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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 580/2007

of 29 May 2007

concerning the implementation of Agreements in the form of Agreed Minutes between the European Community and Brazil, and between the European Community and Thailand pursuant to Article XXVIII of General Agreement on Tariffs and Trade 1994 (GATT 1994), amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) Regulation (EEC) No 2658/87 ⁽¹⁾ established a goods nomenclature, hereinafter referred to as the 'Combined Nomenclature', and set out the conventional duty rates of the Common Customs Tariff.
- (2) By its Decision 2007/360/EC of 29 May 2007 on the conclusion of Agreements in the form of Agreed Minutes between the European Community and the Federal Republic of Brazil, and between the European Community and the Kingdom of Thailand ⁽²⁾, the

Council approved, on behalf of the Community, those Agreements with a view to closing negotiations initiated pursuant to Article XXVIII of GATT 1994.

- (3) Regulation (EEC) No 2658/87 should therefore be amended and supplemented accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I of Regulation (EEC) No 2658/87 shall be amended and supplemented with the duties and volumes set out in the Annex to this Regulation.

Article 2

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, 29 May 2007.

For the Council

The President

J. PLEWA

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 501/2007 (OJ L 119, 9.5.2007, p. 1).

⁽²⁾ See page 10 of this Official Journal.

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the concessions being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of this Regulation.

Part Two — Schedule of customs duties

CN code	Description	Duty rate
0210 99 39	Salted poultrymeat	EUR 1 300/tonne
1602 31	Prepared turkeymeat	EUR 1 024/tonne
1602 32 19	Cooked chickenmeat	EUR 1 024/tonne

Part Three — Tariff Annexes

CN code	Description	Duty rate
0210 99 39	Salted poultrymeat	Open a tariff rate quota 264 245 tonnes, of which 170 807 tonnes shall be allocated to Brazil and 92 610 tonnes to Thailand, in-quota rate 15,4 %
1602 31	Prepared turkeymeat	Open a tariff rate quota 103 896 tonnes, of which 92 300 tonnes shall be allocated to Brazil, in quota rate 8,5 %
1602 32 19	Cooked chickenmeat	Open a tariff rate quota 250 953 tonnes, of which 79 477 tonnes shall be allocated to Brazil and 160 033 tonnes to Thailand, in quota rate 8 %

The exact tariff description of the EC-25 shall apply to all tariff lines and quotas above.

COMMISSION REGULATION (EC) No 581/2007**of 29 May 2007****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 30 May 2007.

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

Done at Brussels, 29 May 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ 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 29 May 2007 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	MA	41,6
	TR	105,7
	ZZ	73,7
0707 00 05	JO	151,2
	TR	116,7
	ZZ	134,0
0709 90 70	TR	108,3
	ZZ	108,3
0805 10 20	EG	44,1
	IL	42,8
	MA	47,8
	ZA	79,3
	ZZ	53,5
0805 50 10	AR	47,4
	ZA	66,7
	ZZ	57,1
0808 10 80	AR	106,2
	BR	74,3
	CL	80,0
	CN	89,0
	NZ	117,7
	US	118,7
	UY	48,2
	ZA	92,6
	ZZ	90,8
0809 20 95	TR	497,4
	US	282,8
	ZZ	390,1

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

COMMISSION REGULATION (EC) No 582/2007**of 29 May 2007****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular of the Article 36,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2006/2007 marketing year are fixed by Commission Regulation (EC) No 1002/2006 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EC) No 511/2007 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 May 2007.

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

Done at Brussels, 29 May 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 2011/2006 (OJ L 384, 29.12.2006, p. 1).

⁽²⁾ OJ L 178, 1.7.2006, p. 24. Regulation as amended by Regulation (EC) No 2031/2006 (OJ L 414, 30.12.2006, p. 43).

⁽³⁾ OJ L 179, 1.7.2006, p. 36.

⁽⁴⁾ OJ L 122, 11.5.2007, p. 13.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 30 May 2007

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	20,44	6,08
1701 11 90 ⁽¹⁾	20,44	11,64
1701 12 10 ⁽¹⁾	20,44	5,89
1701 12 90 ⁽¹⁾	20,44	11,12
1701 91 00 ⁽²⁾	24,06	13,56
1701 99 10 ⁽²⁾	24,06	8,68
1701 99 90 ⁽²⁾	24,06	8,68
1702 90 99 ⁽³⁾	0,24	0,40

⁽¹⁾ Fixed for the standard quality defined in Annex I.III to Council Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).

