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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1436/2005
of 31 August 2005
temporarily reducing the autonomous Common Customs Tariff duties for certain tropical fishery products
(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Article 1

Having regard to the proposal from the Commission,

The autonomous Common Customs Tariff duties as contained in Regulation (EEC) No 2658/87 shall be reduced, in respect of the products listed in the Annex to this Regulation, to the rates of duty laid down in that Annex.

Whereas:

Article 2

(1) The Common Customs Tariff is laid down in Regulation (EEC) No 2658/87 ⁽¹⁾.

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

(2) The Community is a major consumer of certain tropical fishery products. It has to import large quantities of such products in order to satisfy its needs. In order to avoid disruptions of trade, it is in the Community's interest to reduce temporarily the Common Customs tariff duties for the importation of these products.

It shall apply from 1 August 2005 to 31 December 2005.

(3) Having regard to the economic importance of this Regulation, it is necessary to rely on the grounds of urgency provided for in point I.3 of the Protocol annexed to the Treaty on European Union and to the Treaties establishing the European Community on the role of national parliaments in the European Union.

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

(4) Since this Regulation is to apply from 1 August 2005, it should enter into force immediately,

Done at Brussels, 31 August 2005.

For the Council
The President
J. STRAW

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 493/2005 (OJ L 82, 31.3.2005, p. 1).

ANNEX

The products for which autonomous Common Customs Tariff duties are reduced from 1 August 2005 to 31 December 2005:

CN code	Description	Rate of duty
Chapter 3	Fish and crustaceans, molluscs and other aquatic invertebrates	
	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption	
	Shrimps and prawns	
0306 13 50	Shrimps of the genus <i>Penaeus</i>	4,2
0306 13 80	Other	4,2
Chapter 16	Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates	
	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved	
	Shrimps and prawns	
1605 20 10	In airtight containers	7,0
	Other	
1605 20 91	In immediate packing of a net content not exceeding 2 kg	7,0

COMMISSION REGULATION (EC) No 1437/2005**of 2 September 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 ⁽¹⁾, 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 3 September 2005.

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

Done at Brussels, 2 September 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to Commission Regulation of 2 September 2005 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	052	70,1
	096	14,0
	999	42,1
0707 00 05	052	44,5
	068	65,2
	096	25,9
	999	45,2
0709 90 70	052	70,2
	999	70,2
0805 50 10	388	67,4
	524	52,3
	528	58,6
	999	59,4
0806 10 10	052	89,5
	220	167,2
	624	146,7
	999	134,5
0808 10 80	388	83,8
	400	67,3
	508	67,7
	512	78,3
	528	73,1
	720	20,6
	800	126,8
	804	77,0
0808 20 50	999	74,3
	052	97,3
	388	103,9
	512	9,6
	528	37,7
	800	152,8
0809 30 10, 0809 30 90	999	80,3
	052	97,1
0809 40 05	999	97,1
	052	115,5
	066	76,4
	093	42,5
	098	42,5
	624	112,6
	999	77,9

⁽¹⁾ 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 1438/2005**of 2 September 2005****on a special intervention measure for oats in Finland and Sweden for the 2005/06 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) Oats are one of the products covered by the common organisation of the market in cereals. They are not, however, included among the basic cereals referred to in Article 5 of Regulation (EC) No 1784/2003 for which provision is made for intervention buying-in.
- (2) Oats are a major traditional crop in Finland and Sweden and are well suited to the weather conditions obtaining in those countries. Production far exceeds requirements in those countries with the result that they are required to dispose of surpluses by exporting them to third countries. Membership of the Community has not altered the previous situation.
- (3) Any reduction in the quantity of oats grown in Finland and Sweden would promote the growing of other cereals qualifying for the intervention arrangements, especially barley. Production of barley is in surplus both in these two countries and across the whole of the Community. A switch from oats to barley would only worsen the situation and create further surpluses. It is necessary therefore to ensure that exports of oats to third countries can continue.
- (4) Refunds may be granted in respect of oats under Article 13 of Regulation (EC) No 1784/2003. The geographical situation of Finland and Sweden places those countries in a less favourable position from the point of view of exporting than other Member States. The fixing of

refunds on the basis of Article 13 favours primarily exports from other Member States. It is anticipated therefore that the production of oats in Finland and in Sweden will give way increasingly to that of barley. Consequently, in coming years, substantial quantities of barley must be expected to enter intervention storage in Finland and Sweden under Article 5 of Regulation (EC) No 1784/2003, the only possibility of disposal being export to third countries. Exports from intervention storage are more costly to the Community budget than direct exports.

