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⁽¹⁾ Text with EEA relevance

I

(Legislative acts)

DECISIONS

DECISION No 283/2010/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 25 March 2010****establishing a European Progress Microfinance Facility for employment and social inclusion**

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 175(3) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) On 7 April 2000 the Commission adopted a communication entitled 'Acting locally for employment — a local dimension for the European employment strategy'.
- (2) The Commission communication of 13 November 2007 entitled 'A European initiative for the development of microcredit in support of growth and employment' identified four priority areas for action: improving the legal and institutional environment in the Member States, changing the climate in favour of employment and entrepreneurship, promoting best practices and providing additional financial capital for microfinance

institutions. As a first step in implementing this agenda, the Commission and the European Investment Bank (EIB) created Jasmine (Joint action to support microfinance institutions in Europe) in 2008 which provides mentoring for non-bank microcredit finance institutions and a financing window for a global amount of EUR 20 million offered by the EIB.

- (3) The Commission communication of 24 May 2006 entitled 'Promoting decent work for all — the EU contribution to the implementation of the decent work agenda in the world' set out the importance of decent work for all as did the European Parliament resolution of 23 May 2007 on promoting decent work for all ⁽⁴⁾.
- (4) The leaders' statement following the G-20 Summit in Pittsburgh on 24 and 25 September 2009 contained a commitment to improving access to financial services for the poor, for example through microfinance. The leaders also committed themselves to launching an international financial inclusion expert group which will identify lessons learned on innovative approaches to providing financial services to the poor, promote successful regulatory and policy approaches and elaborate standards on access to financing, financial literacy, and consumer protection.
- (5) The European Parliament in its resolution of 24 March 2009 with recommendations to the Commission on a European initiative for the development of microcredits in support of growth and employment requested that the Commission strengthen its efforts to develop microcredits in support of growth and employment. Furthermore, the European Parliament approved an additional EUR 4 million of support for a pilot action to be implemented in the context of the Jasmine framework. The European Parliament also called on the Commission to co-finance projects for microcredits in particular for disadvantaged target groups.

⁽¹⁾ OJ C 318, 23.12.2009, p. 80.

⁽²⁾ Opinion delivered on 7 October 2009 (not yet published in the Official Journal).

⁽³⁾ Position of the European Parliament of 15 December 2009 (not yet published in the Official Journal) and decision of the Council of 8 March 2010.

⁽⁴⁾ OJ C 102 E, 24.4.2008, p. 321.

- (6) The ongoing efforts of the Union and of the Member States need to be strengthened to increase the access to, and availability of, microfinance to a sufficient scale and within a reasonable time-frame so as to address the high demand of those who need it most in this period of crisis — that is, those who have lost their job, those at risk of losing their job or who have difficulties entering or re-entering the labour market, as well as those who are facing the threat of social exclusion or vulnerable people who are in a disadvantaged position with regard to access to the conventional credit market and who want to start or further develop their own micro-enterprise, including self-employment — whilst actively promoting equal opportunities for women and men.
- (7) The Commission communication of 3 June 2009 entitled 'A shared commitment for employment' underlined the need to offer a new chance to unemployed persons and open the road to entrepreneurship for some of Europe's most disadvantaged groups who have difficulty in accessing the conventional credit market. In addition to existing instruments, specific action is needed to further strengthen economic and social cohesion by reinforcing activities undertaken by the EIB and the European Investment Fund (EIF) and other international financial institutions without prejudice to the activities of the Member States. The Commission therefore announced a proposal for a new EU-wide microfinance facility (hereinafter the Facility) to extend the outreach of microfinance to particular at-risk groups and to further support the development of entrepreneurship, the social economy and micro-enterprises. In order for the Facility to be effective, to have a long-lasting impact, to reach the potential beneficiaries and to serve as a proactive element for both economic and local development policies, Member States can establish a national contact point to promote, coordinate, assess and monitor all the actions taken under the Facility in their respective territories.
- (8) An increasing amount of microfinance to vulnerable people who are in a disadvantaged position with regard to access to the conventional credit market in the European Union is provided by non-commercial microfinance institutions, credit unions and banks implementing corporate social responsibility. The Facility should help these providers, which supplement the commercial banking market, by increasing the availability of microfinance to meet the current levels of demand.
- (9) In many cases the providers of microfinance in the European Union are commercial banks and should become important partners in the Facility, with a view to re-establishing trust in the credit market and with a focus mainly on customers with no credit standing.
- (10) Public and private bodies providing microfinance under this Decision should comply with principles of responsible lending and thereby avoid, in particular, over-indebtedness of persons and undertakings.
- (11) In addition to the difficulty of gaining access to finance, social exclusion and the uncertainties of the transition from unemployment or social welfare to self-employment are among the main obstacles to setting up and developing micro-enterprises. European microfinancing instruments can help to support the structures of the social economy which assist people who are excluded with social reintegration and which help them to develop the minimum skills required in order to undertake a lasting business project.
- (12) Using Union resources is appropriate and responds to the abovementioned resolution of the European Parliament of 24 March 2009. Furthermore, a single EU-wide facility will concentrate leverage from international financial institutions and avoid a dispersed approach thus increasing microfinance supply in all Member States. In order to capitalise on the experience of international financial institutions and in particular the EIB and the EIF, the Facility should be established on the basis of joint management.
- (13) The actions financed by the Facility should be coherent and compatible with other Union policies and comply with the provisions of the Treaty and of acts adopted under it. The activities of the Facility should be complementary to other Union interventions, in particular the Competitiveness and Innovation Framework Programme (CIP) financial instruments, Jasmine, European Agricultural Fund for Rural Development (EAFRD), European Regional Development Fund (ERDF), Jeremie (Joint European resources for micro to medium enterprises initiative) and the European Social Fund (ESF).
- (14) For the purposes of this Decision, 'microfinance' should include guarantees, microcredit, equity and quasi-equity extended to persons and micro-enterprises covered by this Decision, microcredit being defined as loans under EUR 25 000. The Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises⁽¹⁾ defines a 'micro-enterprise' as an enterprise employing less than 10 people, including self-employment, and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million, which should be an appropriate definition for the purposes of this Decision.

⁽¹⁾ OJ L 124, 20.5.2003, p. 36.

- (15) For the purposes of this Decision and in line with national provisions, 'micro-enterprise in the social economy' should mean a micro-enterprise which produces goods and services with a clear social mission or which provides services to members of the community with a non-profit purpose.
- (16) The Facility should be implemented through an appropriate range of actions that include risk-sharing, guarantees, equity and debt instruments offered by international financial institutions to providers of microfinance. In order to increase its effectiveness, the Facility should be coordinated and implemented consistently with European and national financial instruments and national financial institutions,

HAVE ADOPTED THIS DECISION:

Article 1

Establishment

A European microfinance facility for employment and social inclusion, called the European Progress Microfinance Facility (hereinafter the Facility), is hereby established.

Article 2

Objective

1. The Facility shall provide Union resources to increase access to, and availability of, microfinance for:
- (a) persons who have lost or are at risk of losing their job, or who have difficulties entering or re-entering the labour market, as well as persons who are facing the threat of social exclusion or vulnerable persons who are in a disadvantaged position with regard to access to the conventional credit market and who want to start or further develop their own micro-enterprise, including self-employment;
- (b) micro-enterprises, especially in the social economy, as well as micro-enterprises which employ persons referred to in point (a).
2. The Facility shall provide Union resources for access to microfinance, and actively promote equal opportunities for women and men.

Article 3

Budget

1. The financial contribution from the Union budget for the Facility for the period from 1 January 2010 to 31 December 2013 shall be EUR 100 million.
2. The annual appropriations shall be decided during the annual budgetary procedure, including, if necessary, by application of point 37 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council

and the Commission on budgetary discipline and sound financial management ⁽¹⁾, or by other means provided for in that Agreement.

