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I

(Legislative acts)

DECISIONS

DECISION No 1219/2011/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 16 November 2011****concerning the subscription by the European Union to additional shares in the capital of the European Bank for Reconstruction and Development (EBRD) as a result of the decision to increase this capital**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212 thereof,

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) Pursuant to Article 4(3) of the Agreement establishing the European Bank for Reconstruction and Development ⁽²⁾ (EBRD), the Governors of the EBRD, at their annual meeting in Zagreb on 14 and 15 May 2010, decided in Resolutions 126 ⁽³⁾ and 128 ⁽⁴⁾ to increase by EUR 10 billion the authorised capital stock of the EBRD in order to maintain enough capital to sustain, over the medium term, a reasonable level of activity in the EBRD countries of operation within statutory limits.
- (2) Prior to those resolutions, the capital of the EBRD was fixed at EUR 20 billion, of which the Union subscribed to 60 000 shares, each share having a par value of EUR 10 000.
- (3) Pursuant to Resolution 126, the authorised capital stock of the EBRD is increased by 100 000 paid-in shares, and each member is issued a number of whole shares, rounded downwards, pro rata to their existing shareholding. The paid-in part of the capital increase is paid

through integration in the capital of part of the EBRD's unrestricted general reserves. This Decision thus has no direct impact on the budget of the Union. All EBRD shareholders automatically received paid-in shares in proportion of their existing shareholding, without any further procedural steps taken by the shareholders themselves. Accordingly, the Union has been issued with 3 031 new shares, each having a par value of EUR 10 000 increasing the number of paid-in shares of the Union to 63 031.

- (4) Pursuant to Resolution 128, the authorised capital stock of the EBRD should be increased by 900 000 callable shares, each share having a par value of EUR 10 000 which is subject to redemption. Each member should be entitled to subscribe, at par, to a number of whole callable shares up to, but not in excess of, 42,857 % of the number of shares owned by such member immediately prior to the effective date of the capital increase. The Union is thus entitled to subscribe to up to 27 013 callable shares by 31 December 2011.
- (5) Pursuant to Resolution 128, the use of EBRD's capital should be monitored pursuant to the fourth Capital Resources Review (CRR4) for the period 2011-2015 (CRR4 period). The EBRD Board of Governors could decide in 2015, within the framework of CRR4, that part of the unutilised callable capital could be redeemed under specific conditions to be agreed in 2015. Pursuant to Resolution 128, the EBRD Board of Governors resolved that such redemption of callable shares would be automatic and applicable to all EBRD members who have subscribed to the callable shares authorised by that Resolution. In such a situation, the Commission would take note of, and implement, the EBRD Governors' Resolution.

⁽¹⁾ Position of the European Parliament of 13 October 2011 (not yet published in the Official Journal) and Decision of the Council of 8 November 2011.

⁽²⁾ OJ L 372, 31.12.1990, p. 4.

⁽³⁾ Resolution 126, entitled 'Increase in authorised capital stock, issuance of paid-in shares, and payment through reallocation of net income'.

⁽⁴⁾ Resolution 128, entitled 'Increase in authorised capital stock, issuance and subscription of callable capital, and redemption'.

- (6) This Decision should enhance the capacity of the EBRD to increase its activities in its countries of operation, thus providing valuable assistance to the economies of those countries in difficult economic times. It is appropriate for the Union to subscribe to those additional shares in order to achieve the Union's objectives in the field of

economic external relations and preserve its relative voting power within the EBRD.

- (7) The increase in callable capital provided for in this Decision contributes to maintaining the EBRD's access to financial markets.
- (8) The Commission should present to the European Parliament and the Council, by the end of the CRR4 period, a report assessing the effectiveness of the existing system of European public financing institutions promoting investment in Europe and its neighbourhood. That report should include recommendations on the cooperation between the respective banks and the optimisation and coordination of their activities as called for by the European Parliament in its resolution of 25 March 2009 on the 2007 Annual Reports of the European Investment Bank and the European Bank for Reconstruction and Development ⁽¹⁾.
- (9) In the countries of common intervention outside the Union, the EBRD should be encouraged to develop its cooperation with the other European public financing institutions through agreements such as the tripartite 'Memorandum of Understanding between the European Commission, the European Investment Bank together with the European Investment Fund, and the European Bank for Reconstruction and Development in respect of cooperation outside the European Union', which allows the banks to act in a complementary way by relying on their respective comparative advantages.
- (10) The contingent liability related to the callable part of the subscribed capital is reflected in the budget of the Union in p.m. line 01 03 01 02: 'European Bank for Reconstruction and Development — Callable portion of subscribed capital'.
- (11) The representatives of the Union in the governing bodies of the EBRD should encourage the EBRD: to continue implementing the best prudential banking practices in order to further preserve its very strong capital position; to intervene in areas consistent with the key objectives of the Europe 2020 Strategy in order to enhance the overall coherence of the Union's external action policy; to further develop financial instruments, based on co-financing between the budgets of the Union and of the EBRD, contributing to the achievement of the Union's objectives, while taking into account that such cooperation should be accompanied by effective control over, and visibility of, the Union's public funds; and to provide, on its website, appropriate information about the beneficiaries, the impact of its financial intermediary operations and the evaluations of projects.
- (12) The Governor of the EBRD for the Union should report annually to the European Parliament on the promotion

of the Union's objectives with particular regard to the Union's external action as laid down in Article 21 of the Treaty on European Union, the Europe 2020 Strategy, and the significant increase of the transfer of renewable energy and energy-efficient technologies.

- (13) The representatives of the Union in the governing bodies of the EBRD should use their best endeavours to avoid any activity by the EBRD implemented in its countries of operation through a foreign non-cooperative jurisdiction characterised notably by no or nominal taxes, a lack of effective exchange of information with foreign tax authorities and a lack of transparency in legislative, legal or administrative provisions, or as identified by the Organisation for Economic Cooperation and Development or the Financial Action Task Force,

HAVE ADOPTED THIS DECISION:

Article 1

The Union shall subscribe to 27 013 additional callable shares of EUR 10 000 each in the EBRD pursuant to Resolution 128 of the Board of Governors, the text of which is set out in the Annex for informative purposes.

Article 2

The Governor of the EBRD for the Union shall deposit the requisite instrument of subscription on behalf of the Union.

Article 3

The Governor of the EBRD for the Union shall report annually to the European Parliament on the use of capital, on measures to ensure transparency of operations of the EBRD through financial intermediaries, on how the EBRD has contributed to the Union's objectives, on risk-taking and effectiveness in leveraging additional financing from the private sector, and on cooperation between the European Investment Bank and the EBRD outside the Union.

Article 4

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

Done at Strasbourg, 16 November 2011.

For the European Parliament
The President
J. BUZEK

For the Council
The President
W. SZCZUKA

⁽¹⁾ OJ C 117 E, 6.5.2010, p. 147.

ANNEX

RESOLUTION No 128**Increase in authorised capital stock, issuance and subscription of callable capital, and redemption**

THE BOARD OF GOVERNORS

Having received from the Board of Directors a Report on the Fourth Capital Resources Review (CRR4) for the period 2011-2015 (the CRR4 Period), which review was carried out in accordance with Article 5(3) of the Agreement Establishing the Bank (the Agreement);

Having considered such Report and fully endorsing its findings and recommendations, including its strategic objectives, the proposed EUR 9 billion annual business volume envelope for 2011 and 2012 decreasing to EUR 8,5 billion for the remainder of the CRR4 Period, and capital requirements analysis;

Having concluded that it is desirable and appropriate to increase the authorised capital stock by EUR 9 billion of callable shares and to issue such shares, on terms that anticipate their redemption and the cancellation of the shares redeemed, to all members wishing to subscribe for them pro rata to their existing shareholding;

Agreeing with the observation in the Report that, having regard to the need of the Bank to preserve sufficient capital to support the projected operational activity over the next five years, it is envisaged that over such period any and all income of any year will be allocated to surplus, with the exception of potential allocations for the purpose of replenishing the EBRD Shareholder Special Fund; and

Exercising its powers under Article 24(1) of the Agreement, including to the extent necessary its power to exercise authority over any matter delegated or assigned to the Board of Directors under Article 24(2) of the Agreement;

RESOLVES THAT:

The authorised capital stock of the Bank be increased and the shares of capital stock so increased be made available for subscription on the following terms and conditions:

1. Increase in Authorised Capital Stock

- (a) The authorised capital stock of the Bank shall, on the Effective Date as defined in paragraph 4(a) of this Resolution, be increased by 900 000 callable shares, each share having a par value of EUR 10 000, which shall be subject to redemption in accordance with paragraph 3.
- (b) Of the shares authorised by this Resolution, the number of whole callable shares, rounded downwards, up to, but not in excess of, 42,857 % ⁽¹⁾ of the shares subscribed to by each member immediately prior to the Effective Date shall be made available for subscription by such members in accordance with paragraph 2 of this Resolution.
- (c) The callable shares authorised by this Resolution which shall not have been subscribed to in accordance with paragraph 2 of this Resolution shall be reserved for initial subscriptions by new members and for special increases in the subscriptions of individual members, as may be determined by the Board of Governors pursuant to paragraphs 2 and 4 of Article 5 of the Agreement Establishing the Bank.

2. Subscriptions

- (a) Each member shall be entitled to subscribe, at par, a number of whole callable shares up to, but not in excess of, 42,857 % of the number of shares owned by such member immediately prior to the Effective Date. Each such subscription shall be on the terms and conditions set forth in this Resolution.
- (b) On or before 30 April 2011 or such subsequent date not later than 31 December 2011 as the Board of Directors may determine on or before 30 April 2011, each member wishing to subscribe pursuant to this Resolution shall deposit with the Bank the following documents in a form acceptable to the Bank:
 - (i) an instrument of subscription whereby the member subscribes to the number of callable shares specified in such instrument;

⁽¹⁾ Following the increase in paid-in capital, the Bank's authorised capital stock will be EUR 21 billion. The EUR 9 billion increase is a 42,857 % increase in the authorised capital; therefore, each shareholder will be entitled to subscribe to up to 42,857 % of their current shareholding at the time the increase is approved in order to maintain the shareholding composition.