- (5) These additional costs can be avoided under a special intervention measure within the meaning of Article 7 of Regulation (EC) No 1784/2003. Such an intervention measure may take the form of a measure intended to relieve the market in oats in Finland and Sweden. The grant of a refund by a tendering procedure, applicable only to oats produced and exported from those two countries, would be the most appropriate measure in the circumstances.
- (6) The nature and objectives of the said measure make it appropriate to apply to it, *mutatis mutandis*, Article 13 of Regulation (EC) No 1784/2003 and the Regulations adopted for its implementation, in particular Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾.
- (7) Regulation (EC) No 1501/95 requires tenderers, among their other undertakings, to apply for an export licence and lodge a security. The rate of that security should be established.
- (8) The cereals in question should actually be exported from the Member States for which a special intervention measure was implemented. It is necessary therefore to limit the use of export licences to exports from the Member State in which application for the licence was made and to oats produced in Finland and Sweden.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Commission Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

- (9) In view of the Europe Agreements establishing an association between the European Communities and their Member States, of the one part and the Republic of Bulgaria ⁽¹⁾ and Romania ⁽²⁾, these two countries must be excluded from the list of eligible destinations. Furthermore, given the way the refund is calculated using market prices on distant markets, the nearby destinations of Switzerland and Norway, for which these measures are not justified by reason of the relatively minor transport costs arising from their proximity and the communication channels available to these destinations, should also be excluded.
- (10) To ensure that all parties are treated equally, all licences issued should have the same period of validity.
- (11) To ensure the satisfactory operation of export tendering procedures, a minimum quantity should be set and the time limit for the submission of tenders to the competent authority and the form in tenders are to be forwarded should be specified.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. A special intervention measure in the form of an export refund shall be implemented in respect of 400 000 tonnes of oats produced in Finland and Sweden and intended for export from Finland and Sweden to all third countries, except Bulgaria, Norway, Romania and Switzerland.

Article 13 of Regulation (EC) No 1784/2003 and the provisions adopted for the application of that Article shall apply, *mutatis mutandis*, to that refund.

2. The Finnish and Swedish intervention agencies shall be responsible for implementing the measure referred to in paragraph 1.

Article 2

1. Tenders shall be invited in order to determine the amount of the refund referred to in Article 1(1).

2. The invitation to tender shall relate to the quantity of oats referred to in Article 1(1) for export to all third countries, except Bulgaria, Norway, Romania and Switzerland.

⁽¹⁾ Council Decision 2003/286/EC of 8 April 2003 (OJ L 102, 24.4.2003, p. 60), as adapted by Council and Commission Decision 2005/430/EC, Euratom of 18 April 2005 (OJ L 155, 17.6.2005, p. 1).

⁽²⁾ Council Decision 2003/18/EC of 19 December 2002 (OJ L 8, 14.1.2003, p. 18), as adapted by Council and Commission Decision 2005/431/EC, Euratom of 25 April 2005 (OJ L 155, 17.6.2005, p. 26).

3. The invitations to tender shall be open until 22 June 2006. During that period, weekly invitations to tender shall be made for which the date for submission of tenders shall be set out in the notice of invitation to tender.

Notwithstanding Article 4(4) of Regulation (EC) No 1501/95, the time limit for the submission of tenders for the first partial invitation to tender shall be 15 September 2005.

4. Tenders must be submitted to the Finnish and Swedish intervention agencies named in the notice of invitation.

5. The tendering procedure shall take place in accordance with this Regulation and Regulation (EC) No 1501/95.

Article 3

Offers shall not be valid unless:

- (a) they relate to not less than 1 000 tonnes;
- (b) they are accompanied by a written undertaking from the tenderer specifying that they relate solely to oats grown in Finland and Sweden which are to be exported from those countries.

Where the undertaking referred to in (b) is not fulfilled, the security referred to in Article 12 of Commission Regulation (EC) No 1342/2003 ⁽³⁾ shall be forfeited, except in cases of *force majeure*.

Article 4

Under the tendering procedure laid down in Article 2, one of the following entries shall be made in box 20 of applications and export licences:

- in Finnish: 'Asetus (EY) N:o 1438/2005 – Todistus on voimassa ainoastaan Suomesta ja Ruotsista',
- in Swedish: 'Förordning (EG) nr 1438/2005 – Licensen giltig endast i Finland och Sverige'.

Article 5

The refund shall be valid only for exports from Finland and Sweden.

Article 6

The security referred to in Article 5(3)(a) of Regulation (EC) No 1501/95 shall be EUR 12 per tonne.

⁽³⁾ OJ L 189, 29.7.2003, p. 12.

