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II

(Non-legislative acts)

REGULATIONS

IMPLEMENTING REGULATION (EU) No 143/2010 OF THE COUNCIL

of 15 February 2010

temporarily withdrawing the special incentive arrangement for sustainable development and good governance provided for under Regulation (EC) No 732/2008 with respect to the Democratic Socialist Republic of Sri Lanka

THE COUNCIL OF THE EUROPEAN UNION,

initiated under Council Regulation (EC) No 980/2005 of 27 June 2005 applying a scheme of generalised tariff preferences ⁽³⁾.

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

Having regard to Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 ⁽¹⁾, and in particular Article 19(4) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(3) Reports, statements and information of the United Nations as well as other publicly available reports and information from other relevant sources, including non-governmental organisations, available to the European Commission (hereinafter referred to as 'the Commission') indicated that the national legislation of Sri Lanka incorporating the International Covenant on Civil and Political Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, was not being effectively implemented. The three conventions mentioned are listed as core human rights conventions respectively in points 1, 5 and 6 of Annex III, Part A, to Regulation (EC) No 732/2008.

(1) Pursuant to Regulation (EC) No 732/2008, in particular Articles 9 and 10(6) thereof, the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as 'Sri Lanka') is a beneficiary country of the special incentive arrangement for sustainable development and good governance granted within the European Union's scheme of generalised tariff preferences.

(2) Commission Decision 2008/938/EC ⁽²⁾, which includes Sri Lanka in the list of countries beneficiary of the special incentive arrangement for sustainable development and good governance for the period from 1 January 2009 to 31 December 2011, noted that Sri Lanka's fulfilment of the qualifying criteria for the arrangement relating to the three human rights conventions was the subject of an investigation

(4) Article 15(2) of Regulation (EC) No 732/2008 provides for the temporary withdrawal of the special incentive arrangement for sustainable development and good governance granted pursuant to that Regulation, in particular if the national legislation incorporating the conventions referred to in Annex III to that Regulation, which have been ratified in fulfilment of the requirements of Article 8(1) and (2) of that Regulation, is not effectively implemented.

(5) By Commission Decision 2008/803/EC ⁽⁴⁾, an investigation was initiated in order to establish 'whether the national legislation of the Democratic Socialist Republic of Sri Lanka incorporating the International Covenant on Civil and Political Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child is effectively implemented'.

⁽¹⁾ OJ L 211, 6.8.2008, p. 1.

⁽²⁾ Commission Decision 2008/938/EC of 9 December 2008 on the list of the beneficiary countries which qualify for the special incentive arrangement for sustainable development and good governance, provided for in Council Regulation (EC) No 732/2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 (OJ L 334, 12.12.2008, p. 90).

⁽³⁾ OJ L 169, 30.6.2005, p. 1.

⁽⁴⁾ Commission Decision 2008/803/EC of 14 October 2008 providing for the initiation of an investigation pursuant to Article 18(2) of Council Regulation (EC) No 980/2005 with respect to the effective implementation of certain human rights conventions in Sri Lanka (OJ L 277, 18.10.2008, p. 34).

- (6) Throughout the course of the investigation the Commission provided Sri Lanka with every opportunity to cooperate in the investigation, including by providing Sri Lanka with the opportunity to comment on the comprehensive findings of experts entrusted by the Commission to provide an independent legal assessment of the matters under the investigation. Despite the fact that Sri Lanka decided not to cooperate with, or participate in, the investigation, the Commission maintained regular contact with Sri Lanka outside the framework of the investigation so as to enable Sri Lanka to bring to the Commission's attention any information relevant to the investigation. The information received in this context from Sri Lanka has been taken by the Commission fully into account and has contributed to inform its assessment.
- (7) On 19 October 2009, the Commission approved a report containing its findings (hereinafter referred to as 'the Report'). The Report concludes that the national legislation of Sri Lanka incorporating international human rights conventions, specifically the International Covenant on Civil and Political Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, is not effectively implemented.
- (8) Sri Lanka was provided with the Report containing the findings of the investigation and reminded that those findings constituted the basis on which the Commission intended to decide whether to recommend the temporary withdrawal of the special incentive arrangement for sustainable development and good governance. Sri Lanka was also granted a period within which it could make representations on this matter or specifically in relation to the Report.
- (9) Sri Lanka provided the Commission with a number of observations in respect of the subject-matter of the Report and conduct of the investigation. These observations covered also facts and findings on which Sri Lanka was given the opportunity to comment during the investigation but did not do so. The Commission nevertheless considered Sri Lanka's observations carefully and in particular those relevant in the context of a decision on temporary withdrawal. The Commission's assessment, of which Sri Lanka was informed, led to the conclusion that none of Sri

Lanka's arguments would substantively alter the findings of the investigation.