- (ii) a representation that the member has duly taken all legislative and other internal action necessary to enable it to make such subscription; and
- (iii) an undertaking that the member will furnish such information as the Bank may request concerning such action.
- (c) Each instrument of subscription shall become effective and the subscription thereunder shall be deemed to have been made on the Effective Date, or on the date on which the Bank notifies the subscribing member that the documents deposited by such member pursuant to paragraph 2(b) of this Resolution are satisfactory to the Bank, whichever is the later.
- (d) If documents satisfactory to the Bank providing for subscriptions in the aggregate amount of shares specified in paragraph 4(a) of this Resolution shall not have been deposited by the Effective Date, then the Board of Directors may, at its option, declare that the instruments of subscription already deposited by members and the subscriptions thereunder shall become effective immediately notwithstanding any other provision in this Resolution, provided that such action is considered by the Board of Directors to be in the best operational interests of the Bank, and provided further that the aggregate of instruments of subscription already deposited and expected to be deposited in the foreseeable future is, in the judgement of the Board of Directors, sufficiently close to the aggregate amount of shares specified in the said paragraph 4(a).

3. Redemption

- (a) The callable shares authorised by this Resolution shall be redeemed by, and at no cost to, the Bank after the end of the CRR4 Period, subject to and as further provided for in the following provisions of this paragraph 3.
- (b) Subject to the remaining provisions of this paragraph 3, all or some of the callable shares shall be redeemed on the day immediately following the 2016 Annual Meeting with the number of the shares to be redeemed being calculated by applying an agreed formula (the Agreed Formula) based on the unutilised callable capital, if any, at the end of the CRR4 period relative to a statutory capital utilisation threshold of 87 % at the end of the CRR4 Period. For calculation purposes, such unutilised callable capital, if any, shall be equal to an amount which is the lesser of EUR 9 000 000 000 and $((87 \% \text{ of } A) - B)$, where:
 - (i) A is the aggregate amount of the Bank's unimpaired subscribed capital, reserves and surpluses at the end of the CRR4 Period; and
 - (ii) B is the aggregate amount of the Bank's operating assets at the end of the CRR4 Period.

The number of shares, if any, to be redeemed pursuant to the Agreed Formula shall be equal to that amount divided by the par value of the shares (EUR 10 000).⁽¹⁾

- (c) Any redemption of shares made in accordance with this Resolution shall be subject to the condition that, following any redemption, all relevant provisions of the Agreement continue to be complied with (e.g. the ratios prescribed in Article 12 are met; no callable shares have been called to meet the Bank's liabilities (Article 6(4) and Article 17 of the Agreement); and no decision to terminate the operations of the Bank has been made (Article 41 and Article 42(2) of the Agreement).
- (d) In the period immediately leading up to the 2015 Annual Meeting:
 - (i) on the basis of known data in relation to 2011-14 as well as reasonable projections for 2015, the Bank's Management shall prepare an assessment of the Bank's financial position, and economic conditions expected to prevail up to the end of the CRR4 period, including in particular developments in economic output, investment, domestic banking systems and international capital markets, and shall thereafter hold appropriate consultations with the Board of Directors;
 - (ii) the President shall submit to the Board of Directors a draft report to the Board of Governors along with two draft resolutions as described below;
 - (iii) the first resolution shall identify the number of callable shares to be redeemed and be as follows: (x) if there is no unutilised callable capital applying the Agreed Formula, the resolution shall be a resolution to take note that, applying the Agreed Formula, no shares shall be redeemed; (y) if there is unutilised callable capital applying the Agreed Formula and the assessment of the Bank's financial position and the prevailing economic conditions is such that the Agreed Formula can be applied without adjustment, the resolution shall be a resolution to take note that a specified number of shares, being the maximum number of shares that may

⁽¹⁾ According to the Agreed Formula, the amount of unutilised callable capital would be zero if the Bank's operating assets are equal to or in excess of 87 % of the unimpaired subscribed capital, reserves and surpluses.

be redeemed applying the Agreed Formula, shall be redeemed; or (z) if there is unutilised callable capital applying the Agreed Formula and the assessment of the Bank's financial position and the prevailing economic conditions is such that the Agreed Formula should not be applied, the resolution shall be a resolution to redeem a number of shares, which shall, be less than the maximum number of callable shares that may be redeemed applying the Agreed Formula and may be zero;

- (iv) the second resolution shall provide for a process for the redemption of the callable shares that have not been redeemed in accordance with paragraph 3(e) or (f) after the end of the CRR4 Period;
 - (v) notwithstanding any provision of the Rules of Procedure of the Board of Governors, and without prejudice to the powers of the Board of Governors pursuant to Article 24 of the Agreement, the matter concerning the redemption of the callable shares shall be included as an item in the agenda of the 2015 Annual Meeting of the Board of Governors, the report shall be submitted for consideration and the resolutions for approval by the Board of Governors.
 - (e) At the 2015 Annual Meeting, the Board of Governors shall decide on the first resolution by a majority of the total voting power of the members voting, provided that if such first resolution is not approved by such majority, the number of callable shares to be redeemed, if any, shall be the maximum number of shares that may be redeemed applying the Agreed Formula, subject in all cases to the provisions of paragraph 3(f) below.
 - (f) If the Bank's actual financial position and the then prevailing economic conditions at the end of CRR4 Period are materially different from those expected on the basis the projections previously provided to the Board of Directors in 2015 by the Bank's Management, a new resolution shall be submitted promptly to the Board of Governors, following a similar process, for approval by the same majority at or before the 2016 Annual Meeting.
 - (g) Upon the decision to redeem a specified number of callable shares becoming operative in accordance with paragraph 3(e) or 3(f) above, all members who have subscribed to the callable shares authorised by this Resolution shall surrender to the Bank part or all of their shares pro rata to their respective holdings of such shares and such redeemed callable shares shall be cancelled automatically and as of the date of the redemption, with the authorised capital of the Bank being reduced correspondingly without the need for a further resolution of the Board of Governors.
 - (h) At the 2015 Annual Meeting, the Board of Governors shall decide on the second resolution by a majority of the total voting power of the members voting.
4. Effectiveness and Other Provisions
- (a) For the purposes of this Resolution, the Effective Date shall be the date on or before 30 April 2011, or such subsequent date not later than 31 December 2011 as may be determined by the Board of Directors, on which documents satisfactory to the Bank have been deposited pursuant to paragraph 2(b) of this Resolution providing for subscriptions in an aggregate amount of at least 450 000 ⁽¹⁾ callable shares.
 - (b) Subject to the provisions of this Resolution, the provisions of the Agreement shall apply *mutatis mutandis* to the callable shares authorised by, and to the subscriptions made under, this Resolution as if such shares were part of the initial capital stock of the Bank and such subscriptions and payments were initial subscriptions to and payments for such stock.

(Adopted 14 May 2010)

⁽¹⁾ Being 50 % of the number of newly authorised callable shares.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 1220/2011

of 25 November 2011

amending Regulation (EC) No 867/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards operators' organisations in the olive sector, their work programmes and the financing thereof

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 the third subparagraph of Article 103(2) in conjunction with Article 4 thereof,

Whereas:

(1) In the light of experience gained from implementing the work programmes of operators' organisations in the olive sector, certain amendments should be made to Commission Regulation (EC) No 867/2008 ⁽²⁾.

(2) In order to ensure better implementation of Article 103 of Regulation (EC) No 1234/2007 and to ensure that the financial interests of the Union are protected where producer organisations are beneficiaries of rural development measures under Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽³⁾, provision should be made for the approval of operators' organisations in the olive sector to be immediately refused, suspended or withdrawn if the latter have been penalised under those Regulations.

(3) With regard to market monitoring and administrative management, it is useful to focus on subjects linked to

measures planned under the work programmes of the operators' organisations, whereas in the field of improving the production quality of olive oil and table olives, for reasons of effectiveness, provision should be made for new types of technical assistance.

(4) To improve consistency in the activities which are eligible for Union funding, it is desirable, with regard to controlling olive fly, to restrict financing to those measures provided for in point (b)(iii) of Article 5(1) of Regulation (EC) No 867/2008.

(5) In consideration of the experience gained, it is necessary to increase the minimum percentage of Union funding allocated to reducing the environmental impact of olive cultivation in order to reflect the important developments in this area. Similarly, in order to make the best possible use of the resources allocated to work programmes, there should be a reduction in the general expenses element of expenditure on implementation.

(6) Administrative procedures should be simplified where amendments to a programme involve substituting one measure with another and where the planned budget for each measure is less than EUR 10 000 but where the initial objective of the programme remains unchanged.

(7) To facilitate the implementation of programmes, the conditions for the release of securities linked to advances should be made more flexible provided that the eligible expenditure has been implemented and verified.

(8) A new deadline should be set for the Member States concerned to notify the Commission of national measures taken to implement this Regulation.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 237, 4.9.2008, p. 5.

⁽³⁾ OJ L 277, 21.10.2005, p. 1.

(9) Regulation (EC) No 867/2008 should be amended accordingly.

(10) 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

Regulation (EC) No 867/2008 is amended as follows:

(1) in Article 3(5) the following subparagraph (c) is added:

‘(c) has been penalised for infringing the scheme to fund the activities of operators’ organisations provided for in Article 103 of Regulation (EC) No 1234/2007 or for an infringement of the application of a rural development measure provided for in Council Regulation (EC) No 1698/2005 (*).