⁽²⁾ Fixed for the standard quality defined in Annex I.II to Regulation (EC) No 318/2006.

⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 583/2007

of 29 May 2007

amending Regulation (EC) No 1839/95 as regards the booking of imports of maize and sorghum and the communications to be made by the Member States concerned

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

quota should be opened for Portugal for the second half of 2007. This Regulation must therefore apply from 1 July 2007.

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 12(1) thereof,

(4) To ensure that the Community's international commitments are met, an additional period should also be provided for, running beyond the calendar year, so enabling these commitments for each reference calendar year to be met. The length of this additional period must be the same for Spain and Portugal.

Whereas:

(1) Under the agreements concluded during the Uruguay Round of multilateral trade negotiations, the Community undertook, as from the 1995/96 marketing year, to open reduced-tariff quotas (hereinafter *abatimento* quotas) for imports into Spain of two million tonnes of maize and 300 000 tonnes of sorghum respectively and for imports into Portugal of 500 000 tonnes of maize. Detailed rules for the application of *abatimento* tariff quotas were laid down by Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽²⁾.

(5) Changes were made to the customs nomenclature in 2002 as regards certain substitute products to be booked against the *abatimento* quotas in Spain. CN codes 2308 90 30 (citrus pulp residues) and 2308 10 00 were merged. The products concerned now fall within CN code 2308 00 40. The list of products to be booked within the framework of *abatimento* quotas should therefore be adapted accordingly.

(2) To ensure the proper application of these quotas, the quantities of maize and of sorghum imported into Spain and Portugal are booked by the Commission on an annual basis taking account of all imports actually carried out, including imports of certain cereal substitute products which are deducted in proportion to the total quantities to be imported into Spain.

(6) Moreover, since the introduction of these quota arrangements, certain specific trade concessions for maize have been granted by the Community within the framework of both preferential and non-preferential arrangements. These new concessions apply independently of the *abatimento* quotas. They presently comprise the concessions granted by Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98 and repealing Regulations (EC) No 1763/1999 and (EC) No 2/2000 ⁽³⁾, by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part ⁽⁴⁾, approved by Council and Commission Decision 2005/40/EC, Euratom ⁽⁵⁾, by the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Albania, of the other part ⁽⁶⁾, approved by Council Decision 2006/580/EC ⁽⁷⁾, and by Commission Regulation (EC) No 969/2006 of 29 June 2006 opening and providing for the administration of a Community tariff quota for imports of maize from third countries ⁽⁸⁾.

(3) In the case of maize imports, the import period for Portugal corresponds at present to the marketing year while it corresponds to the calendar year in the case of Spain. To ensure the sound management of the *abatimento* quotas, identical import and accounting periods should be fixed for those two countries, i.e. the calendar year. However, in order to avoid any overlap between the new and old accounting periods, a specific

⁽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 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 1996/2006 (OJ L 398, 30.12.2006, p. 1).

⁽³⁾ OJ L 240, 23.9.2000, p. 1. Regulation as last amended by Regulation (EC) No 530/2007 (OJ L 125, 15.5.2007, p. 1).

⁽⁴⁾ OJ L 26, 28.1.2005, p. 3.

⁽⁵⁾ OJ L 26, 28.1.2005, p. 1.

⁽⁶⁾ OJ L 239, 1.9.2006, p. 2.

⁽⁷⁾ OJ L 239, 1.9.2006, p. 1.

⁽⁸⁾ OJ L 176, 30.6.2006, p. 44. Regulation as last amended by Regulation (EC) No 305/2007 (OJ L 81, 22.3.2007, p. 19).

- (7) Accordingly, in order to ensure the sound management of the arrangements introduced by Regulation (EC) No 1839/95, while continuing to observe the Community's international obligations, the imports to be booked as *abatimento* quotas should be clearly specified.
- (8) The current provisions of Regulation (EC) No 1839/95 provide for the extension of the period for booking imports into Spain to the end of February each year, but do not lay down any rules for Portugal. This situation is unsatisfactory as it creates uncertainty in the application of the arrangements. In order to remove this uncertainty and to ensure the sound management of the *abatimento* quotas, provision should be made for similar methods for booking imports of maize and sorghum effected in Spain and in Portugal.
- (9) In order to attain this objective and to guarantee effective monitoring by the Commission of the arrangements and of the Community's international obligations, provision should be made for Spain and Portugal to communicate to the Commission, each month, all imports of the products concerned actually carried out, specifying the calculation method applied.
- (10) Regulation (EC) No 1839/95 should therefore be amended accordingly.
- (11) 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

Regulation (EC) No 1839/95 is amended as follows:

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

'2. On 1 January each year an import quota shall be opened for a maximum of 500 000 tonnes of maize for release into free circulation in Portugal. Imports under this quota shall be made on an annual basis under the conditions laid down in this Regulation.