- (10) The Commission has submitted the Report on the findings of the investigation to the Generalised Preferences Committee on 17 November 2009, in accordance with Article 19(1) of Regulation (EC) No 732/2008.
- (11) In the light of the foregoing, the special incentive arrangement for sustainable development and good governance should be withdrawn temporarily for all products originating in Sri Lanka, until it is decided that the reasons justifying the temporary withdrawal no longer prevail.
- (12) This Regulation should enter into force 6 months after its adoption, unless the Council decides before then, upon a proposal from the Commission, that the reasons justifying it no longer prevail,

HAS ADOPTED THIS REGULATION:

Article 1

The special incentive arrangement for sustainable development and good governance for products originating in Sri Lanka provided for in Regulation (EC) No 732/2008 shall be withdrawn temporarily.

Article 2

With respect to the period of application of Regulation (EC) No 732/2008, the Council, acting by qualified majority, on a proposal from the Commission, shall re-establish the special incentive arrangement for products originating in Sri Lanka, if the reasons justifying the temporary withdrawal no longer prevail.

Article 3

This Regulation shall enter into force 6 months after its adoption, unless the Council before then, on a proposal from the Commission pursuant to Article 19(5) of Regulation (EC) No 732/2008, decides otherwise.

Article 4

This Regulation shall be published 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, 15 February 2010.

For the Council
The President
Á. GABILONDO

COMMISSION REGULATION (EU) No 144/2010**of 19 February 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 February 2010.

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

Done at Brussels, 19 February 2010.

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

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	126,1
	JO	92,1
	MA	83,9
	TN	123,5
	TR	103,3
	ZZ	105,8
0707 00 05	EG	233,5
	JO	152,5
	MA	83,3
	TR	115,8
	ZZ	146,3
0709 90 70	MA	127,6
	TR	132,4
	ZZ	130,0
0709 90 80	EG	69,8
	ZZ	69,8
0805 10 20	EG	47,0
	IL	51,3
	MA	50,3
	TN	56,1
	TR	58,2
	ZZ	52,6
0805 20 10	EG	76,8
	IL	151,8
	MA	89,0
	TR	84,2
	ZZ	100,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	54,9
	EG	70,4
	IL	89,5
	JM	106,6
	MA	107,2
	PE	62,6
	PK	57,6
	TR	61,9
	ZZ	76,3
0805 50 10	EG	76,3
	IL	75,6
	MA	68,8
	TR	70,6
	ZZ	72,8
0808 10 80	CA	65,8
	CL	59,9
	CN	75,9
	MK	24,7
	US	121,2
	ZZ	69,5
0808 20 50	AR	94,8
	CL	75,8
	CN	58,8
	US	97,1
	ZA	106,8
	ZZ	86,7

⁽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

COUNCIL DECISION

of 16 February 2010

appointing the members and alternate members of the Advisory Committee on Safety and Health at Work

(2010/98/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2003/C 218/01 of 22 July 2003 on the setting up of an Advisory Committee on Safety and Health at Work ⁽¹⁾, and in particular Article 3 thereof,

Having regard to the list of candidates submitted to the Council by the Governments of the Member States,

Whereas the members and alternate members of the Advisory Committee on Safety and Health at Work should be appointed for a period of three years,

HAS DECIDED AS FOLLOWS:

Article 1

The following are hereby appointed members and alternate members of the Advisory Committee on Safety and Health at Work for the period from **1 March 2010 to 28 February 2013**:

