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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1818/2005**  
**of 8 November 2005**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 9 November 2005.

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

Done at Brussels, 8 November 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

## ANNEX

**to Commission Regulation of 8 November 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables**

<i>(EUR/100 kg)</i>		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	64,3
	096	25,4
	204	55,1
	999	48,3
0707 00 05	052	97,1
	204	23,8
	999	60,5
0709 90 70	052	111,0
	204	56,8
	999	83,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	68,7
	624	88,6
	999	78,7
0805 50 10	052	72,0
	388	79,4
	528	60,8
	999	70,7
0806 10 10	052	106,2
	400	240,3
	508	246,9
	624	175,2
	720	95,6
	999	172,8
0808 10 80	052	93,3
	096	15,6
	388	97,7
	400	106,0
	404	103,5
	512	71,0
	720	26,7
	800	146,5
	804	82,0
	999	82,5
0808 20 50	052	99,5
	720	48,4
	999	74,0

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12). Code '999' stands for 'of other origin'.

## COMMISSION REGULATION (EC) No 1819/2005

of 8 November 2005

**adopting a plan allocating resources to the Member States to be charged against 2006 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organisations for distribution to the most deprived persons in the Community <sup>(1)</sup> and in particular Article 6 thereof,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(2)</sup>, and in particular Article 3(2) thereof,

Whereas:

- (1) In accordance with Article 2 of Commission Regulation (EEC) No 3149/92 of 29 October 1992 laying down detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community <sup>(3)</sup>, the Commission has to adopt a distribution plan to be financed from resources available in the 2006 budget year. The plan should lay down in particular, for each of the Member States applying the measure, the maximum financial resources available to carry out its part of the plan, and the quantity of each type of product to be withdrawn from the stocks held by the intervention agencies.
- (2) The Member States involved in the plan for 2006 have supplied the information required in accordance with Article 1 of Regulation (EEC) No 3149/92.
- (3) For the purposes of resource allocation, account must be taken of experience and of the degree to which the Member States have used the resources allocated to them in previous years.
- (4) Article 2(3)(1)(c) of Regulation (EEC) No 3149/92 provides for the making of grants for the purchase on the market of products temporarily unavailable in intervention stocks. Since stocks of skimmed-milk powder

currently held by intervention agencies are very low and arrangements have already been made for their sale on the market, it is necessary to fix the grant in order to allow skimmed-milk powder required for the 2006 plan to be purchased on the market. Furthermore, specific provisions need to be introduced to ensure that the supply contract is properly carried out.

- (5) Article 7(1) of Regulation (EEC) No 3149/92 provides for the transfer between Member States of products unavailable in intervention stocks of the Member State where such products are required for the implementation of an annual plan. The intra-Community transfers necessary to carry through the 2006 plan should therefore be authorised subject to the conditions provided for in Article 7 of Regulation (EEC) No 3149/92.
- (6) To implement the plan, the operative event within the meaning of Article 3 of Regulation (EC) No 2799/98 should be the date on which the financial year for administration of stocks in public storage starts.
- (7) In accordance with Article 2(2) of Regulation (EEC) No 3149/92 the Commission has consulted the major organisations familiar with the problems of the most deprived persons in the Community when drawing up the plan.
- (8) The measures provided for in this Regulation are in accordance with the opinions of all the relevant management committees,

HAS ADOPTED THIS REGULATION:

*Article 1*

For 2006, the distribution of foodstuffs for the benefit of the most deprived persons in the Community under Regulation (EEC) No 3730/87 shall be supplied in accordance with the distribution plan set out in Annex I to this Regulation.

*Article 2*

1. The grants to Member States for the purchase on the market of skimmed-milk powder required for the plan referred to in Article 1 are fixed in Annex II.

<sup>(1)</sup> OJ L 352, 15.12.1987, p. 1. Regulation as amended by Regulation (EC) No 2535/95 (OJ L 260, 31.10.1995, p. 3).

<sup>(2)</sup> OJ L 349, 24.12.1998, p. 1.

<sup>(3)</sup> OJ L 313, 30.10.1992, p. 50. Regulation as last amended by Regulation (EC) No 1608/2005 (OJ L 256, 30.9.2005, p. 13).

2. The award to the successful tenderer of the contract for the supply of the skimmed-milk powder referred to in paragraph 1 is subject to the provision by the tenderer of a security equivalent to the offer price, made out in the name of the intervention agency.

*Article 3*

The intra-Community transfer of products listed in Annex III to this Regulation are hereby authorised subject to the conditions provided for in Article 7 of Regulation (EEC) No 3149/92.

*Article 4*

In order to implement the plan referred to in Article 1 of this Regulation, the date of the operative event referred to in Article 3 of Regulation (EC) No 2799/98 shall be 1 October 2005.

*Article 5*

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, 8 November 2005.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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## ANNEX I

## Annual distribution plan for 2006

(a) Financial resources made available to implement the plan in each Member State:

(in euro)

Member State	Allocation
Belgium	3 064 940
Greece	7 127 822
Spain	53 793 470
France	48 059 949
Ireland	355 874
Italy	73 538 420
Latvia	2 096 236
Lithuania	2 489 508
Luxembourg	34 959
Hungary	6 764 115
Malta	401 030
Poland	43 408 602
Portugal	13 306 532
Slovenia	1 334 827
Finland	3 637 860
Total	259 414 143

(b) Quantity of each type of product to be withdrawn from Community intervention stocks for distribution in each Member State subject to the maximum amounts laid down in (a):

(tonnes)

Member State	Cereals	Rice (paddy rice)	Butter	Sugar
Belgium	12 121	2 800	450	
Greece		15 000		
Spain	73 726	28 000	13 560	2 000
France	75 851	55 000	10 564	
Ireland			120	
Italy	115 253	20 000	6 833	3 500
Latvia	19 706			
Lithuania	16 000	5 000		
Hungary	63 587			
Malta	1 877	600		
Poland	85 608	20 000	7 230	4 847
Portugal	17 287	14 000	2 743	1 700
Slovenia	1 262	600		300
Finland	18 500			500
Total	500 778	161 000	41 500	12 847

## ANNEX II

Grants to Member States for purchase of skimmed-milk powder on the Community market subject to the maximum amounts laid down in Annex I(a):

Member State	Euros
Greece	4 538 402
Italy	33 849 510
Luxembourg	33 295
Malta	101 734
Poland	6 185 397
Slovenia	863 810
Finland	1 274 443
Total	46 846 591



