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

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION REGULATION (EU) No 107/2013

of 5 February 2013

amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels for melamine in canned pet food

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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 <sup>(1)</sup>, and in particular Article 8(1) thereof,

Whereas:

- (1) Directive 2002/32/EC provides that the use of products intended for animal feed which contain levels of undesirable substances exceeding the maximum levels laid down in Annex I to that Directive is prohibited.
- (2) Information has been provided that melamine is used in the coating of cans containing pet food and can migrate into that pet food. Cans with the same coating are used for the canning of food and in accordance with the European Food Safety Authority's (EFSA) a scientific opinion on melamine in food and feed <sup>(2)</sup>, a specific migration limit (SML) of 2,5 mg/kg for the canned food as such has been established by Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food <sup>(3)</sup> as amended by Regulation (EU) No 1282/2011 <sup>(4)</sup>.

- (3) The Codex Alimentarius Commission has established maximum levels for melamine in feed and food <sup>(5)</sup> which are to apply to feed as sold, while the maximum levels established in Directive 2002/32/EC concern feed with a moisture content of 12 %.
- (4) Recently provided information has demonstrated that melamine can migrate in wet pet food from the can coating at a level above 2,5 mg/kg relative to a feed with a moisture content of 12 % but below the SML of 2,5 mg/kg in the wet pet food. In the light of this development in scientific and technical knowledge, it is appropriate to establish the maximum level of 2,5 mg/kg for melamine for canned wet pet food on a 'as sold' basis and this in line with what is foreseen for canned food.
- (5) Directive 2002/32/EC should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Directive 2002/32/EC is amended in accordance with the Annex to this Regulation.

*Article 2*

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

<sup>(1)</sup> OJ L 140, 30.5.2002, p. 10.

<sup>(2)</sup> EFSA Panel on Contaminants in the Food Chain (CONTAM) and EFSA Panel on Food Contact Materials, Enzymes, Flavourings and Processing Aids (CEF); Scientific Opinion on Melamine in Food and Feed. EFSA Journal 2010; 8(4):1573. [145 pp.]. doi:10.2903/j.efsa.2010.1573. Available online: <http://www.efsa.europa.eu/en/scdocs/doc/1573.pdf>

<sup>(3)</sup> OJ L 12, 15.1.2011, p. 1.

<sup>(4)</sup> OJ L 328, 10.12.2011, p. 22.

<sup>(5)</sup> Report on the Thirty-Third Session of the Joint FAO/WHO Food Standards Programme, Codex Alimentarius Commission, Geneva, Switzerland, 5-9 July 2010 (ALINORM 10/33/REP).

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

Done at Brussels, 5 February 2013.

*For the Commission*  
*The President*  
 José Manuel BARROSO

ANNEX

Row 7 of Section I of Annex I to Directive 2002/32/EC is replaced by the following:

Undesirable substance	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feed with a moisture content of 12 %
7. Melamine <sup>(9)</sup>	Feed	2,5
	with the exception of	
	— canned pet food	2,5 (*)
	— the following feed additives:	
	- - guanidino acetic acid (GAA);	—
- - urea;	—	
- - biuret.	—	

(\*) The maximum level is applicable to canned pet food as sold.

**COMMISSION IMPLEMENTING REGULATION (EU) No 108/2013****of 5 February 2013****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors <sup>(2)</sup>, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the

Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 5 February 2013.

*For the Commission,  
On behalf of the President,  
José Manuel SILVA RODRÍGUEZ  
Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 157, 15.6.2011, p. 1.

## ANNEX

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

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MA	44,9
	PS	160,8
	TN	79,0
	TR	112,8
	ZZ	99,4
0707 00 05	MA	124,7
	TR	169,8
	ZZ	147,3
0709 91 00	EG	97,7
	ZZ	97,7
0709 93 10	MA	50,2
	TR	152,9
	ZZ	101,6
0805 10 20	EG	53,9
	IL	64,5
	MA	58,7
	TN	51,9
	TR	63,5
0805 20 10	ZZ	58,5
	IL	130,2
	MA	93,0
	ZZ	111,6
	0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL
KR		134,4
MA		120,1
TR		67,4
ZZ		111,4
0805 50 10	TR	70,4
	ZZ	70,4
0808 10 80	AR	86,6
	CN	99,8
	MK	25,7
	US	178,2
	ZZ	97,6
0808 30 90	CN	53,8
	TR	158,2
	US	140,7
	ZA	111,7
	ZZ	116,1

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

# DECISIONS

## COUNCIL DECISION

of 4 February 2013

**appointing a Danish alternate member of the Committee of the Regions**

(2013/75/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

### *Article 1*

The following is hereby appointed as alternate member to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

Having regard to the proposal of the Danish Government,

— Mr Erik FLYVHOLM, *Borgmester i Lemvig Kommune*.