3. The total budget for support measures referred to in point (d) of Article 4(1) shall not exceed 1 % of the budget of the Facility set out in paragraph 1 of this Article.

4. The financial contribution shall cover the full cost of the Facility, including management fees for international financial institutions referred to in Article 5(2) managing the Union contribution as well as any other eligible costs.

Article 4

Eligible actions and beneficiaries

1. The Facility shall be implemented by using the following types of actions, as appropriate:

- (a) guarantees and risk-sharing instruments;
- (b) equity instruments;
- (c) debt instruments;
- (d) support measures, such as communication activities, monitoring, control, audit and evaluation which are directly necessary for the effective and efficient implementation of this Decision and for the achievement of its objectives.

2. The Facility shall be open to public and private bodies established on national, regional and local levels in the Member States which provide microfinance to persons and micro-enterprises in the Member States.

3. In order to reach the final beneficiaries and to create competitive and viable micro-enterprises, the public and private bodies referred to in paragraph 2 shall cooperate closely with organisations engaged in representing the interests of the final beneficiaries of microcredit and with organisations, in particular those supported by the ESF, who provide mentoring and training programmes to those final beneficiaries.

Article 5

Management

1. The Commission shall manage the Facility in accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

2. To implement the actions referred to in Article 4(1), with the exception of the support measures referred to in point (d) of Article 4(1), the Commission shall conclude agreements with international financial institutions, in particular with the EIB and the EIF, in accordance with Article 53d of Regulation (EC, Euratom) No 1605/2002 and Article 43 of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 ⁽¹⁾. Those agreements shall contain detailed provisions for the implementation of the tasks entrusted to those financial institutions, including provisions specifying the need to ensure additionality and coordination with existing European and national financial instruments, and to promote a comprehensive and balanced coverage between the Member States.

3. In order to meet the objective set out in Article 2 and implement the actions set out in Article 4, the agreements referred to in paragraph 2 of this Article shall, furthermore, include an obligation on the part of the international financial institutions to re-invest the resources and proceeds, including dividends and reimbursements, in actions referred to under points (a), (b) or (c) of Article 4(1) for a period of six years after the starting date of the Facility.

4. Upon closure of the Facility, the remaining balance due to the European Union shall be repaid to the general budget of the European Union.

5. The international financial institutions referred to in paragraph 2 of this Article shall conclude written agreements with the public and private providers of microfinance referred to in Article 4(2) laying down their obligations to use the resources made available from the Facility in accordance with the objectives set out in Article 2 and to provide information for the establishment of the annual reports referred to in Article 8(1).

6. The budget for support measures referred to in point (d) of Article 4(1) shall be managed by the Commission.

Article 6

Compliance

Actions financed by the Facility shall comply with the provisions of the Treaty and of acts adopted under it.

Article 7

Protection of the Union's financial interests

1. The Commission shall ensure that, when actions financed under this Decision are implemented, the financial interests of the Union are protected by the application of measures to

prevent fraud, corruption and any other illegal activities, by effective checks and by the recovery of amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests ⁽²⁾, Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities ⁽³⁾, and Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) ⁽⁴⁾.

2. For the Union actions financed under this Decision, OLAF has the power to carry out investigations on the basis of Regulation (EC, Euratom) No 2988/95 and Regulation (Euratom, EC) No 2185/96, which shall apply to any infringement of a provision of Union law, including infringements of a contractual obligation stipulated on the basis of the Facility, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Union or budgets managed by it, by an unjustified item of expenditure.

3. All implementing measures resulting from this Decision shall include a reference to paragraphs 1 and 2 of this Article and provide, in particular, for supervision and financial control by the Commission or any representative authorised by it, and by audits by the European Court of Auditors, including, if necessary, on-the-spot audits.

Article 8

Annual report

1. The international financial institutions referred to in Article 5(2) shall transmit to the Commission annual implementation reports setting out the supported activities in terms of financial implementation, distribution and accessibility of funding with regard to sectors and type of beneficiaries, applications accepted or rejected, contracts concluded, actions funded and results.

2. No later than 8 April 2011 and each year thereafter, the Commission shall present to the European Parliament and to the Council a quantitative and qualitative annual report on the activities undertaken under this Decision in the previous year. The annual report shall be based on the implementation reports referred to in paragraph 1. It shall, in particular, contain information relating to applications adopted or rejected, contracts concluded, actions funded, the total number and type of beneficiaries and the distribution of amounts geographically and per sector.

⁽²⁾ OJ L 312, 23.12.1995, p. 1.

⁽³⁾ OJ L 292, 15.11.1996, p. 2.

⁽⁴⁾ OJ L 136, 31.5.1999, p. 1.

⁽¹⁾ OJ L 357, 31.12.2002, p. 1.

The annual report shall moreover contain information on the impact and sustainability of the Facility expressed by the total number of persons and micro-enterprises which are still employed or in business at the end of the period of support provided to them through the Facility. Finally the annual report will include information on complementarity with other Union interventions, notably the ESF.

3. Following the presentation of the third annual report and on the basis of a proposal by the Commission, the European Parliament and the Council may review this Decision.

4. The annual report referred in paragraph 2 will be transmitted, for information, to the European Economic and Social Committee and the Committee of the Regions.

5. Based on the annual report referred to in paragraph 2 of this Article, the Commission shall make efforts to ensure that the Facility meets the objective set out in Article 2 and is accessible across the European Union to those who are at risk of social exclusion or who are finding it difficult to access the conventional credit market.

Article 9

Evaluation

1. The Commission shall carry out interim and final evaluations at its own initiative and in close cooperation with

the international financial institutions referred to in Article 5(2). The interim evaluation shall be completed four years after the start of the Facility and the final evaluation at the latest one year after the end of the mandate(s) given to the international financial institutions referred to in Article 5(2). The final evaluation shall, in particular, examine the extent to which the Facility as a whole has achieved its objectives.

2. The results of the evaluations will be transmitted, for information, to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

Article 10

Entry into force

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

Done at Brussels, 25 March 2010.

For the European Parliament

The President

J. BUZEK

For the Council

The President

D. LÓPEZ GARRIDO

DECISION No 284/2010/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 March 2010

amending Decision No 1672/2006/EC establishing a Community Programme for Employment and Social Solidarity — Progress

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 19(2), Article 149 and Article 153(2)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) On 3 June 2009, the Commission adopted a communication entitled 'A shared commitment for employment' with the aim of stepping up cooperation between the European Union and the Member States as well as between EU social partners, on three key priorities: maintaining employment, creating jobs and promoting mobility; upgrading skills and matching labour market needs; and increasing access to employment.
- (2) To give unemployed people the chance of a new start and to open the way to entrepreneurship for some of Europe's most disadvantaged groups, including women and the young, the Commission has proposed a new European microfinance facility for employment and social inclusion in a joint initiative with international financial institutions, in particular the European Investment Bank Group, to develop micro-enterprises and the social economy.
- (3) In line with the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽⁴⁾, funds should be reallocated from the Community Programme for Employment and

Social Solidarity — Progress set up by Decision No 1672/2006/EC of the European Parliament and of the Council ⁽⁵⁾ to finance the new European progress microfinance facility for employment and social inclusion, established by Decision No 283/2010/EU of the European Parliament and of the Council ⁽⁶⁾.

- (4) After examining all options, the amount of EUR 60 million should be reallocated from the Progress programme, to the new European progress microfinance facility.

- (5) Decision No 1672/2006/EC should be amended accordingly,

HAVE ADOPTED THIS DECISION:

Article 1

Article 17(1) of Decision No 1672/2006/EC is replaced by the following:

'1. The financial envelope for implementing the Union activities referred to in this Decision for the period from 1 January 2007 to 31 December 2013 is hereby set at EUR 683 250 000.'

