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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 463/2005

of 16 March 2005

terminating the partial interim review of the anti-dumping measures applicable to imports of certain tube or pipe fittings, of iron or steel, originating, *inter alia*, in Thailand

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ('the basic Regulation')⁽¹⁾, and in particular Article 11(3) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Previous procedure and existing measures

- (1) The Council, by Regulation (EC) No 584/96⁽²⁾, imposed an anti-dumping duty on imports of certain tube or pipe fittings, of iron or steel, originating, *inter alia*, in Thailand. Following an interim review, the measures applying to imports from Thai Benkan Co. Ltd, a Thai exporting producer, were repealed in July 2000 by Council Regulation (EC) 1592/2000⁽³⁾. Subsequently, following an expiry and an interim review, the measures in force with regard to the remaining Thai exporting producers were maintained by Council Regulation (EC) No 964/2003⁽⁴⁾ and amended by Council Regulation (EC) No 1496/2004⁽⁵⁾.

2. Request for a review

- (2) A request for a partial interim review limited to dumping in respect of Thai Benkan Co. Ltd was lodged by the Defence Committee of the Steel Butt-Welding Fittings

Industry of the European Union on behalf of four Community producers ('the applicant'). These companies represent a major proportion of the Community production of the product concerned.

- (3) The applicant alleged increased dumping based on a comparison of Thai Benkan Co. Ltd domestic prices with its export prices of certain tube or pipe fittings, of iron or steel, to the Community. On this basis, the dumping margin calculated would be significantly higher than the one found in the previous investigation that led to the repeal of the measures with respect to imports from Thai Benkan Co. Ltd.

3. Investigation

- (4) Having determined that the request contained sufficient prima facie evidence, the Commission initiated, by notice of 21 April 2004⁽⁶⁾, a partial interim review of dumping as far as Thai Benkan Co. Ltd was concerned, in accordance with Article 11(3) of the basic Regulation.
- (5) The Commission officially advised the applicant and the exporting producer concerned, the Community industry as well as the authorities of Thailand of the initiation of the proceeding. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation.
- (6) In order to obtain the information deemed necessary for its investigation, the Commission sent a questionnaire to Thai Benkan Co. Ltd. The company was informed that non-cooperation could lead to the application of Article 18 of the basic Regulation. It was also made aware of the consequences of non-cooperation.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1, Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

⁽²⁾ OJ L 84, 3.4.1996, p. 1.

⁽³⁾ OJ L 182, 21.7.2000, p. 1.

⁽⁴⁾ OJ L 139, 6.6.2003, p. 1.

⁽⁵⁾ OJ L 275, 25.8.2004, p. 1.

⁽⁶⁾ OJ C 96, 21.4.2004, p. 38.

- (7) A reply to the questionnaire was received within the prescribed time limits. The Commission carried out a verification visit at the company's premises.
- (8) The applicant made its views known in writing and was granted a hearing.
- (9) The investigation period ('IP') covered the period from 1 April 2003 to 31 March 2004.

B. PRODUCT CONCERNED AND LIKE PRODUCT

- (10) The product concerned is, as defined in the investigation which led to the imposition of the existing measures, certain tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609.6 mm, of a kind used for butt-welding or other purposes, originating in Thailand (the 'product concerned'), normally declared within CN codes ex 7307 93 11, ex 7307 93 19, ex 7307 99 30 and ex 7307 99 90.
- (11) The investigation showed that the product concerned exported to the Community from Thailand and the tube or pipe fittings, of iron or steel, produced and sold domestically in Thailand have the same basic physical and technical characteristics and the same uses. They are therefore to be considered as like products within the meaning of Article 1(4) of the basic Regulation.

C. DUMPING

1. Normal value

- (12) In accordance with Article 2(2) of the basic Regulation, it was first examined whether the company's domestic sales of the like product were representative, i.e. whether the total volume of such sales represented at least 5 % of the producer's total export sales volume to the Community. The investigation showed that domestic sales were representative.
- (13) For the purposes of determining normal value the sales on the domestic market to a company related to Thai Benkan Co. Ltd were not taken into consideration, in accordance with Article 2(1) of the basic Regulation.
- (14) Subsequently, those types of the like product sold by the company to independent domestic buyers that were identical or directly comparable with the types sold for export to the Community were identified.
- (15) For each type sold by the exporting producer on the domestic market and found to be directly comparable with the product type sold for export to the

Community, it was established whether domestic sales to independent buyers were sufficiently representative for the purposes of Article 2(2) of the basic Regulation. Domestic sales of a particular type of the like product were considered sufficiently representative when the total domestic sales volume of that type during the IP represented 5 % or more of the total sales volume of the comparable type of the product concerned exported to the Community. Domestic sales were found to be representative for the majority of product types.

