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I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 128/2008**of 14 February 2008****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) 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 the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 15 February 2008.

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

Done at Brussels, 14 February 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

to Commission Regulation of 14 February 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	152,4
	JO	74,3
	MA	50,4
	MK	36,8
	TN	129,8
	TR	96,7
	ZZ	90,1
0707 00 05	EG	267,4
	JO	202,1
	MA	227,7
	TR	147,9
	ZZ	211,3
0709 90 70	MA	48,3
	TR	116,6
	ZA	71,0
	ZZ	78,6
0709 90 80	EG	68,9
	ZZ	68,9
0805 10 20	EG	47,7
	IL	51,1
	MA	61,1
	TN	47,7
	TR	85,4
	ZZ	58,6
0805 20 10	IL	111,0
	MA	111,4
	TR	72,2
	ZZ	98,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	42,0
	EG	88,5
	IL	70,6
	JM	114,0
	MA	135,8
	PK	46,1
	TR	85,4
	ZZ	83,2
0805 50 10	EG	65,5
	IL	121,0
	MA	77,5
	TR	89,4
	ZZ	88,4
0808 10 80	AR	83,0
	CA	87,7
	CN	91,7
	MK	39,4
	US	119,0
	ZZ	84,2
0808 20 50	AR	91,1
	CN	86,1
	US	123,3
	ZA	96,5
	ZZ	99,3

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 129/2008**of 14 February 2008****fixing the export refunds on white and raw sugar exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

- (1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(b) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.

- (3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Regulation (EC) No 318/2006.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 15 February 2008.

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

Done at Brussels, 14 February 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

ANNEX

Export refunds on white and raw sugar exported without further processing applicable from 15 February 2008

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	26,52 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	25,78 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	26,52 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	25,78 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2883
1701 99 10 9100	S00	EUR/100 kg	28,83
1701 99 10 9910	S00	EUR/100 kg	28,03
1701 99 10 9950	S00	EUR/100 kg	28,03
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,2883

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

- (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), Croatia, Bosnia-Herzegovina, Serbia (*), Montenegro, Albania and the former Yugoslav Republic of Macedonia;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 % the refund amount applicable shall be multiplied, for each exporting operation concerned, by a conversion factor obtained by dividing by 92 the yield of the raw sugar exported, calculated in accordance with paragraph 3 of Point III of the Annex I of Regulation (EC) No 318/2006.

COMMISSION REGULATION (EC) No 130/2008**of 14 February 2008****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 900/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 900/2007 of 27 July 2007 on a standing invitation to tender to determine refunds on exports of white sugar for the 2007/08 marketing year ⁽²⁾ requires the issuing of partial invitations to tender.

(2) Pursuant to Article 8(1) of Regulation (EC) No 900/2007 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 14 February 2008, it is appropriate to fix a maximum export refund for that partial invitation to tender.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 14 February 2008, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 900/2007 shall be 33,025 EUR/100 kg.

Article 2

This Regulation shall enter into force on 15 February 2008.

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

Done at Brussels, 14 February 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

⁽²⁾ OJ L 196, 28.7.2007, p. 26. Regulation as last amended by Commission Regulation (EC) No 1298/2007 (OJ L 289, 7.11.2007, p. 3).

COMMISSION REGULATION (EC) No 131/2008**of 14 February 2008****establishing that no award shall be made in the framework of the standing invitation to tender of white sugar provided for in Regulation (EC) No 1060/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1060/2007 of 14 September 2007 opening a standing invitation to tender for the resale for export of sugar held by the intervention agencies of Belgium, the Czech Republic, Spain, Ireland, Italy, Hungary, Poland, Slovakia and Sweden ⁽²⁾ requires the issuing of partial invitations to tender.

- (2) Pursuant to Article 4(1) of Regulation (EC) No 1060/2007 and following an examination of the tenders submitted in response to the partial invitation to tender ending on 13 February 2008, it is appropriate to decide that no award shall be made for that partial invitation to tender.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 13 February 2008, for the product referred to in Article 1(1) of Regulation (EC) No 1060/2007, no award shall be made.

Article 2

This Regulation shall enter into force on 15 February 2008.

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

Done at Brussels, 14 February 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

⁽²⁾ OJ L 242, 15.9.2007, p. 8. Regulation as amended by Commission Regulation (EC) No 1476/2007 (OJ L 329, 14.12.2007, p. 17).