Article 2

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

Done at Brussels, 25 March 2010.

For the European Parliament
The President
J. BUZEK

For the Council
The President
D. LÓPEZ GARRIDO

⁽¹⁾ OJ C 318, 23.12.2009, p. 84.

⁽²⁾ Opinion delivered on 7 October 2009 (not yet published in the Official Journal).

⁽³⁾ Position of the European Parliament of 11 February 2010 (not yet published in the Official Journal) and decision of the Council of 8 March 2010.

⁽⁴⁾ OJ C 139, 14.6.2006, p. 1.

⁽⁵⁾ OJ L 315, 15.11.2006, p. 1.

⁽⁶⁾ See page 1 of this Official Journal.

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 25 January 2010

on the signing and provisional application of an Agreement between the European Union and the Swiss Confederation establishing the terms and conditions for the participation of the Swiss Confederation in the 'Youth in Action' programme and in the action programme in the field of lifelong learning (2007-2013)

(2010/195/EU)

THE COUNCIL OF THE EUROPEAN UNION,

(4) The negotiations were concluded on 6 August 2009 by the initialling of a draft Agreement.

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 165(4) and 166(4), in conjunction with Article 218(5) thereof,

(5) Article 5 of the Agreement provides for its provisional application pending completion of the ratification or conclusion procedures.

Having regard to the proposal from the European Commission,

(6) The Agreement should be signed,

Whereas:

HAS ADOPTED THIS DECISION:

Article 1

(1) Decision No 1719/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing the 'Youth in Action' programme for the period 2007 to 2013 ⁽¹⁾, and in particular Article 5 thereof, provides that this programme shall be open to the participation of the Swiss Confederation subject to the conclusion of a bilateral agreement with that country.

The President of the Council is hereby authorised to appoint the person(s) empowered to sign the Agreement between the European Union and the Swiss Confederation establishing the terms and conditions for the participation of the Swiss Confederation in the 'Youth in Action' programme and in the action programme in the field of lifelong learning (2007-2013) (hereinafter referred to as 'the Agreement'), subject to its conclusion at a later date.

(2) Decision No 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning for the period 2007 to 2013 ⁽²⁾ and in particular Article 7 thereof, provides that this programme shall be open to the participation of the Swiss Confederation subject to the conclusion of a bilateral agreement with that country.

The text of the Agreement is attached to this Decision.

Article 2

The Agreement shall be applied provisionally for the activities financed under the general budget of the European Union of the year following its signature and at the earliest under the 2011 budget.

(3) The Council has authorised the Commission to negotiate, on behalf of the European Union, an Agreement to enable the Swiss Confederation to participate in these programmes.

Article 3

In the event of the cessation of the provisional application of the Agreement, the Commission shall be authorised to settle with Switzerland the consequences of such cessation in accordance with Article 5 of the Agreement.

⁽¹⁾ OJ L 327, 24.11.2006, p. 30.

⁽²⁾ OJ L 327, 24.11.2006, p. 45.

Article 4

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

Done at Brussels, 25 January 2010.

For the Council
The President
M. Á. MORATINOS

AGREEMENT

between the European Union and the Swiss Confederation establishing the terms and conditions for the participation of the Swiss Confederation in the 'Youth in Action' programme and in the action programme in the field of lifelong learning (2007-2013)

THE EUROPEAN UNION, hereinafter referred to as 'the Union',

of the one part, and

THE SWISS CONFEDERATION, hereinafter referred to as 'Switzerland',

of the other part,

together hereinafter referred to as 'the Parties',

Whereas:

- (1) The Joint Declaration attached to the seven agreements signed on 21 June 1999 between the European Community and Switzerland provides for the future negotiation of an agreement for Switzerland's participation in training and youth programmes.
- (2) The 'Youth in Action' programme for the period 2007 to 2013 and the action programme in the field of lifelong learning were established respectively by Decision No 1719/2006/EC ⁽¹⁾ and Decision No 1720/2006/EC ⁽²⁾ of the European Parliament and of the Council of 15 November 2006.
- (3) Article 5 of Decision No 1719/2006/EC and Article 7 of Decision No 1720/2006/EC provide for the participation of Switzerland subject to the conclusion of a bilateral agreement with that country,

HAVE AGREED ON THE FOLLOWING PROVISIONS:

Article 1

Switzerland shall participate in the 'Youth in Action' programme and in the action programme in the field of lifelong learning (hereinafter referred to as 'the Programmes') in accordance with the arrangements and conditions laid down in this Agreement and in Annexes I, II and III, which form an integral part thereof.

Article 2

This Agreement shall apply to the territories to which the Treaties on which the Union is founded are applicable, under the conditions laid down in those Treaties, and to the territory of Switzerland.

Article 3

This Agreement is concluded for the duration of the Programmes in progress. Nevertheless, without prejudice to the second paragraph of this Article, if the Union decides to extend the duration of the Programmes without changing them, this Agreement will also be automatically extended accordingly, unless one of the Parties informs the other, within 30 days following the decision to extend the Programmes, that it does

not wish to extend the cooperation. During the extension, Switzerland shall make an annual financial contribution identical to its financial contribution for 2013.

This Agreement will not be extended in the event of termination or denunciation of the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons.

Either the Union or Switzerland may terminate this Agreement by notifying the other Party of its decision. The Agreement shall cease to apply from the budget year following notification, if the latter is before 1 October. If not, it shall cease to apply from the second budget year following notification.

The projects and activities financed in the budget years preceding that in which the Agreement ceases to apply shall be continued until completion under the conditions laid down in this Agreement and its Annexes and in accordance with the contractual provisions applying to these projects and activities. The Parties shall settle by common consent any other consequences of termination.

⁽¹⁾ OJ L 327, 24.11.2006, p. 30.

⁽²⁾ OJ L 327, 24.11.2006, p. 45.

Article 4

The representatives of the Commission and the representatives of the national authority appointed as observers in the Programme committees shall consult with each other when necessary at the request of one of them on the activities covered by this Agreement. Following these consultations, the Joint Committee established under the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons shall be authorised to amend the Annexes to this Agreement, as a general rule by written procedure, if necessary, to take account of the rules applying to the Programmes or the development of Switzerland's take-up capacity. Amendments to the Annexes shall enter into force the day after the adoption of the relevant decision by the Joint Committee. However, if the Parties agree to any changes in the provisions of this Agreement, these shall enter into force after completion of the Parties' respective internal procedures.

Article 5

This Agreement shall be ratified or concluded by the Parties in accordance with their respective internal procedures. It shall enter into force on the first day of the second month following the date of the last notification by the Parties of the completion of their respective procedures.

Pending completion of the procedures referred to in the first paragraph, the Parties shall provisionally apply this Agreement for the activities financed under the general budget of the European Union of the year following its signature, and at the earliest under the 2011 budget, provided the conditions referred to under point 2 of Annex I are observed.

In the event of one of the Parties notifying the other that it will not ratify or conclude the signed Agreement, provisional application shall end from the budget year following notification. Notification terminating provisional application shall not affect the Parties' obligations concerning the projects and activities financed under the general budget of the European Union of the year of notification, nor payment by Switzerland of its contribution for the year of notification.

Article 6

This Agreement is drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of those texts being equally authentic.

Съставено в Брюксел на петнайсети февруари две хиляди и десета година.

Hecho en Bruselas, el quince de febrero de dos mil diez.

V Bruselu dne patnáctého února dva tisíce deset.

Udfærdiget i Bruxelles den femtende februar to tusind og ti.

Geschehen zu Brüssel am fünfzehnten Februar zweitausendzehn.