I. GOVERNMENT REPRESENTATIVES

Country	Members	Alternates
Belgium	Mr Christian DENEVE	Mr Willy IMBRECHTS Mr Xavier LEBICHOT
Bulgaria	Ms Vaska SEMERDZHIEVA	Ms Darina KONOVA Mr Atanas KOLCHAKOV
Czech Republic	Ms Daniela KUBÍČKOVÁ	Ms Anežka SIXTOVÁ Mr Jaroslav HLAVIN
Denmark	Ms Charlotte SKJOLDAGER	Ms Tove LOFT Ms Annemarie KNUDSEN
Germany	Mr Michael KOLL	Mr Ulrich RIESE Mr Kai SCHÄFER
Estonia	Mr Ivar RAIK	Mr Tiit KAADU Ms Pille STRAUSS-RAATS
Ireland	Ms Mary DORGAN	Ms Paula GOUGH Mr Daniel KELLY
Greece	Ms Elissavet GALANOPOULOU	Mr Antonios CHRISTODOULOU Mr Trifon GINALAS
Spain	Ms Concepción PASCUAL-LIZANA	Mr Mario GRAU RÍOS Ms Pilar CASLA BENITO
France	Ms Mireille JARRY	Mr Hervé LANOUZIÈRE Mr Laurent GRANGERET

⁽¹⁾ OJ C 218, 13.9.2003, p. 1.

Country	Members	Alternates
Italy		
Cyprus	Mr Leandros NICOLAIDES	Mr Marios KOURTELLIS Mr Anastasios YIANNAKI
Latvia	Ms Inta LAGANOVSKA-DĪRIŅA	Mr Renārs LŪSIS Ms Jolanta GEDUŠA
Lithuania	Ms Aldona SABAITIENĖ	Ms Aušra STANKIUVIENĖ Ms Vilija KONDROTIENĖ
Luxembourg		
Hungary	Mr András BÉKÉS	Ms Mária GROSZMANN Mr János GÁDOR
Malta	Mr Mark GAUCI	Mr David SALIBA Mr Vince ATTARD
Netherlands	Mr Martin P. FLIER	Mr M. G. DEN HELD Mr H. C. J. GOUDSMIT
Austria	Ms EVA-Elisabeth SZYMANSKI	Ms Gertrud BREINDL Ms Gerlinde ZINIEL
Poland	Ms Danuta KORADECKA	Ms Magdalena KLIMCZAK-NOWACKA Mr Daniel Andrzej PODGÓRSKI
Portugal	Mr Luís Nascimento LOPES	Mr José Manuel SANTOS Ms Alice RODRIGUES
Romania	Ms Livia COJOCARU	Ms Daniela MARINESCU Mr Marian TĂNASE
Slovenia	Ms Tatjana PETRIČEK	Mr Jože HAUKO
Slovakia	Ms Elena PALIKOVÁ	Ms Eleonóra FABIÁNOVÁ Ms Laurencia JANČUROVÁ
Finland	Mr Leo SUOMAA	Mr Erkki YRJÄNHEIKKI Ms Kristiina MUKALA
Sweden	Mr Bertil REMAEUS	Mr Stefan HULT Mr Mikael SJÖBERG
United Kingdom	Mr Stuart BRISTOW	Mr Clive FLEMING Mr Stephen TAYLOR

II. TRADE UNION REPRESENTATIVES

Country	Members	Alternates
Belgium	Mr François PHILIPS	Mr Herman FONCK Mr Stéphane LEPOUTRE
Bulgaria	Mr Ivan KOKALOV	Ms Emiliya DIMITROVA Mr Aleksander ZAGOROV
Czech Republic	Mr Jaroslav ZAVADIL	Mr Miroslav KOSINA Mr Vlastimír ALTNER