- (16) It was subsequently examined whether these product types identified in recital (14) above could be considered as being sold in the ordinary course of trade by establishing the proportion of profitable sales of the product type in question. Where the sales volume of a product type, sold at a net sales price equal to or above the calculated cost of production, represented more than 80 % of the total sales volume of that type, and where the weighted average price of that type was equal to or above the cost of production, normal value was based on the actual domestic price, calculated as a weighted average of the prices of all domestic sales of that type made during the IP, irrespective of whether these sales were profitable or not. Where the volume of profitable sales of the product type represented 80 % or less of the total sales volume of that type, or where the weighted average price of that type was below the cost of production, normal value was based on the actual domestic price, calculated as a weighted average of profitable sales of that type only, provided that these sales represented 10 % or more of the total sales volume of that type. For the great majority of product types, it was possible to use the domestic prices to determine the normal value.

- (17) In cases where there were no domestic sales of a comparable type to independent buyers, or where the volume of profitable sales represented less than 10 % of the total sales volume of that type, it was considered that this particular type was sold in insufficient quantities for the domestic price to provide an appropriate basis for the establishment of the normal value. In this regard, constructed normal value was used, in accordance with Article 2(3) of the basic Regulation.

- (18) In accordance with Article 2(3) of the basic Regulation, normal value was constructed on the basis of the exporting producer's own cost of manufacturing plus a reasonable amount for selling, general and administrative ('SG&A') costs and for profit. Given the representativity of domestic sales of the like product, this calculation was based on the company's own SG&A costs. For the profit margin, in accordance with the first sentence of Article 2(6) of the basic Regulation, the profits from the sales of the like product in the ordinary course of trade were used.

(19) For some of the SG&A cost categories, the Commission was unable to establish that the cost allocation declared in the questionnaire reply reasonably reflected the costs associated with the production and sales of the product concerned. The company was given the opportunity to comment on this during the verification visit, but was unable to explain the inconsistencies. Therefore, and in accordance with the provisions of Article 2(5) of the basic Regulation, the allocation of those costs was made on a turnover basis when determining the cost of manufacturing.

2. Export price

(20) The export prices were established on the basis of the prices paid or payable for the product concerned when sold for consumption in the Community to the first independent customer in accordance with Article 2(8) of the basic Regulation.

3. Comparison

(21) For the purposes of ensuring a fair comparison between the normal value and the export price at an ex-works level and at the same level of trade, due allowance in the form of adjustments was made for differences that were claimed and demonstrated to affect prices and price comparability in accordance with Article 2(10) of the basic Regulation. Adjustments were made in respect of transport, insurance and handling and credit costs, where applicable and justified.

4. Dumping margin

(22) In accordance with Article 2(11) and (12) of the basic Regulation, the dumping margin was established on the basis of a comparison of the weighted average normal value with the weighted average export prices per product type, as determined above.

(23) The dumping margin expressed as a percentage of the CIF Community frontier price, duty unpaid, was found to be below the 2 % threshold set out in Article 9(3) of the basic Regulation.

D. MEASURES

(24) In view of the above finding, it is considered that, in accordance with Article 11(3) of the basic Regulation, the current review should be terminated and the anti-dumping duty of 0 % imposed by Regulation (EC) No 964/2003 and confirmed by Regulation (EC) No 1496/2004 on imports of the product concerned produced and exported to the Community by Thai Benkan Co. Ltd. should be maintained.

E. CONCLUSION

(25) Interested parties were informed of the essential facts and considerations on the basis of which it is intended to terminate the proceeding and were given the opportunity to comment and to be heard. All comments received were taken into account but none of them were such as to change the above-mentioned conclusions,

HAS ADOPTED THIS REGULATION:

Article 1

The partial interim review of the anti-dumping measures applicable to imports of certain tube or pipe fittings, of iron or steel, originating, *inter alia*, in Thailand, falling within CN codes ex 7307 93 11, ex 7307 93 19, ex 7307 99 30 and ex 7307 99 90, insofar as these measures concern the Thai exporter Thai Benkan Co. Ltd, is hereby terminated.

Article 2

This Regulation shall enter into force on the 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, 16 March 2005.

For the Council
The President
J. ASSELBORN

COMMISSION REGULATION (EC) No 464/2005**of 22 March 2005****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 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 the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 March 2005.