Article 7

1. Notwithstanding Article 23(1) of Commission Regulation (EC) No 1291/2000 ⁽¹⁾, export licences issued in accordance with Article 8(1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued under the tendering procedure laid down in Article 2 shall be valid from their date of issue, as defined in paragraph 1 of this Article, until the end of the fourth month following that of issue.

3. Notwithstanding Article 11 of Regulation (EC) No 1291/2000, export licences issued under the tendering procedure laid down in Article 2 of this Regulation shall be valid in Finland and Sweden only.

Article 8

The Finnish and Swedish intervention agencies shall electronically notify the Commission of the tenders submitted not later than one and a half hours following expiry of the deadline for the weekly submission of tenders as specified in the notice of invitation to tender, using the form shown in the Annex hereto.

If no tenders are received, the Finnish and Swedish intervention agencies shall inform the Commission thereof within the period specified in the first subparagraph.

The time laid down for submitting tenders shall be Belgian time.

Article 9

This Regulation shall enter into force on the third 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, 2 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 152, 24.6.2000, p. 1.

ANNEX

Tender for the refund for the export of oats from Finland and Sweden to all third countries, except Bulgaria, Norway, Romania and Switzerland

Form (*)

(Regulation (EC) No 1438/2005)

(Time limit for submission of tenders)

1	2	3
Numbering of tenderers	Quantity (tonnes)	Amount of export refund (in EUR per tonne)
1		
2		
3		
etc.		

(*) To be sent to DG AGRI (Unit D.2).

COMMISSION REGULATION (EC) No 1439/2005**of 2 September 2005****fixing the additional amount to be paid for peaches in Hungary under Regulation (EC) No 416/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to Commission Regulation (EC) No 416/2004 of 5 March 2004 laying down transitional measures for the application of Council Regulation (EC) No 2201/96 and Regulation (EC) No 1535/2003 by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union⁽¹⁾, and in particular Article 3(1) thereof,

Whereas:

- (1) The quantities of peaches covered by aid applications for the 2004/05 marketing year, as notified by Member States under Article 39(2) of Commission Regulation (EC) No 1535/2003 of 29 August 2003 laying down

detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables⁽²⁾, do not exceed the Community threshold. An additional amount is therefore to be paid after the end of the 2004/05 marketing year in the Member States that joined the European Union on 1 May 2004.

- (2) Producers in the Czech Republic and Slovakia lodged no aid applications for peaches for processing in the 2004/05 marketing year. No additional amount for the 2004/05 marketing year should therefore be paid in those Member States,

HAS ADOPTED THIS REGULATION:

Article 1

An additional amount of EUR 11,92 per tonne of peaches for processing referred to in Article 3(1) of Regulation (EC) No 416/2004 shall be paid in Hungary after the end of the 2004/05 marketing year.

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, 2 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 68, 6.3.2004, p. 12. Regulation as last amended by Regulation (EC) No 550/2005 (OJ L 93, 12.4.2005, p. 3).

⁽²⁾ OJ L 218, 30.8.2003, p. 14. Regulation as last amended by Commission Regulation (EC) No 180/2005 (OJ L 30, 3.2.2005, p. 7).

II

(Acts whose publication is not obligatory)

COUNCIL

RECOMMENDATION No 1/2005 OF THE EU-JORDAN ASSOCIATION COUNCIL**of 9 June 2005****on the implementation of the EU-Jordan Action Plan**

(2005/634/EC)

THE EU-JORDAN ASSOCIATION COUNCIL,

Having regard to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, and in particular Article 91 thereof,

Whereas:

- (1) Article 91 of the Euro-Mediterranean Agreement gives the Association Council the power to make appropriate recommendations for the purpose of attaining the objectives of the Agreement.
- (2) In terms of Article 101 of the Euro-Mediterranean Agreement, the Parties are to take any general or specific measures required to fulfil their obligations under the Agreement and are to see to it that the objectives set out in the Agreement are attained.
- (3) The Parties to the Euro-Mediterranean Agreement have agreed on the text of the EU-Jordan Action Plan.
- (4) The EU-Jordan Action Plan will support the implementation of the Euro-Mediterranean Agreement through the elaboration and agreement between the Parties of

concrete steps which will provide practical guidance for such implementation.

- (5) The Action Plan serves the dual purpose of setting out concrete steps for bringing the fulfilment of the Parties' obligations set out in the Euro-Mediterranean Agreement, and of providing a broader framework for further strengthening EU-Jordan relations to involve a significant measure of economic integration and a deepening of political cooperation, in accordance with the overall objectives of the Euro-Mediterranean Agreement,

HAS ADOPTED THE FOLLOWING RECOMMENDATION:

Sole Article

The Association Council recommends that the Parties implement the EU-Jordan Action Plan ⁽¹⁾, insofar as such implementation is directed towards attainment of the objectives of the Euro-Mediterranean Agreement.