COMMISSION REGULATION (EC) No 132/2008**of 14 February 2008****amending Regulation (EC) No 745/2004 laying down measures with regard to imports of products of animal origin for personal consumption****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽¹⁾, and in particular the third indent of Article 8(5) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾, and in particular Articles 3(5), 16(3) and 17(7) thereof,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽³⁾, and in particular Article 6(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 745/2004 ⁽⁴⁾ lays down measures with regard to imports of meat and meat products and of milk and milk products for personal consumption. Those products are defined by reference to some of the products listed in the Annex to Commission Decision 2002/349/EC of 26 April 2002 laying down the list of products to be examined at border inspection posts under Council Directive 97/78/EC ⁽⁵⁾.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 24, 30.1.1998, p. 9. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

⁽³⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽⁴⁾ OJ L 122, 26.4.2004, p. 1.

⁽⁵⁾ OJ L 121, 8.5.2002, p. 6.

- (2) Following the repeal of Decision 2002/349/EC as from 17 May 2007 by Commission Decision 2007/275/EC of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC ⁽⁶⁾ and in order to ensure clarity, coherence, and transparency, it is necessary to list in Regulation (EC) No 745/2004 the products falling within its scope.

- (3) Regulation (EC) No 745/2004 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 745/2004 is amended as follows:

1. in Article 1, paragraph 1 is replaced by the following:

'1. For the purposes of this Regulation, "meat and meat products" and "milk and milk products" mean the products listed in Annex V.'

2. the text in the Annex to this Regulation is added as Annex V.

Article 2

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

⁽⁶⁾ OJ L 116, 4.5.2007, p. 9.

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

Done at Brussels, 14 February 2008.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

'ANNEX V

Meat and meat products and milk and milk products referred to in Article 1(1)

CN code	Description	Qualification and explanation
ex Chapter 2 (0201-0210)	Meat and edible offal	Excludes frogs' legs (CN code 0208 90 70)
0401-0406	Dairy produce	All
0504 00 00	Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof, fresh, chilled, frozen, salted, in brine, dried or smoked	All
1501 00	Pig fat (including lard) and poultry fat, other than that of heading 0209 or 1503	All
1502 00	Fats of bovine animals, sheep or goats, other than those of heading 1503	All
1503 00	Lard stearin, lard oil, oleostearin, oleo-oil and tallow oil, not emulsified or mixed or otherwise prepared	All
1506 00 00	Other animal fats and oils and their fractions, whether or not refined, but not chemically modified	All
1601 00	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products	All
1602	Other prepared or preserved meat, meat offal or blood	All
1702 11 00 1702 19 00	Lactose and lactose syrup	All
ex 1901	Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included	Only those preparations containing milk
ex 1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared	Only those preparations containing meat
ex 2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006	Only those preparations containing meat
ex 2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006	Only those preparations containing meat
ex 2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard	Only those preparations containing meat or milk
ex 2104	Soups and broths and preparations therefore; homogenised composite food preparations	Only those preparations containing meat or milk

CN code	Description	Qualification and explanation
ex 2105 00	Ice cream and other edible ice, whether or not containing cocoa	Only those preparations containing milk
ex 2106	Food preparations not elsewhere specified or included	Only those preparations containing meat or milk
ex 2309	Preparations of a kind used in animal feeding	Only petfood, dog chews and mixtures of meals containing meat or milk

Notes:

Column 1: Where only certain products under any code are required to be examined under veterinary checks and no specific subdivision under this code exists in the goods nomenclature, the code is marked "ex" (for example ex 1901: only those preparations containing milk should be included).

Column 2: The description of the goods is as laid down in the description column of Annex 1 to Regulation (EEC) No 2658/87. For further explanation of the exact coverage of the Common Customs Tariff please refer to the latest amendment to that Annex.

Column 3: This column gives details of the products covered.'

COMMISSION REGULATION (EC) No 133/2008

of 14 February 2008

on imports of pure-bred breeding animals of the bovine species from the third countries and the granting of export refunds thereon

(Codified version)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Articles 31(4) and 33(12) thereof,

Whereas:

(1) Commission Regulation (EEC) No 2342/92 of 7 August 1992 ⁽²⁾ on imports of pure-bred breeding animals of the bovine species from the third countries and the granting of export refunds thereon and repealing Regulation (EEC) No 1544/79 has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.

(2) Import duty is not payable on pure-bred breeding animals of the bovine species falling within CN code 0102 10 on import into the Community. On export a higher refund is paid on female animals up to the age of 60 months than on live bovine animals falling within CN code 0102 90.

(3) To permit proper application of the Community rules in this area, the term pure-bred breeding animal should be clarified. The definition given in Article 1 of Council Directive 77/504/EEC of 25 July 1977 on pure-bred breeding animals of the bovine species ⁽⁴⁾, must be used for the purpose.