## ANNEX III

**Intra-Community transfers authorised under the plan for 2006**

Product	Quantity (tonnes)	Holder	Consignee
1. Cereals	73 726	Ministry of Agriculture, France	FEGA, Spain
2. Cereals	115 253	Ministry of Agriculture, France	AGEA, Italy
3. Cereals	17 287	Ministry of Agriculture, France	INGA, Portugal
4. Cereals	1 262	MVH, Hungary	AAMRD, Slovenia
5. Cereals	1 877	Ministry of Agriculture, France	National Research and Development Centre, Malta
6. Rice	5 000	Ministry of Agriculture, Greece	Agricultural and Food Products Market Regulation Agency, Lithuania
7. Rice	20 000	Ministry of Agriculture, Greece	ARR, Poland
8. Rice	14 000	FEGA, Spain	INGA, Portugal
9. Rice	2 800	Ente Risi, Italy	BIRB, Belgium
10. Rice	38 396	Ente Risi, Italy	Ministry of Agriculture, France
11. Rice	600	Ente Risi, Italy	National Research and Development Centre, Malta
12. Rice	600	Ente Risi, Italy	AAMRD, Slovenia
13. Sugar	1 700	FEGA Spain	INGA, Portugal
14. Sugar	500	ARR, Poland	Ministry of Agriculture, Finland
15. Sugar	300	AGEA, Italy	AAMRD, Slovenia
16. Butter	450	Department of Agriculture and Food, Ireland	BIRB, Belgium
17. Butter	8 997	Department of Agriculture and Food, Ireland	Ministry of Agriculture, France
18. Butter	6 164	Department of Agriculture and Food, Ireland	ARR, Poland
19. Butter	631	FEGA, Spain	AGEA, Italy

**COMMISSION REGULATION (EC) No 1820/2005****of 8 November 2005****amending Regulation (EC) No 1623/2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(1)</sup>, and in particular Article 33 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1623/2000 <sup>(2)</sup> provides for a system of disposal of wine alcohol by invitation to tender for use as bio-ethanol in the fuel sector in the Community. In order to enable the highest selling price to be obtained for such alcohol, the conditions for competition on the wine alcohol market should be improved.
- (2) To that end, firstly, an increase in the number of tenderers should be encouraged by simplifying the approval procedure. Secondly, where applicable, those undertakings should have the possibility of freely choosing on the market the clients to whom they will sell on the processed alcohol for its final use.
- (3) To that end, tenderers should not be required, on presentation of their tenders, to indicate the destination and the final purchasers of the alcohol, provided that final use takes place in the form of bio-ethanol in the fuel sector in the Community.
- (4) In order to better ensure that the planned final use of the alcohol is complied with, the amount of the performance guarantee should be increased.
- (5) The conditions for the participation of undertakings in invitations to tender as regards the date of their approval should be set out in greater detail.
- (6) The exchange of information between the intervention agencies, the Member States and the Commission should be made more transparent and efficient.

(7) Regulation (EC) No 1623/2000 should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1623/2000 is amended as follows:

1. Article 92 is amended as follows:

(a) paragraph 2 is amended as follows:

(i) point (c) is replaced by the following:

‘(c) the place of establishment and a copy of the plans of the plant where the alcohol is processed into absolute alcohol, and an indication of the annual processing capacity;’

(ii) point (e) is replaced by the following:

‘(e) an assurance by the undertaking that all final purchasers of the alcohol will only use it for the production of fuel in the Community in the form of bio-ethanol;’

(b) paragraph 5 is replaced by the following:

‘5. Member States shall inform the Commission without delay of any new approval or withdrawal of approval, indicating the exact date of the decision.’

2. Article 94(1) and (2) is replaced by the following:

‘1. Tenders must come from undertakings approved at the date of publication of the notice of invitation to tender.

2. Tenderers may submit only one tender for each lot to be awarded. If a tenderer submits more than one tender for each lot, none of those tenders shall be admissible.’

3. Article 94a(c) is deleted.

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1. Regulation last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

<sup>(2)</sup> OJ L 194, 31.7.2000, p. 45. Regulation last amended by Regulation (EC) No 1219/2005 (OJ L 199, 29.7.2005, p. 45).

4. Article 94b(3) is replaced by the following:

'3. The Commission shall notify the decisions taken under this Article to those Member States and intervention agencies holding alcohol to which tenders have been submitted.'

5. Article 94c is replaced by the following:

'Article 94c

**Statement of award and notification to the Commission**

1. The intervention agency shall inform tenderers in writing, without delay against a receipt, of the decision taken on their tenders.

2. Within five working days of receipt of the notification referred to in Article 94b(3), the intervention agency shall inform the Commission of the name and address of the tenderer for each tender submitted.

3. Within two weeks of the date of receipt of the information notice referred to in paragraph 1, the intervention agency shall issue each successful tenderer with a statement of award certifying that their tender has been accepted.

4. Within two weeks of the date of receipt of the information notice referred to in paragraph 1, each successful tenderer shall provide proof that they have lodged with the intervention agency concerned a performance guarantee of EUR 40 per hectolitre of alcohol at 100 % vol. to ensure that all the alcohol awarded is used in accordance with the purpose stated in Article 92(1).'

*Article 2*

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

It shall apply from 1 January 2006.

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

Done at Brussels, 8 November 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 1821/2005**  
**of 8 November 2005**  
**amending Regulation (EC) No 1653/2004 as regards the posts of accounting officers of executive agencies**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes <sup>(1)</sup>, and in particular Article 15 thereof,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Council,

Having regard to the opinion of the Court of Auditors,

Whereas:

- (1) Article 30 of the Commission Regulation (EC) No 1653/2004 of 21 September 2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes <sup>(2)</sup> provides that the management board of an executive agency shall appoint an accounting officer of the executive agency, who is an official subject to the Staff Regulations.
- (2) The responsibilities of the accounting officer of an executive agency, which are set out in that Article 30, are limited to the administrative budget of the executive agency, whereas the accounting officer of the Commission is responsible for all tasks relating to the operational budget implemented by executive agencies.

(3) The Commission has encountered problems in finding appropriate candidates for the post of accounting officer of an executive agency to be seconded to this body.

(4) The function of an accounting officer of an executive agency could be entrusted to temporary staff within the meaning of Article 2(a) of the Conditions of Employment of Other Servants of the European Communities, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 <sup>(3)</sup>.

(5) Therefore, Regulation (EC) No 1653/2004 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 30 of Regulation (EC) No 1653/2004, the introductory phrase of the first paragraph is replaced by the following:

‘The management board shall appoint an accounting officer, who shall be a seconded official or a member of the temporary staff directly recruited by the agency and who shall be responsible for.’.

*Article 2*

This Regulation shall enter into force on the third 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, 8 November 2005.

