

COMMISSION DECISION

of 5 October 2009

repealing Directive 2009/124/EC amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels for arsenic, theobromine, *Datura sp.*, *Ricinus communis L.*, *Croton tiglium L.* and *Abrus precatorius L.*

(notified under document C(2009) 7705)

(Text with EEA relevance)

(2009/738/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽¹⁾, and in particular Article 5a thereof,

Having regard to Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed⁽²⁾, and in particular Article 11(3) thereof,

Whereas:

- (1) Article 8 of Directive 2002/32/EC provides that measures adapting Annex I to that Directive are designed to amend non-essential elements of that Directive and are therefore to be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3) thereof.
- (2) Article 5a of Decision 1999/468/EC provides that the draft measures are to be submitted for scrutiny by the European Parliament and the Council and that the period for scrutiny is to be 3 months from the date of referral to them.
- (3) The draft Commission Directive amending Annex I to Directive 2002/32/EC of the European Parliament and

of the Council as regards maximum levels for arsenic, theobromine, *Datura sp.*, *Ricinus communis L.*, *Croton tiglium L.* and *Abrus precatorius L.* was referred to the European Parliament and the Council on 28 July 2009.

- (4) Commission Directive 2009/124/EC of 25 September 2009 amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels for arsenic, theobromine, *Datura sp.*, *Ricinus communis L.*, *Croton tiglium L.* and *Abrus precatorius L.*⁽³⁾ was erroneously adopted before the expiry of the scrutiny period.
- (5) It is therefore appropriate to repeal Directive 2009/124/EC without delay,

HAS ADOPTED THIS DECISION:

Article 1

Directive 2009/124/EC is repealed.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 5 October 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 140, 30.5.2002, p. 10.

⁽³⁾ OJ L 254, 26.9.2009, p. 100.