Country	Members	Alternates
Denmark	Ms Lone JACOBSEN	Mr Jan KAHR FREDERIKSEN
Germany	Ms Marina SCHRÖDER	Mr Thomas VEIT Mr Horst RIESENBERG-MORDEJA
Estonia	Mr Argo SOON	Mr Ülo KRISTJUHAN Mr Peeter ROSS
Ireland	Mr Sylvester CRONIN	Ms Esther LYNCH Ms Dessie ROBINSON
Greece	Mr Ioannis ADAMAKIS	Mr Ioannis KONSTANTINIDIS Mr Ioannis VASSILOPOULOS
Spain	Mr Dionis OÑA	Mr Pedro J. LINARES Ms Marisa RUFINO
France	Mr Gilles SEITZ	Mr Henri FOREST Mr Marc-Antoine MARCANTONI
Italy		
Cyprus	Mr Nicos ANDREOU	Ms Maria THEOCHARIDOU Mr Stelios CHRISTODOULOU
Latvia	Mr Ziedonis ANTAPSONS	Mr Mārtiņš PUŽULS Mr Vladimirs NOVIKOVs
Lithuania	Mr Rimantas KUMPIS	Mr Vitalius JARMONTOVIČIUS Mr Gediminas MOZŪRA
Luxembourg		
Hungary	Mr Károly GYÖRGY	Ms Erika KOLLER Ms Szilvia BORBÉLY
Malta		
Netherlands	Mr W. VAN VEELEN	Mr H. VAN STEENBERGEN Ms S. BALJEU
Austria	Ms Ingrid REIFINGER	Ms Julia NEDJELIK-LISCHKA Mr Alexander HEIDER
Poland		
Portugal	Mr José Manuel DA LUZ CORDEIRO	Ms Maria DA CONCEIÇÃO RACHA MEIRO VIEIRA Mr Fernando José GOMES
Romania	Mr Cornel CONSTANTINOAIA	Ms Lavinia IONITA Mr Liviu APOSTOIU
Slovenia	Mr Lučka BÖHM	Ms Andreja MRAK Mr Bojan GOLJEVŠČEK
Slovakia	Mr Alexander ŤAŽÍK	Mr Jaroslav BOBELA Mr Bohuslav BENDÍK
Finland	Ms Raili PERIMÄKI	Ms Paula ILVESKIVI Mr Erkki AUVINEN

Country	Members	Alternates
Sweden	Ms Christina JÄRNSTEDT	Ms Karin KARLSTRÖM Mr Börje SJÖHOLM
United Kingdom	Mr Hugh ROBERTSON	Ms Liz SNAPE

III. EMPLOYERS' REPRESENTATIVES

Country	Members	Alternates
Belgium	Mr Kris DE MEESTER	Mr Thierry VANMOL Mr André PELEGRIN
Bulgaria	Mr Georgi STOEV	Mr Evgueni EVGUENIEV Ms Petya GEOREVA
Czech Republic	Mr Karel PETRŽELKA	Mr Martin RÖHRICH Mr Jan BRÁDLER
Denmark	Mr Thomas PHILBERT NIELSEN	Ms Christina SODE HASLUND Mr Sven-Peter NYGAARD
Germany	Mr Eckhard METZE	Mr Walter HERMÜLHEIM Mr Herbert BENDER
Estonia	Mr Marek SEPP	Ms Veronika KAIDIS Ms Kristi JÕEORG
Ireland	Mr Kevin ENRIGHT	Ms Theresa DOYLE
Greece		
Spain	Mr Pere TEIXIDÓ CAMPAS	Ms Pilar IGLESIAS VALCARCE Ms Laura CASTRILLO NÚÑEZ
France	Ms Nathalie BUET	Mr Patrick LÉVY Mr Franck GAMBELLI
Italy		
Cyprus	Mr Polyvios POLYVIOU	Mr Lefteris KARYDIS Ms Lena PANAGIOTOU
Latvia	Ms Liene VANCĀNE	Mr Aleksandrs GRIGORJEVS Mr Pēteris DRUĶIS
Lithuania	Mr Vaidotas LEVICKIS	Mr Jonas GUZAVIČIUS Ms Nadežda FILIPOVA
Luxembourg		
Hungary	Mr Géza BOMBERA	Mr Dezső SZEIFERT Mr István MANDRIK
Malta		
Netherlands	Mr W. M. J. M. VAN MIERLO	Mr G. O. H. MEIJER Mr J. J. H. KONING
Austria	Ms Alexandra SCHÖNGRUNDNER	Ms Christa SCHWENG Ms Ruth LIST

Country	Members	Alternates
Poland		
Portugal	Mr Luís HENRIQUE	Mr Manuel Marcelino PENA COSTA Mr Luís Miguel CORREIA MIRA
Romania	Mr Adrian IZVORANU	Mr Ovidiu NICOLESCU Mr Ion BERCIU
Slovenia	Mr Igor ANTAUER	Ms Maja SKORUPAN Ms Tatjana ČERIN
Slovakia	Mr Róbert MAJTNER	Mr Štefan PETKANIČ Mr Juraj UHEREK
Finland	Mr Jyrki HOLLMÉN	Ms Katja LEPPÄNEN Mr Rauno TOIVONEN
Sweden	Ms Bodil MELLBLÖM	Mr Ned CARTER Ms Cecilia ANDERSSON
United Kingdom	Mr Neil CARBERRY	Mr Robert CUMMINGS Mr Keith SEXTON

Article 2

The Council shall appoint the members and alternate members not yet nominated at a later date.