Kahe tuhande kümnenda aasta veebruarikuu viieteistkümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις δέκα πέντε Φεβρουαρίου δύο χιλιάδες δέκα.

Done at Brussels on the fifteenth day of February in the year two thousand and ten.

Fait à Bruxelles, le quinze février deux mille dix.

Fatto a Bruxelles, addì quindici febbraio duemiladieci.

Briselē, divi tūkstoši desmitā gada piecpadsmitajā februārī.

Priimta du tūkstančiai dešimtų metų vasario penkioliktą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizedik év február havának tizenötödik napján.

Magħmul fi Brussell, fil-hmistax-il jum ta' Frar tas-sena elfejn u għaxra.

Gedaan te Brussel, de vijftiende februari tweeduizend tien.

Sporządzono w Brukseli dnia piętnastego lutego roku dwa tysiące dziesiątego.

Feito em Bruxelas, em quinze de Fevereiro de dois mil e dez.

Întocmit la Bruxelles, la cincisprezece februarie două mii zece.

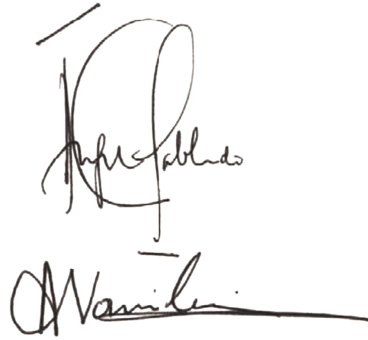
V Bruseli dňa pätnásteho februára dvetisícdesať.

V Bruslju, dne petnajstega februarja leta dva tisoč deset.

Tehty Brysselissä viidentenätoista päivänä helmikuuta vuonna kaksituhattakymmenen.

Som skedde i Bryssel den femtonde februari tjugohundratio.

За Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Per l'Unione europea
Eiropas Savienības vārdā
Europos Sąjungos vardu
Az Európai Unió részéről
Għall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Uniunea Europeană
Za Európsku úniu
Za Evropsko unijo
Euroopan unionin puolesta
För Europeiska unionen



За Конфедерация Швейцария
Por la Confederación Suiza
Za Švýcarskou konfederaci
For Det Schweiziske Forbund
Für die Schweizerische Eidgenossenschaft
Šveitsi Konföderatsiooni nimel
Για την Ελβετική Συνομοσπονδία
For the Swiss Confederation
Pour la Confédération suisse
Per la Confederazione svizzera
Šveices Konfederācijas vārdā
Šveicarijos Konfederācijas vardu
A Svájci Államszövetség részéről
Għall-Konfederazzjoni Żvizzera
Voor de Zwitserse Bondsstaat
W imieniu Konfederacji Szwajcarskiej
Pela Confederação Suíça
Pentru Confederația Elvețiană
Za Švajčiarskou konfederáciu
Za Švicarsko konfederacijo
Sveitsin valaliiton puolesta
För Schweiziska edsförbundet



ANNEX I

Terms and conditions for the participation of Switzerland in the 'Youth in Action' programme and in the action programme in the field of lifelong learning

1. Switzerland shall participate in the 'Youth in Action' programme and in the action programme in the field of lifelong learning (hereinafter referred to as 'the Programmes') and, unless otherwise provided by this Agreement, this shall take place with due regard for the objectives, criteria, procedures and deadlines laid down by Decision No 13719/2006/EC and Decision No 1720/2006/EC.
 2. In accordance with the arrangements laid down in Article 8 of Decision No 1719/2006/EC and Article 6 of Decision No 1720/2006/EC, and in accordance with the Commission Decisions on the respective responsibilities of the Member States, the Commission and the National Agencies in the performance of the Programmes, Switzerland:
 - shall be responsible for establishing or designating, and monitoring, an appropriate structure (Swiss National Agency) for the coordinated management of the implementation of the Programmes' actions at national level,
 - shall assume responsibility for the sound management by the Swiss National Agency of the appropriations paid to it as aid for projects, and
 - shall take any measures necessary to ensure the appropriate financing, auditing and financial monitoring of the Swiss National Agency, which shall receive from the Commission a contribution to its management and implementation costs.
- Switzerland shall take all other necessary steps for the efficient running of the Programmes at national level.
3. To participate in the Programmes, Switzerland shall make an annual financial contribution to the general budget of the European Union, in accordance with the arrangements set out in Annex II.
 4. The terms and conditions for the submission, assessment and selection of applications from eligible institutions, organisations and individuals from Switzerland shall be the same as those applicable to eligible institutions, organisations and individuals from the Union.
 5. With a view to ensuring the Union dimension of the Programmes, in order to be eligible for financial support from the Union, projects and activities will have to include at least one partner from one of the Member States of the Union.
 6. The percentage of the Swiss contribution referred to in point 3 that will be allocated to the measures which, according to the rules of the Programmes, have to be managed by the Swiss National Agency shall reflect the share of these measures in the budget of the Programmes at Union level. The contribution to the costs of the Swiss National Agency for the management and implementation of the Programmes shall be calculated in accordance with the criteria applied to the Member States of the Union.
 7. The Member States of the Union and Switzerland shall make every effort, within the framework of existing provisions, to facilitate the free movement and residence of students, teachers, trainees, instructors, university administrators, young people and other eligible persons moving between Switzerland and the Member States of the Union for the purpose of participating in activities covered by this Agreement.
 8. Without affecting the responsibilities of the Commission and the Court of Auditors of the European Union regarding the monitoring and evaluation of programmes, the participation of Switzerland in the Programmes shall be subject to constant monitoring by the Commission and Switzerland in partnership. Switzerland shall submit the necessary reports to the Commission and be involved in other specific measures taken by the Union in that context.

The Commission's Decisions regarding the respective responsibilities of the Member States, the Commission and the National Agencies in the performance of the Programmes and the common standards set out in the Guide for National Agencies, which will be annexed to contracts between the Commission and the Swiss National Agency, shall be applicable to relations between Switzerland, the Commission and the Swiss National Agency.

Agreements between the Commission and the Swiss National Agency or Swiss beneficiaries and between the Swiss National Agency and Swiss beneficiaries shall be based on the relevant provisions of the Financial Regulation applicable to the general budget of the European Union and on the detailed rules for its implementation, in particular regarding grant awards and the conclusion of agreements. These provisions shall apply to Swiss participants in the same way as they apply to all participants in the Programmes.

Additional rules concerning financial control, recovery and other antifraud measures are laid down in Annex III.

In the event of irregularity, negligence or fraud attributable to the Swiss National Agency, if the Commission cannot fully recover the sums owed to it by the Swiss National Agency, the Swiss authorities shall be responsible for the funds not recovered.

9. The language to be used in all contacts with the Commission, as regards the application process, contracts, reports to be submitted and other administrative arrangements for the Programmes, shall be one of the official languages of the institutions of the Union.
-

ANNEX II

Switzerland's financial contribution to the 'Youth in Action' programme and the action programme in the field of lifelong learning

1. Youth in Action

Switzerland's financial contribution to the general budget of the European Union for participating in the 'Youth in Action' programme shall be the following (in million euros):

Year 2011	Year 2012	Year 2013
1,7	1,8	1,9

2. Action programme in the field of lifelong learning

Switzerland's financial contribution to the general budget of the European Union for participating in the action programme in the field of lifelong learning shall be the following (in million euros):

Year 2011	Year 2012	Year 2013
14,2	14,9	15,6

3. Travel and subsistence expenses incurred by representatives and experts from Switzerland for taking part as observers in the work of the committees referred to in Article 9 of Decision No 1719/2006/EC and Article 10 of Decision No 1720/2006/EC or in other meetings related to the implementation of the Programmes shall be refunded by the Commission on the same basis and according to the same procedures as for the representatives and experts from the Member States of the Union.