Done at Brussels, 9 June 2005.

For the Association Council

The President

F. KASRAWI

⁽¹⁾ <http://register.consilium.eu.int>

COMMISSION

COMMISSION DECISION

of 31 August 2005

concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of an oilseed rape product (*Brassica napus* L., GT73 line) genetically modified for tolerance to the herbicide glyphosate

(notified under document number C(2005) 3110)

(Only the Dutch text is authentic)

(2005/635/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC ⁽¹⁾, and in particular the first subparagraph of Article 18(1) thereof,

After consulting the European Food Safety Authority,

Whereas:

- (1) Pursuant to Directive 2001/18/EC, the placing on the market of a product containing or consisting of a genetically modified organism or a combination of genetically modified organisms is subject to written consent being granted by the competent authority concerned, in accordance with the procedure laid down in that Directive.
- (2) A notification concerning the placing on the market of a genetically modified oilseed rape product (*Brassica napus* L., GT73 line) was submitted by Monsanto SA to the competent authority of the Netherlands.
- (3) The notification covers the same uses as for any other oilseed rape, with the exception of the uses as or in food and the cultivation in the Community of varieties derived

from the genetically modified product (GT73 transformation event). The notification covers the importation and storage of the GT73 oilseed rape, and its use as feed as well as in the processing for feed, and its industrial uses as or in products.

- (4) In accordance with the procedure provided for in Article 14 of Directive 2001/18/EC, the competent authority of the Netherlands prepared an assessment report, which is submitted to the Commission and the competent authorities of other Member States. That assessment report concludes that no reasons have emerged on the basis of which consent for the placing on the market of GT73 oilseed rape should be withheld.
- (5) The competent authorities of certain Member States raised objections to the placing on the market of the product.
- (6) The opinion adopted on 11 February 2004 by the European Food Safety Authority, as established by Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽²⁾, concluded, from all evidence provided, that *Brassica napus* L. line GT73 is as safe as conventional oilseed rape for humans and animals, and in the context of the proposed uses, for the environment. The European Food Safety Authority also found that the monitoring plan provided by the consent holder was appropriate for the intended uses of the GT73 oilseed rape.

⁽¹⁾ OJ L 106, 17.4.2001, p. 1. Directive as last amended by Regulation (EC) No 1830/2003 (OJ L 268, 18.10.2003, p. 24).

⁽²⁾ OJ L 31, 1.2.2002, p. 1. Regulation as amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

- (7) An examination of each of the objections in the light of Directive 2001/18/EC, of the information submitted in the notification and of the opinion of the European Food Safety Authority, discloses no reason to believe that the placing on the market of *Brassica napus* L. line GT73 will adversely affect human or animal health or the environment.
- (8) Refined oil from GT73 oilseed rape has been commercially released for food purposes in the Community in accordance with the procedure referred to in Article 5 of Regulation (EC) No 258/97 of the European Parliament and the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾.
- (9) A unique identifier should be assigned to the GT73 oilseed rape for the purposes of Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC and Commission Regulation (EC) No 65/2004 of 14 January 2004 establishing a system for the development and assignment of unique identifiers for genetically modified organisms ⁽²⁾.
- (10) Adventitious or technically unavoidable traces of genetically modified organisms in products are exempted from labelling and traceability requirements in accordance with thresholds established under Directive 2001/18/EC and Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽³⁾.
- (11) In the light of the opinion of the European Food Safety Authority, it is not necessary to establish specific conditions for the intended uses with regard to the handling or packaging of the product and the protection of particular ecosystems, environments or geographical areas.
- (12) In the light of the opinion of the European Food Safety Authority, an appropriate management system should be in place to prevent grains of GT73 oilseed rape entering cultivation.
- (13) Prior to the placing on the market of the product, the necessary measures to ensure its labelling and traceability at all stages of its placing on the market, including verification by appropriate validated detection methodology, should be applicable.
- (14) The measures provided for in this Decision are not in accordance with the opinion of the Committee established under Article 30 of Directive 2001/18/EC and the Commission therefore submitted to the Council a proposal relating to these measures. Since on the expiry of the period laid down in Article 30(2) of

Directive 2001/18/EC the Council had neither adopted the proposed measures nor indicated its opposition to them in accordance with Article 5(6) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾ the measures should be adopted by the Commission,

HAS ADOPTED THIS DECISION:

Article 1

Consent

Without prejudice to other Community legislation, in particular Regulation (EC) No 258/97 and Regulation (EC) No 1829/2003, written consent shall be granted by the competent authority of the Netherlands to the placing on the market, in accordance with this Decision, of the product identified in Article 2, as notified by Monsanto Europe S.A. (Reference C/NL/98/11).