*For the Commission*

Dalia GRYBAUSKAITĖ

*Member of the Commission*

<sup>(1)</sup> OJ L 11, 16.1.2003, p. 1.

<sup>(2)</sup> OJ L 297, 22.9.2004, p. 6.

<sup>(3)</sup> OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 723/2004 (OJ L 124, 27.4.2004, p. 1).

**COMMISSION REGULATION (EC) No 1822/2005**  
**of 8 November 2005**  
**amending Regulation (EC) No 466/2001 as regards nitrate in certain vegetables**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food <sup>(1)</sup>, and in particular Article 2(3) thereof,

After consulting the Scientific Committee on Food,

Whereas:

(1) Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs <sup>(2)</sup>, as amended by Regulation (EC) No 563/2002 <sup>(3)</sup>, makes provision in particular for specific measures concerning nitrate levels in lettuce and spinach and lays down transitional periods during which lettuce and spinach containing nitrate in excess of the maximum level can be marketed within national territory.

(2) Despite developments in the application of good agricultural practice, monitoring data from Member States indicate ongoing problems in complying with the maximum levels of nitrate for lettuce and spinach.

(3) Many of the failures to comply with the maximum levels for nitrate in fresh spinach occur in the month of October. The summer period for spinach currently includes October, whereas for lettuce October is in the winter period. For consistency, October should be included in the winter period for fresh spinach.

(4) In regions where there are difficulties to keep nitrate below the maximum levels for fresh lettuce and fresh spinach, for example when associated with less daily sunlight, certain Member States have requested derogations and provided sufficient information to demonstrate that investigations are underway to help reduce levels in the future.

(5) Pending further developments in the application of good agricultural practice, it is appropriate to authorise those Member States for a limited period to allow fresh lettuce

and fresh spinach containing nitrate above the maximum levels to continue to be marketed, but solely within their national territory and for national consumption.

(6) Nitrate is present in other vegetables, sometimes at high levels. To inform future discussions on a longer-term strategy for managing the risk from nitrate in vegetables, Member States should monitor nitrate levels in vegetables and aim to reduce levels where feasible, in particular by applying improved codes of good agricultural practice. An updated scientific risk assessment from the European Food Safety Authority would help to clarify the risks posed by nitrate in vegetables. The maximum levels laid down in Regulation (EC) No 466/2001 would be reviewed taking into account information from the above activities.

(7) Regulation (EC) No 466/2001 should be amended accordingly.

(8) 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 466/2001 is amended as follows:

1. Article 3 is deleted;

2. the following Article 3a is inserted:

*'Article 3a*

Member States shall monitor nitrate levels in vegetables containing significant levels, in particular green leafy vegetables, and communicate the results to the Commission by 30 June each year.;

3. the following Article 3b is inserted:

*'Article 3b*

1. By way of derogation from Article 1(1), Belgium, Ireland, the Netherlands and the United Kingdom are authorised until 31 December 2008 to place on the market fresh spinach grown and intended for consumption in their territory with nitrate levels higher than the maximum levels set out in point 1.1 of Annex I.

<sup>(1)</sup> OJ L 37, 13.2.1993, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

<sup>(2)</sup> OJ L 77, 16.3.2001, p. 1. Regulation as last amended by Regulation (EC) No 856/2005 (OJ L 143, 7.6.2005, p. 3).

<sup>(3)</sup> OJ L 86, 3.4.2002, p. 5.

2. By way of derogation from Article 1(1), Ireland and the United Kingdom are authorised until 31 December 2008 to place on the market fresh lettuce grown and intended for consumption in their territory and harvested throughout the year with nitrate levels higher than the maximum levels set out in point 1.3 of Annex I.

By way of derogation from Article 1(1), France is authorised until 31 December 2008 to place on the market fresh lettuce grown and intended for consumption in its territory and harvested from 1 October to 31 March with nitrate levels

higher than the maximum levels set out in point 1.3 of Annex I;

4. Section 1 of Annex I to Regulation (EC) No 466/2001 is replaced by the table as laid down in the Annex to this Regulation.

#### *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, 8 November 2005.

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*

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## ANNEX

Section 1 of Annex I to Regulation (EC) No 466/2001 shall be replaced by the following:

**'Section 1: Nitrate**

Product	Maximum level (mg NO <sub>3</sub> /kg)		Sampling method	Reference analysis method
1.1. Fresh spinach <sup>(1)</sup> ( <i>Spinacia oleracea</i> )	Harvested 1 October to 31 March	3 000	Commission Directive 2002/63/EC <sup>(2)</sup>	
	Harvested 1 April to 30 September	2 500		
1.2. Preserved, deep-frozen or frozen spinach		2 000	Directive 2002/63/EC	
1.3. Fresh lettuce ( <i>Lactuca sativa</i> L.) (protected and open-grown lettuce) excluding lettuce listed in point 1.4.	Harvested 1 October to 31 March:		Directive 2002/63/EC. However, the minimum number of units per laboratory sample is 10	
	lettuce grown under cover	4 500 <sup>(3)</sup>		
	lettuce grown in the open air	4 000 <sup>(3)</sup>		
	Harvested 1 April to 30 September:			
lettuce grown under cover	3 500 <sup>(3)</sup>			
lettuce grown in the open air	2 500 <sup>(3)</sup>			
1.4. "Iceberg" type lettuces <sup>(4)</sup>	Lettuce grown under cover	2 500 <sup>(3)</sup>	Directive 2002/63/EC. However, the minimum number of units per laboratory sample is 10	
	Lettuce grown in the open air	2 000 <sup>(3)</sup>		
1.5. Baby foods and processed cereal-based foods for infants and young children <sup>(5)</sup> <sup>(6)</sup>		200	Directive 2002/63/EC (provisions as foreseen for processed foods of plant origin and for processed foods of animal origin)	

<sup>(1)</sup> The maximum levels for fresh spinach do not apply for fresh spinach to be subjected to processing and which is directly transported in bulk from field to processing plant.

<sup>(2)</sup> OJ L 187, 16.7.2002, p. 30.

<sup>(3)</sup> In the absence of appropriate labelling, indicating the production method, the level established for open grown lettuce applies.

<sup>(4)</sup> Described in Commission Regulation (EC) 1543/2001 of 27 July 2001 laying down the marketing standard for lettuces and curled-leaved and broad-leaved (Batavian) endives (OJ L 203, 28.7.2001, p. 9).

<sup>(5)</sup> Baby foods and processed cereal-based foods for infants and young children as defined in Article 1 of Commission Directive 96/5/EC, Euratom of 16 February 1996 on processed cereal-based foods and baby foods for infants and young children (OJ L 49, 28.2.1996, p. 17). The maximum levels shall apply to the products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers.