4. Following the entry into force or provisional application of this Agreement, and at the beginning of each subsequent year, the Commission shall send to Switzerland a request for funds corresponding to its contribution to each of the Programmes covered by this Agreement.

Switzerland's contribution shall be expressed and paid in euros.

Switzerland shall pay its contribution before 1 March if the Commission's request for funds arrives before 1 February or at the latest 30 days after the request for funds if it arrives after 1 February.

Any delay in the payment of the contribution shall entail the payment of interest by Switzerland on the outstanding amount from the due date. The rate of such interest shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the due date falls, increased by three and a half percentage points.

ANNEX III

FINANCIAL CONTROL, RECOVERY AND OTHER ANTIFRAUD MEASURES**I. Audits and antifraud measures by the Union**

1. The Commission shall communicate directly with Programme participants established in Switzerland and with their subcontractors. These may submit directly to the Commission all relevant information and documentation which they are required to provide on the basis of the instruments referred to in this Agreement and of the contracts concluded to implement them.
2. In accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾, as last amended by Regulation (EC, Euratom) No 1995/2006 of 13 December 2006 ⁽²⁾, and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾, as last amended by Regulation (EC, Euratom) No 478/2007 of 23 April 2007 ⁽⁴⁾, and with the other rules referred to in this Agreement, the grant agreements concluded with Programme beneficiaries established in Switzerland shall provide for financial or other audits to be conducted at any time on the premises of the beneficiaries or their subcontractors by Commission staff or by other persons mandated by the Commission.

The accounts and operations of the Swiss National Agency may be checked by Commission staff or by other persons mandated by the Commission. These checks may also relate to the ability of the structure set up by Switzerland to apply the Programme rules referred to in the Agreement and to meet the requirements of sound financial management according to the criteria of the relevant Articles of Regulation (EC, Euratom) No 1605/2002, as last amended by Regulation (EC, Euratom) No 1995/2006 of 13 December 2006, and Regulation (EC, Euratom) No 2342/2002, as last amended by Regulation (EC, Euratom) No 478/2007 of 23 April 2007.

3. Commission staff and other persons mandated by the Commission shall have appropriate access to sites, works and documents and to any information required in order to carry out such audits, including information in electronic form. This right of access shall be stated explicitly in the contracts concluded to implement the instruments referred to in this Agreement. The European Court of Auditors shall have the same rights as the Commission.

Audits may be conducted after the Programmes or this Agreement expires, on the terms laid down in the contracts in question.

4. Within the framework of this Agreement, the Commission/the European Anti-Fraud Office (OLAF) shall be authorised to carry out on-the-spot checks and inspections on Swiss territory, in accordance with the procedural provisions of Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities ⁽⁵⁾.

These checks and inspections shall be prepared and conducted in close collaboration with the competent Swiss authorities designated by Switzerland, which shall be notified in good time of the object, purpose and legal basis of the checks and inspections, so that they can provide all the requisite help.

If the Swiss authorities concerned so wish, the on-the-spot checks and inspections may be carried out jointly with them.

Where the participants in the Programmes resist an on-the-spot check or inspection, the Swiss authorities, acting in accordance with national rules, shall give Commission/OLAF inspectors such assistance as they need to allow them to discharge their duty in carrying out an on-the-spot check or inspection.

The Commission/OLAF shall report without delay to the Swiss authorities any fact or suspicion relating to an irregularity which has come to its notice in the course of an on-the-spot check or inspection. In any event the Commission/OLAF shall be required to inform the above-mentioned authorities of the result of such checks and inspections.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 390, 30.12.2006, p. 1.

⁽³⁾ OJ L 357, 31.12.2002, p. 1.

⁽⁴⁾ OJ L 111, 28.4.2007, p. 13.

⁽⁵⁾ OJ L 292, 15.11.1996, p. 2.

II. Audits and antifraud measures by Switzerland

1. Appropriate financial control of the implementation of the Programmes shall be carried out by the competent national financial control authority in Switzerland, in accordance with Article 8 of the Commission Decisions on the respective responsibilities of the Member States, the Commission and the National Agencies in the performance of the 'Youth in Action' programme and the action programme for lifelong learning (2007-2013) and the common standards set out in the Guide for National Agencies annexed to contracts between the Commission and the Swiss National Agency. Any suspected or actual cases of fraud and irregularity and any measures concerning them taken by the Swiss National Agency and by the national authorities shall be notified immediately to the Commission. Switzerland shall ensure investigation and satisfactory treatment of suspected and actual cases of fraud and irregularity following national or Union inspections.

'Irregularity' shall mean any infringement of a relevant provision of Union law applicable under this Agreement or the contractual obligations pursuant to it, as a result of an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Union or budgets managed by it, by an unjustified item of expenditure.

'Fraud' shall mean any intentional act or omission relating to:

- the use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of funds from the general budget of the European Union or budgets managed by, or on behalf of, the European Union,
- non-disclosure of information in violation of a specific obligation, with the same effect,
- the misapplication of such funds for purposes other than those for which they are originally granted.

2. The Swiss authorities shall take appropriate measures to prevent and counter any corrupt practices — active or passive — at any stage of the procurement or grant award procedures or during implementation of the corresponding agreements.

'Active corruption' shall mean any deliberate action of whosoever promises or gives, directly or through an intermediary, an advantage of any kind whatsoever to an official for himself or for a third party for him to act or to refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the European Union's financial interests.

'Passive corruption' shall mean any deliberate action of an official who, directly or through an intermediary, requests or receives advantages of any kind whatsoever, for himself or a third party, or accepts a promise of such advantage, to act or to refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the European Union's financial interests.

3. The Swiss authorities and the staff responsible for implementing the Programmes shall take any precautions necessary to avoid any risk of a conflict of interests and shall inform the Commission immediately of any such conflict of interests or any situation likely to give rise to one.

III. Confidentiality

Information communicated or acquired in any form whatsoever pursuant to this Annex shall be covered by professional secrecy and protected in the same way as similar information is protected by Swiss law and by the corresponding provisions applicable to the Union institutions. Such information may not be communicated to persons other than those within the Union institutions or in the Member States or Switzerland whose functions require them to know it, nor may it be used for purposes other than to ensure effective protection of the Parties' financial interests.

IV. Administrative measures and penalties

Without prejudice to application of Swiss criminal law, administrative measures and penalties may be imposed by the Commission in accordance with Regulation (EC, Euratom) No 1605/2002, as last amended by Regulation (EC, Euratom) No 1995/2006 of 13 December 2006, with Regulation (EC, Euratom) No 2342/2002, as last amended by Regulation (EC, Euratom) No 478/2007 of 23 April 2007, and with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests ⁽¹⁾.

⁽¹⁾ OJ L 312, 23.12.1995, p. 1.

V. Recovery

For indirect centralised management measures, the Swiss National Agency shall be responsible for issuing requests for the recovery of funds and for implementing any legal action required regarding beneficiaries in consultation with the Commission. In the event of irregularity, negligence or fraud attributable to the Swiss National Agency, the Swiss authorities shall be responsible for the funds not recovered.

For centralised management measures carried out directly by the Commission, decisions taken by the Commission within the scope of this Agreement which impose a pecuniary obligation on persons other than States shall be enforceable in Switzerland. Enforcement shall be governed by the rules of civil procedure in force in Switzerland. The order for its enforcement shall be appended to the decision, without other formality than verification of the authenticity of the decision by the authority which the Government of Switzerland shall designate for this purpose and shall make known to the Commission. When these formalities have been completed on application by the Commission, the latter may proceed to enforcement in accordance with the national law, by bringing the matter directly before the competent authority. The legality of the Commission decision shall be subject to control by the Court of Justice of the European Union.