(4) In order to ensure that imported animals are actually intended for breeding they must be accompanied by the pedigree and zootechnical certificate and the health certificates normally required for such animals, and importers must undertake to keep the animals alive for a certain period.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Commission Regulation (EC) No 98/2008 (OJ L 29, 2.2.2008, p. 5). Regulation (EC) No 1254/1999 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 July 2008.

⁽²⁾ OJ L 227, 11.8.1992, p. 12. Regulation as last amended by Regulation (EC) No 1746/2005 (OJ L 280, 25.10.2005, p. 8).

⁽³⁾ See Annex I.

⁽⁴⁾ OJ L 206, 12.8.1977, p. 8. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

(5) Since there is no provision for a security to ensure that these animals are kept alive for that period, provision should be made for Council Regulation (EEC) No 2913/92 of 12 October 1992, establishing the Community Customs Code ⁽⁵⁾ to apply where the requirement concerning that period is not observed.

(6) The Community has concluded bilateral free-trade agreements with the European Free Trade Association (EFTA). Under those agreements, certain provisions relating to, or obligations on, the third countries concerned should be waived but the pedigree certificate and the health certificates relating to pure-bred breeding animals must be required to be presented on release for free circulation in the Community.

(7) The health documents required to accompany exports of pure-bred female breeding animals in order to make sure that they are really intended for breeding and the genetic value assessment results that must appear on or accompany the pedigree certificate should be specified.

(8) Pure-bred breeding animals imported into the Community must be checked to see that they have not previously been exported from the Community and that export refunds have not been paid thereon. Where export refunds have been paid on such animals, the sums must be repaid before the animals are re-imported into the Community.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of collecting import duties and granting export refunds, live animals of the bovine species shall be considered pure-bred breeding animals falling within CN code 0102 10 if they meet the definition laid down in Article 1 of Directive 77/504/EEC. In addition, only female animals up to six years old shall be considered pure-bred breeding females.

⁽⁵⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

Article 2

1. On the release for free circulation of pure-bred breeding animals of the bovine species falling within CN code 0102 10, importers shall present the following to the customs authorities of the Member State in respect of each animal:

- (a) the pedigree and zootechnical certificate, which shall be drawn up in conformity with Commission Decision 96/510/EC ⁽¹⁾;
- (b) the health certificate of the type required for pure-bred breeding animals of the bovine species, or an authenticated copy of this certificate and the common veterinary entry document (CVED) drawn up in conformity with Commission Regulation (EC) No 282/2004 ⁽²⁾.

2. In addition, importers shall submit a written declaration to the customs authorities to the effect that, except in cases of *force majeure*, the animal will not be slaughtered within 24 months of the day on which it is imported.

3. By no later than the end of the 27th month following that of release for free circulation, importers shall provide the customs authorities of the Member State of import with proof that the animal:

- (a) has not been slaughtered before the expiry of the time limit laid down in paragraph 2; or
- (b) has been slaughtered before the expiry of the time limit for health reasons or has died as a result of disease or accident.

The proof referred to in (a) shall consist in a certificate drawn up by the association, organization or official body of the Member State keeping the herd book or an official veterinarian. The proof referred to in (b) shall consist in a certificate drawn up by an official body designated by the Member State. These proofs shall be checked in the computerised database provided for in Article 5 of Regulation (EC) No 1760/2000 of the European Parliament and of the Council ⁽³⁾ once this database is operational.

4. Failure to observe the requirement relating to the period of 24 months, except where paragraph 3(b) applies, shall result in classification of the animal in question under CN code 0102 90 and shall give rise to proceedings to recover import duties not collected, in accordance with Regulation (EEC) No 2913/92.

5. The provisions relating to the age limit referred to in Article 1 and the obligations specified in paragraphs 2, 3, and 4 of this Article, shall not apply to imports of pure-bred breeding animals originating in and coming from Iceland, Norway and Switzerland.

6. This Article shall not affect the application of Article 7, second paragraph, of Directive 77/504/EEC.

Article 3

1. The granting of the refund on female pure-bred breeding animals shall be subject to the presentation, in respect of each animal, at the time customs export formalities are completed, of the original and a copy of:

- (a) the pedigree certificate drawn up in accordance with Article 2(1) of Commission Decision 2005/379/EC ⁽⁴⁾ or any other document drawn up in accordance with paragraph 2 of that Article;
- (b) the health certificate for pure-bred breeding animals of the bovine species required by the third country of destination.

However, by way of derogation from point (b), Member States may authorise the presentation of a single certificate for a batch of animals.

2. The originals of both certificates referred to in paragraph 1 shall be returned to the exporter and the copies, certified as true copies by the customs authorities, shall be attached to the refund payment application.