<sup>(6)</sup> The Commission shall review the maximum levels for nitrate in foods for infants and young children by 1 April 2006 taking into account the progress in scientific and technological knowledge.'

## COMMISSION DIRECTIVE 2005/76/EC

of 8 November 2005

## amending Council Directives 90/642/EEC and 86/362/EEC as regards the maximum residue levels of kresoxim-methyl, cyromazine, bifenthrin, metalaxyl and azoxystrobin fixed therein

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals <sup>(1)</sup>, and in particular Article 10 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables <sup>(2)</sup>, and in particular Article 7 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(3)</sup>, and in particular Article 4(1)(f) thereof,

Whereas:

- (1) In accordance with Directive 91/414/EEC, authorisations of plant protection products for use on specific crops are the responsibility of the Member States. Such authorisations have to be based on the evaluation of effects on human and animal health and influence on the environment. Elements to be taken into account in such evaluations include operator and bystander exposure and impact on the terrestrial, aquatic and aerial environments, as well as impact on humans and animals through consumption of residues on treated crops.
- (2) Maximum residue levels (MRLs) reflect the use of minimum quantities of pesticides to achieve effective protection of plants, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable, in particular in terms of estimated dietary intake.
- (3) MRLs for pesticides should be kept under review. They may be changed to take account of new uses, new information and data.

(4) MRLs are fixed at the lower limit of analytical determination where authorised uses of plant protection products do not result in detectable levels of pesticide residues in or on the food product, or where there are no authorised uses, or where uses which have been authorised by Member States have not been supported by the necessary data, or where uses in third countries resulting in residues in or on food products which may enter into circulation in the Community market have not been supported with such necessary data.

(5) Information on new or changed uses of certain pesticides covered by Directive 90/642/EEC and Directive 86/362/EEC has been notified to the Commission. This concerns kresoxim-methyl, cyromazine, bifenthrin, metalaxyl and azoxystrobin.

(6) The lifetime exposure of consumers to these pesticides via food products that may contain residues of these pesticides, has been assessed and evaluated in accordance with the procedures and practices used within the Community, taking account of guidelines published by the World Health Organisation <sup>(4)</sup>. It has been calculated that the MRLs concerned will ensure that the acceptable daily intake is not exceeded.

(7) An assessment of the available information has shown that no ARfD is required and that therefore a short term assessment is not needed.

(8) Therefore it is appropriate to fix new maximum levels for residues of those pesticides.

(9) The setting or modification at Community level of provisional MRLs does not prevent the Member States from establishing provisional MRLs for metalaxyl in accordance with Article 4(1)(f) of Directive 91/414/EEC and Annex VI thereto. It is considered that a period of four years is sufficient to permit further uses of metalaxyl or metalaxyl-M. The provisional Community MRL should then become definitive.

<sup>(1)</sup> OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2005/48/EC (OJ L 219, 24.8.2005, p. 29).

<sup>(2)</sup> OJ L 350, 14.12.1990, p. 71. Directive as last amended by Directive 2005/48/EC.

<sup>(3)</sup> OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2005/34/EC (OJ L 125, 18.5.2005, p. 5).

<sup>(4)</sup> Guidelines for predicting dietary intake of pesticide residues (revised), prepared by the GEMS/Food Programme in collaboration with the Codex Committee on Pesticide Residues, published by the World Health Organisation 1997 (WHO/FSF/FOS/97.7).



- (10) Directives 90/642/EEC and 86/362/EEC should therefore be amended accordingly.
- (11) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Part A of Annex II to Directive 86/362/EEC is amended in accordance with Annex I to this Directive.

*Article 2*

Part A of Annex II to Directive 90/642/EEC is amended in accordance with Annex II to this Directive.

*Article 3*

1. Member States shall adopt and publish, by 9 May 2006 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 10 May 2006.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 4*

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 8 November 2005.

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*

## ANNEX I

In part A of Annex II to Directive 86/362/EEC, the line for metalaxyl is replaced by the following:

Pesticide residue	Maximum level in mg/kg
'Metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers)	0,05 (*) (P) CEREALS

(\*) Indicates lower limit of analytical determination.

(P) Indicates that the maximum residue level has been established provisionally in accordance with Article 4(1)(f) of Directive 91/414/EEC.

## ANNEX II

In part A of Annex II to Directive 90/642/EEC, the lines for kresoxim-methyl, cyromazine, bifenthrin, metalaxyl and azoxystrobin are replaced by the following:

Pesticide residue and maximum residue level (mg/kg)

Groups and examples of individual products to which the MRLs would apply	Kresoximethyl	Cyromazine	Bifenthrin	Metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers)	Azoxystrobin
<b>1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts</b>					
(i) CITRUS FRUIT	0,05 (*)	0,05 (*)	0,1	0,5 (P)	1
Grapefruit					
Lemons					
Limes					
Mandarins (including clementines and other hybrids)					
Oranges					
Pomelos					
Others					
(ii) TREE NUTS (shelled or unshelled)	0,1 (*)	0,05 (*)	0,05 (*)	0,05 (*) (P)	0,1 (*)
Almonds					
Brazil nuts					
Cashew nuts					
Chestnuts					
Coconuts					
Hazelnuts					
Macadamia					
Pecans					
Pine nuts					
Pistachios					
Walnuts					
Others					
(iii) POME FRUIT	0,2	0,05 (*)	0,3	1 (P)	0,05 (*)
Apples					
Pears					
Quinces					
Others					
(iv) STONE FRUIT	0,05 (*)	0,05 (*)	0,2	0,05 (*) (P)	0,05 (*)
Apricots					
Cherries					
Peaches (including nectarines and similar hybrids)					

## Pesticide residue and maximum residue level (mg/kg)

Groups and examples of individual products to which the MRLs would apply	Kresoximmethyl	Cyromazine	Bifenthrin	Metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers)	Azoxystrobin
Plums					
Others					
(v) BERRIES AND SMALL FRUIT		0,05 (*)			
(a) Table and wine grapes	1		0,2		2
Table grapes				2 (P)	
Wine grapes				1 (P)	
(b) Strawberries (other than wild)	1		0,5	0,5 (P)	2
(c) Cane fruit (other than wild)	0,05 (*)			0,05 (*) (P)	
Blackberries			0,3		3
Dewberries					
Loganberries					
Raspberries			0,3		3
Others			0,05 (*)		0,05 (*)
(d) Other small fruit and berries (other than wild)				0,05 (*) (P)	0,05 (*)
Bilberries					
Cranberries					
Currants (red, black and white)	1		<u>0,5</u>		
Gooseberries	1				
Others	0,05 (*)		<u>0,05 (*)</u>		
(e) Wild berries and wild fruit	0,05 (*)		0,05 (*)	0,05 (*) (P)	0,05 (*)
(vi) MISCELLANEOUS		0,05 (*)		0,05 (*) (P)	
Avocados					
Bananas			0,1		2
Dates					
Figs					
Kiwi					
Kumquats					
Litchis					
Mangoes					0,2
Olives	0,2				
Papaya					0,2
Passion fruit					
Pineapples					