Judgments given by the Court of Justice of the European Union pursuant to an arbitration clause in a contract within the scope of this Agreement shall be enforceable on the same terms.

COUNCIL DECLARATION ON SWISS ATTENDANCE OF COMMITTEE MEETINGS

The Council agrees that Switzerland's representatives shall, in so far as the items concern them, attend meetings of the committees of the 'Youth in Action' programme and the action programme in the field of lifelong learning (2007-2013). Switzerland's representatives shall not be present when these committees vote.

REGULATIONS

COMMISSION REGULATION (EU) No 285/2010

of 6 April 2010

amending Regulation (EC) No 785/2004 of the European Parliament and of the Council on insurance requirements for air carriers and aircraft operators

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators ⁽¹⁾, and in particular Article 6(5) thereof,

Whereas:

(1) By Council Decision 2001/539/EC ⁽²⁾ the Community concluded the Convention for the Unification of Certain Rules for International Carriage by Air, agreed at Montreal on 28 May 1999 (Montreal Convention), which lays down rules on liability in respect of the international carriage by air of persons, baggage and cargo.

(2) Regulation (EC) No 785/2004 established minimum insurance requirements in respect of liability for passengers, baggage and cargo at a level to ensure that air carriers are adequately insured to cover their liability under the Montreal Convention.

(3) The limits of liability of air carriers under the Montreal Convention have recently been reviewed by the International Civil Aviation Organization (ICAO) by reference to an inflation factor which corresponds to the accumulated rate of inflation since the date of entry into force of the Montreal Convention.

(4) It has been determined by ICAO that the inflation factor since 4 November 2003, the date of entry into force of the Montreal Convention, has exceeded 10 per cent, the threshold for triggering an adjustment of the limits of liability. Therefore, the limits of liability have been revised accordingly.

(5) The minimum insurance requirements in respect of liability for passengers, baggage and cargo, established

by Regulation (EC) No 785/2004, should be timely adjusted to the revised limits of liability under the Montreal Convention which have become effective on 30 December 2009.

(6) For liability in respect of passengers the minimum insurance requirements of Regulation (EC) No 785/2004 have been set at a level significantly exceeding the revised limits of liability under the Montreal Convention.

(7) In respect of liability for baggage and cargo the minimum insurance requirements of Regulation (EC) No 785/2004 should be increased to the level of the revised limits of liability under the Montreal Convention.

(8) Regulation (EC) No 785/2004 should therefore be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 25 of Regulation (EC) No 1008/2008 of the European Parliament and the Council of 24 September 2008 on common rules for the operation of air services in the Community ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 6 of Regulation (EC) No 785/2004, paragraphs (2) and (3) are replaced by the following:

‘2. For liability in respect of baggage, the minimum insurance cover shall be 1 131 SDRs per passenger in commercial operations.

3. For liability in respect of cargo, the minimum insurance cover shall be 19 SDRs per kilogram in commercial operations.’

⁽¹⁾ OJ L 138, 30.4.2004, p. 1.

⁽²⁾ OJ L 194, 18.7.2001, p. 38.

⁽³⁾ OJ L 293, 31.10.2008, p. 3.

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, 6 April 2010.

For the Commission

The President

José Manuel BARROSO

COMMISSION REGULATION (EU) No 286/2010**of 6 April 2010****amending Regulation (EC) No 88/2007 as regards communication of statistics concerning quantities of pasta products**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1216/2009 of 30 November 2009 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, and in particular Article 8(3) and Article 19 thereof,

Whereas:

- (1) Commission Regulation (EC) No 88/2007 of 12 December 2006 laying down special detailed rules for the application of the system of export refunds on cereals exported in the form of pasta products falling within CN codes 1902 11 00 and 1902 19⁽²⁾ provides for pasta products falling within the abovementioned codes and exported to the United States to be accompanied by a certificate (P2 certificate) stating whether or not they qualify for a rate of refund applicable, in the case of exports to the United States of America, to the basic cereal products used in their manufacture. This Regulation also requires the competent authorities in the Member States to communicate the necessary statistics to the Commission.
- (2) In the interests of reducing the administrative burden, provision should be made for the possibility for the competent authorities in the Member States not to communicate the statistics where the refund applicable to the basic products of the cereal sector used to manufacture pasta products falling within the abovementioned CN codes is either suspended or is equal to zero.
- (3) Regulation (EC) No 88/2007 should therefore be amended accordingly.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Article 6 of Regulation (EC) No 88/2007 is replaced by the following:

'Article 6

1. The competent authorities of the Member States shall communicate to the Commission, by the end of each month at the latest, the statistics relating to the quantities of pasta products, by CN codes, specifying the quantities which qualify for an export refund and the quantities which do not qualify for an export refund, in respect of which certificates have been issued in the course of the previous month, at the following address:

European Commission
Directorate-General for Enterprise and Industry
Non-Annex I products

B-1049 Brussels.

2. Where the refund applicable to the basic products of the cereal sector used to manufacture pasta products falling within CN codes 1902 11 00 and 1902 19 is either suspended or is equal to zero, the competent authorities of the Member States may refrain from communicating the statistics referred to in paragraph 1.'

Article 2

This Regulation shall enter into force on the 20th 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, 6 April 2010.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 328, 15.12.2009, p. 10.

⁽²⁾ OJ L 21, 30.1.2007, p. 16.

COMMISSION REGULATION (EU) No 287/2010**of 6 April 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 April 2010.

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

Done at Brussels, 6 April 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	160,8
	JO	96,4
	MA	126,5
	TN	138,4
	TR	106,2
	ZZ	125,7
0707 00 05	JO	92,1
	MA	106,5
	MK	87,5
	TR	127,4
	ZZ	103,4
0709 90 70	MA	98,1
	TR	105,7
	ZZ	101,9
0805 10 20	EG	51,1
	IL	63,4
	MA	51,3
	TN	48,0
	TR	67,5
	ZZ	56,3
0805 50 10	TR	64,3
	ZA	71,7
	ZZ	68,0
0808 10 80	AR	101,4
	BR	88,1
	CL	85,5
	CN	73,4
	MK	22,4
	US	140,5
	UY	74,3
	ZA	85,5
0808 20 50	ZZ	83,9
	AR	97,2
	CL	102,5
	CN	92,0
	UY	106,8
	ZA	100,4
	ZZ	99,8

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EU) No 288/2010**of 6 April 2010****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year**

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 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2009/10 marketing year are fixed by Commission Regulation (EC) No 877/2009 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 282/2010 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 877/2009 for the 2009/10, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 April 2010.

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

Done at Brussels, 6 April 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 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 253, 25.9.2009, p. 3.

⁽⁴⁾ OJ L 86, 1.4.2010, p. 27.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 7 April 2010

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	35,27	0,70
1701 11 90 ⁽¹⁾	35,27	4,32
1701 12 10 ⁽¹⁾	35,27	0,57
1701 12 90 ⁽¹⁾	35,27	4,03
1701 91 00 ⁽²⁾	35,76	7,35
1701 99 10 ⁽²⁾	35,76	3,61
1701 99 90 ⁽²⁾	35,76	3,61
1702 90 95 ⁽³⁾	0,36	0,31

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

COMMISSION REGULATION (EU) No 289/2010
of 6 April 2010
amending Regulation (EU) No 281/2010 fixing the import duties in the cereals sector applicable
from 1 April 2010

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 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector applicable from 1 April 2010 were fixed by Commission Regulation (EU) No 281/2010 ⁽³⁾.

- (2) As the average of the import duties calculated differs by more than EUR 5/tonne from that fixed, a corresponding adjustment must be made to the import duties fixed by Regulation (EU) No 281/2010.