2a. Paragraph 2 notwithstanding, an import quota shall be opened for 2007 from 1 July to 31 December 2007 for a maximum quantity of 250 000 tonnes of maize for release into free circulation in Portugal. Imports under this quota shall be made under the conditions laid down in this Regulation.'

2. Article 2 is amended as follows:

(a) in paragraph 1, CN code '2308 90 30' is replaced by 'ex 2308 00 40';

(b) paragraph 2 is replaced by the following:

'2. The Commission shall book:

(a) for the quotas referred to in Article 1(1) and (2):

(i) the quantities of maize (CN code 1005 90 00) and sorghum (CN code 1007 00 90) imported into Spain and the quantities of maize (CN code 1005 90 00) imported into Portugal during each calendar year and, where necessary, until the end of May of the following year;

(ii) the quantities of residues of starch manufacture from maize, brewing and distilling dregs and waste and residues of citrus pulp referred to in paragraph 1 of this Article imported into Spain during each calendar year.

(b) for the quota referred to in Article 1(2a), the quantities of maize (CN code 1005 90 00) imported into Portugal during the second half of 2007 and, where necessary, until the end of May 2008.

Where quantities are booked in respect of the months following the reference calendar year in accordance with points (a)(i) and (b) of the first subparagraph, these quantities may no longer be booked in respect of the following calendar year.

3. For the purposes of booking quantities as provided for in paragraph 2, imports of maize into Spain and Portugal carried out under the following acts shall not be taken into account:

(a) Council Regulation (EC) No 2007/2000 (*);

(b) Council and Commission Decision 2005/40/EC, Euratom (**);

(c) Council Decision 2006/580/EC (***);

(d) Commission Regulation (EC) No 969/2006 (****).

(*) OJ L 240, 23.9.2000, p. 1.

(**) OJ L 26, 28.1.2005, p. 1.

(***) OJ L 239, 1.9.2006, p. 1.

(****) OJ L 176, 30.6.2006, p. 44.;

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 29 May 2007

on the conclusion of Agreements in the form of Agreed Minutes between the European Community and the Federative Republic of Brazil, and between the European Community and the Kingdom of Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade 1994 (GATT 1994) relating to the modification of concessions with respect to poultry meat

(2007/360/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 5 May 2006, the Council authorised the Commission to open negotiations under Article XXVIII of the General Agreement on Tariffs and Trade 1994 (GATT 1994) with a view to modify the bound duties on three poultry meat products provided for in EC Schedule CXL annexed to the GATT 1994. The Commission notified to the World Trade Organisation its intention to modify concessions for salted poultry meat under heading 0210 99 39 and to extend the negotiations to cooked chicken meat under heading 1602 32 19 and to turkey meat preparations under heading 1602 31 of the Combined Nomenclature (CN).
- (2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.
- (3) The Commission has reached Agreements in the form of Agreed Minutes with the Federative Republic of Brazil, holding a principal supplying interest in products of CN codes 0210 99 39, 1602 31 and holding a substantial interest in products of CN codes 1602 32 19, on 6 December 2006, and with the Kingdom of Thailand, holding a substantial interest in products of CN code 0210 99 39, and a principal supplying interest in products of CN code 1602 32 19, on 23 November 2006.

- (4) The Agreements should be approved.

- (5) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreements in the form of Agreed Minutes between the European Community and the Federative Republic of Brazil, and between the European Community and the Kingdom of Thailand, pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to poultry meat are hereby approved on behalf of the Community.

The texts of the Agreements are attached to this Decision.

Article 2

The measures necessary for the implementation of this Decision shall be adopted in accordance with the procedure referred to in Article 3(2).

⁽¹⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

Article 3

1. The Commission shall be assisted by the Management Committee for Poultry meat and Eggs.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

Article 4

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreements in order to bind the Community ⁽¹⁾.

Done at Brussels, 29 May 2007.