The consent shall, in accordance with Article 19(3) of Directive 2001/18/EC, explicitly specify the conditions to which the consent is subject, which are set out in Articles 3 and 4.

Article 2

Product

1. The genetically modified organisms to be placed on the market as or in products, hereinafter 'the product', are grains of oilseed rape (*Brassica napus* L.), with tolerance to the herbicide glyphosate, derived from the oilseed rape GT73 line, which has been transformed with *Agrobacterium tumefaciens*, using the vector PV-BNGT04. The product contains the following DNA in two cassettes:

(a) Cassette 1

A 5-enolpyruvylshikimate-3-phosphate synthase (*epsps*) gene derived from *Agrobacterium* sp. strain CP4 (CP4 EPSPS), which confers glyphosate tolerance, under the regulation of the modified figwort mosaic virus promoter (P-CMoVb), terminator sequences from the pea *rbcS* E9 gene encoding the small subunit of ribulose biphosphate carboxylase/oxygenase and the N-terminal chloroplast transit peptide CTP2 sequence from the *epsps* gene of *Arabidopsis thaliana*.

(b) Cassette 2

The variant 247 of the original glyphosate oxidoreductase gene (*goxv247*) derived from *Ochrobactrum anthropi* strain LBAA, which confers glyphosate tolerance, under the regulation of the modified figwort mosaic virus promoter (P-CMoVb), terminator sequences from *Agrobacterium tumefaciens* and the N-terminal chloroplast transit peptide sequence CTP1 from the ribulose biphosphate carboxylase/oxygenase (*Arab-ssu1a*) gene of *Arabidopsis thaliana*.

⁽¹⁾ OJ L 43, 14.2.1997, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 10, 16.1.2004, p. 5.

⁽³⁾ OJ L 268, 18.10.2003, p. 1.

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

The product does not contain the adenytransferase gene (*aad*) encoding resistance to streptomycin and spectinomycin, as present in the transformation vector used.

2. The unique identifier of the product is MON-00073-7.

3. The consent shall cover grains from progeny derived from crosses of oilseed rape line GT73 with any traditionally bred oilseed rape as or in products.

Article 3

Conditions for placing on the market

The product may be put to the same uses as any other oilseed rape, with the exception of cultivation and uses as or in food, and may be placed on the market subject to the following conditions:

- (a) the period of validity of the consent shall be for a period of 10 years starting from the date on which the consent is issued;
- (b) the unique identifier of the product shall be MON-00073-7;
- (c) without prejudice to Article 25 of Directive 2001/18/EC, the consent holder shall, whenever requested to do so, make positive and negative control samples of the product, or its genetic material, or reference materials available to the competent authorities;
- (d) the words 'This product contains genetically modified organisms' or 'This product contains genetically modified GT73 oilseed rape' shall appear either on a label or in a document accompanying the product, except where other Community legislation sets a threshold below which such information is not required; and
- (e) as long as the product has not been authorised for the placing on the market for the purpose of cultivation, the words 'not for cultivation' shall appear either on a label or in a document accompanying the product.

Article 4

Monitoring

1. Throughout the period of validity of the consent, the consent holder shall ensure that the monitoring plan, contained in the notification, to check for any adverse effects on human and animal health or the environment arising from handling or use of the product, is put in place and implemented.

2. The consent holder shall directly inform the operators and users concerning the safety and general characteristics of the product and of the conditions as to monitoring, including the appropriate management measures to be taken in case of accidental grain spillage.

3. The consent holder shall submit to the Commission and to the competent authorities of the Member States annual reports on the results of the monitoring activities.

4. Without prejudice to Article 20 of Directive 2001/18/EC the monitoring plan as notified shall, where appropriate and subject to the agreement of the Commission and the competent authority of the Member State which received the original notification, be revised by the consent holder in the light of the results of the monitoring activities.

5. The consent holder shall be in the position to give evidence to the Commission and the competent authorities of the Member States:

- (a) that the existing monitoring networks, as specified in the monitoring plan contained in the notification, gathers the information relevant for the monitoring of the product; and
- (b) that these existing monitoring networks have agreed to make available that information to the consent holder before the date of submission of the monitoring reports to the Commission and competent authorities of the Member states in accordance with paragraph 3.

Article 5

Applicability

This Decision shall apply from the date on which a detection method specific to the GT73 oilseed rape is validated by the Community reference laboratory as referred to in the Annex of Regulation (EC) No 1829/2003, and as specified in Commission Regulation (EC) No 641/2004⁽¹⁾ on detailed rules for the implementation of Regulation (EC) No 1829/2003.