(*) OJ L 277, 21.10.2005, p. 1.;

(2) Article 5(1) is amended as follows:

(a) point (a)(ii) is replaced by the following:

‘(ii) drawing up studies on subjects linked to the other measures provided for in the work programme of the operators’ organisation concerned;’

(b) point (c) shall be amended as follows:

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

‘(i) improving conditions for growing, harvesting, delivering and storing olives prior to processing, in accordance with the technical specifications laid down by the competent national authority;’

(ii) point (iii) shall be replaced by the following:

‘(iii) improving conditions for storage and use of the residues of olive oil and table olive production and improving olive oil bottling conditions;’

(iii) point (iv) shall be replaced by the following:

‘(iv) technical assistance for production, for the olive processing industry, for producers of table olives, for mills and for packaging, relating to aspects linked to product quality;’

(iv) point (vi) shall be replaced by the following:

‘(vi) training tasters to carry out organoleptic checks on virgin olive oils and on table olives;’

(3) in Article 6, the first paragraph is replaced by the following:

‘In each Member State a minimum of 30 % of the Union funding available under Article 103 of Regulation (EC) No 1234/2007 shall be allocated to the area of activity referred to in point (b) of the first subparagraph of Article 5(1) of this Regulation, and a minimum of 12 % of that Union funding shall be allocated to the area referred to in point (d) of the first subparagraph of Article 5(1).’;

(4) in Article 7(1), the following point (g) is added:

‘(g) measures and activities relating to controlling olive fly with the exception of measures provided for in point (b)(iii) of Article 5(1).’;

(5) point (d) of the second subparagraph of Article 8(2) is replaced by the following:

‘(d) the planned expenditure, broken down by measure and by area of measure as referred to in Article 5(1), with details for each 12-month period from the date of approval of the work programme, distinguishing the overheads, which must not exceed 5 % of the total, and the other main types of costs;’

(6) in Article 10, the following paragraph 6 is added:

‘6. By way of derogation from paragraphs 2 and 4, where amendments to a work programme involve substituting one measure with another measure in the same area, and where the planned budget for each measure is less than EUR 10 000, the operators’ organisation must notify the competent authority two months before the new measure is implemented. If the competent authority does not object within one month of notification, the amendment shall be deemed to have been accepted. The notification shall be accompanied by supporting documentation specifying the aim, nature and implications of the proposed amendment and shall demonstrate that the amendment concerned does not alter the initial objective of the programme in question.’;

(7) Article 11(5) is replaced by the following text:

‘5. By a date to be determined by the Member State but no later than the end of each year of implementation of the work programme, the operators’ organisations concerned may lodge an application for release of the security referred to in paragraph 4 up to an amount equal to all the expenditure under the initial instalment actually carried out and verified by the Member State. The Member State shall lay down which supporting documents shall accompany this application and check them and shall release the securities corresponding to the expenditure concerned no later than in the course of the second month following that in which the application is lodged.’;

(8) in Article 18(1), the introductory sentence shall be replaced by the following:

‘1. No later than 31 January following each period of three years beginning on 1 April in accordance with Article 8, the Member States producing olive oil shall notify the Commission of the national measures implementing this Regulation, and in particular those relating to:’.

Article 2

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

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

Done at Brussels, 25 November 2011.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1221/2011**of 25 November 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 26 November 2011.

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

Done at Brussels, 25 November 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	AL	62,0
	MA	42,5
	MK	57,4
	TN	143,2
	TR	85,0
	ZZ	78,0
0707 00 05	EG	188,1
	TR	98,5
	ZZ	143,3
0709 90 70	MA	40,1
	TR	151,0
	ZZ	95,6
0805 20 10	MA	74,2
	ZZ	74,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	38,9
	IL	76,6
	JM	134,1
	TR	83,9
	ZZ	83,4
0805 50 10	TR	58,4
	ZA	49,5
	ZZ	54,0
0808 10 80	CA	135,1
	CL	90,0
	CN	86,4
	MK	36,4
	NZ	41,5
	US	119,5
	ZA	107,9
	ZZ	88,1
0808 20 50	CN	69,0
	TR	137,2
	ZZ	103,1

⁽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'.

DECISIONS

DECISION OF THE EUROPEAN PARLIAMENT

of 25 October 2011

on discharge in respect of the implementation of the European Union general budget for the financial year 2009, Section II – Council

(2011/755/EU)

THE EUROPEAN PARLIAMENT,

- having regard to the European Union general budget for the financial year 2009 ⁽¹⁾,
- having regard to the final annual accounts of the European Union for the financial year 2009 (SEC(2010) 963 – C7-0213/2010) ⁽²⁾,
- having regard to the Council's annual report to the discharge authority on internal audits carried out in 2009,
- having regard to the Annual Report of the Court of Auditors on the implementation of the budget concerning the financial year 2009, together with the institutions' replies ⁽³⁾,
- having regard to the statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors pursuant to Article 287 of the Treaty on the Functioning of the European Union ⁽⁴⁾,
- having regard to its decision of 10 May 2011 ⁽⁵⁾ postponing the discharge decision for the financial year 2009, and to the accompanying resolution,
- having regard to Article 272(10) and Articles 274, 275 and 276 of the EC Treaty and Article 314(10) and Articles 317, 318 and 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 ⁽⁶⁾, and in particular Articles 50, 86, 145, 146 and 147 thereof,
- having regard to Decision No 190/2003 of the Secretary-General of the Council/High-Representative for the Common Foreign and Security Policy concerning reimbursement of travel expenses of delegates of Council Members ⁽⁷⁾,
- having regard to the Interinstitutional Agreement between the European Parliament, the Council and the Commission, of 17 May 2006, on budgetary discipline and sound financial management ⁽⁸⁾,
- 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 (A7-0328/2011),

⁽¹⁾ OJ L 69, 13.3.2009.

⁽²⁾ OJ C 308, 12.11.2010, p. 1.

⁽³⁾ OJ C 303, 9.11.2010, p. 1.

⁽⁴⁾ OJ C 308, 12.11.2010, p. 129.

⁽⁵⁾ OJ L 250, 27.9.2011, p. 23.

⁽⁶⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁷⁾ Decision stemming from the Rules of Procedure of the Council of 22 July 2002 (OJ L 230, 28.8.2002, p. 7).

⁽⁸⁾ OJ C 139, 14.6.2006, p. 1.

1. Refuses to grant the Secretary-General of the Council discharge in respect of the implementation of the Council budget for the financial year 2009;
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 Council, the Commission, the Court of Justice of the European Union, the Court of Auditors, the European Ombudsman and the European Data Protection Supervisor, 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

RESOLUTION OF THE EUROPEAN PARLIAMENT**of 25 October 2011****with observations forming an integral part of its Decision on discharge in respect of the implementation of the European Union general budget for the financial year 2009, Section II – Council**

THE EUROPEAN PARLIAMENT,

- having regard to the European Union general budget for the financial year 2009 ⁽¹⁾,
- having regard to the final annual accounts of the European Union for the financial year 2009 (SEC(2010)963 – C7-0213/2010) ⁽²⁾,
- having regard to the Council's annual report to the discharge authority on internal audits carried out in 2009,
- having regard to the Annual Report of the Court of Auditors on the implementation of the budget concerning the financial year 2009, together with the institutions' replies ⁽³⁾,
- having regard to the statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors pursuant to Article 287 of the Treaty on the Functioning of the European Union ⁽⁴⁾,
- having regard to its decision of 10 May 2011 ⁽⁵⁾ postponing the discharge decision for the financial year 2009, and to the accompanying resolution,
- having regard to Articles 272(10) and Articles 274, 275 and 276 of the EC Treaty and Article 314(10) and Articles 317, 318 and 319 of the Treaty on the Functioning of the European Union (TFEU),
- 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 ⁽⁶⁾ (Financial Regulation), and in particular Articles 50, 86, 145, 146 and 147 thereof,
- having regard to Decision No 190/2003 of the Secretary-General of the Council/High-Representative for the Common Foreign and Security Policy concerning reimbursement of travel expenses of delegates of Council Members ⁽⁷⁾,
- having regard to the Interinstitutional Agreement between the European Parliament, the Council and the Commission, of 17 May 2006, on budgetary discipline and sound financial management ⁽⁸⁾,
- 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 (A7-0328/2011),

⁽¹⁾ OJ L 69, 13.3.2009.⁽²⁾ OJ C 308, 12.11.2010, p. 1.⁽³⁾ OJ C 303, 9.11.2010, p. 1.⁽⁴⁾ OJ C 308, 12.11.2010, p. 129.⁽⁵⁾ OJ L 250, 27.9.2011, p. 23.⁽⁶⁾ OJ L 248, 16.9.2002, p. 1.⁽⁷⁾ Decision stemming from the Rules of Procedure of the Council of 22 July 2002 (OJ L 230, 28.8.2002, p. 7).⁽⁸⁾ OJ C 139, 14.6.2006, p. 1.

- A. whereas 'citizens have the right to know how their taxes are being spent and how the power entrusted to political bodies is handled' ⁽¹⁾,
- B. whereas the Council administration should be subject to democratic accountability towards Union citizens as far as the implementation of Union funds is concerned,
- C. whereas it is also important to ensure greater transparency in the application of Union legislation, and European citizens have the right to be better informed in this respect too, Parliament welcomes the agreement reached with the Council on the subject of correlation tables,
- D. whereas Parliament is the sole directly elected body among the Union institutions and has responsibility to grant discharge in respect of the implementation of the general budget of the European Union,

Pending issues

- 1. Deplores the difficulties encountered in the 2007-09 discharge procedures and, in addition, reaffirms its position expressed in its previous discharge resolutions concerning those financial exercises;
- 2. Acknowledges receipt on 28 February 2011 of a letter from the Secretary-General of the Council containing a number of documents for the 2009 Council discharge procedure (final financial statements of 2009 including accounts, financial activity report and summary of 2009 internal audits) and welcomes this as a constructive step towards ensuring the democratic accountability of the Council's administrative budget;
- 3. Welcomes the fact that the Council submitted the abovementioned documents to Parliament and that the Council Presidency participated in Plenary at the 2009 discharge debate; recalls, however, that the discharge was postponed as Parliament had not received any responses to a number of pending issues concerning the 2009 Council discharge which were raised at an earlier stage, notably:
 - (a) the Council administration has not accepted any invitation to meet Parliament's Committee responsible for the discharge procedure in order to discuss matters concerning the Council budget execution for 2009 and consequently Parliament still needs confirmation of the willingness of the Secretary-General of the Council to appear in person at a meeting of the Committee responsible for the discharge procedure and to answer committee members' questions;
 - (b) Parliament has not received from the Council administration the information and documents requested in its resolution of 10 May 2011;

The right of Parliament to grant discharge

- 4. Takes note of the letter of 2 June 2011 from the Council Presidency to the President of the European Parliament in which the Council considers 'that all the Union accounts for 2009, including its own, have been discharged in accordance with EU law by vote of the Parliament on 10 May 2011, in accordance with Article 319 of the TFEU';
- 5. Underlines the right of Parliament to grant discharge, pursuant to a combined reading of Articles 316, 317 and 319 of the TFEU, that should be interpreted in the light of their context and purpose, which is to submit the implementation of the entire budget of the European Union to parliamentary control and scrutiny without exception, and to grant discharge autonomously not only in respect of the section of the budget implemented by the Commission, but also in respect of the sections of the budget implemented by the other institutions, as referred to in Article 1 of the Financial Regulation;

⁽¹⁾ The European Transparency Initiative.