⁽¹⁾ OJ L 210, 20.8.1996, p. 53.

⁽²⁾ OJ L 49, 19.2.2004, p. 11.

⁽³⁾ OJ L 204, 11.8.2000, p. 1.

⁽⁴⁾ OJ L 125, 18.5.2005, p. 15.

Article 4

1. Before release for free circulation of pure-bred breeding animals re-imported into the Community, any export refund granted must be repaid or the necessary measures taken by the competent authorities for such sums to be withheld if they have not already been paid.

2. If, at the time customs import formalities are completed for animals falling within CN code 0102 10, the pedigree certificate shows that the breeder is established in the Community, the importer must also give proof that no refund has been granted or that any refund granted has been repaid. If such proof cannot be provided, an export refund equal to the highest import duty applicable to animals of the bovine species falling within CN code 0102 90 on the day of re-importation into the Community shall be considered as having been paid.

Article 5

Regulation (EEC) No 2342/92 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Article 6

This Regulation shall enter into force on the 20th day following that 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, 14 February 2008.

For the Commission
The President
José Manuel BARROSO

ANNEX I

Repealed Regulation with a list of its successive amendments

Commission Regulation (EEC) No 2342/92
(OJ L 227, 11.8.1992, p. 12)

Commission Regulation (EEC) No 3224/92
(OJ L 320, 5.11.1992, p. 30)

Commission Regulation (EEC) No 3661/92
(OJ L 370, 19.12.1992, p. 16)

Article 9 only

Commission Regulation (EEC) No 286/93
(OJ L 34, 10.2.1993, p. 7)

Commission Regulation (EC) No 774/98
(OJ L 111, 9.4.1998, p. 65)

Commission Regulation (EC) No 1746/2005
(OJ L 280, 25.10.2005, p. 8)

ANNEX II

Correlation table

Regulation (EEC) No 2342/92	This Regulation
Article 1	Article 1
Article 2(1) to (4)	Article 2(1) to (4)
Article 2(5) introductory wording, first indent, second indent and final part	Article 2(5)
Article 2(6)	Article 2(6)
Article 3 first and second sub-paragraphs	Article 3(1)
Article 3 third sub-paragraph	Article 3(2)
Article 4	Article 4
Article 5	—
—	Article 5
Article 6	Article 6
—	Annex I
—	Annex II

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COUNCIL

COUNCIL DECISION

of 12 February 2008

establishing Statutes for the Euratom Supply Agency

(2008/114/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 54 second subparagraph thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) Title II, Chapter 6 of the Treaty provides for the creation of the Euratom Supply Agency (hereinafter referred to as the Agency), and sets up its tasks and obligations in guaranteeing a regular and equitable supply of nuclear materials to European Union users. The Statutes of the Agency were adopted on 6 November 1958 ⁽²⁾. Taking into account the increase in the number of the Member States as well as the need to apply modern financial provisions to the Agency and the need to fix its seat, these Statutes should be repealed and replaced.
- (2) The new Statutes should contain financial provisions that are in line 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 ⁽³⁾. At the same time the new Financial Regulation applicable to the Agency should be adopted in accordance to Article 183 of the Treaty. The capital of the Agency and the possibility, foreseen in the Treaty, to apply a charge on transactions, should be maintained.

- (3) The new Statutes of the Agency should be adapted to the situation of an enlarged European Union. In particular, the size of the Agency's Advisory Committee should be changed in order to improve its operation and efficiency,

HAS DECIDED AS FOLLOWS:

Article 1

The Statutes of the Euratom Supply Agency, as set out in the Annex, shall be adopted.

Article 2

The Statutes of the Euratom Supply Agency of 6 November 1958 shall be repealed.

Article 3

This Decision shall take effect on the 20th day following its publication in the *Official Journal of the European Union*.

Done at Brussels, 12 February 2008.

For the Council
The President
A. BAJUK

⁽¹⁾ Opinion of 13 November 2007 (not yet published in the Official Journal).

⁽²⁾ OJ L 27, 6.12.1958, p. 534.

⁽³⁾ OJ L 248, 16.9.2002, p. 1. Regulation as last amended by Regulation (EC) No 1525/2007 (OJ L 343, 27.12.2007, p. 9).

ANNEX

STATUTES OF THE EURATOM SUPPLY AGENCY

CHAPTER 1

INTERNAL STRUCTURE AND FUNCTIONING

Article 1

Objectives and tasks

1. The aim of the Euratom Supply Agency (hereinafter referred to as the Agency) shall be to perform the tasks entrusted to it by Title II, Chapter 6 of the Treaty, in accordance with the objectives of the Treaty.