Article 6

Addressee

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 31 August 2005.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 102, 7.4.2004, p. 14.

COMMISSION DECISION

of 1 September 2005

concerning a financial contribution by the Community towards a baseline survey on the prevalence of *Salmonella* spp. in broiler flocks of *Gallus gallus* to be carried out in the Member States

(notified under document number C(2005) 3276)

(2005/636/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 20 thereof,

Whereas:

(1) Pursuant to Decision 90/424/EEC the Community is to undertake or assist the Member States in undertaking the technical and scientific measures necessary for the development of veterinary legislation and for the development of veterinary education or training.

(2) Under Article 4 of Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents ⁽²⁾, a Community target is to be established for reducing the prevalence of salmonella in populations of flocks of broilers of *Gallus gallus* (broilers) by the end of 2006.

(3) In order to set the Community target, comparable data on the prevalence of salmonella in populations of broilers in the Member States needs to be available. Such information is not at hand and a special survey should therefore be carried out to monitor the prevalence of salmonella in broilers over a suitable period in order to take account of possible seasonal variations.

(4) The survey is to provide technical information necessary for the development of Community veterinary legislation. Given the importance of collecting comparable data on the prevalence of salmonella in broilers in the Member States, they should be granted a Community financial contribution for implementing the specific requirements

of the survey. It is appropriate to reimburse 100 % of the costs incurred on the laboratory testing, subject to a ceiling. All other costs such as sampling, travel, administration, etc. should not be eligible for any Community financial contribution.

(5) A financial contribution from the Community should be granted provided that the survey is carried out in accordance with the relevant provisions of Community law and subject to compliance with certain other conditions.

(6) A financial contribution from the Community should be granted in so far as the actions provided for are effectively carried out and provided that the authorities furnish all the necessary information within the time limits provided for.

(7) There is a need to clarify the rate to be used for the conversion of payment applications submitted in national currencies as defined in Article 1(d) of Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽³⁾.

(8) 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:

Article 1

Objective of the survey and general provisions

1. A survey shall be carried out to assess the prevalence of *Salmonella* spp. across the Community in flocks of broilers of *Gallus gallus* (broilers) sampled within three weeks of leaving the selected holding for slaughter (the survey).

2. The results of the survey shall be used to set Community targets as provided for in Article 4 of Regulation (EC) No 2160/2003.

3. The survey shall cover a one-year period commencing on 1 October 2005.

4. For the purposes of this Decision, 'competent authority' shall be the authority or authorities of a Member State as designated under Article 3 of Regulation (EC) No 2160/2003.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 325, 12.12.2003, p. 1. Regulation as amended by Commission Regulation (EC) No 1003/2005 (OJ L 170, 1.7.2005, p. 12).

⁽³⁾ OJ L 349, 24.12.1998, p. 1.

*Article 2***Sampling frame**

1. Sampling for the purpose of the survey shall be organised by the Member States and shall be performed from 1 October 2005 on holdings containing at least 5 000 birds. On each selected holding, one flock with broilers of the appropriate age shall be sampled.

However, in countries where the calculated number of flocks to be sampled is higher than the number of holdings available with at least 5 000 birds, in order to achieve the calculated number of flocks, up to four flocks may be sampled on the same holding. Where possible the additional flocks from a single holding shall be from different broiler houses and samples taken in different seasons.

If the number of flocks to be sampled is still not sufficient, progressively smaller holdings may also be selected until at least 154 flocks, where possible, is attained.

If the number of flocks to be sampled is still not sufficient, more than four flocks may be sampled on the same holding, larger holdings being focused on.

For countries where fewer than 80 % of the birds are kept on holdings with more than 5 000 broiler chickens, progressively smaller holdings may initially be selected.

2. Sampling shall be performed by the competent authority or under its supervision.

*Article 3***Detection of *Salmonella* spp. and serotyping of the relevant isolates**

1. Detection of *Salmonella* spp. and serotyping of the relevant isolates shall take place in national reference laboratories for salmonella.

However, where a national reference laboratory does not have the capacity to perform all the analyses or if it is not the laboratory that performs detection routinely, the competent authorities may designate a limited number of other laboratories involved in official controls of salmonella to perform the analyses.

Those laboratories shall have proven experience in using the required detection method, shall implement a quality-assurance system complying with ISO standard 17025, and shall be supervised by the national reference laboratory.

2. The detection of *Salmonella* spp. shall be performed in accordance with the method recommended by the Community reference laboratory for salmonella.