For the Council

The President

J. PLEWA

⁽¹⁾ The date of entry into force of the Agreements will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREED MINUTES
between the European Community and the Federative Republic of Brazil

Negotiations under Article XXVIII of GATT 1994 relating to the modification of concessions with respect to poultry provided for in EC Schedule CXL annexed to GATT 1994.

In the negotiations between the European Community (hereinafter 'EC') and the Federative Republic of Brazil (hereinafter 'Brazil') under Article XXVIII of GATT 1994 for the modification of concessions with respect to poultry provided for in EC Schedule CXL annexed to the General Agreement on Tariffs and Trade 1994 (GATT 1994), the Delegations of the Commission of the European Communities and Brazil reached the Agreement outlined below.

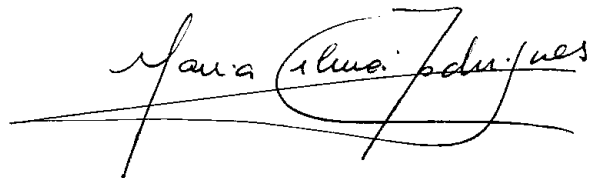
The Delegations of the Commission of the European Communities and Brazil will submit this Agreement for approval to their respective authorities.

1. Bound Rates of Duty: the bound rate of duty for items 0210 90 20 (currently 0210 99 39), 1602 31 and 1602 32 19 shall be EUR 1 300/tonne, EUR 1 024/tonne and EUR 1 024/tonne respectively.
2. Tariff Rate Quotas (TRQs): the EC shall open the following annual TRQs:
 - (a) for item 0210 90 20 (salted) a quota of 264 245 tonnes, of which 170 807 tonnes shall be allocated to Brazil. The in-quota rate shall be 15,4 % *ad valorem*;
 - (b) for item 1602 31 (turkey) a quota of 103 896 tonnes, of which 92 300 tonnes shall be allocated to Brazil. The in-quota rate shall be 8,5 % *ad valorem*;
 - (c) for item 1602 32 19 (cooked) a quota of 250 953 tonnes, of which 79 477 tonnes shall be allocated to Brazil. The in-quota rate shall be 8 % *ad valorem*.
3. Imports under the TRQs referred to in paragraph 2 shall take place on the basis of certificates of origin issued in a non-discriminatory way by the competent authorities in Brazil.
4. The concessions contained in the present Agreement shall be subject to the modalities eventually agreed to in the DDA of WTO.
5. The quota volumes allocated among the countries with principal supplying interest and substantial interest shall follow the general principles of GATT Article XIII. The concessions that may result from the application of such principles shall not be less favourable than those negotiated under the present Agreement.
6. The two Parties commit themselves to implement the provisions of this Agreement as soon as possible in accordance to their internal procedures.
7. At the request of either Party to the present Agreement, consultations shall take place in relation to the implementation of the present Agreement.

Done at Brussels on the twenty-ninth day of May in the year two thousand and seven.

For the European Community

For the Federative Republic of Brazil



AGREED MINUTES
between the European Community and the Kingdom of Thailand

Negotiations under Article XXVIII of GATT 1994 relating to the modification of concessions with respect to poultry provided for in EC Schedule CXL annexed to GATT 1994.

In the negotiations between the European Community (hereinafter 'EC') and the Kingdom of Thailand (hereinafter 'Thailand') under Article XXVIII of GATT 1994 for the modification of concessions with respect to poultry provided for in EC Schedule CXL annexed to the General Agreement on Tariffs and Trade 1994 (GATT 1994), the Delegations of the Commission of the European Communities and Thailand reached the Agreement outlined below.

1. Bound Rates of Duty: the bound rate of duty for items 0210 90 20 (currently 0210 99 39) and 1602 32 19 shall be EUR 1 300/tonne and EUR 1 024/tonne respectively.
2. Tariff Rate Quotas (TRQs): the EC shall open the following annual TRQs:
 - (a) for item 0210 90 20 (salted) a quota of 264 245 tonnes, of which 92 610 tonnes shall be allocated to Thailand. The in-quota rate shall be 15,4 % *ad valorem*;
 - (b) for item 1602 32 19 (cooked) a quota of 250 953 tonnes, of which 160 033 tonnes shall be allocated to Thailand. The in-quota rate shall be 8 % *ad valorem*.
3. Imports under the TRQs referred to in paragraph 2 shall take place on the basis of certificates of origin issued in a non-discriminatory way by the competent authorities in Thailand.
4. The concessions contained in the present Agreement shall be subject to the modalities eventually agreed to in the DDA of WTO.
5. The quota volumes allocated among the countries with principal supplying interest and substantial interest shall follow the general principles of GATT Article XIII. The concessions that may result from the application of such principles shall not be less favourable than those negotiated under the present Agreement.
6. The two Parties commit themselves to implement the provisions of this Agreement as soon as possible in accordance to their internal procedures.
7. At the request of either Party to the present Agreement, consultations shall take place in relation to the implementation of the present Agreement.