6. Is of the opinion that Article 319 of the TFEU and Article 50 of the Financial Regulation require the other institutions to respect the same rules and conditions as the Commission in the execution of its budget; considers that, as a consequence, the responsibility for the implementation of each budget lies with each respective institution and not with the Commission alone;
7. Underlines that, notwithstanding possible different legal interpretations of the autonomous closure of accounts, Parliament is of the opinion that for all intents and purposes, political assessment of the institution's financial management during the year under examination should be completed, thereby maintaining the current institutional equilibrium, in accordance with which Parliament is responsible for the assurance of democratic accountability towards Union citizens;
8. Considers that the abovementioned legal reasoning as well as the established practice of adopting individual decisions on discharge in respect of each Union institution and body support this interpretation and, in addition, the decisions on discharge need to be adopted separately for operational reasons in order to avoid discontinuity and disruption of Union action;
9. Is of the opinion that the proper interpretation of Article 147 of the Financial Regulation and Article 265 of the TFEU is that failure to take the appropriate steps to act on the observations accompanying Parliament's discharge decision, entitles Parliament to bring an action for failure to act;

A different role for Parliament and the Council in the discharge procedure

10. Notes that, according to the Council Presidency's declaration at the meeting of the Committee on Budgetary Control of 21 June 2011, the 'memorandum of understanding' adopted by the Coreper on 2 March 2011 is intended to form the basis of relations between Parliament and the Council regarding the discharge of their respective budgets; further notes that this memorandum requires full reciprocity between Parliament and the Council in respect of submission of documents, answers to questions and a bilateral meeting to be organised every year between representatives of the Council and Parliament's Committee responsible for the discharge procedure, as well as Secretaries-General of both institutions;
11. Fully respects the Council's role as recommending authority in the annual discharge procedure, provided for in Article 319 of the TFEU; would disagree with the Council, however, should it consider itself to be in an identical position to Parliament as regards the granting of discharge;
12. Reiterates that a distinction must be maintained in respect of the different roles of Parliament and the Council in the discharge procedure and that the Council administration (its General Secretariat), as with the other administrations of Union institutions, including the Parliament administration itself, should be subject to the control of the Court of Auditors and should be fully accountable to Union citizens for the implementation of their respective budgets, by means of the discharge procedure as set out in the TFEU;
13. Notes that the Court of Auditors carries out its controls on these institutions separately from the Commission controls and underlines that the final element of the accountability chain should be the democratic control through the discharge granted by Parliament;
14. Reminds the Court of Auditors of Parliament's suggestion to perform an in-depth assessment of supervisory and control systems in the Council, similar to the assessments it performed on the Court of Justice, the European Ombudsman and the European Data Protection Supervisor, in the course of preparation of the Court of Auditors' annual report concerning the financial year 2010;

Main elements of the Council's discharge

15. Recalls that the expenditure of the Council must be scrutinised in the same way as that of the other institutions, and the fundamental elements of such scrutiny should be:
- (a) a formal meeting to be held between representatives of the Council and Parliament's Committee responsible for the discharge procedure, potentially 'in camera', in order to answer committee members' questions. This meeting should be attended by the Secretary-General of the Council, the bureau of the Committee responsible for the discharge procedure, the rapporteur and the members representing political groups (coordinators and/or shadow rapporteurs);
 - (b) as indicated in its resolution of 16 June 2010 ⁽¹⁾ concerning the 2008 Council discharge procedure, that the discharge should be based on the following written documents submitted by all institutions:
 - accounts of the preceding financial year relating to the implementation of their budgets,
 - a financial statement of their assets and liabilities,
 - the Annual Activity Report on their budget and financial management,
 - the annual report of their internal auditor.
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⁽¹⁾ OJ L 252, 25.9.2010, p. 22.

DECISION OF THE EUROPEAN PARLIAMENT**of 25 October 2011****on discharge in respect of the implementation of the budget of the European Police College for the financial year 2009**

(2011/756/EU)

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Police College for the financial year 2009,
- having regard to the Court of Auditors' report on the annual accounts of the European Police College for the financial year 2009, together with the College's replies ⁽¹⁾,
- having regard to the Council's recommendation of 15 February 2011 (05892/2011 — C7-0052/2011),
- having regard to its Decision of 10 May 2011 ⁽²⁾ postponing the discharge decision for the financial year 2009, 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 Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾, and in particular Article 94 thereof,
- having regard to Commission Decision C(2011) 4680 of 30 June 2011 granting consent to a derogation requested by the European Police College from Regulation (EC, Euratom) No 2343/2002,
- having regard to the report of the European Police College of 12 July 2010 on the Reimbursement of Private Expenditure (10/0257/KA),
- having regard to the external audit commissioned by the European Police College (Contract Ref. No CEPOL/2010/001) on the reimbursement of private expenditure,
- having regard to the final report on the five-year external evaluation of the European Police College (Contract Ref. No CEPOL/CT/2010/002),
- having regard to the Annual Activity Report 2009 of the Directorate-General Justice, Freedom and Security,
- having regard to the 4th progress report of the European Police College on the implementation of its Multiannual Action Plan (MAP) for 2010-2014,
- having regard to the Court of Auditors' report on the implementation of the European Police College MAP for 2010-2014,

⁽¹⁾ OJ C 338, 14.12.2010, p. 137.⁽²⁾ OJ L 250, 27.9.2011, p. 260.⁽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.

- having regard to the note of the Internal Audit Service (IAS) of 4 July 2011 (Ref. Ares (2011) 722479) on the 3rd progress report on the implementation of the European Police College MAP for 2010-2014,
 - having regard to the report and annexes of the European Police College on the implementation of the European Parliament's resolution on '2009 Discharge: European Police College',
 - having regard to the report and annex of the European Police College on the application of its Procurement Manual for the period covering 1 July 2010 to 1 July 2011,
 - 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 (A7-0330/2011),
1. Grants the Director of the European Police College discharge in respect of the implementation of the College's budget for the financial year 2009;
 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

RESOLUTION OF THE EUROPEAN PARLIAMENT**of 25 October 2011****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 2009**

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Police College for the financial year 2009,
- having regard to the Court of Auditors' report on the annual accounts of the European Police College for the financial year 2009, together with the College's replies ⁽¹⁾,
- having regard to the Council's recommendation of 15 February 2011 (05892/2011 — C7-0052/2011),
- having regard to its Decision of 10 May 2011 ⁽²⁾ postponing the discharge decision for the financial year 2009, 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 Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾, and in particular Article 94 thereof,
- having regard to Commission Decision C(2011) 4680 of 30 June 2011 granting consent to a derogation requested by the European Police College from Regulation (EC, Euratom) No 2343/2002,
- having regard to the report of the European Police College of 12 July 2010 on the Reimbursement of Private Expenditure (10/0257/KA),
- having regard to the external audit commissioned by the European Police College (Contract Ref. No CEPOL/2010/001) on the reimbursement of private expenditure,

⁽¹⁾ OJ C 338, 14.12.2010, p. 137.⁽²⁾ OJ L 250, 27.9.2011, p. 260.⁽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.

- having regard to the final report on the five-year external evaluation of the European Police College (Contract Ref. No CEPOL/CT/2010/002),
 - having regard to the Annual Activity Report 2009 of the Directorate-General Justice, Freedom and Security,
 - having regard to the 4th progress report of the European Police College on the implementation of its Multiannual Action Plan (MAP) for 2010-2014,
 - having regard to the Court of Auditors' report on the implementation of the European Police College MAP for 2010-2014,
 - having regard to the note of the Internal Audit Service (IAS) of 4 July 2011 (Ref. Ares (2011) 722479) on the 3rd progress report on the implementation of the European Police College MAP for 2010-2014,
 - having regard to the report and annexes of the European Police College on the implementation of the European Parliament's resolution on '2009 Discharge: European Police College',
 - having regard to the report and annex of the European Police College on the application of its Procurement Manual for the period covering 1 July 2010 to 1 July 2011,
 - 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 of (A7-0330/2011),
- 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 reports on the annual accounts of the College for the financial years 2006 and 2007, 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 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,
- D. whereas in its decision of 7 October 2010 ⁽¹⁾ Parliament refused to grant the Director of the College discharge for implementation of the College's budget for the financial year 2008,
- E. whereas the Court of Auditors, in its report on the annual accounts of the College for the financial year 2009, again qualified its opinion on the legality and regularity of the underlying transactions,
- F. whereas in its abovementioned Decision of 10 May 2011, Parliament decided to postpone its decision on granting the Director of the College discharge in respect of the implementation of its budget for 2009,

⁽¹⁾ OJ L 320, 7.12.2010, p. 11.