## Pesticide residue and maximum residue level (mg/kg)

Groups and examples of individual products to which the MRLs would apply	Kresoximmethyl	Cyromazine	Bifenthrin	Metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers)	Azoxystrobin
Pomegranate					
Others	0,05 (*)		0,05 (*)		0,05 (*)
<b>2. Vegetables, fresh or uncooked, frozen or dry</b>					
(i) ROOT AND TUBER VEGETABLES	0,05 (*)		0,05 (*)		
Beetroot					
Carrots		<u>1</u>		<u>0,1 (P)</u>	0,2
Cassava					
Celeriac					0,3
Horseradish				<u>0,1 (P)</u>	0,2
Jerusalem artichokes					
Parsnips				0,1 (P)	0,2
Parsley root					0,2
Radishes				<u>0,1 (P)</u>	0,2
Salsify					0,2
Sweet potatoes					
Swedes					
Turnips					
Yam					
Others		<u>0,05 (*)</u>		0,05 (*) (P)	0,05 (*)
(ii) BULB VEGETABLES	0,05 (*)	0,05 (*)	0,05 (*)		
Garlic				0,5 (P)	
Onions				0,5 (P)	
Shallots				0,5 (P)	
Spring onions				0,2 (P)	2
Others				0,05 (*) (P)	0,05 (*)
(iii) FRUITING VEGETABLES					
(a) Solanacea		<u>1</u>	0,2		2
Tomatoes	0,5			0,2 (P)	
Peppers	1			0,5 (P)	
Aubergines	0,5				
Others	0,05 (*)			0,05 (*) (P)	
(b) Cucurbits — edible peel	0,05 (*)	1	0,1		1
Cucumbers				0,5 (P)	
Gherkins					
Courgettes					

## Pesticide residue and maximum residue level (mg/kg)

Groups and examples of individual products to which the MRLs would apply	Kresoximmethyl	Cyromazine	Bifenthrin	Metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers)	Azoxystrobin
Others				0,05 (*) (P)	
(c) Cucurbits — inedible peel	0,2		0,05 (*)		0,5
Melons		0,3		0,2 (P)	
Squashes					
Watermelons		0,3		0,2 (P)	
Others		0,05 (*)		0,05 (*) (P)	
(d) Sweet corn	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*) (P)	0,05 (*)
(iv) BRASSICA VEGETABLES	0,05 (*)	0,05 (*)			
(a) Flowering brassica			0,2	0,1 (P)	0,5
Broccoli (including Calabrese)					
Cauliflower					
Others					
(b) Head brassica			1		0,3
Brussels sprouts					
Head cabbage				1 (P)	
Others				0,05 (*) (P)	
(c) Leafy brassica			0,05 (*)		5
Chinese cabbage					
Kale				0,2 (P)	
Others				0,05 (*) (P)	
(d) Kohlrabi			0,05 (*)	0,05 (*) (P)	0,2
(v) LEAF VEGETABLES AND FRESH HERBS	0,05 (*)				
(a) Lettuce & similar		15	2		3
Cress					
Lamb's lettuce					
Lettuce				2 (P)	
Scarole (broad-leaf endive)				1 (P)	
Others				0,05 (*) (P)	
(b) Spinach & similar		0,05 (*)	0,05 (*)	0,05 (*) (P)	0,05 (*)
Spinach					
Beet leaves (chard)					
Others					
(c) Water cress		0,05 (*)	0,05 (*)	0,05 (*) (P)	0,05 (*)
(d) Witloof		0,05 (*)	0,05 (*)	0,3 (P)	0,2

## Pesticide residue and maximum residue level (mg/kg)

Groups and examples of individual products to which the MRLs would apply	Kresoximmethyl	Cyromazine	Bifenthrin	Metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers)	Azoxystrobin
(e) Herbs		<u>15</u>	0,05 (*)	1 (P)	3
Chervil					
Chives					
Parsley					
Celery leaves					
Others					
(vi) LEGUME VEGETABLES (fresh)	0,05 (*)			0,05 (*) (P)	
Beans (with pods)		<u>5</u>	0,5		1
Beans (without pods)					0,2
Peas (with pods)		<u>5</u>	0,1		0,5
Peas (without pods)					0,2
Others		<u>0,05 (*)</u>	0,05 (*)		0,05 (*)
(vii) STEM VEGETABLES (fresh)			0,05 (*)		
Asparagus					
Cardoons					
Celery		2			5
Fennel					
Globe artichokes		2			1
Leek	<u>5</u>			0,2 (P)	0,1
Rhubarb					
Others	<u>0,05 (*)</u>	0,05 (*)		0,05 (*) (P)	0,05 (*)
(viii) FUNGI	0,05 (*)		0,05 (*)	0,05 (*) (P)	0,05 (*)
(a) Cultivated mushrooms		5			
(b) Wild mushrooms		0,05 (*)			
<b>3. Pulses</b>	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*) (P)	0,1
Beans					
Lentils					
Peas					
Others					
<b>4. Oilseeds</b>	0,1 (*)	0,05 (*)	0,1 (*)	0,1 (*) (P)	
Linseed					
Peanuts					
Poppy seed					
Sesame seed					
Sunflower seed					

## Pesticide residue and maximum residue level (mg/kg)

Groups and examples of individual products to which the MRLs would apply	Kresoximmethyl	Cyromazine	Bifenthrin	Metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers)	Azoxystrobin
Rape seed					0,5
Soya bean					0,5
Mustard seed					
Cotton seed					
Others					0,05 (*)
<b>5. Potatoes</b>	0,05 (*)	1	0,05 (*)	0,05 (*) (P)	0,05 (*)
Early potatoes					
Ware potatoes					
<b>6. Tea (dried leaves and stalks, fermented or otherwise, <i>Camellia sinensis</i>)</b>	0,1 (*)	0,05 (*)	5	0,1 (*) (P)	0,1 (*)
<b>7. Hops (dried), including hop pellets and unconcentrated powder</b>	0,1 (*)	0,05 (*)	10	10 (P)	20

(\*) Indicates lower limit of analytical determination.