- (3) Regulation (EU) No 281/2010 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EU) No 281/2010 are hereby replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply from 7 April 2010.

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

Done at Brussels, 6 April 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 161, 29.6.1996, p. 125.

⁽³⁾ OJ L 86, 1.4.2010, p. 24.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 7 April 2010

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	28,77
1005 10 90	Maize seed other than hybrid	22,20
1005 90 00	Maize, other than seed ⁽²⁾	22,20
1007 00 90	Grain sorghum other than hybrids for sowing	28,77

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EC) No 1249/96, from a reduction in the duty of:

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

⁽²⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

5.4.2010

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	151,61	101,07	—	—	—	—
Fob price USA	—	—	169,70	159,70	139,70	76,11
Gulf of Mexico premium	49,68	12,42	—	—	—	—
Great Lakes premium	—	—	—	—	—	—

⁽¹⁾ Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).⁽²⁾ Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).⁽³⁾ Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight costs: Gulf of Mexico–Rotterdam: 25,62 EUR/t

Freight costs: Great Lakes–Rotterdam: 56,43 EUR/t

COMMISSION REGULATION (EU) No 290/2010**of 6 April 2010****amending for the 123rd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan, ⁽¹⁾ and in particular Article 7(1)(a) and 7a(1) ⁽²⁾ thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 25 March 2010 the Sanctions Committee of the United Nations Security Council decided to add one natural person to its list of persons, groups and entities to whom the freezing of funds and economic resources should apply and to amend one entry of the list.

- (3) Annex I to Regulation (EC) No 881/2002 should therefore be updated accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of 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, 6 April 2010.

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

João VALE DE ALMEIDA
Director-General for External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

⁽²⁾ Article 7a was inserted by Regulation (EU) No 1286/2009 (OJ L 346, 23.12.2009, p. 42).

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

- (1) The following entry shall be added under the heading 'Natural persons':

Muthanna Harith **Al-Dari** (*alias* (a) Dr. Muthanna **Al Dari**, (b) Muthana Harith **Al Dari**, (c) Muthanna Harith Sulayman **Al-Dari**, (d) Muthanna Harith Sulayman **Al-Dhari**, (e) Muthanna Hareth **Al-Dhari**, (f) Muthana Haris **Al-Dhari**, (g) Doctor Muthanna Harith Sulayman Al Dari Al-Zawba', (h) Muthanna Harith Sulayman Al-Dari Al-Zobai, (i) Muthanna Harith Sulayman Al-Dari al-Zawba'i, (j) Muthanna Hareth **al-Dari**, (k) Muthana Haris **al-Dari**, (l) Doctor Muthanna **al-Dari**, (m) Dr. Muthanna Harith al-Dari al-Zowbai). Title: Doctor. Address: (a) Amman, Jordan, (b) Khan Dari, Iraq (previous address), (c) Asas Village, Abu Ghurayb, Iraq (previous address), (d) Egypt (previous address). Date of birth: 16.6.1969. Place of birth: Iraq. Nationality: Iraqi. Date of designation referred to in Article 2a (4) (b): 25.3.2010.

- (2) The entry 'Global Relief Foundation (GRF) (*alias* (a) Fondation Secours Mondial (FSM), (b) Secours mondial de France (SEMONDE), (c) Fondation Secours Mondial — Belgique a.s.b.l., (d) Fondation Secours Mondial v.z.w., (e) FSM, (f) Stichting Wereldhulp — België, v.z.w., (g) Fondation Secours Mondial — Kosova, (h) Fondation Secours Mondial 'World Relief'). Address: (a) 9935 South 76th Avenue, Unit 1, Bridgeview, Illinois 60455, U.S.A.; (b) PO Box 1406, Bridgeview, Illinois 60455, U.S.A.; (c) 49 rue du Lazaret, 67100 Strasbourg, France; (d) Vaatjesstraat 29, 2580 Putte, Belgium; (e) Rue des Bataves 69, 1040 Etterbeek (Brussels), Belgium; (f) PO Box 6, 1040 Etterbeek 2 (Brussels), Belgium; (g) Mula Mustafe Baseskije Street 72, Sarajevo, Bosnia and Herzegovina; (h) Put Mladih Muslimana Street 30/A, Sarajevo, Bosnia and Herzegovina; (i) 64 Potur Mahala Street, Travnik, Bosnia and Herzegovina; (j) Rr. Skenderbeu 76, Lagjja Sefa, Gjakova, Kosovo; (k) Ylli Morina Road, Djakovica, Kosovo; (l) Rruga e Kavajes, Building No. 3, Apartment No 61, PO Box 2892, Tirana, Albania; (m) House 267 Street No 54, Sector F — 11/4, Islamabad, Pakistan. Other information: (a) Other foreign locations: Afghanistan, Azerbaijan, Bangladesh, China, Eritrea, Ethiopia, Georgia, India, Iraq, Jordan, Lebanon, West Bank and Gaza, Sierra Leone, Somalia and Syria; (b) U.S. Federal Employer Identification: 36-3804626; (c) V.A.T. Number: BE 454419759; (d) Belgian addresses are those of Fondation Secours Mondial — Belgique a.s.b.l and Fondation Secours Mondial vzw. and Stichting Wereldhulp — België, v.z.w since 1998. Date of designation referred to in Article 2a (4) (b): 22.10.2002' under the heading 'Legal persons, groups and entities' shall be replaced by the following:

Global Relief Foundation (GRF) (*alias* (a) Fondation Secours Mondial (FSM), (b) Secours mondial de France (SEMONDE), (c) Fondation Secours Mondial — Belgique a.s.b.l., (d) Fondation Secours Mondial v.z.w., (e) FSM, (f) Stichting Wereldhulp — België, v.z.w., (g) Fondation Secours Mondial — Kosova, (h) Fondation Secours Mondial 'World Relief'). Address: (a) 9935 South 76th Avenue, Unit 1, Bridgeview, Illinois 60455, U.S.A.; (b) PO Box 1406, Bridgeview, Illinois 60455, U.S.A.; (c) 49 rue du Lazaret, 67100 Strasbourg, France; (d) Vaatjesstraat 29, 2580 Putte, Belgium; (e) Rue des Bataves 69, 1040 Etterbeek (Brussels), Belgium; (f) PO Box 6, 1040 Etterbeek 2 (Brussels), Belgium; (g) Rr. Skenderbeu 76, Lagjja Sefa, Gjakova, Kosovo; (h) Ylli Morina Road, Djakovica, Kosovo; (i) Rruga e Kavajes, Building No 3, Apartment No 61, PO Box 2892, Tirana, Albania; (j) House 267 Street No 54, Sector F — 11/4, Islamabad, Pakistan. Other information: (a) Other foreign locations: Afghanistan, Azerbaijan, Bangladesh, China, Eritrea, Ethiopia, Georgia, India, Iraq, Jordan, Lebanon, West Bank and Gaza, Sierra Leone, Somalia and Syria; (b) U.S. Federal Employer Identification: 36-3804626; (c) V.A.T. Number: BE 454419759; (d) Belgian addresses are those of Fondation Secours Mondial — Belgique a.s.b.l and Fondation Secours Mondial vzw. and Stichting Wereldhulp — België, v.z.w since 1998. Date of designation referred to in Article 2a (4) (b): 22.10.2002.

DECISIONS

COUNCIL DECISION

of 16 March 2010

on the allocation of financial intermediation services indirectly measured (FISIM) for the establishment of the gross national income (GNI) used for the purposes of the European Union's budget and its own resources

(2010/196/EU, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities' own resources ⁽¹⁾, and in particular the second subparagraph of Article 2(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) Article 8(1) of Council Regulation (EC) No 448/98 of 16 February 1998 completing and amending Regulation (EC) No 2223/96 with respect to the allocation of financial intermediation services indirectly measured (FISIM) within the European system of national and regional accounts (ESA) ⁽²⁾ provides that the decision to allocate FISIM for the establishment of the gross national product used for the purposes of the Community's budget and its own resources shall be adopted by the Council. With effect from 1 January 2002 the concept of gross national product was replaced by the concept of gross national income (GNI), pursuant to the first subparagraph of Article 2(7) of Council Decision 2000/597/EC, Euratom of 29 September 2000 on the system of the European Communities' own resources ⁽³⁾.