- G. whereas in its report on the College's MAP for 2010-2014 the Court of Auditors stated that the College is progressing according to the milestones established in its MAP,
- H. whereas in its note of 4 July 2011 to the Director of the College the IAS stated that, although the description in the progress report on the implementation of the College's MAP remains fairly general, it gives a clear overview of the status of the different milestones and should thereby serve as a satisfactory basis for informing different stakeholders,
- I. whereas by Decision C(2011) 4680 of 30 June 2011 the Commission granted a derogation to the College from the provisions of Article 74b of Regulation (EC, Euratom) No 2343/2002,

General assessment

1. Acknowledges the measures taken by the new management and governance of the College to tackle its deficiencies in response to Parliament's request for action, following the serious irregularities in the implementation of the budget for 2009; welcomes, in particular, the following actions taken in time to respond to Parliament's requests:
 - (a) the revision of the Financial Regulation of the College by introducing a derogation concerning the exclusion for tender with regard to the selection of educational experts in order to use experts from national police training institutes and, therefore, ensuring the cost effectiveness and the representation of these institutions as part of the College's network;
 - (b) the assurance from the Court of Auditors and from the IAS that the College's MAP for 2010-2014 gives an overview of the status of its different milestones and that the College is progressing according to its targets;
 - (c) a report on the application by the College of the procurement manual for the period covering 1 July 2010 to 1 July 2011;
 - (d) the decision of the Governing Board of the College to grant voting rights to the Commission;
2. Looks forward to the Commission's presentation in 2012 of the College's new legal framework to integrate the abovementioned Commission's voting rights in the proceedings of the Governing Board;
3. Underlines that the discharge authority will continue to carefully monitor the level of implementation of the measures undertaken during the upcoming discharge procedures;
4. Notes that the final report on the five-year external evaluation of the College established that there is a case for the College's relocation; calls, therefore, on the Court of Auditors to prepare a special report, during 2012, setting out the costs and benefits in financial and operational terms of merging the College's responsibilities with those of Europol;

Specific actions taken by the College to tackle its weaknesses

Procurement procedures

5. Acknowledges that the College has finally developed and implemented its procurement manual for internal use as requested by Parliament in its discharges to the College for 2008 and 2009; acknowledges that this manual was adopted by the College on 8 June 2010 and entered into force on 1 July 2010 and that a public procurement coordinator has been appointed;

6. Welcomes the first report of the College on the application of its procurement manual for 1 July 2010 to 1 July 2011; nevertheless, waits for the Court of Auditors to evaluate the application by the College of the procurement manual;
7. Has checked the College's statistical report for 1 July 2010 to 1 July 2011; welcomes the fact that this document provides Parliament with full information on the procurement procedures; acknowledges from this report and from the report on the application of the procurement manual that the procedures used by the College were constantly monitored and controlled by the College;

Rules governing expenditure on courses

8. Acknowledges that on 28 April 2011 the College presented the Commission with a request to modify its Financial Regulation by introducing an Article (Article 74c) which includes a derogation from Regulation (EC, Euratom) No 2343/2002 concerning the exclusion for tender for the selection of educational experts in order to use experts from national police training institutes;
9. Welcomes the Commission's subsequent Decision C(2011) 4680 of 30 June 2011 which granted consent to the abovementioned derogation;
10. Takes the view that the College should grant direct access to its detailed budget, which should include a list of its contracts and of its public procurement decisions; and considers that it should publish that list on its Internet site, according the provision of the Financial Regulation, excluding details of any contracts whose disclosure might pose a security risk;

Carry-over of appropriations

11. Takes note that the College established an organisational risk register as part of its ongoing budget management to mitigate its risk of underspending; reminds, nonetheless, the College of the importance of programming and monitoring the implementation of its budget to minimise carry-over of appropriations; calls also on the Court of Auditors and the IAS to assure Parliament on the College's effective improvements on this issue and to indicate that all instruments for programming and monitoring are firmly in place;

Errors in the accounts

12. Takes note that, despite the significant delays and errors in its provisional accounts for 2009, the College has assured Parliament that since 2010 it increased its financial discipline and internal control; looks forward to the report of the Court of Auditors on the College's annual accounts for 2010, to establish whether the assurance from the College is well founded;
13. Welcomes the decision of March 2011 by the Governing Board of the College to replace the former Internal Control Standards (ICS) with the recently established 16 ICS of the Commission;
14. Is of the opinion that these new 16 ICS will offer better help to the Director of the College not only to put controls in place but also to monitor that these controls work as intended;
15. Calls therefore on the College to update Parliament on the level of implementation of these 16 ICS on a continuing basis;

Human resource management

16. Takes note that the College put an end to a contract that the Court of Auditors considered 'illegal'; notes that the end of this contract is effective from 15 September 2011 and that the vacancy notice is already advertised; calls on the College to update the discharge authority on subsequent developments on this specific case;
17. Acknowledges that the level of implementation of the College's recruitment guide bringing the procedures in line with the Staff Regulations of Officials of the European Union⁽¹⁾ was considered to be sufficient by the College; calls also on the Court of Auditors to assure Parliament on the level of implementation of this guide;

Appropriations used to finance private expenditure

18. Acknowledges that, as a result of an external audit on an ex-post check, the current Director initiated a recovery order requiring the former Director to return the sum of EUR 2 014,94 of which only EUR 43,45 have been recovered to date; regrets the small amount recovered compared to the financial loss that the College incurred under the management of the former Director; takes note that a final reminder for payment has been issued in 2011 and that the next step is to institute proceedings before an English court to establish the legality of the debt, dating from 2007, and, should the appropriate judgement be obtained, the enforcement service will seek to recover the remainder of the unpaid debt; calls on the current Director to keep the discharge authority updated with regard to the development of this matter;

The College's MAP for 2010-2014

19. Notes that the enhanced transparency provided by the current Director and its management team has led to an improved understanding of the challenges the College is facing and has fostered the necessary changes; welcomes, in this respect, the policy of the College to:
 - publish a monthly newsletter and regular progress reports on its activities for its Governing Board in order to provide them with a clearer analysis of the status of the College's activities,
 - regularly update its progress report on the level of implementation of its MAP,
 - provide Parliament with the IAS' annual reports pursuant to the relevant provisions of the Financial Regulation,
20. Welcomes the Court of Auditors publication of a report on the implementation of the College's MAP for 2010-2014 in response to Parliament's request; notes that in this report the Court of Auditors stated that the College's implementation of the MAP is progressing according to its milestones; welcomes in this respect that the College proved to have entirely completed its MAP 1 (governance), MAP 4 (validation of its financial system), MAP 5 (financial environment), MAP 6 (transparency over its Governing Board), MAP 8 (strategy plan), MAP 9 (multi-annual recruitment plan); MAP 12 (procurement control environment) and that the remaining MAP objectives are in progress or on schedule;
21. Calls on the College to consult Parliament regularly and to continue to update it with its progress report on the MAP implementation;
22. Welcomes also the IAS' note on the 3rd progress report on the implementation of the College's MAP; notes in particular that this note states that the IAS considers that the College responds adequately to the IAS comments and recommendations and although the description in the progress report remains fairly general, it gives a clear overview of the status of the different milestones and should thereby serve as a satisfactory basis for informing different stakeholders, including Parliament's Committee on Budgetary Control;

⁽¹⁾ OJ L 56, 4.3.1968, p. 1.

Structural deficits

23. Underlines that the governance costs of the College are high compared to its activities; welcomes, therefore, the efforts of the College to reduce its governance expenditure at its 25th Governing Board (GB) meeting of June 2011, when it was agreed that all GB committees should be abolished by 2012 and that all GB working groups should be critically analysed;
24. Refers, in respect of the other observations accompanying its Decision on discharge, which are of a horizontal nature, to its resolution of 10 May 2011 ⁽¹⁾ on the performance, financial management and control of the agencies.

⁽¹⁾ OJ L 250, 27.9.2011, p. 269.

DECISION OF THE EUROPEAN PARLIAMENT**of 25 October 2011****on the closure of the accounts of the European Police College for the financial year 2009**

(2011/757/EU)

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Police College for the financial year 2009,
- having regard to the Court of Auditors' report on the annual accounts of the European Police College for the financial year 2009, together with the College's replies ⁽¹⁾,
- having regard to the Council's recommendation of 15 February 2011 (05892/2011 – C7-0052/2011),
- having regard to its Decision of 10 May 2011 ⁽²⁾ postponing the discharge decision for the financial year 2009, 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 Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾, and in particular Article 94 thereof,
- having regard to Commission Decision C(2011) 4680 of 30 June 2011 granting consent to a derogation requested by the European Police College from Regulation (EC, Euratom) No 2343/2002,
- having regard to the report of the European Police College of 12 July 2010 on the Reimbursement of Private Expenditure (10/0257/KA),
- having regard to the external audit commissioned by the European Police College (Contract Ref. No CEPOL/2010/001) on the reimbursement of private expenditure,
- having regard to the final report on the 5-year external evaluation of the European Police College (Contract Ref. No CEPOL/CT/2010/002),
- having regard to the Annual Activity Report 2009 of the Justice, Freedom and Security DG,
- having regard to the 4th progress report of the European Police College on the implementation of its Multiannual Action Plan (MAP) for 2010-14,
- having regard to the Court of Auditors' report on the implementation of the European Police College MAP for 2010-14,
- having regard to the note of the Internal Audit Service (IAS) of 4 July 2011 (Ref. Ares (2011) 722479) on the 3rd progress report on the implementation of the European Police College MAP for 2010-14,

⁽¹⁾ OJ C 338, 14.12.2010, p. 137.⁽²⁾ OJ L 250, 27.9.2011, p. 260.⁽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.