Done at Brussels on the twenty-ninth day of May in the year two thousand and seven.

For the European Community

For the Kingdom of Thailand



COMMISSION

COMMISSION DECISION

of 4 May 2007

on the determination of surplus stocks of agricultural products other than sugar and the financial consequences of their elimination in relation to the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

(notified under document number C(2007) 1979)

(Only the Czech, Greek, Estonian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian versions are authentic)

(2007/361/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

prices mean that normal carryover stock should be assessed in the light of factors varying from sector to sector.

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, and in particular paragraph 4 of Chapter 4 of Annex IV thereto,

Whereas:

(1) Paragraph 2 of Chapter 4 of Annex IV to the 2003 Act of Accession provides that any stock of agricultural product private as well as public, in free circulation at the date of accession within the territory of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as 'the new Member States'), and exceeding the quantity which could be regarded as constituting a normal carry-over of stock should be eliminated at the expense of the new Member States. The concept of normal carry-over should be defined for each product on the basis of the criteria and objectives specific to each market organisation.

(2) Both the criteria and objectives particular to each market organisation and the relationship between prices in the new Member States before accession and Community

(3) The basis for calculating levels of surplus stocks should be the variation in domestic production plus imports less exports in the twelve months immediately preceding accession, namely 1 May 2003 to 30 April 2004, compared to the average of variation in domestic production plus imports less exports for the three previous twelve-month periods.

(4) The Commission invited the new Member States comments on the general methodology of the calculation and to present any arguments on specific situations which would justify higher than normal stocks. The Commission then proceeded as a first step to assess the comments on the general methodology and finalise the methodology based on an overall analysis of the situation to produce a horizontal approach to be applied to all new Member States. As a second step, an evaluation of the specific arguments put forward by the new Member States has been carried out. On the basis of the result of this evaluation, the results of the horizontal exercise have been adjusted.

(5) The results of the calculation should be adjusted to take into consideration that some categories of products, such as butter and butter-oil, different qualities of rice, hops, seeds, wine alcohol, tobacco, and cereals are effectively interchangeable and could be considered as a group, so that an increase in stock levels of certain products in a group may be offset by a reduction in stock levels of other products in the group.

- (6) New Member States have suggested that production and trade could have been subject to a developing trend during the period of calculation, in particular where the economic development of their economies was affected by the prospect of accession to the European Union. Neglecting such a trend could lead to an overestimation of surplus stock levels. The calculation has thus been adjusted by the introduction of a mechanism to take into account this trend for both production and trade. (Application of this mechanism should also deal with any similar trends in internal consumption).
- (7) The calculation should be based on official monthly Eurostat data transmitted by the Member States, where this is available. In cases where such data are not available or are incomplete a best estimate method should be applied using other available sources of information, established in close contact with the new Member States.
- (8) The other sources of information which have been used are yearly Eurostat data, data from the new Member States' balance sheets for the products concerned, and data sent officially to the Commission by the new Member States which is certified by the national statistical authority.
- (9) Certain country-specific situations have been taken into account at the request of new Member States in particular certain specific circumstances in which stocks were built up.
- (10) A threshold should be introduced in order to cover situations where the resulting amounts of surplus stocks are relatively small compared to what could be regarded as a normal carry-over stock. This covers the margin of error of the statistical information gathered in the particular circumstances of the pre-accession period and the complexity and scope of this exercise. No charge should hence be payable by a new Member State on the amount of surplus stock of a particular product, as calculated, if this amount is no more than 10 % of what could be regarded as a normal carry-over stock for that product in the new Member State concerned.
- (11) The most appropriate method for calculating the financial consequences of the surplus stocks, in the light of the objective of paragraph 2 of Chapter 4 of Annex IV to the 2003 Act of Accession should consist in an evaluation of the cost of their disposal in each sector concerned. In cases where export refunds existed for products in the year after accession, it is appropriate to establish the financial consequences on the basis of the difference between the internal and external price level, as reflected by the average export refund during the twelve-month period immediately after accession.
- (12) For products not subject to export refunds in cases such as preserved mushrooms, garlic, fruit juices for which significant levels of surplus stocks have been established in certain new Member States, for an equivalent approach, it is appropriate to take as a basis the price differences between the average internal and external prices. In view of the temporary nature of the financial consequences arising from the establishment of surplus stocks for different agricultural products in certain new Member States, the corresponding amounts should be paid by the Member States concerned into the Community budget. It is necessary to fix the date on which these payments should be made.
- (13) In view of the potentially important financial consequences that a Member State may face, it is justified to extend over four years the period for the payment of these amounts by the Member States concerned.
- (14) Whereas the relevant management committees have not delivered opinions within the time limits set down by their chairmen,
- HAS ADOPTED THIS DECISION:
- Article 1*
- The quantities of agricultural products in free circulation in the new Member States at the date of accession exceeding the quantities which could be regarded as constituting a normal carryover of stock at 1 May 2004, and the amounts to be charged to the new Member States in consequence of the expense of elimination of those quantities are set out in the Annex.
- Article 2*
1. The amounts set out in the Annex shall be considered as revenue for the Community budget.
2. The Member States may pay these amounts set out in the Annex to the Community budget in four equal instalments. The first instalment shall be paid by the last day of the second month following the month in which this Decision is notified to the new Member State concerned. Subsequent instalments shall be paid by 31 May 2008, 31 May 2009 and 31 May 2010 respectively.