(P) Indicates that the maximum residue level has been established provisionally in accordance with Article 4(1)(f) of Directive 91/414/EEC.



## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 13 October 2005

**amending Decision 2005/180/EC on authorising Member States to adopt certain derogations pursuant to Council Directive 96/49/EC with regard to the transport of dangerous goods by rail**

(notified under document number C(2005) 3555)

(Only the English text is authentic)

(Text with EEA relevance)

(2005/777/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail<sup>(1)</sup>, and in particular Article 6(9) thereof,

Whereas:

(1) Pursuant to Article 6(9) of Directive 96/49/EC, Member States must give the Commission advance notification of their derogations, for the first time by 31 December 2002 or up to two years after the last date of application of the amended versions of the Annex to the Directive.

(2) Commission Directive 2003/29/EC<sup>(2)</sup> amended the Annex to Directive 96/49/EC. Under the terms of Directive 2003/29/EC Member States had to bring into force national legislation no later than 1 July 2003, the last date of application referred to in Article 6(9) of Directive 96/49/EC being 30 June 2003.

(3) Certain Member States had notified the Commission by 31 December 2003 of their wish to adopt derogations from Directive 96/49/EC. By Commission Decision 2005/180/EC of 4 March 2005 authorising Member States to adopt certain derogations pursuant to Council Directive 96/49/EC with regard to the transport of dangerous goods by rail<sup>(3)</sup>, the Commission authorised the adoption by those Member States of the derogations listed in Annexes I and II to that Decision.

(4) Commission Directive 2004/89/EC<sup>(4)</sup> again amended the Annex to Directive 96/49/EC. Under the terms of Directive 2004/89/EC Member States had to bring into force national legislation at the latest by 1 October 2004, the last date of application referred to in Article 6(9) of Directive 96/49/EC being 30 September 2004.

(5) The United Kingdom notified the Commission by 31 December 2004 of its wish to amend its existing derogations in Annex I to Decision 2005/180/EC. The Commission has examined the notifications for compliance with the conditions laid down in Article 6(9) of Directive 96/49/EC and has approved them. That Member State should therefore be authorised to adopt the derogations in question.

(6) It is therefore necessary to amend Annex I to Decision 2005/180/EC.

<sup>(1)</sup> OJ L 235, 17.9.1996, p. 25. Directive as last amended by Commission Directive 2004/110/EC (OJ L 365, 10.12.2004, p. 24).

<sup>(2)</sup> OJ L 90, 8.4.2003, p. 47.

<sup>(3)</sup> OJ L 61, 8.3.2005, p. 41.

<sup>(4)</sup> OJ L 293, 16.9.2004, p. 14.

- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee on the transport of dangerous goods, set up under Article 9 of Council Directive 94/55/EC <sup>(1)</sup>,

*Article 2*

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

HAS ADOPTED THIS DECISION:

*Article 1*

Done at Brussels, 13 October 2005.

Decision 2005/180/EC is hereby amended as follows:

Annex I shall be amended by the derogations listed in the Annex to this Decision.

*For the Commission*  
Jacques BARROT  
*Vice-President*

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<sup>(1)</sup> OJ L 319, 12.12.1994, p. 7. Directive as last amended by Commission Directive 2004/111/EC (OJ L 365, 10.12.2004, p. 25).

## ANNEX

**Derogations for Member States on small quantities of certain dangerous goods**

THE UNITED KINGDOM

**RA-SQ 15.2** (amended)

*Subject:* Movement of nominally empty fixed tanks not intended as transport equipment (N2).

*Reference to the Annex to the Directive:* Parts 5 and 7.

*Content of the Annex to the Directive:* Requirements concerning consignment procedures, carriage, operation and vehicles.

*Reference to the national legislation:* The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 5(14).

*Content of the national legislation:*

*Comments:* Movement of such fixed tanks is not carriage of dangerous goods in the normal sense, and RID provisions cannot in practice be applied. As the tanks are 'nominally empty', the amount of dangerous goods actually contained in them is by definition extremely small.

**RA-SQ 15.4** (amended)

*Subject:* To allow different 'maximum total quantity per transport unit' for Class 1 goods in Categories 1 and 2 of table in 1.1.3.1.

*Reference to the Annex to the Directive:* 1.1.3.1.

*Content of the Annex to the Directive:* Exemptions related to the nature of the transport operation.

*Reference to the national legislation:* The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 3(7)(b).

*Content of the national legislation:* To lay down rules regarding exemptions for limited quantities and mixed loading of explosives.

*Comments:* To allow different limited quantity limits and mixed loading multiplication factors for Class 1 goods, namely '50' for Category 1 and '500' for Category 2. For the purpose of calculating mixed loads, the multiplication factors are to read '20' for Transport Category 1 and '2' for Transport Category 2.

**RA-SQ 15.5** (amended)

*Subject:* Adoption of RA-SQ 6.6.

*Reference to the Annex to the Directive:* 5.3.1.3.2.

*Content of the Annex to the Directive:* Relaxation of placarding requirement for piggyback carriage.

*Reference to the national legislation:* The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 7(12).

*Content of the national legislation:* The placarding requirement does not apply in cases where the vehicle placards are clearly visible.

*Comments:* This has always been a UK national provision.

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## COMMISSION DECISION

of 28 October 2005

recognising in principle the completeness of the dossiers submitted for detailed examination in view of the possible inclusion of aminopyralid and fluopicolide in Annex I to Council Directive 91/414/EEC

(notified under document number C(2004) 4535)

(Text with EEA relevance)

(2005/778/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

were subsequently forwarded by the respective applicants to the Commission and other Member States, and were referred to the Standing Committee on the Food Chain and Animal Health.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection on the market <sup>(1)</sup>, and in particular Article 6(3) thereof,

(4) By this Decision it should be formally confirmed at Community level that the dossiers are considered as satisfying in principle the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, the requirements set out in Annex III to Directive 91/414/EEC.

Whereas:

(1) Directive 91/414/EEC provides for the development of a Community list of active substances authorised for incorporation in plant protection products.

(5) This Decision should not prejudice the right of the Commission to request the applicant to submit further data or information in order to clarify certain points in the dossier.

(2) A dossier for the active substance aminopyralid was submitted by Dow AgroSciences Ltd. to the authorities of the United Kingdom on 22 April 2004 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC. For fluopicolide a dossier was submitted by Bayer CropScience, France to the authorities of the United Kingdom on 7 May 2004 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC.