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

Done at Brussels, 22 March 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to Commission Regulation of 22 March 2005 establishing the 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	052	99,5
	204	89,4
	212	129,8
	624	175,4
	628	124,5
	999	123,7
0707 00 05	052	167,1
	204	65,9
	999	116,5
0709 10 00	220	98,6
	999	98,6
0709 90 70	052	145,5
	204	44,7
	220	65,2
	624	56,7
	999	78,0
0805 10 20	052	54,3
	204	53,2
	212	52,9
	220	49,3
	400	55,7
	624	62,6
	999	54,7
0805 50 10	052	55,8
	220	21,8
	400	74,3
	624	57,4
	999	52,3
0808 10 80	388	62,3
	400	99,2
	404	87,4
	508	65,3
	512	78,3
	524	55,3
	528	67,8
	720	73,6
0808 20 50	999	73,7
	052	157,0
	388	62,1
	512	60,7
	528	56,0
	720	45,2
	999	76,2

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 465/2005**of 22 March 2005****amending Regulation (EC) No 1663/95 laying down detailed rules for the application of Council Regulation (EEC) No 729/70 regarding the procedure for the clearance of the accounts of the EAGGF Guarantee Section**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy⁽¹⁾, and in particular Article 4(8) thereof,

Whereas:

(1) Commission Regulation (EC) No 1663/95⁽²⁾ provides in particular for guidelines for criteria for accreditation of the paying agencies of the Member States.

(2) The responsibility for checking the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section expenditure lies in the first place with the Member States. In carrying out this task, Member States must ensure that a high level of security is attained in the paying agencies' information systems. To this end, procedures for ensuring the security of information systems should be in place when a paying agency is first accredited and afterwards.

(3) During the clearance of the accounts, the Commission is able to determine the total expenditure to be entered against the Guarantee Section in the general account only if it has satisfactory assurance that national controls are adequate and transparent, including those regarding the security of the paying agencies' information systems. Provision should therefore be made for a security statement to be drawn up by the certifying bodies in the framework of the attestation on annual accounts on the basis of internationally accepted security standards.

(4) A reasonable period of time should be afforded to Member States to adapt internal rules and procedures for providing a security statement for the paying agencies' information systems.

(5) Provision should be made for the paying agencies to send to the Commission the accounts and all related documents in an electronic format, in order to facilitate further analysis of that information.

(6) The practice of delegating information systems management to third parties is becoming increasingly common and paying agencies should be allowed to provide for such delegations under the same conditions as the authorisation function and/or the technical service may be delegated.

(7) Regulation (EC) No 1663/95 should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Fund Committee.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1663/95 is amended as follows:

1. Article 1 is amended as follows:

(a) In the second phrase of the second subparagraph of paragraph 3, the terms 'the security of computer systems' are replaced by the terms 'the security of information system'.

(b) In the first subparagraph of paragraph 7, the following indent is added:

— the provisions concerning the security of information systems'.

2. In Article 3(1), the following subparagraphs are added:

'As of financial year 2008 at the latest, the certifying body shall further provide, before the date referred to in the third subparagraph, a statement as to the information systems security measures put in place by the paying agency. The statement shall be based on a version applicable in the financial year concerned of the chosen internationally accepted security standards referred to in point 6(vi) of the Annex to this Regulation, serving as the basis for the security measures, and shall indicate whether, for the financial year concerned, effective security measures were in place.'

⁽¹⁾ OJ L 160, 26.6.1999, p. 103.

⁽²⁾ OJ L 158, 8.7.1995, p. 6. Regulation as last amended by Regulation (EC) No 2025/2001 (OJ L 274, 17.10.2001, p. 3).

For the financial years preceding that for which the first statement on the security of the paying agency's information systems is drawn up, the certifying body shall, in its report of its findings, include comments and provisional conclusions, using a scoring mechanism, as to the information systems security measures put in place by the paying agency. The report shall be based on a version applicable in the financial year concerned of the chosen internationally accepted security standards referred to in point 6(vi) of the Annex to the present Regulation, serving as the basis for the security measures, and shall indicate as to what extent, for the financial year concerned, effective security measures were in place'.

3. Article 4(2) is replaced by the following:

'2. The documents and the accounting information referred to in paragraph 1 shall be sent to the Commission

by 10 February of the year following the end of the financial year which it concerns. The documents referred to in points (a) and (b) of paragraph 1 shall be sent in one copy together with an electronic copy'.