Article 3

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

Done at Brussels, 16 February 2010.

For the Council
The President
E. SALGADO

COUNCIL IMPLEMENTING DECISION

of 16 February 2010

authorising the Republic of Lithuania to extend the application of a measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax

(Only the Lithuanian text is authentic)

(2010/99/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 291(2) thereof,

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽¹⁾, and in particular Article 395(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By letter registered with the Secretariat-General of the Commission on 9 September 2009, Lithuania requested authorisation to continue to apply a measure derogating from the provisions of Directive 2006/112/EC governing the person liable for the payment of value added tax (VAT) to the tax authorities.

(2) In accordance with Article 395(2) of Directive 2006/112/EC, the Commission informed the other Member States of the request made by Lithuania in a letter dated 27 October 2009. By letter dated 29 October 2009, the Commission notified Lithuania that it had all the information that it considered necessary to consider the request.

(3) The purpose of the measure is to continue to make the recipient liable for the VAT due on the supply of goods and services in the case of insolvency procedures or restructuring procedures subject to judicial oversight and of timber transactions.

(4) Taxable persons under insolvency procedures or restructuring procedures subject to judicial oversight are often prevented, as a result of financial difficulties, from paying to the tax authorities VAT invoiced on their supplies of goods and services. The recipient, in so far as it is a taxable person with a right of deduction, can none the less deduct the VAT even though it has not been paid by the supplier to the tax authorities.

(5) Because of the nature of the market and the business involved, Lithuania has encountered problems in the timber market which is dominated by small companies, often resellers and intermediaries which the tax authorities have found difficult to control. The most common form of evasion involves the invoicing of supplies followed by the disappearance of the business without having paid any tax, leaving the customer in receipt of a valid invoice for tax deduction.

(6) By designating the recipient, in so far as it is a taxable person, as the person liable for the VAT in the above-mentioned cases, the derogation removes the difficulties of collection of the VAT without affecting the amount of tax due. This has the effect, on the one hand, of simplifying the work of the tax authorities for collecting the tax and, on the other, of preventing certain types of tax evasion or avoidance. In this respect, the measure derogates from Article 193 of Directive 2006/112/EC which stipulates that the taxable person supplying goods or services is normally liable for the payment of the tax.

(7) The measure has previously been authorised by Council Decision 2006/388/EC ⁽²⁾ under the then applicable Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes – Common system of value added tax: uniform basis of assessment ⁽³⁾.

(8) The legal and factual situation which justified the current application of the derogating measure in question has not changed and continues to exist. Lithuania should therefore be authorised to apply the measure during a further limited period.

⁽¹⁾ OJ L 347, 11.12.2006, p. 1.

⁽²⁾ OJ L 150, 3.6.2006, p. 13.

⁽³⁾ OJ L 145, 13.6.1977, p. 1.

- (9) The derogation will not adversely affect the Union's own resources accruing from VAT,

It shall apply from 1 January 2010 until 31 December 2012.

HAS ADOPTED THIS DECISION:

Article 3

This Decision is addressed to the Republic of Lithuania.

Article 1

By way of derogation from Article 193 of Directive 2006/112/EC, Lithuania is authorised to continue to designate the taxable person to whom the following supplies of goods and services are made as the person liable for payment of VAT:

Article 4

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

- (a) supplies of goods and services by a taxable person while under an insolvency procedure or a restructuring procedure subject to judicial oversight;

Done at Brussels, 16 February 2010.

- (b) supplies of timber.