3. Serotyping of the relevant isolates shall be performed according to the Kaufmann-White scheme.

*Article 4***Collection of data, assessment and reporting**

1. The national authority responsible for preparing the yearly national report pursuant to Article 9(1) of Directive 2003/99/EC of the European Parliament and of the Council⁽¹⁾ shall collect and assess the results achieved pursuant to Article 3 of this Decision on the basis of the sampling frame referred to in Article 2 thereof, and shall report all necessary data and its assessment to the Commission.

2. The relevant data collected for the purposes of the survey shall be supplied by Member States to the European Food Safety Authority, at the request of the Commission.

3. National aggregated data and results shall be made available publicly in a form that ensures confidentiality.

*Article 5***Technical specifications**

The tasks and activities referred to in Articles 2, 3 and 4 of this Decision shall be performed in conformity with the technical specifications presented at the meeting of the Standing Committee on the Food Chain and Animal Health on 19 July 2005 as published on the Commission website [http://europa.eu.int/comm/food/food/biosafety/salmonella/index_en.htm].

*Article 6***Scope of the Community financial contribution**

1. The Community shall provide a financial contribution for the costs incurred by the Member States on laboratory testing, i.e. bacteriological detection of *Salmonella* spp. and serotyping of the relevant isolates.

2. The maximum financial contribution from the Community shall be EUR 20 per test for bacteriological detection of *Salmonella* spp. and EUR 30 for serotyping of the relevant isolates.

3. The financial contribution from the Community shall not exceed the amounts set out in Annex I for the duration of the survey.

⁽¹⁾ OJ L 325, 12.12.2003, p. 31.

*Article 7***Conditions for granting a Community financial contribution**

1. The financial contribution provided for in Article 6 shall be granted to the Member States provided that the survey is implemented in accordance with the relevant provisions of Community law, including the rules on competition and on the award of public contracts, and subject to compliance with the following conditions:

- (a) by 1 October 2005, the laws, regulations and administrative provisions required to implement the survey shall come into force;
- (b) a progress report covering the first three months of the survey shall be forwarded by 31 January 2006;
- (c) a final report shall be forwarded by 31 October 2006 at the latest on the technical execution of the survey, together with supporting evidence for the costs incurred and the results attained during the period 1 October 2005 to 30 September 2006; the evidence as to costs incurred shall comprise at least the information set out in Annex II;
- (d) the survey shall be implemented effectively.

2. An advance of 50 % of the total amount referred to in Annex I may be paid at the request of the Member State concerned.

3. Failure to comply with the time limit in paragraph 1(c) shall entail a progressive reduction of the financial contribution to be paid, amounting to 25 % of the total amount by 15 November 2006, 50 % by 1 December 2006 and 100 % by 15 December 2006.

*Article 8***Conversion rate for applications in national currencies**

The conversion rate for applications submitted in national currencies in month 'n' shall be that for the 10th day of month 'n+1' or the first day before that day for which a rate is quoted.

*Article 9***Application**

This Decision shall apply from 1 October 2005.

*Article 10***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 1 September 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

Maximum Community financial contribution to the Member States

(EUR)

Member State	Amount
Belgium — BE	53 940
Czech republic — CZ	50 605
Denmark — DK	46 545
Germany — DE	54 085
Estonia — EE	22 330
Greece — EL	54 375
Spain — ES	55 390
France — FR	55 535
Ireland — IE	49 300
Italy — IT	54 665
Cyprus — CY	45 675
Latvia — LV	22 330
Lithuania — LT	22 330
Luxembourg — LU	5 800
Hungary — HU	50 605
Malta — MT	22 330
Netherlands — NL	54 085
Austria — AT	51 620
Poland — PL	55 245
Portugal — PT	54 085
Slovenia — SI	51 040
Slovakia — SK	44 660
Finland — FI	45 530
Sweden — SE	44 080
United Kingdom — UK	54 375
Total	1 120 560

ANNEX II

Certified financial report on the implementation of a baseline survey on the prevalence of *Salmonella* spp. in flocks of broilers *Gallus gallus*

Reporting period: to

Statement on costs incurred on the survey and eligible for Community financial contribution

Reference number of Commission Decision providing Community financial contribution:

Costs incurred related to functions at/by	Number of tests	Total costs of testing incurred during reporting period (national currency)
Bacteriology for <i>Salmonella</i> spp.		
Serotyping <i>Salmonella</i> isolates		

Declaration by the beneficiary

We certify that

- the above costs are genuine and have been incurred in carrying out the tasks laid down in this Decision and were essential for the proper performance of those tasks,
- all supporting documents supporting for the costs are available for audit purposes.