4. The Annex is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply for the first time in respect of the financial year beginning 16 October 2004.

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

Done at Brussels, 22 March 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

The Annex to Regulation (EC) No 1663/95 is amended as follows:

1. Point 2(iii) is replaced by the following:

'(iii) Accounting for payment: the objective of this function is the recording of the payment in the agency's separate books of account of EAGGF expenditure, which will normally be in the form of an information system, and the preparation of periodic summaries of expenditure, including the monthly and annual declarations to the Commission. The books of account also record the assets financed by the Fund, in particular concerning intervention stocks, uncleared advances and debtors.'

2. In the introductory phrase of point 4, the terms 'and/or the technical service' are replaced by the terms ', technical service, and/or information systems management'.

3. Point 6(vi) is replaced by the following:

'(vi) Information systems security shall be based on the criteria laid down in a version applicable in the financial year concerned of one of the following internationally accepted standards:

- International Standards Organisation 17799/British Standard 7799: Code of practice for Information Security Management (BS ISO/IEC 17799),
- Bundesamt für Sicherheit in der Informationstechnik: IT-Grundschutzhandbuch/IT Baseline Protection Manual (BSI),
- Information Systems Audit and Control Foundation: Control Objectives for Information and related Technology (COBIT).

The paying agency shall choose one of the international standards referred to in the first subparagraph as the basis for its information systems security.

Security measures should be adapted to the administrative structure, staffing and technological environment of each individual paying agency. The financial and technological effort should be in proportion to the actual risks presented.'

II

(Acts whose publication is not obligatory)

COUNCIL

COMMISSION

COUNCIL AND COMMISSION DECISION

of 21 February 2005

on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union

(2005/252/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,
THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 44(2), the last sentence of Article 47(2), and Articles 55, 57(2), 71, 80(2), 93, 94, 133 and 181a, in conjunction with the second sentence of Article 300(2) and the first subparagraph of Article 300(3), thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the 2003 Treaty of Accession, and in particular Article 2(3) thereof,

Having regard to the 2003 Act of Accession, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas:

(1) The Protocol to the Partnership and Cooperation Agreement between the European Communities and

their Member States, of the one part, and the Republic of Armenia, of the other part⁽²⁾, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union was signed on behalf of the European Communities and their Member States on 30 April 2004.

(2) The Protocol should be approved,

HAVE DECIDED AS FOLLOWS:

Article 1

The Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union is hereby approved on behalf of the Community, the European Atomic Energy Community and the Member States.

The text of the Protocol is attached to this Decision⁽³⁾.

⁽¹⁾ Opinion delivered on 26 October 2004 (not yet published in the Official Journal).

⁽²⁾ OJ L 239, 9.9.1999, p. 3.

⁽³⁾ See OJ L 300, 25.9.2004, p. 44.

Article 2

The President of the Council shall, on behalf of the Community and its Member States, give the notification provided for in Article 4 of the Protocol. The President of the Commission shall simultaneously give such notification on behalf of the European Atomic Energy Community.

Done at Brussels, 21 February 2005.

For the Council
The President
J. ASSELBORN

For the Commission
J. M. BARROSO
The President

COUNCIL

COUNCIL RECOMMENDATION

of 8 March 2005

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (Ninth EDF) for the financial year 2005

(2005/253/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

Having regard to the Treaty establishing the European Community,

Having regard to the ACP-EC Partnership Agreement, signed in Cotonou on 23 June 2000 ⁽¹⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid under the Financial Protocol to the ACP-EC Partnership Agreement ⁽²⁾ setting up, amongst others, the Ninth European Development Fund (Ninth EDF), and in particular Article 32(3) of that Agreement,

Having regard to the Financial Regulation of 27 March 2003 applicable to the Ninth European Development Fund ⁽³⁾, and in particular Articles 96 to 103 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the Ninth EDF as at 31 December 2003 and the Court of Auditors' Report concerning the financial year 2003 together with the Commission's replies ⁽⁴⁾,

- (1) Pursuant to Article 32(3) of the said Internal Agreement, the discharge for the financial management of the Ninth EDF is to be given to the Commission by the European Parliament on the recommendation of the Council.
- (2) The overall implementation by the Commission of the operations of the Ninth EDF during the financial year 2003 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the Ninth EDF for the financial year 2003.

Done at Brussels, 8 March 2005.

For the Council
The President
J.-C. JUNCKER

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 317, 15.12.2000, p. 355.

⁽³⁾ OJ L 83, 1.4.2003, p. 1.