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

(3) The authorities of the United Kingdom have indicated to the Commission that, on preliminary examination, the dossiers for the active substances concerned appear to satisfy the data and information requirements set out in Annex II to Directive 91/414/EEC. The dossiers submitted appear also to satisfy the data and information requirements set out in Annex III to Directive 91/414/EEC in respect of one plant protection product containing the active substance concerned. In accordance with Article 6(2) of Directive 91/414/EEC, the dossiers

HAS ADOPTED THIS DECISION:

*Article 1*

Without prejudice to Article 6(4) of Directive 91/414/EEC, the dossiers concerning the active substances identified in the Annex to this Decision, which were submitted to the Commission and the Member States with a view to obtaining the inclusion of those substances in Annex I to that Directive, satisfy in principle the data and information requirements set out in Annex II to that Directive.

The dossiers also satisfy the data and information requirements set out in Annex III to that Directive in respect of one plant protection product containing the active substance, taking into account the uses proposed.

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2005/34/EC (OJ L 125, 18.5.2005, p. 5).

*Article 2*

The rapporteur Member States shall pursue the detailed examination for the dossiers concerned and shall report the conclusions of their examinations accompanied by any recommendations on the inclusion or non-inclusion of the active substance concerned in Annex I of Directive 91/414/EEC and any conditions related thereto to the European Commission as soon as possible and at the latest within a period of one year from the date of publication of this Decision in the *Official Journal of the European Union*.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 28 October 2005.

*For the Commission*  
David BYRNE  
*Member of the Commission*

## ANNEX

**ACTIVE SUBSTANCES CONCERNED BY THIS DECISION**

No	Common Name, CIPAC Identification Number	Applicant	Date of application	Rapporteur Member State
1	Aminopyralid CIPAC-No not yet allocated	Dow AgroSciences Ltd	22.4.2004	UK
3	Fluopicolide CIPAC-No not yet allocated	Bayer CropScience, France	7.5.2004	UK

## COMMISSION DECISION

of 8 November 2005

## concerning animal health protection measures against swine vesicular disease in Italy

(notified under document number C(2005) 4273)

(Text with EEA relevance)

(2005/779/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market <sup>(1)</sup>, and in particular Article 10(4) thereof,

Whereas:

- (1) Outbreaks of swine vesicular disease have been recorded in certain regions of Italy.
- (2) Italy has taken measures to deal with outbreaks under Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease <sup>(2)</sup>.
- (3) Italy has also taken additional eradication and monitoring measures for swine vesicular disease covering the whole of Italy. These measures are laid down in yearly programmes for the eradication and monitoring of swine vesicular disease presented by Italy and approved in accordance with Article 24(6) and Articles 29 and 32 of Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field <sup>(3)</sup>.
- (4) Commission Decision 2004/840/EC of 30 November 2004 approving programmes for the eradication and monitoring of certain animal diseases and of checks aimed at the prevention of zoonoses presented by the Member States for the year 2005 and fixing the level of the Community's financial contribution <sup>(4)</sup> approved the programme for the eradication and monitoring of swine vesicular disease presented by Italy for 2005.

- (5) The measures laid down in the yearly programmes for the eradication and monitoring of swine vesicular disease seek to recognise pig holdings as free of swine vesicular disease and to ensure that all regions of Italy achieve that status. The programmes also include rules on movement of and trade in live pigs from regions and holdings not of the same status as regards swine vesicular disease.
- (6) Most regions of Italy with the exception of Abruzzi, Campania, Calabria and Sicily have been recognised as free from swine vesicular disease following the favourable results of repeated sampling and testing of pigs on all holdings under the yearly eradication and monitoring programmes.
- (7) However, given the nature of the disease and its persistence in certain regions of Italy, surveillance to detect swine vesicular disease at an early stage should be maintained in regions recognised as free from swine vesicular disease.
- (8) The disease situation in regions that are not recognised as free from swine vesicular disease is also liable to endanger pig holdings in other regions of Italy through trade in live pigs. Pigs should therefore not be moved from regions not recognised as free from swine vesicular disease to other regions of Italy unless they originate from holdings that fulfil certain conditions.
- (9) Pigs in regions not recognised as free from swine vesicular disease should not be dispatched to other Member States. Pigs in regions recognised as free from swine vesicular disease should only be dispatched from holdings recognised as free from that disease.
- (10) The rules laid down in this Decision should apply without prejudice to those laid down in Council Directive 92/119/EEC. It is appropriate to lay down a definition for 'assembly centre for pigs' different to the one laid down in Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine <sup>(5)</sup>.

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

<sup>(2)</sup> OJ L 62, 15.3.1993, p. 69. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(3)</sup> OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 806/2003.

<sup>(4)</sup> OJ L 361, 8.12.2004, p. 41.

<sup>(5)</sup> OJ 121, 29.7.1964, p. 1977/64. Directive as last amended by Regulation (EC) No 21/2004 (OJ L 5, 9.1.2004, p. 8).

(11) For the sake of transparency, rules should be laid down at Community level on the status of pig holdings and regions as regards swine vesicular disease and on movements of and intra-Community trade in live pigs from holdings and regions of a different disease status.

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

HAS ADOPTED THIS DECISION:

#### CHAPTER I

##### SUBJECT MATTER, SCOPE AND DEFINITIONS

###### Article 1

###### Subject matter and scope

This Decision lays down animal health rules as regards swine vesicular disease for regions of Italy that are recognised as free from swine vesicular disease and for regions not recognised as free from that disease.

###### Article 2

###### Definitions

For the purposes of this Decision:

1. the definitions in Directive 92/119/EEC shall apply;
2. 'assembly centre for pigs' means the holding of a trader to which and from which acquired pigs are regularly moved within 30 days of acquisition.

#### CHAPTER II

##### RECOGNITION OF REGIONS AND HOLDINGS IN ITALY AS FREE FROM SWINE VESICULAR DISEASE

###### Article 3

###### Recognition of regions

1. The regions of Italy listed in Annex I are recognised as free from swine vesicular disease.
2. The regions of Italy listed in Annex II are not recognised as free from swine vesicular disease.