To this end, the Agency shall, *inter alia*:

- provide the Community with expertise, information and advice on any subjects connected with the operation of the market in nuclear materials and services,
- play a market-monitoring role by monitoring and identifying market trends that could affect security of the European Union's supply of nuclear materials and services,
- seek the advice of, be supported by and act in close cooperation with the Advisory Committee established in accordance with Article 11 (hereinafter referred to as the Committee).

2. The Agency may also build up a stock of nuclear materials, in accordance with the Articles 62 and 72 of the Treaty.

Article 2

Legal status and seat

1. The Agency has legal personality according to Article 54 of the Treaty. The Agency shall carry on its activities exclusively in the general interest. It shall operate on a non-profit making basis.

2. The Protocol on the Privileges and Immunities of the European Communities shall apply to the Agency, its Director General and to its staff.

3. The Agency shall have its seat in Luxembourg.

4. It may on its own initiative take any further measures concerning its own internal organisation which may be required for the carrying out of its tasks both within and outside the Community.

5. In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings.

Article 3

Duties and powers of the Director General

1. The Director General shall be appointed by the Commission.
2. The Director General shall represent the Agency. He may delegate his powers to other persons. The rules for delegating his powers shall be fixed in internal Agency documents.
3. The Director General shall be responsible:
 - for ensuring performance of the Agency's tasks referred to in Article 1,
 - for exercising the Agency's exclusive right to conclude supply contracts for nuclear materials and its right of option,
 - for the day-to-day administration and management of all the Agency resources,
 - for keeping the Committee regularly informed and consulting it on any matters under the Committee's competence in accordance with Article 13(3),
 - for the preparation of the draft statement of estimates of the Agency's revenue and expenditure, and execution of its budget,
 - for conducting any study and producing any specific report deemed necessary in accordance with Article 1(1), in close cooperation with the Committee, and sending such studies and reports to the European Parliament, the Council and the Commission.

4. Each year the Director General shall submit to the European Parliament, the Council and the Commission a report covering the activities of the Agency in the previous year and a work programme for the coming year, after obtaining the opinion of the Committee.

Article 4

Director General and staff

1. The Director General and the staff of the Agency shall be or become officials of the European Communities governed by Staff Regulations of officials and the Conditions of employment of other servants of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council ⁽¹⁾ and by the rules adopted jointly by the institutions of the European Communities for the purposes of the application of those Staff Regulations. The officials shall be appointed by and their salaries shall be paid by the Commission.

⁽¹⁾ OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1558/2007 (OJ L 340, 22.12.2007, p. 1).

2. The Director General and the staff of the Agency shall have security clearance in accordance with Article 194 of the Treaty in respect of any facts, information, knowledge, documents or objects subject to a system of security grading which come into their possession or are communicated to them.

Article 5

Supervision by the Commission

1. The Agency shall be under the supervision of the Commission, which may issue directives to it and have a right of veto over its decisions.

2. The right of veto shall lapse after a period of 10 working days following a decision of the Agency, unless during that period reservation is made by the Commission or its representative. The Commission or its representative may waive the right to make such reservation before the expiry of that period.

3. Where reservation is made by the Commission or its representative within the period prescribed in paragraph 2, the Commission shall adopt a definitive position not more than ten working days from the date on which the reservation was made.

4. The provisions of this Article shall in no way prevent Article 53 of the Treaty from being applied.

5. Any act or failure to act of the Agency referred to in Article 53 of the Treaty may be referred to the Commission by the party concerned within fifteen working days of notification being received, or, failing such notification, within fifteen working days following publication. Failing notification and publication, the period shall run from the day on which the party concerned learns of the act.

CHAPTER 2

FINANCIAL PROVISIONS

Article 6

Financial organisation

1. The Agency shall have financial autonomy. It shall operate according to commercial rules in the area of competence of the Agency.

2. The Agency shall at all times be entitled to transfer the assets which it holds in euro into another currency in order to carry out financial or commercial operations which accord with its aims as defined by the Treaty and are consistent with these Statutes.

The Agency shall, as far as possible, avoid making such transfers if it has cash or liquid assets in the currency required.

The Agency may carry out financial operations in connection with meeting its objectives with funds which it does not immediately require for the purposes of meeting its obligations.

3. The Agency is empowered to contract, on behalf of the European Atomic Energy Community and within the limits fixed by the Council,

borrowings, the proceeds of which will be allocated for carrying out its tasks.

4. Obligations entered into by the Agency pursuant to these Statutes are guaranteed by the European Atomic Energy Community.

