental risk assessment of the potential stereoselective degradation of each isomer in plant, animals and the environment. The applicant shall submit to the Commission, the Member States and the Authority the information set out in points 1, 2 and 3 by 31 December 2013 and the information set out in points 4 2 years after the adoption of specific guidance.

(*) 3-phenoxybenzaldehyde.

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

ANNEX II

In Part B of the Annex to Implementing Regulation (EU) No 540/2011 the following entry is added:

No	Common Name, Identification Numbers	IUPAC Name	Purity	Date of approval	Expiration of approval	Specific provisions
'19	Acrinathrin CAS No 101007-06-1 CIPAC No 678	(S)- α -cyano-3-phen- oxybenzyl (Z)-(1R,3S)- 2,2-dimethyl-3-[2- (2,2,2-trifluoro-1- trifluoromethylethoxy- carbonyl)vinyl]cyclo- propanecarboxylate or (S)- α -cyano-3-phen- oxybenzyl (Z)-(1R)-cis- 2,2-dimethyl-3-[2- (2,2,2-trifluoro-1- trifluoromethylethoxy- carbonyl)vinyl]cyclo- propanecarboxylate	≥ 970 g/kg Impurities: 1,3-dicyclohexylurea: not more than 2 g/kg	1 January 2012	31 December 2021	PART A Only uses as insecticide and acaricide may be authorised at rates not exceeding 22,5 g/ha per application. PART B For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on acrinathrin, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 15 July 2011 shall be taken into account. In this overall assessment Member States: (a) shall pay particular attention to the protection of operators and workers and shall ensure that conditions of use include the application of adequate personal protective equipment, where appropriate; (b) shall pay particular attention to the risk to aquatic organisms, in particular fish, and shall ensure that conditions of authorisation include risk mitigation measures, where appropriate; (c) shall pay particular attention to the risk to non-target arthropods and bees and shall ensure that conditions of authorisation include risk mitigation measures. The applicant shall submit confirmatory information as regards: (1) the potential risk to groundwater from the metabolite 3-PBAld (*); (2) the chronic risk to fish; (3) the risk assessment for non-target arthropods; (4) the possible impact on the worker, the consumer and the environmental risk assessment of the potential stereo-selective degradation of each isomer in plant, animals and the environment. The applicant shall submit to the Commission, the Member States and the Authority the information set out in points 1, 2 and 3 by 31 December 2013 and the information set out in point 4 2 years after the adoption of specific guidance.

(*) 3-phenoxybenzaldehyde.'

COMMISSION IMPLEMENTING REGULATION (EU) No 975/2011**of 30 September 2011****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 Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

Implementing Regulation (EU) No 543/2011 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 XVI, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2011.

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

Done at Brussels, 30 September 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, 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	BR	31,9
	MK	28,2
	ZZ	30,1
0707 00 05	MK	44,0
	TR	111,6
	ZZ	77,8
0709 90 70	TR	107,9
	ZZ	107,9
0805 50 10	AR	67,9
	BR	41,3
	CL	65,2
	TR	65,3
	UY	61,2
	ZA	73,7
	ZZ	62,4
0806 10 10	CL	71,6
	EG	65,0
	MK	82,2
	TR	98,7
	ZA	61,1
0808 10 80	ZZ	75,7
	CL	76,1
	CN	82,6
	NZ	103,8
	US	83,1
	ZA	88,5
0808 20 50	ZZ	86,8
	CN	88,7
	TR	120,5
	ZZ	104,6

⁽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 IMPLEMENTING REGULATION (EU) No 976/2011**of 30 September 2011****fixing the import duties in the cereals sector applicable from 1 October 2011**

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 (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

- (2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

- (3) Pursuant to Article 2(2) of Regulation (EU) No 642/2010, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 5 of that Regulation.

- (4) Import duties should be fixed for the period from 1 October 2011 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 October 2011, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 1 October 2011.

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

Done at Brussels, 30 September 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 187, 21.7.2010, p. 5.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 1 October 2011

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	0,00
1005 10 90	Maize seed, other than hybrid	0,00
1005 90 00	Maize, other than seed ⁽²⁾	0,00
1007 00 90	Grain sorghum, other than hybrids for sowing	0,00

⁽¹⁾ For goods arriving in the Union via the Atlantic Ocean or via the Suez Canal the importer may benefit, pursuant to Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

- 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or on the Black Sea,
- 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom, or on the Atlantic coast of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

16.9.2011-29.9.2011

1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾
Exchange	Minneapolis	Chicago	—	—	—
Quotation	245,03	191,46	—	—	—
Fob price USA	—	—	352,28	342,28	322,28
Gulf of Mexico premium	—	16,31	—	—	—
Great Lakes premium	28,29	—	—	—	—

⁽¹⁾ Premium of 14 EUR/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).⁽²⁾ Discount of 10 EUR/t (Article 5(3) of Regulation (EU) No 642/2010).⁽³⁾ Discount of 30 EUR/t (Article 5(3) of Regulation (EU) No 642/2010).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico–Rotterdam: 18,61 EUR/t

Freight costs: Great Lakes–Rotterdam: 51,95 EUR/t

DECISIONS

COUNCIL DECISION

of 22 September 2011

appointing three German members and four German alternate members of the Committee of the Regions