#### Article 4

##### Recognition of holdings

1. Italy shall ensure that paragraphs 2 to 6 are complied with.
2. In regions recognised as free from swine vesicular disease, a pig holding shall be recognised as free from that disease if:
  - (a) on two occasions at an interval of 28 to 40 days, sampling for serological testing has been carried out on a number of breeding pigs sufficient to detect a prevalence of swine vesicular disease of 5 % with a confidence interval of 95 % and the results have been negative, and
  - (b) where no breeding pigs are kept on holdings in regions recognised as free from swine vesicular disease, any pigs moved to such holdings originate in holdings recognised as free from that disease.
3. In regions not recognised as free from swine vesicular disease, a pig holding shall be recognised as free from that disease if on two occasions at an interval of 28 to 40 days, sampling for serological testing has been carried out on a number of pigs sufficient to detect prevalence of swine vesicular disease of 5 % with a confidence interval of 95 % and the results were negative;
4. A pig holding recognised as free from swine vesicular disease shall retain that status if:
  - (a) sampling and checking procedures are carried out in accordance with Article 5(1) and Article 6 and the results are negative, and
  - (b) pigs moved to such a holding originate in holdings recognised as free from swine vesicular disease.
5. The recognition of a holding as free from swine vesicular disease:
  - (a) shall be suspended where any seropositive case is detected and confirmed by further investigations, until such time as the pig concerned is slaughtered under official supervision, or
  - (b) shall be withdrawn where two or more seropositive cases are detected.

6. A pig holding shall be recognised once more as free from swine vesicular disease if the sampling and checking procedures set out in paragraphs 2 or 3, as the case may be, have been carried out and the results are negative.

#### CHAPTER III

#### SURVEILLANCE

##### Article 5

#### Surveillance in regions recognised as free from swine vesicular disease

1. Italy shall ensure that sampling and checking procedures to detect swine vesicular disease are carried out as set out in paragraphs 2 and 3 in regions recognised as free from that disease.

2. On holdings where more than two breeding pigs are kept, sampling for serological testing shall be carried out at the following intervals on a random sample of 12 breeding pigs or on all breeding pigs where there are fewer than 12 breeding pigs on the holding:

- (a) once a year where the holding mainly produces pigs for slaughter,
- (b) twice a year in other cases.

3. At assembly centres for pigs, sampling of faeces for virological testing shall be carried out at monthly intervals in every pen where pigs are usually kept.

##### Article 6

#### Surveillance in regions not recognised as free from swine vesicular disease

1. Italy shall ensure that sampling and checking procedures to detect swine vesicular disease are carried out as set out in paragraphs 2 and 3 in regions not recognised as free from swine vesicular disease.

2. On holdings recognised as free from swine vesicular disease where breeding pigs are kept and at assembly centres for pigs, the provisions laid down in Article 5 shall apply.

3. On holdings recognised as free from swine vesicular disease where no breeding pigs are kept, sampling for serological testing shall be carried out twice a year on a random sample of 12 pigs or on all pigs where there are fewer than 12 pigs on the holding. Sampling of the pigs of a holding may, however, take place at the slaughterhouse at the time of slaughter.

#### CHAPTER IV

#### MOVEMENT OF LIVE PIGS WITHIN ITALY AND TO OTHER MEMBER STATES

##### SECTION I

#### *Movement within Italy*

##### Article 7

#### Measures as regards the movement of live pigs within Italy

1. Italy shall ensure that paragraphs 2, 3 and 4 are complied with for movement of live pigs within Italy.

2. Where pigs from holdings not recognised as free from swine vesicular disease are moved to a slaughterhouse for slaughter, sampling for serological testing shall be carried out on a number of pigs sufficient to detect prevalence of swine vesicular disease of 5 % with a confidence interval of 95 %.

3. The movement of pigs from holdings not recognised as free from swine vesicular disease to other holdings is prohibited.

4. The movement of pigs from regions not recognised as free from swine vesicular disease to other regions of Italy is prohibited.

##### Article 8

#### Derogations and conditions

By way of derogation from Article 7(4), the Italian authorities may authorise the movement of pigs from holdings in regions not recognised as free from swine vesicular disease to other regions of Italy on condition that:

- (a) the holding of origin has been recognised as free from swine vesicular disease for at least two years without interruption;
- (b) in the 60 days prior to movement, the holding of origin has not been located in a protection or surveillance zone following an outbreak of swine vesicular disease;
- (c) no pigs were introduced onto the holding of origin in the 12 months prior to movement from holdings where swine vesicular disease was suspected;



- (d) pigs on the holding of origin are sampled between 20 and 30 days before movement and serologically testing is carried out on a number of pigs sufficient to detect prevalence of swine vesicular disease of 5 % with a confidence interval of 95 %;
- (e) pigs on the holding of destination are sampled at least 28 days after movement and serologically testing is carried out on a number of pigs sufficient to detect prevalence of swine vesicular disease of 5 % with a confidence interval of 95 %. Pigs may not be moved from the holding of destination until testing has been carried out and the results are negative;
- (f) the animals moved are transported in sealed vehicles under the supervision of the authorities;
- (g) movement of the pigs is notified at least 48 hours in advance to the local veterinary authority responsible for the holding of destination;
- (h) the vehicles used for transporting the pigs are cleaned and disinfected under official supervision before and after movement.

## SECTION II

### **Intra-Community movement**

#### *Article 9*

#### **Dispatch of live pigs from Italy to other Member States**

1. Italy shall ensure that paragraphs 2 and 3 are complied with.
2. The dispatch of pigs from regions not recognised as free from swine vesicular disease to other Member States is prohibited.
3. Pigs dispatched from regions recognised as free from swine vesicular disease to other Member States shall come from holdings that are recognised as free from that disease.

#### *Article 10*

#### **Obligation regarding certification**

Italy shall ensure that health certificates as provided for in Article 5(1) of Directive 64/432/EEC accompanying pigs dispatched from Italy to other Member States in accordance with Article 9 of this Decision are endorsed with the following wording:

'Animals in accordance with Commission Decision 2005/779/EC concerning animal health protection measures against swine vesicular disease in Italy'.

## CHAPTER V

### **OBLIGATION OF COMMUNICATION**

#### *Article 11*

#### **Communication to the Commission and the Member States**

The Italian authorities shall forward any relevant information on the application of this Decision to the Commission and the Member States every six months through the Standing Committee on the Food Chain and Animal Health.

## CHAPTER VI

### **FINAL PROVISIONS**

#### *Article 12*

#### **Addresses**

This Decision is addressed to the Member States.

Done at Brussels, 8 November 2005.

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*

## ANNEX I

**Regions of Italy recognised as free from swine vesicular disease**

The regions of:

- Basilicata
- Emilia-Romagna
- Friuli-Venezia Giulia
- Lazio
- Liguria
- Lombardy
- Marche
- Molise
- Piedmont
- Apulia
- Sardinia
- Tuscany
- Trentino-Alto Adige
- Umbria
- Valle d'Aosta
- Veneto.

## ANNEX II

**Regions of Italy not recognised as free from swine vesicular disease**

The regions of:

- Abruzzi
- Campania
- Calabria
- Sicily.