Article 7

Revenue and expenditure

1. Estimates of all the revenue and expenditure of the Agency shall be prepared for each financial year and shall be shown in the budget of the Agency. The financial year shall correspond to the calendar year.

2. The revenue and expenditure shown in the budget shall be in balance.

3. The Agency's revenue shall consist of a contribution from the Community, bank interest and income from its capital and bank investments, and, if necessary, a charge as foreseen in Article 54 of the Treaty and borrowings.

4. The expenditure of the Agency shall consist of administrative expenses of its staff and of the Committee, as well as expenses resulting from contracts entered into with third parties.

5. Each year the Director General shall produce an estimate of revenue and expenditure for the Agency for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded to the Commission by 31 March after obtaining the opinion of the Committee.

6. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget.

7. In the framework of the budgetary procedure, the budget authority shall authorise the appropriations for the subsidy to the Agency and shall adopt the establishment plan for the Agency, which shall appear separately in the establishment plan of the Commission.

8. The budget shall be adopted by the Commission. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly. The Agency's budget shall be published on its website.

9. Any modification of the establishment plan and of the budget of the Agency shall be the subject of an amending budget adopted by the same procedure as the initial budget. Modifications of the establishment plan are submitted to the budget authority. The amending budgets are forwarded for information to the European Parliament and the Council.

Article 8

Budget execution, financial control and financial rules

1. The Director General shall implement the budget of the Agency.

2. Following each financial year the Agency's accounting officer shall submit the Agency's provisional accounts:

- (a) by 1 March to the Accountant of the Commission, for consolidation purposes, and
- (b) by 31 March following each financial year to the Court of Auditors.

3. On receipt of the Court of Auditors' observations on the Agency's provisional accounts, the Director General shall draw up the Agency's final accounts under his own responsibility and submit them to the Committee for an opinion.

4. The Committee shall deliver an opinion on the Agency's final accounts.

5. The Director General shall, by 1 July following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Committee's opinion.

6. The final accounts shall be published on the Agency's website.

7. The Director General shall send the Court of Auditors a reply to its observations by 30 September.

8. The Director General shall submit to the European Parliament, at the latter's request, any information necessary for the smooth application of the discharge procedure for the financial year in question.

9. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Director General in respect of the implementation of the budget for year N.

10. When needed, a specific financial regulation applicable to the Agency shall be adopted in accordance to Article 183 of the Treaty.

Article 9

Capital

- 1. The capital of the Agency shall be EUR 5 824 000.
- 2. The capital shall be subscribed as follows:

Belgium	EUR	192 000
Bulgaria	EUR	96 000
Czech Republic	EUR	192 000
Denmark	EUR	96 000
Germany	EUR	672 000
Estonia	EUR	32 000
Ireland	EUR	32 000

Greece	EUR	192 000
Spain	EUR	416 000
France	EUR	672 000
Italy	EUR	672 000
Cyprus	EUR	32 000
Latvia	EUR	32 000
Lithuania	EUR	32 000
Luxembourg	EUR	—
Hungary	EUR	192 000
Malta	EUR	—
Netherlands	EUR	192 000
Austria	EUR	96 000
Poland	EUR	416 000
Portugal	EUR	192 000
Romania	EUR	288 000
Slovenia	EUR	32 000
Slovakia	EUR	96 000
Finland	EUR	96 000
Sweden	EUR	192 000
United Kingdom	EUR	672 000

3. An instalment of 10 % of the capital shall be paid at the time of a Member State's accession to the Community. In addition, further instalments of the capital may be called up by decision of the Council acting by a qualified majority on a proposal from the Commission. The amount of the instalment called up shall be paid to the Agency within thirty days following that decision.

4. Participation in the capital shall not confer any entitlement to dividend or interest. It shall carry the right to repayment of the nominal amount of the instalments of the paid up capital in the sole event of the Agency being wound up.

- 5. All payments shall be made in euro.

Article 10

Charges

The Agency may, in accordance with Article 54 of the Treaty, levy a charge on transactions in which the Agency takes part by exercising its right of option or its exclusive right to conclude supply contracts. The proceeds of such a charge shall be used solely to defray its operating expenses.

The provisions concerning this charge shall be detailed in an implementing decision. The rate of charge and the methods whereby it is to be assessed and collected shall, after consultation with the Council, be fixed by the Commission acting on a proposal from the Director General, who shall obtain beforehand the opinion of the Committee.

CHAPTER 3

ADVISORY COMMITTEE

Article 11

Composition of the Committee

1. The Committee shall be composed of members from the Member States as set out in the table below. However a Member State may choose not to participate in it. If a member resigns or is unable to perform his/her duties, a successor shall be appointed for the remainder of the term of office.