Date:

Person financially responsible:

Signature:

COMMISSION RECOMMENDATION

of 16 August 2005

concerning the measures to be taken by the consent holder to prevent any damage to health and the environment in the event of the accidental spillage of an oilseed rape (*Brassica napus* L., GT73 line — MON-00073-7) genetically modified for tolerance to the herbicide glyphosate

*(notified under document number C(2005) 3073)***(Only the Dutch text is authentic)**

(2005/637/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the second indent of Article 211 thereof,

Whereas:

- (1) On 16 January 2003, the Commission received a dossier, in accordance with the third subparagraph of Article 13(1) and the second indent of Article 14(2) of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC ⁽¹⁾ requesting authorisation to place on the market a product based on a genetically modified oilseed rape (*Brassica napus* L., GT73 line — MON-00073-7), together with a favourable assessment report from the competent authority of the Kingdom of the Netherlands.
- (2) The Commission has sent the assessment report to all the other Member States and some of them have expressed and maintained objections to the said report concerning the molecular characterisation, allergenic potential, monitoring, labelling and detection of the product. In such a case, the Commission, in accordance with the first subparagraph of Article 18(1) of Directive 2001/18/EC, must take a decision pursuant to the procedure provided for in Article 30(2) of the Directive, to which Articles 5 and 7 of Council Decision 1999/468/EC ⁽²⁾ apply, having regard to the provisions of Article 8 thereof.
- (3) In February 2005, the Japanese Environmental Studies Institute published a report referring to the accidental presence of oilseed rape genetically modified for tolerance to a herbicide around five of the six port facilities where sampling had been carried out.
- (4) It seems necessary to prevent the same situation arising in the European Union, and in particular to prevent any

damage to health and the environment in the event of accidental spillage of the oilseed rape MON-00073-7 during transportation, storage, handling in the environment and processing into derived products.

- (5) In this framework the consent holder is best placed to inform operators and users directly about the safety and general characteristics of the product and the monitoring conditions, in particular the appropriate management measures to be taken in the event of accidental grain spillage.
- (6) The Commission therefore considers it preferable for specific technical guidelines to be added to the decision to place the oilseed rape MON-00073-7 on the market to prevent any damage to health and the environment in case of accidental spillage of this product,

HEREBY RECOMMENDS:

Article 1

When applying the provisions of Article 4(2) of the decision to place on the market an oilseed rape (*Brassica napus* L., GT73 line — MON-00073-7) genetically modified for tolerance to the herbicide glyphosate, the measures listed in the Annex shall be taken into account.

Article 2

This Recommendation is addressed to the Kingdom of the Netherlands.

Done at Brussels, 16 August 2005.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 106, 17.4.2001, p. 1. Directive as last amended by Regulation (EC) No 1830/2003 (OJ L 268, 18.10.2003, p. 24).

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

ANNEX

1. The consent holder must inform operators in the Community who handle and process bulk mixtures of imported oilseed rape grains which may contain MON-00073-7 oilseed rape that:
 - (a) MON-00073-7 oilseed rape has received consent for import and use, in accordance with the definition given in Article 3 of the Decision, in the Community;
 - (b) the establishment of a general surveillance plan for any unanticipated adverse effects arising from the placing on the market of MON-00073-7 oilseed rape for the above uses is a condition of consent.
 2. The consent holder must provide operators with a national contact person for the reporting of any unanticipated adverse effects.
 3. The consent holder must inform operators that the possibility of and consequences arising from accidental spillage of MON-00073-7 oilseed rape have been evaluated by the European Food Safety Authority (EFSA) in the context of its intended uses. The consent holder must maintain regular contact with operators to ensure that they are informed of any changes to current practice which may change the conclusions of the environmental risk assessment.
 4. The consent holder must ensure that operators are alert to the possibility that accidental spillage of imported oilseed rape grains in ports and crushing facilities may result in the germination and establishment of volunteer plants, including MON-00073-7 oilseed rape.
 5. In the event that volunteer oilseed rape plants include MON-00073-7 oilseed rape, the consent holder must:
 - (a) inform operators that these plants should be eradicated to minimise the potential for unanticipated adverse effects arising from the MON-00073-7 oilseed rape;
 - (b) provide operators with appropriate plans for eradicating volunteer oilseed rape plants that include MON-00073-7 oilseed rape.
 6. Under Article 4(5) of Directive 2001/18/EC and section C.1.6 of Council Decision 2002/811/EC ⁽¹⁾, Member States may carry out checks and/or additional monitoring with respect to accidental spillage of MON-00073-7 oilseed rape grains and identification of potential unanticipated adverse effects arising from such spillage.
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⁽¹⁾ OJ L 280, 18.10.2002, p. 27.