Article 2

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

For the Council

The President

E. SALGADO

COMMISSION DECISION

of 19 February 2010

authorising Finnish aid for seeds and cereal seed in respect of the harvest year 2010

(notified under document C(2010) 946)

(Only the Finnish and Swedish texts are authentic)

(2010/100/EU)

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 first subparagraph of Article 182(2), in conjunction with Article 4 thereof,

Whereas:

- (1) By letter dated 6 October 2009, the Finnish Government requested authorisation, for the year 2010, to grant farmers aid for certain quantities of varieties of seeds and cereal seed produced solely in Finland because of its specific climatic conditions.
- (2) Finland requests authorisation to grant aid per hectare for certain areas under Gramineae (grass) and Leguminosae (legumes) seeds species as listed in Annex XIII to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ⁽²⁾, with the exception of *Phleum pratense* L. (Timothy), and for certain areas under cereal seed.
- (3) The proposed aid has to meet the requirements laid down in Article 182(2) of Regulation (EC) No 1234/2007. It concerns seeds and cereal seed varieties for cultivation in Finland which are adapted to the weather conditions in that country and are not grown in other Member States. The Commission authorisation should be limited to the varieties included in the list of Finnish varieties which are produced solely in Finland.
- (4) Provision should be made for the Commission to be informed of the measures taken by Finland to comply with the limits laid down in this Decision.

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

HAS ADOPTED THIS DECISION:

Article 1

Finland is authorised, from 1 January 2010 to 31 December 2010, to grant aid to growers established on its territory producing certified seeds and certified cereal seed referred to in the Annex, within the limits of the amounts laid down in that Annex.

The authorisation shall cover exclusively varieties listed in the Finnish national catalogue and which are grown solely in Finland.

Article 2

Finland shall ensure, by an appropriate inspection system that the aid is granted only in respect of the varieties referred to in the Annex.

Article 3

Finland shall send to the Commission a list of the certified varieties concerned and any amendment thereto and inform it of the areas and quantities of seeds and cereal seed for which the aid is granted.

Article 4

This Decision shall apply from 1 January 2010.

Article 5

This Decision is addressed to the Republic of Finland.

Done at Brussels, 19 February 2010.

For the Commission

Dacian CIOLOŞ

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 30, 31.1.2009, p. 16.

ANNEX

Seeds

Eligible: area under certified Gramineae (grass) and Leguminosae (legumes) seeds of species listed in Annex XIII to Regulation (EC) No 73/2009 with the exception of *Phleum pratense* L. (Timothy).

Maximum aid per hectare: EUR 220

Maximum budget: EUR 442 200

Cereal seed

Eligible: area under certified seed of wheat, oats, barley and rye.

Maximum aid per hectare: EUR 73

Maximum budget: EUR 2 190 000

RECOMMENDATIONS

COUNCIL RECOMMENDATION

of 16 February 2010

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 2008

(2010/101/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

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

(1) Pursuant to Article 32(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.

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

(2) The overall implementation by the Commission of the operations of the seventh EDF during the financial year 2008 has been satisfactory,

Having regard to Internal Agreement on the financing and administration of Community aid under the fourth ACP-EEC Convention ⁽³⁾, hereinafter referred to as the 'Internal Agreement', setting up, amongst others, the seventh European Development Fund (seventh EDF) and in particular Article 32(3) thereof,

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 2008.

Having regard to the Financial Regulation of 29 July 1991 applicable to development finance cooperation under the fourth ACP-EEC Convention ⁽⁴⁾, and in particular Articles 69 to 77 thereof,

Done at Brussels, 16 February 2010.

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the seventh EDF as at 31 December 2008 and the Court of Auditors' report concerning the financial year 2008 together with the Commission's replies ⁽⁵⁾,

For the Council
The President
E. SALGADO

⁽¹⁾ OJ L 229, 17.8.1991, p. 3.

⁽²⁾ OJ L 156, 29.5.1998, p. 3.

⁽³⁾ OJ L 229, 17.8.1991, p. 288.

⁽⁴⁾ OJ L 266, 21.9.1991, p. 1.

⁽⁵⁾ OJ C 269, 10.11.2009, p. 257.