Belgium	2 members
Bulgaria	2 members
Czech Republic	2 members
Denmark	1 member
Germany	4 members
Estonia	1 member
Ireland	1 member
Greece	2 members
Spain	3 members
France	4 members
Italy	4 members
Cyprus	1 member
Latvia	1 member
Lithuania	2 members
Luxembourg	—
Hungary	2 members
Malta	—
Netherlands	2 members
Austria	2 members
Poland	3 members
Portugal	2 members
Romania	3 members
Slovenia	2 members
Slovakia	2 members
Finland	2 members
Sweden	2 members
United Kingdom	4 members.

2. As well as taking into account Member States' participation in the Agency's capital, the allocation of places on the Committee should reflect Member States' relevant experience, expertise and/or activities in fields such as trade in nuclear materials and services of the nuclear fuel cycle or nuclear power generation.

3. Committee members shall be appointed by their respective Member States on the basis of their degree of relevant experience and expertise in the fields of trade in nuclear materials and services of the nuclear fuel cycle or nuclear power generation or in regulatory matters related to nuclear trade. The duration of the term of office shall be three years. The term of office may be renewed.

Article 12

Chairmanship of the Committee

1. The Committee shall nominate a Chairperson and two Vice-Chairpersons from the members of the Committee. These executive officers shall represent the experience of the Committee and different sides of the industry, both producers and users. The most senior of the two Vice-Chairpersons takes the place of the Chairperson if he/she is unable to fulfil his/her duties.

2. The terms of office of the Chairperson and the Vice-Chairpersons shall be three years. Their term of office may be renewed once, and the chairmanship should alternate among the members of the Committee, representing their different experience from the industry and the administration. The mandate of the Chairperson or any Vice-Chairperson shall automatically terminate, if his/her term of office as member of the Committee expires without renewal.

Article 13

Terms of reference of the Committee

1. The Committee shall assist the Agency in carrying out its tasks by giving opinions and providing analyses and information. That assistance shall also extend to the preparation of the reports, surveys and analyses that may have to be prepared pursuant to Article 1(1) under the responsibility of the Director General as referred to in Article 3(3). It shall act as a link between the Agency and both producers and users in the nuclear industry.

2. The Committee may be consulted upon all matters within the competence of the Agency in verbal form at its meetings or written form in between such meetings. The Committee may also issue opinions upon any such matters on the initiative of at least one third of its members.

3. The Committee shall be consulted and convened before any decision is taken by the Director General concerning the following matters:

- (a) the rules to be followed for balancing supply and demand (Article 60, sixth subparagraph of the Treaty);
- (b) the capital of the Agency; its increase or decrease or further capital subscription (Article 54, fourth subparagraph of the Treaty);
- (c) the borrowings referred to in Article 6;
- (d) the application of a charge on transactions, designed to defray the operating expenses of the Agency (Article 54, fifth subparagraph of the Treaty);
- (e) the conditions applicable to the building up and withdrawal of commercial stocks by the Agency (Article 72, first subparagraph of the Treaty);
- (f) the financial matters mentioned in Article 8, including the financial regulation for the Agency and the preparation of the Agency's special account as provided for in Article 171(2) of the Treaty;

- (g) the annual report, including market analysis and work programme for the following year;
- (h) the criteria establishing practices prohibited by Article 68 of the Treaty;
- (i) the dissolution of the Agency.

4. The Director General may, if necessary, fix a time limit for the Committee to submit its opinion. This time limit shall not be less than a month from the date on which the communication for this purpose is sent to the members of the Committee.

5. If the opinion of the Committee cannot be obtained within this period, the Director General may take the decision.

6. The decisions which are within the competence of the Director General and relate to matters specified in this Article shall not be taken before ten working days have elapsed since the opinion of the Committee was given, if those decisions are at variance with that opinion.

7. The Committee shall adopt its rules of procedure for all matters that are not provided for by the present Statutes.

Article 14

Meetings of the Committee

1. The Committee shall be convened:
 - (a) when considered necessary by the executive officers and normally twice every year;
 - (b) at the request of the Director General, in particular whenever consultation of the Committee is compulsory pursuant to Article 13(3), and;

- (c) at the request in writing of not less than one third of the members of the Committee, specifying the items to be placed on the agenda.

The agenda shall be prepared by the Agency in cooperation with the Chairperson for approval by the Committee.

The Agency shall send documents relating to the agenda to all the Committee members at least fifteen working days before the date of the meeting.

2. Meetings of the Committee require a quorum of the majority of its members. Opinions may be given if approved by a majority of the members present or represented.