Whereas:

### *Article 2*

(1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU <sup>(1)</sup> and 2010/29/EU <sup>(2)</sup> appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015.

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

Done at Brussels, 4 February 2013.

(2) An alternate member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Martin MERRILD,

*For the Council*

*The President*

E. GILMORE

<sup>(1)</sup> OJ L 348, 29.12.2009, p. 22.

<sup>(2)</sup> OJ L 12, 19.1.2010, p. 11.

## COMMISSION IMPLEMENTING DECISION

of 4 February 2013

## amending Decision 2009/719/EC authorising certain Member States to revise their annual BSE monitoring programmes

(notified under document C(2013) 435)

(Text with EEA relevance)

(2013/76/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies <sup>(1)</sup>, and in particular the second subparagraph of Article 6(1b) thereof,

Whereas:

- (1) Article 6(1b) of Regulation (EC) No 999/2001 provides that the annual monitoring programmes for the Member States having demonstrated an improvement in their epidemiological situation, according to certain criteria, may be revised.
- (2) The Annex to Commission Decision 2009/719/EC of 28 September 2009 authorising certain Member States to revise their annual BSE monitoring programmes <sup>(2)</sup> as amended by Implementing Decision 2011/358/EU <sup>(3)</sup> lists 25 Member States authorised to revise their annual monitoring programme in accordance with Article 6(1b) of Regulation (EC) No 999/2001 (hereafter referred to as the EU-25).
- (3) Regarding the monitoring of bovine animals subject to normal slaughter for human consumption, Article 2(1)(a) of Decision 2009/719/EC provides that the EU-25 shall test for BSE all bovine animals above 72 months of age, whereas Article 2(3) provides that, from 1 January 2013, the EU-25 may decide to test only a minimum annual sample of the healthy slaughtered cattle over 72 months of age.

- (4) On 8 October 2012 the European Food Safety Authority (EFSA) approved a scientific and technical assistance report on the minimum sample size to test should an annual BSE statistical testing regime be authorised in healthy slaughtered cattle <sup>(4)</sup>.

- (5) EFSA concluded in its report that, according to the estimates from a model developed to reply to the Commission mandate (C-TSEMM model), no healthy slaughter animals need to be tested in order for the current surveillance system of at risk sub-populations (fallen stock, casualty slaughter and clinical suspects) to meet, in the EU-25 group considered as a whole, a design prevalence of one detectable case in 100 000 adult cattle at a confidence level of 95 %, the international standard established by the World Organisation for Animal Health (OIE) regarding the performance of BSE surveillance systems. Should no healthy slaughtered animals have been tested in 2011, the surveillance system would still have ensured a design prevalence of one case per 5 355 627 in the adult population of the EU-25 at a confidence level of 95 %.

- (6) Considering the decreasing trend of BSE in the European Union, EFSA's estimate that in the EU-25 the surveillance system based on the testing of at risk sub-populations only would easily meet the international standard regarding the performance of BSE surveillance systems, and the fact that no testing of healthy slaughtered animals is required to meet the international standard established by the OIE for the monitoring of BSE provided that animals from the three at risk sub-populations are tested, the testing of healthy slaughtered cattle could be stopped in the EU-25. The provisions for the surveillance system of healthy slaughtered cattle in the EU-25 should therefore be amended accordingly.

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

<sup>(1)</sup> OJ L 147, 31.5.2001, p. 1.

<sup>(2)</sup> OJ L 256, 29.9.2009, p. 35.

<sup>(3)</sup> OJ L 161, 21.6.2011, p. 29.

<sup>(4)</sup> EFSA Journal 2012; 10(10):2913.



HAS ADOPTED THIS DECISION:

*Article 2*

This Decision is addressed to the Member States.

*Article 1*

Paragraph 3 of Article 2 of Decision 2009/719/EC is replaced by the following:

Done at Brussels, 4 February 2013.

'3. By way of derogation from point (a) of paragraph 1, from 1 January 2013 Member States listed in the Annex may decide not to test animals in the subpopulation referred to in that point.'

*For the Commission*

Tonio BORG

*Member of the Commission*

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