Article 3

This Decision is addressed to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Poland, Slovenia and Slovakia.

Done at Brussels, 4 May 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Quantities exceeding normal carryover stocks and amounts to be charged to the new Member States

Product Group	Czech Republic		Estonia		Cyprus		Latvia		Lithuania		Malta		Poland		Slovenia		Slovakia	
	Quantity in tonnes	Amount in 1 000 EUR	Quantity in tonnes	Amount in 1 000 EUR	Quantity in tonnes	Amount in 1 000 EUR	Quantity in tonnes	Amount in 1 000 EUR	Quantity in tonnes	Amount in 1 000 EUR	Quantity in tonnes	Amount in 1 000 EUR	Quantity in tonnes	Amount in 1 000 EUR	Quantity in tonnes	Amount in 1 000 EUR	Quantity in tonnes	Amount in 1 000 EUR
Meat (*)	13 524	6 221											18 758	7 773				
Milk (**)			4 908	6 538					2 804	2 971	521	288	551	752				
Fruits (***)	18 383	4 943							658	180			3 994	2 228	971	375	6 355	3 049
Rice	21 021	1 123	88	4	2 153	115			569	30			22 915	1 224	340	18	10 950	585
Wine			572	42			2 775	203					6 435	472				
Total		12 287		6 584		115		203		3 181		288		12 449		393		3 634

(*) 4 sub-groups: Beef & Veal, Pigmeat, Sheep & Goat, Poultry.

(**) 4 sub-groups: Cheeses, SMP, WMP, Butter & Butter-Oil.

(***) 9 sub-groups: Mushrooms, Mandarins, Pineapples, Orange Juice, Apple Juice, Tomatoes, Garlic, Grape Juice.

COMMISSION DECISION

of 16 May 2007

amending Decision 2004/432/EC on the approval of residue monitoring plans submitted by third countries in accordance with Council Directive 96/23/EC*(notified under document number C(2007) 2088)***(Text with EEA relevance)**

(2007/362/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽¹⁾, and in particular the fourth subparagraph of Article 29(1) and Article 29(2) thereof,

Whereas:

- (1) Directive 96/23/EC lays down measures to monitor the substances and groups of residues listed in Annex I thereto. Pursuant to Directive 96/23/EC, the inclusion and retention on the lists of third countries from which Member States are authorised to import animals and primary products of animal origin covered by that Directive, are subject to submission by the third countries concerned of a plan setting out the guarantees which they offer as regards the monitoring of the groups of residues and substances referred to in that Directive.
- (2) Commission Decision 2004/432/EC of 29 April 2004 on the approval of residue monitoring plans submitted by third countries in accordance with Council Directive 96/23/EC ⁽²⁾ lists those third countries which have submitted a residue monitoring plan, setting out the guarantees offered by them in compliance with the requirements of that Directive.
- (3) Serbia has presented residue monitoring plans to the Commission for animals and products of animal origin not currently listed in Decision 2004/432/EC. The evaluation of those plans and the additional information obtained by the Commission provide sufficient guarantees on the residue monitoring in that third country for the animals and products concerned. The relevant animals and products of animal origin should therefore be included in the list for Serbia in that Decision.