(2011/643/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the German Government,

Whereas:

- (1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU ⁽¹⁾ and 2010/29/EU ⁽²⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015.
- (2) Three members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Mr Karl-Heinz KLÄR, Ms Kerstin KIESSLER and Mr Rolf HARLINGHAUSEN. Four alternate members' seats have become vacant following the end of the terms of office of Ms Nicole MORSBLECH, Mr Peter STRAUB, Mr Michael GWOSDZ and Ms Jacqueline KRAEGE,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

(a) as members:

- Dr Eva QUANTE-BRANDT, Staatsrätin, Mitglied des Senats der Freien Hansestadt Bremen,

— Ms Margit CONRAD, Bevollmächtigte des Landes Rheinland-Pfalz beim Bund und für Europa,

— Ms Barbara DUDEN, Mitglied des Europaausschusses der Hamburgischen Bürgerschaft;

and

(b) as alternate members:

— Ms Ulrike HÖFKEN, Ministerin für Umwelt, Landwirtschaft, Ernährung, Weinbau und Forsten,

— Mr Nils WIECHMANN, Mitglied des Landtages,

— Mr Heino VAHLDIECK, Mitglied des Europaausschusses der Hamburgischen Bürgerschaft,

— Mr Peter FRIEDRICH, Minister für Bundesrat, Europa und internationale Angelegenheiten.

Article 2

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

Done at Brussels, 22 September 2011.

For the Council
The President
J. MILLER

⁽¹⁾ OJ L 348, 29.12.2009, p. 22.

⁽²⁾ OJ L 12, 19.1.2010, p. 11.

RECOMMENDATIONS

COUNCIL RECOMMENDATION

of 15 February 2011

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (10th EDF) for the financial year 2009

(2011/644/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

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⁾, amended by the Agreement signed in Luxembourg on 25 June 2005 ⁽²⁾,

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on the financing of Community aid under the multiannual financial framework for the period 2008 to 2013 in accordance with the ACP-EC Partnership Agreement and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies ⁽³⁾ (the 'Internal Agreement') setting up, amongst others, the 10th European Development Fund (10th EDF), and in particular Article 11(8) thereof,

Having regard to Council Regulation (EC) No 215/2008 of 18 February 2008 on the Financial Regulation applicable to the 10th European Development Fund ⁽⁴⁾, and in particular Articles 142 to 144 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the 10th EDF as at

31 December 2009 and the Annual Report of the Court of Auditors on the activities funded by the eighth, ninth and tenth European Development Funds (EDFs) ⁽⁵⁾, concerning the financial year 2009, together with the Commission's replies contained in that Annual Report,

Whereas:

- (1) Pursuant to Article 11(8) of the Internal Agreement, the discharge for the financial management of the 10th EDF is to be given to the Commission by the European Parliament on the recommendation of the Council.
- (2) The overall implementation by the Commission of the operations of the 10th EDF during the financial year 2009 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the 10th EDF for the financial year 2009.

Done at Brussels, 15 February 2011.

For the Council
The President
MATOLCSY Gy.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 287, 28.10.2005, p. 4.

⁽³⁾ OJ L 247, 9.9.2006, p. 32.

⁽⁴⁾ OJ L 78, 19.3.2008, p. 1.

⁽⁵⁾ OJ C 303, 9.11.2010, p. 243.

COUNCIL RECOMMENDATION**of 15 February 2011****concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (eighth EDF) for the financial year 2009**

(2011/645/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the fourth ACP-EEC Convention, signed at Lomé on 15 December 1989 ⁽¹⁾ and amended by the Agreement signed in Mauritius on 4 November 1995 ⁽²⁾,

Having regard to the Internal Agreement between the representatives of the Governments of the Member States, meeting within the Council, on the financing and administration of the Community aid under the Second Financial Protocol to the fourth ACP-EC Convention ⁽³⁾ (the 'Internal Agreement') setting up, amongst others, the eighth European Development Fund (eighth EDF), and in particular Article 33(3) thereof,

Having regard to the Financial Regulation of 16 June 1998 applicable to development finance cooperation under the fourth ACP-EC Convention ⁽⁴⁾, and in particular Articles 66 to 74 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the eighth EDF as at 31 December 2009, and the Annual Report of the Court of Auditors on the activities funded by the eighth, ninth and tenth

European Development Funds (EDFs) ⁽⁵⁾, concerning the financial year 2009, together with the Commission's replies contained in that Annual Report,

Whereas:

- (1) Pursuant to Article 33(3) of the Internal Agreement, the discharge for the financial management of the eighth EDF is to be given to the Commission by the European Parliament on the recommendation of the Council.
- (2) The overall implementation by the Commission of the operations of the eighth EDF during the financial year 2009 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the eighth EDF for the financial year 2009.

Done at Brussels, 15 February 2011.

For the Council
The President
MATOLCSY Gy.

⁽¹⁾ OJ L 229, 17.8.1991, p. 3.

⁽²⁾ OJ L 156, 29.5.1998, p. 3.

⁽³⁾ OJ L 156, 29.5.1998, p. 108.

⁽⁴⁾ OJ L 191, 7.7.1998, p. 53.

⁽⁵⁾ OJ C 303, 9.11.2010, p. 243.

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