(2) The second subparagraph of Article 2(7) of Decision 2007/436/EC, Euratom provides that where modifications to the European system of national and regional accounts (ESA 95) result in significant changes in the GNI as provided by the Commission, the Council shall decide whether those modifications shall apply for the purposes of that Decision.

(3) It is appropriate to use the most recent statistical concepts for the purposes of the Union's budget and its own resources, in particular as far as the establishment of the GNI as provided by the Commission in application of ESA 95 is concerned. FISIM should therefore be allocated for the establishment of the GNI for the purposes of the Union's budget and its own resources.

(4) By October 2008, all EU-27 Member States had transmitted their data including on FISIM allocation according to the new methodology. The assessment of those data indicated that the allocation of FISIM results in a significant change in the sense of the second subparagraph of Article 2(7) of Decision 2007/436/EC, Euratom since it increases GNI by more than 1 % on average and implies, when applying the method described in Article 3 of that Decision, a change in the ceilings set by Article 3.

(5) Therefore the allocation of FISIM should apply for the purposes of Decision 2007/436/EC, Euratom.

(6) It is deemed appropriate that the ensuing changes apply as from the financial year 2010,

HAS ADOPTED THIS DECISION:

Article 1

Financial intermediation services indirectly measured (FISIM) shall be allocated for the establishment of the gross national income for the purposes of the Union's budget and its own resources.

Article 2

The allocation of FISIM pursuant to Article 1 shall apply for the purposes of Decision 2007/436/EC, Euratom from 1 January 2010.

⁽¹⁾ OJ L 163, 23.6.2007, p. 17.

⁽²⁾ OJ L 58, 27.2.1998, p. 1.

⁽³⁾ OJ L 253, 7.10.2000, p. 42.

Article 3

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.
It shall apply from 1 January 2010.

Article 4

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

Done at Brussels, 16 March 2010.

For the Council
The President
E. SALGADO

COUNCIL DECISION 2010/197/CFSP**of 31 March 2010****on the launch of a European Union military mission to contribute to the training of Somali security forces (EUTM Somalia)**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2010/96/CFSP of 15 February 2010 on a European Union military mission to contribute to the training of Somali security forces⁽¹⁾, and in particular Article 4 thereof,

Having regard to the proposal by the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) In its Resolution 1872 (2009) on the situation in Somalia, adopted on 26 May 2009, the United Nations Security Council (UNSC) stressed the importance of the re-establishment, training, equipping and retention of Somali security forces, and urged Member States and regional and international organisations to offer technical assistance for the training and equipping of the Somali security forces. In its Resolution 1897 (2009), adopted on 30 November 2009, the UNSC recalled its previous resolutions and reaffirmed its respect for the sovereignty, territorial integrity, political independence and unity of Somalia.
- (2) By letter dated 5 January 2010, the Minister of Defence of Uganda welcomed the Union's envisaged mission in support of the Somali security sector and invited the Union to participate in the training of Somali security forces in Uganda for a period of at least one year.
- (3) In accordance with Article 5 of the Protocol on the position of Denmark, annexed to the Treaty on

European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. Denmark does not, therefore, participate in the financing of this mission,

HAS ADOPTED THIS DECISION:

Article 1

The Mission Plan for the EU military mission to contribute to the training of Somali security forces, hereinafter referred to as 'EUTM Somalia', is approved.

Article 2

EUTM Somalia shall be launched on 7 April 2010.

Article 3

The EU Mission Commander of EUTM Somalia is hereby authorised with immediate effect to release the activation order (ACTORD) in order to execute the deployment of the forces and start execution of the mission.

Article 4

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

Done at Brussels, 31 March 2010.

For the Council

The President

M. Á. MORATINOS

⁽¹⁾ OJ L 44, 19.2.2010, p. 16.

COMMISSION DECISION

of 6 April 2010

releasing Latvia from certain obligations to apply Council Directives 66/402/EEC and 2002/57/EC in respect of *Avena strigosa* Schreb., *Brassica nigra* (L.) Koch and *Helianthus annuus* L.

(notified under document C(2010) 2042)

(Only the Latvian text is authentic)

(Text with EEA relevance)

(2010/198/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed ⁽¹⁾, and in particular Article 23a thereof,

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants ⁽²⁾, and in particular Article 28 thereof,

Having regard to the application submitted by Latvia,

Whereas:

- (1) Directives 66/402/EEC and 2002/57/EC set out certain provisions for the marketing of cereal seed and seed of oil and fibre plants. Those Directives also provide that, subject to certain conditions, Member States may be wholly or partially released from the obligation to apply the provisions of those Directives in respect of certain species.
- (2) Latvia has applied for release from their obligations in respect of *Avena strigosa* Schreb., *Brassica nigra* (L.) Koch, and partially in respect of *Helianthus annuus* L.
- (3) The seed of *Avena strigosa* Schreb, *Brassica nigra* (L.) Koch and *Helianthus annuus* L. is not normally reproduced or marketed in Latvia. In addition, its economic importance in the abovementioned country is not significant. Due to climatic conditions, no production of seed of *Helianthus annuus* L. exists in Latvia; the seed for sowing is imported from other countries and the yield is used for feed purposes only.

(4) As long as those conditions remain, the relevant Member State should be released from the obligation to apply the provisions of Directives 66/402/EEC and 2002/57/EC to the species in question.

(5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

Latvia is released from the obligation to apply Directive 66/402/EEC, with the exception of Article 14(1), in respect of the species of *Avena strigosa* Schreb.

Article 2

1. Latvia is released from the obligation to apply Directive 2002/57/EC, with the exception of Article 17, in respect of the species of *Brassica nigra* (L.) Koch.

2. Latvia is released from the obligation to apply Directive 2002/57/EC, with the exception of Articles 17 and 22(1), in respect of the species of *Helianthus annuus* L.

Article 3

This Decision is addressed to the Republic of Latvia.

Done at Brussels, 6 April 2010.

For the Commission

John DALLI

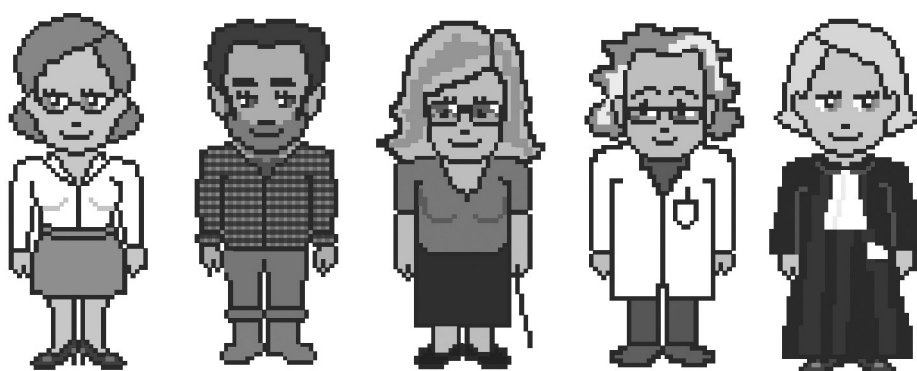
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⁽¹⁾ OJ L 125, 11.7.1966, p. 2309.

⁽²⁾ OJ L 193, 20.7.2002, p. 74.

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