COUNCIL RECOMMENDATION

of 16 February 2010

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 2008

(2010/102/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

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

31 December 2008, and the Court of Auditors report concerning the financial year 2008 together with the Commission's replies ⁽⁵⁾,

Whereas:

- (1) Pursuant to Article 33(3) of the Internal Agreement, the discharge for the financial management of the eighth EDF is to be given to the Commission by the European Parliament on the recommendation of the Council.
- (2) The overall implementation by the Commission of the operations of the eighth EDF during the financial year 2008 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 2008.

Done at Brussels, 16 February 2010.

For the Council
The President
E. SALGADO

⁽¹⁾ OJ L 229, 17.8.1991, p. 3.

⁽²⁾ OJ L 156, 29.5.1998, p. 3.

⁽³⁾ OJ L 156, 29.5.1998, p. 108.

⁽⁴⁾ OJ L 191, 7.7.1998, p. 53.

⁽⁵⁾ OJ C 269, 10.11.2009, p. 257.

COUNCIL RECOMMENDATION**of 16 February 2010****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 2008**

(2010/103/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the ACP-EC Partnership Agreement, signed in Cotonou on 23 June 2000 ⁽¹⁾ and amended by the Agreement signed in Luxembourg on 25 June 2005 ⁽²⁾,

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

Having regard to the Financial Regulation of 27 March 2003 applicable to the ninth European Development Fund ⁽⁴⁾, 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 2008 and the Court of Auditors' report concerning the financial year 2008 together with the Commission's replies ⁽⁵⁾,

Whereas:

- (1) Pursuant to Article 32(3) of the 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 2008 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 2008.

Done at Brussels, 16 February 2010.

For the Council
The President
E. SALGADO

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 287, 28.10.2005, p. 4.

⁽³⁾ OJ L 317, 15.12.2000, p. 355.

⁽⁴⁾ OJ L 83, 1.4.2003, p. 1.

⁽⁵⁾ OJ C 269, 10.11.2009, p. 257.

COUNCIL RECOMMENDATION**of 16 February 2010****concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (10th EDF) for the financial year 2008**

(2010/104/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

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

Having regard to the ACP-EC Partnership Agreement, signed in Cotonou on 23 June 2000 ⁽¹⁾ and amended by the Agreement signed in Luxembourg on 25 June 2005 ⁽²⁾,

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

Having regard to the Financial Regulation of 18 February 2008 applicable to the 10th European Development Fund ⁽⁴⁾, and in particular Articles 142 to 144 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the 10th EDF as at 31 December 2008 and the Court of Auditors' report concerning the financial year 2008 together with the Commission's replies ⁽⁵⁾,

(1) Pursuant to Article 11(8) of the Internal Agreement, the discharge for the financial management of the 10th EDF is to be given to the Commission by the European Parliament on the recommendation of the Council.

(2) The overall implementation by the Commission of the operations of the 10th EDF during the financial year 2008 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the 10th EDF for the financial year 2008.

Done at Brussels, 16 February 2010.

For the Council
The President
E. SALGADO

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 287, 28.10.2005, p. 4.

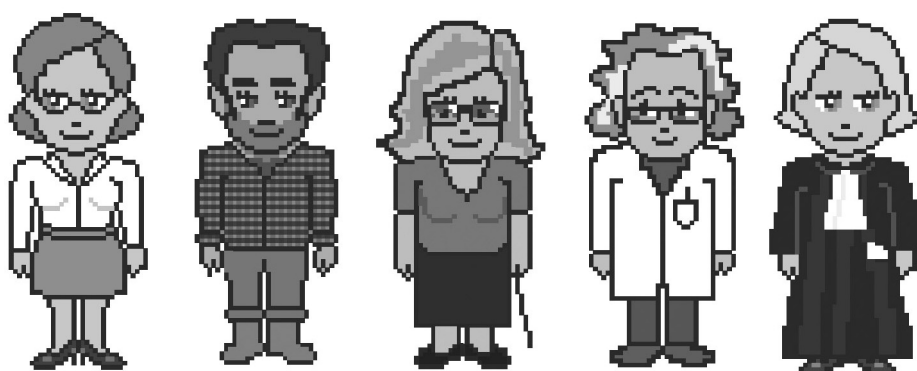
⁽³⁾ OJ L 247, 9.9.2006, p. 32.

⁽⁴⁾ OJ L 78, 19.3.2008, p. 1.

⁽⁵⁾ OJ C 269, 10.11.2009, p. 257.

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