- having regard to the report and annexes of the European Police College on the implementation of the European Parliament's Resolution on '2009 Discharge: European Police College',
 - having regard to the report and annex of the European Police College on the application of its Procurement Manual for the period covering 1 July 2010 – 1 July 2011,
 - 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 of (A7-0330/2011),
1. Approves the closure of the accounts of the European Police College for the financial year 2009;
 2. Instructs its President to forward this Decision to the Director of the European Police College, the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

The President
Jerzy BUZEK

The Secretary-General
Klaus WELLE

DECISION OF THE EUROPEAN PARLIAMENT**of 25 October 2011****on discharge in respect of the implementation of the budget of the European Medicines Agency for the financial year 2009**

(2011/758/EU)

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Medicines Agency for the financial year 2009,
- having regard to the Court of Auditors' report on the annual accounts of the European Medicines Agency for the financial year 2009, together with the Agency's replies ⁽¹⁾,
- having regard to the Council's recommendation of 15 February 2011 (05892/2011 — C7-0052/2011),
- having regard to its decision of 10 May 2011 ⁽²⁾ postponing the discharge decision for the financial year 2009, and the replies by the Executive Director of the European Medicines Agency,
- 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 Regulation (EC) No 726/2004 of the European Parliament and of the Council ⁽⁴⁾ establishing a European Medicines Agency and in particular Article 68 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 Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾, and in particular Article 94 thereof,
- having regard to the letter of the Chair of the Agency's Management Board to the Chair of the Committee on Budgetary Control of the European Parliament of 17 June 2011 (EMA/441533/2011),
- having regard to the Agency's replies to Parliament's resolution of 10 May 2011 ⁽⁶⁾ accompanying its abovementioned Decision on discharge for the financial year 2009,
- having regard to the Annual Internal Audit Reports for 2009, 2008 and 2007 of the Commission's Internal Audit Service (IAS) on the Agency,

⁽¹⁾ OJ C 338, 14.12.2010, p. 28.⁽²⁾ OJ L 250, 27.9.2011, p. 173.⁽³⁾ OJ L 248, 16.9.2002, p. 1.⁽⁴⁾ OJ L 136, 30.4.2004, p. 1.⁽⁵⁾ OJ L 357, 31.12.2002, p. 72.⁽⁶⁾ OJ L 250, 27.9.2011, p. 174.

- having regard to the final follow-up report on the audits of 2009, 2008 and 2006 of the IAS on the Agency,
 - 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 (A7-0329/2011),
1. Grants the Executive Director of the European Medicines Agency discharge in respect of the implementation of the Agency's budget for the financial year 2009;
 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 Executive Director of the European Medicines Agency, 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

RESOLUTION OF THE EUROPEAN PARLIAMENT**of 25 October 2011****with observations forming an integral part of its Decision on discharge in respect of the implementation of the budget of the European Medicines Agency for the financial year 2009**

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Medicines Agency for the financial year 2009,
- having regard to the Court of Auditors' report on the annual accounts of the European Medicines Agency for the financial year 2009, together with the Agency's replies ⁽¹⁾,
- having regard to the Council's recommendation of 15 February 2011 (05892/2011 — C7-0052/2011),
- having regard to its decision of 10 May 2011 ⁽²⁾ postponing the discharge decision for the financial year 2009, and the replies by the Executive Director of the European Medicines Agency,
- 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 Regulation (EC) No 726/2004 of the European Parliament and of the Council ⁽⁴⁾ establishing a European Medicines Agency and in particular Article 68 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 Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾, and in particular Article 94 thereof,
- having regard to the letter of the Chair of the Agency's Management Board to the Chair of the Committee on Budgetary Control of the European Parliament of 17 June 2011 (EMA/441533/2011),
- having regard to the Agency's replies to Parliament's resolution of 10 May 2011 ⁽⁶⁾ accompanying its abovementioned Decision on discharge for the financial year 2009,
- having regard to the Annual Internal Audit Reports for 2009, 2008 and 2007 of the Commission's Internal Audit Service (IAS) on the Agency,
- having regard to the final follow-up report on the audits of 2009, 2008 and 2006 of the IAS on the Agency,

⁽¹⁾ OJ C 338, 14.12.2010, p. 28.⁽²⁾ OJ L 250, 27.9.2011, p. 173.⁽³⁾ OJ L 248, 16.9.2002, p. 1.⁽⁴⁾ OJ L 136, 30.4.2004, p. 1.⁽⁵⁾ OJ L 357, 31.12.2002, p. 72.⁽⁶⁾ OJ L 250, 27.9.2011, p. 174.

- 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 (A7-0329/2011),
- A. whereas the Court of Auditors, in its report on the annual accounts of the European Medicines Agency for the financial year 2009, qualified its opinion on the legality and regularity of the underlying transactions,
- B. whereas in its abovementioned Decision of 10 May 2011 Parliament decided to postpone its decision on granting the Executive Director of the Agency discharge in respect of the implementation of the Agency's budget for the financial year 2009,
- C. whereas the budget of the Agency for 2009 was EUR 194 000 000, which is an increase of 6,28 % on the financial year 2008,
- D. whereas the Agency's budget is financed both from the Union's annual budget, which accounted for 18,52 % of total revenue in 2009, and, to a greater extent, from fees paid by pharmaceutical companies for services which may spread across more than one financial year, and whereas the Union's general contribution consequently decreased by 9,2 % between 2008 and 2009,
- E. whereas the discharge authority received replies from the Agency following Parliament's abovementioned resolution of 10 May 2011,
- F. whereas in its replies to Parliament, the Agency updated the discharge authority on the level of implementation of the IAS' recommendations, stating that:
 - from the 2009 IAS audit on Human Resources Management, one of the three 'very important' recommendations has now been implemented and the other two are under way,
 - from the 2008 IAS audit on Selection administrative procedures supporting the provision of scientific evaluation for human medicines in the Agency, the 'critical' recommendation and one 'very important' recommendation (management of conflicts of interest of staff & specific guidelines) have respectively been downgraded to 'very important' and 'important', while three 'very important' recommendations have now been implemented,
 - from the 2005 IAS audit on Implementation of the Internal Control Standards (ICS), one of the two 'very important' recommendations has now been implemented,

General assessment

1. Acknowledges receipt of a letter of the Chair of the Agency's Management Board of 17 June 2011 in which it is stated that the Agency has taken actions to address the 2009 shortcomings; also takes note of the documents and annexes received from the Agency in response to Parliament's abovementioned resolution of 10 May 2011; also acknowledges receipt of a letter of the Agency's Acting Executive Director of 10 August 2011, following the questions raised during the debate on discharge to the Agency for 2009 at the meeting of Parliament's Committee on Budgetary Control of 13 July 2011; regrets, however, that not all the information requested was submitted;
2. Notes, however, that the Agency should continue to inform on a three-monthly basis the discharge authority on the results of the actions requested by the discharge authority;

3. Underlines that the discharge authority shall continue to carefully monitor during the upcoming discharge procedures the level of implementation of the measures undertaken to address the Agency's serious weaknesses disclosed by the reports from both the Court of Auditors and the IAS; expects, therefore, the Agency to inform the discharge authority on the actions implemented and their results and to submit the documents requested, especially with regard to the following issues:
- (a) the process of the adoption by the Management Board of the action plan with specific measures and a timetable for implementation to remedy the shortcomings in the procurement procedures;
 - (b) the thorough verification of the effective use of the existing procedures regarding the identification and management of conflicts of interest for its staff and experts;
 - (c) the submission of the IAS reports according to the Financial Regulation;

Specific comments

Procurement procedures

4. Notes the information received relating to the control system which sets out to avoid or detect in time the persistent errors in procurement procedures; expects to receive the multiannual procurement plan; accordingly reminds the Agency to continue improving the quality of its procurement system and to comply strictly with the requirements of the relevant rules on public procurement, so as to rectify the shortcomings pointed out by the Court of Auditors;
5. Notes the initiation of the actions to develop an action plan on improving procurement procedures; calls on the Agency to proceed promptly with the adoption of an action plan to remedy the shortcomings in the procurement procedures, in particular the errors in managing contract award procedures, by providing for more rigorous technical and procedural checks, and to inform the discharge authority accordingly;
6. Recalls that in its 2009 annual report the Court of Auditors stated that the Agency did not carry out enough checks to mitigate the risk of errors on a number of procedures for the procurement of large IT framework contracts; also recalls that the audit showed errors which affected the regularity of these operations and formed the basis for the qualified opinion on the legality and regularity of the transactions underlying the Agency's accounts by the Court of Auditors;

Carry-over appropriations

7. Points out that in its annual report on the Agency for 2009, the Court of Auditors reported that approximately EUR 14 800 000 of a carry-over of EUR 19 500 000 (38 % of the Agency's commitments in 2009) was for activities as yet not implemented (or, in some cases, goods not received for services which may spread across more than one financial year) at the year-end; reminds the Agency therefore to take action in this respect and looks forward to receiving assurance from the Court of Auditors on this;

Revenue from fees

8. Takes note of information from the Agency that as of 1 January 2011, the Agency introduced an integrated Enterprise Resource Planning System (ERP) with SAP as the provider to remedy its long delay for recovery orders; takes note that with this new system the Agency feeds the data from its current operational systems (e.g. Siamed) via a dashboard directly into the financial module SAP;

Foreign-exchange contracts

9. Acknowledges the Agency's commitment to limit its risks due to exchange rate variance and that as of 11 June 2010 it revised its Treasury Policy by: establishing an internal consultation committee to advise the accounting officer on hedging strategies; limiting the hedging to 50 % of estimated requirement; and ensuring that achievable market rates match or are above the budget-costing rate;

Management of conflicts of interest

10. Takes note of the Agency's replies on the compliance with its Code of Conduct by setting out principles and guidance on independence and confidentiality applicable to the Management Board and members of committees, experts and the Agency's staff; accordingly expects the Agency to assess thoroughly, before the allocation of project team leaders to products, whether the interests declared by staff members might influence their impartiality and independence; expects that the Agency's documents on the conflicts of interest shall be updated;
11. Takes note of the Agency's intention to apply the IAS' recommendation from its 2010 follow-up audit by adopting a risk-based approach and focusing checks on staff who declare interests; calls on the Agency to inform the discharge authority on the timing and plan to apply this IAS' recommendation before the end of 2011;
12. Acknowledges, nevertheless, the Agency's reply in which it is stated that there is no onus on it to request or monitor the annual declaration of financial interests of experts responsible for evaluating medicinal products, as this lies with the Member States' competent authorities (Article 126b of Directive 2001/83/EC ⁽¹⁾ as amended by Directive 2004/27/EC ⁽²⁾); calls therefore on the Commission to remind the respective authorities in the Member States of their obligations in this matter;
13. Stresses that it is not only the Agency's reputation that could be affected in cases where evaluations can be challenged on the grounds of possible conflicts of interest but also that such conflicts of interest do not guarantee the optimal protection of European citizens' health;
14. Notes that, as of 1 July 2011, the new electronic Declaration of Interests (e-DoI) form went live and all experts were requested to fill in the new e-DoI and that the e-Dols of all experts included in the Experts database have been made publicly available on the Agency's website as of 30 September 2011; also notes that the Memorandum of Understanding between the Agency and each National Competent Authority on the monitoring of the scientific level and independence of the evaluation carried out by the National Competent Authority for services to be provided to the Agency became effective as of 4 July 2011;
15. Calls on the Agency to inform the discharge authority on actions taken on issues relating to the effective compliance with its Code of Conduct as regards the management of conflicts of interest;
16. Insists, but also warns the Agency, that all the actions mentioned in the respective audit reports, including the one for the year 2010, should be fully implemented before the start of the next discharge procedure;

Human resources management

17. Takes note of the Agency's reply in which it is stated that it has corrected the deficiencies identified by the IAS for contract agent selection and that revised work instructions and templates have been put in place and the staff have received specific training; accordingly calls on the Agency to keep the discharge authority updated on the level of implementation of these actions; looks forward to the 2010 report of the Court of Auditors to establish whether the assurance from the Agency is well founded;
18. Refers, in respect of the other observations accompanying its Decision on discharge, which are of a horizontal nature, to its resolution of 10 May 2011 ⁽³⁾ on the performance, financial management and control of the agencies.