⁽⁴⁾ OJ C 293, 30.11.2004, p. 315.

COUNCIL RECOMMENDATION**of 8 March 2005****concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (Eighth EDF) for the financial year 2003**

(2005/254/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989, as amended by the Agreement signed at Mauritius on 4 November 1995,

Having regard to the Internal Agreement on the financing and administration of Community aid under the Second Financial Protocol to the Fourth ACP-EC Convention⁽¹⁾ setting up, amongst others, the Eighth European Development Fund (Eighth EDF), and in particular Article 33(3) of that Agreement,Having regard to the Financial Regulation of 16 June 1998 applicable to development finance cooperation under the Fourth ACP-EC Convention⁽²⁾, and in particular Articles 66 to 74 thereof,

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

31 December 2003, and the Court of Auditors' Report concerning the financial year 2003 together with the Commission's replies⁽³⁾,

Whereas:

- (1) Pursuant to Article 33(3) of the said Internal Agreement, the discharge for the financial management of the Eighth EDF is to be given to the Commission by the European Parliament on the recommendation of the Council.
- (2) The overall implementation by the Commission of the operations of the Eighth EDF during the financial year 2003 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the Eighth EDF for the financial year 2003.

Done at Brussels, 8 March 2005.

For the Council
The President
J.-C. JUNCKER

⁽¹⁾ OJ L 156, 29.5.1998, p. 108.⁽²⁾ OJ L 191, 7.7.1998, p. 53.⁽³⁾ OJ C 293, 30.11.2004, p. 315.

COUNCIL RECOMMENDATION**of 8 March 2005****concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (Seventh EDF) for the financial year 2003**

(2005/255/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Fourth ACP-EC Convention, signed at Lomé on 15 December 1989, as amended by the Agreement signed at Mauritius on 4 November 1995,

Having regard to Internal Agreement 91/401/EEC on the financing and administration of Community aid under the fourth ACP-EEC Convention⁽¹⁾, setting up, amongst others, the Seventh European Development Fund (Seventh EDF) and in particular Article 33(3) thereof,

Having regard to the Financial Regulation of 29 July 1991 applicable to development finance cooperation under the Fourth ACP-EEC Convention⁽²⁾, and in particular Articles 69 to 77 thereof,

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

31 December 2003 and the Court of Auditors' Report concerning the financial year 2003 together with the Commission's replies⁽³⁾,

Whereas:

- (1) Pursuant to Article 33(3) of the Internal Agreement, the discharge for the financial management of the Seventh EDF is to be given to the Commission by the European Parliament on the recommendation of the Council.
- (2) The overall implementation by the Commission of the operations of the Seventh EDF during the financial year 2003 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the Seventh EDF for the financial year 2003.

Done at Brussels, 8 March 2005.

For the Council
The President
J.-C. JUNCKER

⁽¹⁾ OJ L 229, 17.8.1991, p. 288.

⁽²⁾ OJ L 266, 21.9.1991, p. 1.

⁽³⁾ OJ C 293, 30.11.2004, p. 315.

COUNCIL RECOMMENDATION**of 8 March 2005****concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (Sixth EDF) for the financial year 2003**

(2005/256/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Third ACP-EEC Convention, signed at Lomé on 8 December 1984,

Having regard to Internal Agreement 86/126/EEC on the financing and administration of Community aid⁽¹⁾, and in particular Article 29(3) thereof,Having regard to the Financial Regulation of 11 November 1986 applicable to the Sixth European Development Fund (Sixth EDF)⁽²⁾, and in particular Articles 66 to 73 thereof,Having examined the revenue and expenditure account and the balance sheet relating to the Sixth EDF as at 31 December 2003 and the Court of Auditors' Report concerning the financial year 2003 together with the Commission's replies⁽³⁾,

Whereas:

- (1) Pursuant to Article 29(3) of the Internal Agreement, the discharge for the financial management of the Sixth EDF is to be given to the Commission by the European Parliament on the recommendation of the Council,
- (2) The overall implementation by the Commission of the operations of the Sixth EDF during the financial year 2003 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the Sixth EDF for the financial year 2003.

Done at Brussels, 8 March 2005.

*For the Council**The President*

J.-C. JUNCKER

⁽¹⁾ OJ L 86, 31.3.1986, p. 210. Agreement as last amended by Decision 86/281/EEC (OJ L 178, 2.7.1986, p. 13).

⁽²⁾ OJ L 325, 20.11.1986, p. 42.

⁽³⁾ OJ C 293, 30.11.2004, p. 315.