- (4) Greenland, Namibia and Paraguay have asked not to be included in the list in Decision 2004/432/EC for certain categories of animals and products of animal origin. The entries concerning the relevant animals and products of animal origin should therefore be deleted from the list for those third countries.
- (5) Costa Rica and Vietnam, which are currently listed for certain animals or products of animal origin under Decision 2004/432/EC, have not submitted to the Commission the requested guarantees for some of these animals and products of animal origin. Moreover Food and Veterinary Office inspections in those third countries have revealed serious deficiencies concerning the residue monitoring for the animals and products concerned. The entries for the relevant animals and products of animal origin for those third countries should therefore be deleted in the list. The third countries concerned have been informed accordingly.
- (6) A transitional period should be laid down to cover consignments of animals and products originating in Costa Rica, Greenland, Namibia, Paraguay and Vietnam which were dispatched from those third countries for the Community, before the date of application of this Decision, to cover the time needed for their arrival in the Community.
- (7) Decision 2004/432/EC should therefore be amended accordingly.
- (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

The Annex to Decision 2004/432/EC is replaced by the text in the Annex to this Decision.

⁽¹⁾ OJ L 125, 23.5.1996, p. 10. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

⁽²⁾ OJ L 154, 30.4.2004, p. 44, as corrected by OJ L 189, 27.5.2004, p. 33. Decision as last amended by Decision 2007/115/EC (OJ L 49, 17.2.2007, p. 25).

Article 2

The amendments to the list in the Annex to Decision 2004/432/EC by the present Decision shall not apply to consignments of animals and products originating in Costa Rica, Greenland, Namibia, Paraguay and Vietnam where the importer of such products can demonstrate that they had been dispatched from the third country concerned and were en route to the Community before the date of application of the present Decision.

Article 3

This Decision shall apply from the seventh day following its publication in the *Official Journal of the European Union*.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 16 May 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

[illegible]

Code ISO2	Country	Bovine	Ovine/ caprine	Swine	Equine	Poultry	Aquaculture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
FO	Faeroe Islands						X						
GL	Greenland		X								X	X	
GM	Gambia						X						
GT	Guatemala						X						X
HK	Hong Kong					X ⁽²⁾	X ⁽²⁾						
HN	Honduras						X						
HR	Croatia	X	X	X	X ⁽³⁾	X	X	X	X	X	X	X	X
ID	Indonesia						X						
IL	Israel					X	X	X	X			X	X
IN	India						X	X	X				X
IS	Iceland	X	X	X	X		X	X				X ⁽²⁾	
JM	Jamaica						X						X
JP	Japan						X						
KE	Kenya												X
KG	Kyrgyzstan												X
KR	South Korea						X						
LK	Sri Lanka						X						
MA	Morocco						X						
MD	Moldova												X
MG	Madagascar						X						
MK	The former Yugoslav Republic of Macedonia ⁽²⁾	X	X		X ⁽³⁾			X					
MU	Mauritius					X ⁽²⁾							
MX	Mexico				X		X		X				X

Code ISO2	Country	Bovine	Ovine/ caprine	Swine	Equine	Poultry	Aquaculture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
UA	Ukraine				X ⁽³⁾			X					X
UG	Uganda												X
US	United States	X	X	X	X	X	X	X	X	X	X	X	X
UY	Uruguay	X	X		X		X	X		X	X	X	X
VE	Venezuela						X						
VN	Vietnam						X						
ME	Montenegro ⁽⁶⁾	X	X	X	X ⁽³⁾								X
RS	Serbia ⁽¹⁰⁾	X	X	X	X ⁽³⁾	X	X	X	X		X		X
YT	Mayotte						X						
ZA	South Africa	X	X	X		X		X			X	X	X
ZM	Zambia												X
ZW	Zimbabwe	X					X					X	

⁽¹⁾ Initial residue monitoring plan approved by veterinary sub-group EC-Andorra (in accordance with Decision No 2/1999 of EC-Andorra Joint Committee of 22 December 1999 (OJ L 31, 5.2.2000, p. 84)).

⁽²⁾ Third countries using only raw material from other approved third countries for food production.