⁽¹⁾ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

⁽²⁾ OJ L 136, 30.4.2004, p. 34.

⁽³⁾ OJ L 250, 27.9.2011, p. 269.

DECISION OF THE EUROPEAN PARLIAMENT**of 25 October 2011****on the closure of the accounts of the European Medicines Agency for the financial year 2009**

(2011/759/EU)

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Medicines Agency for the financial year 2009,
- having regard to the Court of Auditors' report on the annual accounts of the European Medicines Agency for the financial year 2009, together with the Agency's replies ⁽¹⁾,
- having regard to the Council's recommendation of 15 February 2011 (05892/2011 — C7-0052/2011),
- having regard to its decision of 10 May 2011 ⁽²⁾ postponing the discharge decision for the financial year 2009, and the replies by the Executive Director of the European Medicines Agency,
- 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 Regulation (EC) No 726/2004 of the European Parliament and of the Council ⁽⁴⁾ establishing a European Medicines Agency and in particular Article 68 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 Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾, and in particular Article 94 thereof,
- having regard to the letter of the Chair of the Agency's Management Board to the Chair of the Committee on Budgetary Control of the European Parliament of 17 June 2011 (EMA/441533/2011),
- having regard to the Agency's replies to Parliament's resolution of 10 May 2011 ⁽⁶⁾ accompanying its abovementioned Decision on discharge for the financial year 2009,
- having regard to the Annual Internal Audit Reports for 2009, 2008 and 2007 of the Commission's Internal Audit Service (IAS) on the Agency,
- having regard to the final follow-up report on the audits of 2009, 2008 and 2006 of the IAS on the Agency,
- 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 (A7-0329/2011),

⁽¹⁾ OJ C 338, 14.12.2010, p. 28.⁽²⁾ OJ L 250, 27.9.2011, p. 173.⁽³⁾ OJ L 248, 16.9.2002, p. 1.⁽⁴⁾ OJ L 136, 30.4.2004, p. 1.⁽⁵⁾ OJ L 357, 31.12.2002, p. 72.⁽⁶⁾ OJ L 250, 27.9.2011, p. 174.

1. Approves the closure of the accounts of the European Medicines Agency for the financial year 2009;
2. Instructs its President to forward this Decision to the Executive Director of the European Medicines Agency, the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

The President

Jerzy BUZEK

The Secretary-General

Klaus WELLE

COMMISSION IMPLEMENTING DECISION**of 23 November 2011****on the allocation to Spain and France of additional days at sea within ICES Divisions VIIIc and IXa
excluding the Gulf of Cadiz***(notified under document C(2011) 8303)***(Only the French and Spanish texts are authentic)****(2011/760/EU)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters ⁽¹⁾ and in particular points 7.1, 7.3 and 7.6 of Annex IIB thereof,

Whereas:

- (1) Point 5.1 of Annex IIB to Regulation (EU) No 57/2011 specifies the maximum number of days on which EU vessels of an overall length equal to or greater than 10 meters carrying on board the regulated gears (trawls, Danish seines and similar gears of mesh size equal to or larger than 32 mm and gill-nets of mesh size equal to or larger than 60 mm and bottom long-lines) may be present within ICES Divisions VIIIc and IXa excluding the Gulf of Cadiz from 1 February 2011 to 31 January 2012.
- (2) Point 7.1 of Annex IIB to Regulation (EU) No 57/2011 allows the Commission to allocate an additional number of days at sea on which a vessel may be authorised by its flag Member State to be present within the area when carrying on board any regulated gear, on the basis of permanent cessations of fishing activities that have taken place between 1 February 2010 and 31 January 2011.
- (3) Point 7.6 of Annex IIB to Regulation (EU) No 57/2011 allows the Commission to exceptionally allocate additional days during the 2011 management period on the basis of permanent cessations of fishing activities that have taken place from 1 February 2004 to 31 January 2010 and which have not been subject of prior request for additional days.

- (4) On 3 and 21 June 2011 Spain submitted requests in accordance with point 7.2 of that Annex including data showing that eight fishing vessels have permanently ceased activities between 1 February 2004 and 31 January 2010 and three fishing vessels have permanently ceased activities between 1 February 2010 and 31 January 2011, and which have not been subject of prior request for additional days. In view of the data submitted and having regard to the calculation method laid down in the second subparagraph of point 7.1 of that Annex, 9 additional days at sea for the vessels referred to in point 1 of that Annex should be allocated to Spain for the period from 1 February 2011 to 31 January 2012.

- (5) On 14 July 2011 France submitted a request in accordance with point 7.2 of that Annex including data showing that six fishing vessels have permanently ceased activities from 1 February 2004 to 31 January 2010 and which have not been subject of prior request for additional days. In view of the data submitted and having regard to the calculation method laid down in the second subparagraph of point 7.1 of that Annex, 23 additional days at sea for the vessels referred to in point 1 of that Annex should be allocated to France for the period from 1 February 2011 to 31 January 2012.

- (6) The measures provided for in this Decision are in accordance with the opinion of the Fisheries and Aquaculture Committee,

HAS ADOPTED THIS DECISION:

Article 1

The maximum number of days at sea for which a vessel flying the flag of Spain may be authorised to be present in ICES divisions VIIIc and IXa excluding the Gulf of Cadiz carrying on board any regulated gear and not subject to any of the special conditions listed in point 5.2 of Annex IIB to Regulation (EU) No 57/2011, as laid down in Table I of that Annex, shall be increased to 167 days per year.

⁽¹⁾ OJ L 24, 27.1.2011, p. 1.

Article 2

The maximum number of days at sea for which a vessel flying the flag of France may be authorised to be present in ICES divisions VIIIc and IXa excluding the Gulf of Cadiz carrying on board any regulated gear and not subject to any of the special conditions listed in point 5.2 of Annex IIB to Regulation (EU) No 57/2011, as laid down in Table I of that Annex, shall be increased to 165 days per year.

Article 3

This Decision is addressed to the Kingdom of Spain and to the French Republic.

Done at Brussels, 23 November 2011.

For the Commission

Maria DAMANAKI

Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 24 November 2011

authorising the placing on the market of flavonoids from *Glycyrrhiza glabra* L. as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

(notified under document C(2011) 8362)

(Only the Dutch and the French texts are authentic)

(2011/761/EU)

THE EUROPEAN COMMISSION,

came to the conclusion that Glavonoid was safe for the general adult population at an intake of up to 120 mg per day.

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

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

(7) In order not to exceed an intake of 120 mg per day of Glavonoid, Kaneka Pharma Europe NV agreed on 11 August 2011 to limit the use of Glavonoid as an ingredient to food supplements and beverages.

(8) On the basis of the scientific assessment, it is established that Glavonoid complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.

Whereas:

(9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

(1) On 1 November 2007 the company Kaneka Pharma Europe made a request to the competent authorities of Belgium to place flavonoids from *Glycyrrhiza glabra* L. (Glavonoid) on the market as novel food ingredient.

HAS ADOPTED THIS DECISION:

(2) On 3 December 2008 the competent authority for food assessment of Belgium issued the initial assessment report. In that report it came to the conclusion that the company Kaneka provided sufficient information to authorise the placing on the market of flavonoids from *Glycyrrhiza glabra* L. as a novel food ingredient.

Article 1

Flavonoids from *Glycyrrhiza glabra* L. (hereinafter referred to as 'Glavonoid'), as specified in Annex I, may be placed on the market in the Union as a novel food ingredient for the uses specified in Annex II.

(3) The Commission forwarded the initial assessment report to all Member States on 19 February 2009.

Glavonoid shall not be sold to the final consumer as such.

(4) Within the 60-day period laid down in Article 6(4) of Regulation (EC) No 258/97 reasoned objections to the marketing of the product were raised in accordance with that provision.

Article 2

1. The designation of flavonoids from *Glycyrrhiza glabra* L. authorised by this Decision on the labelling of the foodstuffs containing it shall be 'flavonoids from *Glycyrrhiza glabra* L.'.

(5) Therefore the European Food Safety Authority (EFSA) was consulted on 22 July 2009.

2. There shall be a statement on the labelling of the foods where the product was added as a novel food ingredient indicating that:

(6) On 30 June 2011, EFSA in the 'Scientific opinion on the safety of "Glavonoid®", an extract derived from the roots of or rootstock of *Glycyrrhiza glabra* L., as a novel food ingredient on request from the European Commission' ⁽²⁾

(a) the product should not be consumed by pregnant and breast feeding women, children and young adolescents; and

(b) people taking prescription drugs should only consume the product under medical supervision;

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

⁽²⁾ EFSA Journal 2011; 9(7): 2287.

- (c) a maximum of 120 mg of Glavonoid per day should be consumed.
3. The amount of Glavonoid in the final food shall be indicated on the labelling of the food containing it.
4. Beverages containing Glavonoid shall be presented to the final consumer as single portions.

Article 3

This Decision is addressed to Kaneka Pharma Europe NV, Triomflaan 173, 1160 Brussels, Belgium.

Done at Brussels, 24 November 2011.