3. Each member of the Committee shall have one vote. If a member is unable to attend, the member may designate in writing any other member to vote on his/her behalf.

4. The Director General or a person designated to represent him/her shall attend meetings of the Committee but shall not have the right to vote. Other persons who are not staff of the Agency may participate in the meeting only with the consent of all members present and subject to the obligation under paragraph 5.

5. The members of the Committee shall be bound to secrecy in accordance with Article 194 of the Treaty in respect of all facts, information, knowledge or documents subject to a security grading which come into their possession or are communicated to them in their capacity as members of the Committee.

6. The Director General shall provide the Committee with an appropriate secretariat, whose appointment shall be subject to the Commission's approval. The secretariat shall keep the minutes of meetings of the Committee, any subcommittees and the executive officers. The Committee's operating expenses shall be borne by the Agency.

7. Travel expenses of one Committee member from each Member State shall be reimbursed by the Agency.

RECOMMENDATIONS

COUNCIL

COUNCIL RECOMMENDATION

of 12 February 2008

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (Sixth EDF) for the financial year 2006

(2008/115/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Third ACP-EEC Convention, signed at Lomé on 8 December 1984 ⁽¹⁾,Having regard to Internal Agreement 86/126/EEC on the financing and administration of Community aid ⁽²⁾, and in particular Article 29(3) thereof,Having regard to the Financial Regulation 86/548/EEC of 11 November 1986 applicable to the Sixth European Development Fund (Sixth EDF) ⁽³⁾, and in particular Articles 66 to 73 thereof,Having examined the revenue and expenditure account and the balance sheet relating to the Sixth EDF as at 31 December 2006 and the Court of Auditors' report concerning the financial year 2006 together with the Commission's replies ⁽⁴⁾,

Whereas:

- (1) Pursuant to Article 29(3) of the Internal Agreement, the discharge for the financial management of the Sixth EDF is to be given to the Commission by the European Parliament on the recommendation of the Council.
- (2) The overall implementation by the Commission of the operations of the Sixth EDF during the financial year 2006 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the Sixth EDF for the financial year 2006.

Done at Brussels, 12 February 2008.

For the Council
The President
A. BAJUK

⁽¹⁾ OJ L 86, 31.3.1986, p. 3.

⁽²⁾ OJ L 86, 31.3.1986, p. 210. Agreement as amended by Decision 86/281/EEC (OJ L 178, 2.7.1986, p. 13).

⁽³⁾ OJ L 325, 20.11.1986, p. 42.

⁽⁴⁾ OJ C 259, 31.10.2007, p. 1.

COUNCIL RECOMMENDATION**of 12 February 2008****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 2006**

(2008/116/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

Having regard to the Treaty establishing the European Community,

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

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

Having regard to the Financial Regulation 91/491/EEC of 29 July 1991 applicable to development finance cooperation under the Fourth ACP-EEC Convention⁽⁴⁾, and in particular Articles 69 to 77 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the Seventh EDF as at 31 December 2006 and the Court of Auditors' report concerning the financial year 2006 together with the Commission's replies⁽⁵⁾,

(1) Pursuant to Article 33(3) of the Internal Agreement, the discharge for the financial management of the Seventh EDF is to be given to the Commission by the European Parliament on the recommendation of the Council.

(2) The overall implementation by the Commission of the operations of the Seventh EDF during the financial year 2006 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the Seventh EDF for the financial year 2006.

Done at Brussels, 12 February 2008.

For the Council
The President
A. BAJUK

⁽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 259, 31.10.2007, p. 1.

COUNCIL RECOMMENDATION**of 12 February 2008****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 2006**

(2008/117/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

Having regard to the Internal Agreement on the financing and administration of the Community aid under the Second Financial Protocol to the fourth ACP-EC Convention ⁽³⁾ setting up, amongst others, the Eighth European Development Fund (Eighth EDF), and in particular Article 33(3) thereof,

Having regard to the Financial Regulation 98/430/EC 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 2006, and the Court of Auditors' report concerning the financial year 2006 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 2006 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 2006.

Done at Brussels, 12 February 2008.

For the Council
The President
A. BAJUK

⁽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 259, 31.10.2007, p. 1.

COUNCIL RECOMMENDATION**of 12 February 2008****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 2006**

(2008/118/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

Having regard to the Internal Agreement on the financing and administration of Community aid under the Financial Protocol to ACP-EC Partnership Agreement ⁽³⁾ 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 9th 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 2006 and the Court of Auditors' report concerning the financial year 2006 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 2006 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 2006.

Done at Brussels, 12 February 2008.

For the Council
The President
A. BAJUK

⁽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 259, 31.10.2007, p. 1.