For the Commission
John DALLI
Member of the Commission

ANNEX I

SPECIFICATIONS OF GLAVONOID

Description

Glavonoid is an extract derived from the roots or rootstock of *Glycyrrhiza glabra* L. by extraction with ethanol followed by further extraction of this ethanolic extract with medium-chain triglycerides. It is a dark-brown coloured liquid, containing 2,5 % to 3,5 % of glabridin.

Specifications

Parameter	
Moisture	less than 0,5 %
Ash	less than 0,1 %
Peroxide value	less than 0,5 meq/kg
Glabridin	2,5 to 3,5 % of fat
Glycyrrhizinic acid	less than 0,005 %
Fat including polyphenol-type substances	not less than 99 %
Protein	less than 0,1 %
Carbohydrates	not detectable

ANNEX II

Food category	Maximum content of Glavonoid
Beverages based on milk	120 mg per daily portion
Beverages based on yoghurt	
Beverages based on fruits or vegetables	
Food supplements	120 mg per portion of daily consumption

COMMISSION IMPLEMENTING DECISION

of 24 November 2011

authorising the placing on the market of yeast beta-glucans as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

(notified under document C(2011) 8527)

(Only the English text is authentic)

(2011/762/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

(1) On 23 September 2009 the company Biothera Incorporated made a request to the competent authority of Ireland to place yeast beta-glucans on the market as a novel food ingredient for use in a variety of foods, including beverages, for the general population as well as in food supplements and in foods for particular nutritional uses with the exception of infant formulae and follow-on formulae.

(2) On 23 December 2009 the competent food assessment body of Ireland issued its initial assessment report. In that report it came to the conclusion that yeast beta-glucans were acceptable as a novel food ingredient provided that the product specifications and intended use levels are maintained and that the range of foodstuffs is limited to those presented in the application dossier.

(3) The Commission forwarded the initial assessment report to all Member States on 18 January 2010.

(4) Within the 60-day period laid down in Article 6(4) of Regulation (EC) No 258/97 reasoned objections to the marketing of the product were raised in accordance with that provision.

(5) Therefore, the European Food Safety Authority (EFSA) was consulted on 2 July 2010.

(6) On 8 April 2011, EFSA in the 'Scientific Opinion on the safety of "Yeast beta-glucans" as a novel food ingredient' ⁽²⁾ came to the conclusion that yeast beta-glucans were safe under the proposed conditions of use. EFSA opinion did not address in its opinion the safety for children below 1½ years.

(7) On the basis of the EFSA scientific assessment and taking into account Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements ⁽³⁾, Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods ⁽⁴⁾, Directive 2009/39/EC of the European Parliament and of the Council of 6 May 2009 on foodstuffs intended for particular nutritional uses ⁽⁵⁾, Commission Directive 1999/21/EC of 25 March 1999 on dietary foods for special medical purposes ⁽⁶⁾, Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children ⁽⁷⁾, it is established that yeast beta-glucans comply with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.

(8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Yeast (*Saccharomyces cerevisiae*) beta-glucans as specified in Annex I may be placed on the market in the Union as a novel food ingredient for the uses defined and at the maximum levels established in Annex II, and without prejudice to the provisions of Directive 2002/46/EC, Regulation (EC) No 1925/2006 and Directive 2009/39/EC.

⁽²⁾ EFSA Journal 2011; 9(5):2137 [22 pp.].

⁽³⁾ OJ L 183, 12.7.2002, p. 51.

⁽⁴⁾ OJ L 404, 30.12.2006, p. 26.

⁽⁵⁾ OJ L 124, 20.5.2009, p. 21.

⁽⁶⁾ OJ L 91, 7.4.1999, p. 29.

⁽⁷⁾ OJ L 339, 6.12.2006, p. 16.

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

Article 2

The designation of yeast (*Saccharomyces cerevisiae*) beta-glucans authorised by this Decision for the labelling of the foodstuffs containing it shall be 'yeast (*Saccharomyces cerevisiae*) beta-glucans'.

Article 3

This Decision is addressed to Biothera Incorporated, 3388 Mike Collins Drive, Eagan, Minnesota, USA, 55121.

Done at Brussels, 24 November 2011.

For the Commission

John DALLI

Member of the Commission

ANNEX I

SPECIFICATIONS OF YEAST (*SACCHAROMYCES CEREVISIAE*) BETA-GLUCANS*Description*

Beta-glucans are complex, high molecular mass (100–200 kDa) polysaccharides, found in the cell wall of many yeasts and cereals. The chemical name for 'yeast beta-glucans' is (1-3), (1-6)- β -D-glucans.

This novel food is available both in an insoluble and soluble form, isolated from *Saccharomyces cerevisiae*. The insoluble products contain at least 70 % carbohydrate in the form of beta-glucans; the soluble product contains at least 75 % beta-glucans.

The tertiary structure of the glucan cell wall of *Saccharomyces cerevisiae* consists of chains of β -1,3-linked glucose residues, branched by β -1,6-linkages, forming a backbone to which are linked chitin via β -1,4- bonds, β -1,6-glucans and some mannoproteins.

Chemical characteristics yeast (<i>Saccharomyces cerevisiae</i>) beta-glucans		
	Soluble form	Insoluble form
Total carbohydrate	More than 75 %	More than 70 %
Beta-glucans (1,3/1,6)	More than 75 %	More than 70 %
Ash	less than 4 %	Less than 5 %
Moisture	Less than 8 %	Less than 8 %
Protein	less than 3,5 %	Less than 10 %
Fat	Less than 10 %	Less than 20 %

ANNEX II

Food category	Use level
Food supplements, as defined in Directive 2002/46/EC	375 mg (per day as recommended by the manufacturer)
Foods for particular nutritional uses (Parnuts), as defined in Directive 2009/39/EC excluding infant and follow on formula	600 mg (per day as recommended by the manufacturer)
Beverages based on fruit juices	130 mg/100 ml
Fruit-flavoured drinks	80 mg/100 ml
Other beverages	80 mg/100 ml (RTD) 700 mg/100 g (powder)
Cereal bars	600 mg/100 g
Cookie-type biscuits	670 mg/100 g
Cracker-type biscuits	20 mg/100 g
Breakfast cereals	670 mg/100 g
Wholegrain and high fibre instant hot breakfast cereals	150 mg/100 g
Products based on yoghurt, fresh cheese and other dairy desserts	160 mg/100 g
Soups and soup mixes	90 mg/100 g (RTE) 180 mg/100 g (condensed) 630 mg/100 g (powder)
Chocolate and confectionery	400 mg/100 g
Protein bars and powders	600 mg/100 g

Abbreviations: RTD = ready to drink; RTE = ready to eat.

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 40/2011

of 14 November 2011

of the Joint Committee established under the Agreement on Mutual Recognition between the European Community and the United States of America related to the listing of Conformity Assessment Bodies under the Sectoral Annex on Electromagnetic Compatibility

(2011/763/EU)

THE JOINT COMMITTEE,

Having regard to the Agreement on Mutual Recognition between the European Community and the United States of America and in particular Articles 7 and 14;

Whereas the Joint Committee is to take a decision to list a Conformity Assessment Body or Bodies under a Sectoral Annex;

HAS DECIDED AS FOLLOWS:

1. The Conformity Assessment Bodies in Attachment A are added to the list of Conformity Assessment Bodies under the column 'EC access to US market' in Section V of the Sectoral Annex on Electromagnetic Compatibility.
2. The specific scope of listing, in terms of products and conformity assessment procedures, of the Conformity Assessment Bodies indicated in Attachment A has been agreed by the Parties and will be maintained by them.

This Decision, done in duplicate, shall be signed by representatives of the Joint Committee who are authorised to act on behalf of the Parties for purposes of amending the Agreement. This Decision shall be effective from the date of the later of these signatures.

On behalf of the United States of America

James SANFORD

Signed in Washington DC on
8 November 2011

On behalf of the European Union

Fernando PERREAU DE PINNINCK

Signed in Brussels on
14 November 2011

*Attachment A***EC Conformity Assessment Bodies added to the list of Conformity Assessment Bodies under the column 'EC access to US market' in Section V of the Sectoral Annex on Electromagnetic Compatibility**

TÜV Rheinland-EPS BV
Smidshornerweg 18
9822 ZG Niekerk
NETHERLANDS

Bicon Laboratories BV (BICON)
Waterdijk 3A, 5705 CW Helmond
PO box 118, 5700 AC Helmond
NETHERLANDS

SIQ – Slovenian Institute of Quality and Metrology
Tržaška cesta 2
SI-1000 Ljubljana
SLOVENIA

CORRIGENDA

Corrigendum to Council Regulation (EC) No 491/2009 of 25 May 2009 amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)*(Official Journal of the European Union L 154 of 17 June 2009)*

On page 54, Annex V, correlation table:

for:

'Regulation (EC) No 479/2008	This Regulation
...	...
Article 64(1)(a), (b) and (c)(i) to (iv)	Article 122 second paragraph
Article 64(1)(c)(v) to (viii)	Article 122 third paragraph
Article 64(1)(d)	Article 122 third paragraph
...	...
Article 66(1)	—'

read:

'Regulation (EC) No 479/2008	This Regulation
...	...
Article 64(1)(a)	Article 122, second paragraph
Article 64(1)(b) and Article 64(1)(c)(i) to (iv)	Article 122, third paragraph
Article 64(1)(c)(v) to (viii)	Article 122, fourth paragraph
...	...
Article 66(1)	Article 125o(3)(b)'

2011/762/EU:

★ **Commission Implementing Decision of 24 November 2011 authorising the placing on the market of yeast beta-glucans as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council** (*notified under document C(2011) 8527*) 41

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

2011/763/EU:

★ **Decision No 40/2011 of 14 November 2011 of the Joint Committee established under the Agreement on Mutual Recognition between the European Community and the United States of America related to the listing of Conformity Assessment Bodies under the Sectoral Annex on Electromagnetic Compatibility** 45

Corrigenda

★ **Corrigendum to Council Regulation (EC) No 491/2009 of 25 May 2009 amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)** (OJ L 154, 17.6.2009) 47

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