⁽³⁾ Export of live equidae for slaughter (food producing animals only).

⁽⁴⁾ Only sheep.

⁽⁵⁾ The former Yugoslav Republic of Macedonia; provisional code which does not prejudice in any way the definitive nomenclature for this country, which is currently under discussion at the United Nations.

⁽⁶⁾ Peninsular (western) Malaysia only.

⁽⁷⁾ Only for reindeer from the Murmansk and Yamalo-Nenets regions.

⁽⁸⁾ Monitoring plan approved in accordance with Decision No 1/94 of the EC-San Marino Cooperation Committee of 28 June 1994 (OJ L 238, 13.9.1994, p. 25).

⁽⁹⁾ Provisional situation pending further information on residues.

⁽¹⁰⁾ Not including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999.

COMMISSION DECISION

of 21 May 2007

on guidelines to assist Member States in preparing the single integrated multi-annual national control plan provided for in Regulation (EC) No 882/2004 of the European Parliament and of the Council

*(notified under document number C(2007) 2099)***(Text with EEA relevance)**

(2007/363/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽¹⁾, and in particular Article 43(1) thereof,

Whereas:

(1) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽²⁾ provides the basis for the assurance of a high level of protection of health and consumers' interests in relation to food.

(2) Regulation (EC) No 882/2004 lays down general rules for the performance of official controls by the Community or the competent authority of the Member States to verify compliance with rules concerning feed and food law, animal health and animal welfare rules.

(3) Article 41 of Regulation (EC) No 882/2004 provides that each Member State is to prepare a single integrated multi-annual national control plan to ensure the effective implementation of Article 17(2) of Regulation (EC) No 178/2002, of animal health and animal welfare rules and of Article 45 of Regulation (EC) No 882/2004 (the national control plan).

(4) The purpose of the national control plans is also to establish a solid basis for Commission inspection services to carry out controls in the Member States.

(5) Article 27a of Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽³⁾ provides that Articles 41 to 46 of Regulation (EC) No 882/2004 concerning national control plans, annual reports, and Community controls in Member States and third countries are to apply, as appropriate, in order to ensure the effective implementation of that Directive.

(6) Article 42 of Regulation (EC) No 882/2004 lays down principles for the preparation of the national control plans and in particular the general information to be contained in them.

(7) Article 43 of Regulation (EC) No 882/2004 provides that the Commission is to draw up guidelines on national control plans to, *inter alia*, promote a consistent, comprehensive and integrated approach to official controls which cover all sectors and all stages of the feed and food chain, including imports and the introduction into the Community of feed and food and which verify compliance with food and feed, animal health and animal welfare legislation (the guidelines).

(8) Article 43 of Regulation (EC) No 882/2004 also provides that national control plans are to take account of the guidelines. The guidelines are not binding but serve to provide useful guidance to the Member States in the implementation of that Regulation. In addition, Article 43 also sets out specially the purpose and contents of the guidelines with regard to the national control plans.

(9) Article 45 of Regulation (EC) No 882/2004 provides that Community audits are to be carried out in the Member States on a regular basis mainly in order to verify that official controls are carried out in accordance with the national control plans and in compliance with Community law.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1, corrected version (OJ L 191, 28.5.2004, p. 1). Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).

⁽³⁾ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2006/35/EC (OJ L 88, 25.3.2006, p. 9).

- (10) Certain matters can only be developed in the light of experience gained from the implementation of national control plans, from audits of the competent authorities in the Member States in accordance with Article 4(6) of Regulation (EC) No 882/2004, and by Commission experts under Article 45 of that Regulation as well as from the information included in the annual reports submitted by the Member States under Article 44 of that Regulation. It is therefore appropriate to take a 'phased' approach in developing the guidelines.
- (11) Accordingly, the guidelines set out in this Decision should concentrate on the elements of the national control plans which are to be in place in the Member States in order to meet the minimum requirements of Regulation (EC) No 882/2004, and in particular the requirements of Article 42 which sets out the principles for the preparation of national control plans. The guidelines should also provide a basis for the Community controls in the Member States.
- (12) Further guidelines addressing specific issues, where appropriate, may later be developed progressively in the light of experience.
- (13) The guidelines laying down criteria for the conduct of the audits provided for in Article 4(6) and Article 43(1)(i) of Regulation (EC) No 882/2004 are set out in the Annex to Commission Decision 2006/677/EC of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules ⁽¹⁾.
- (14) The guidelines laying down the structure of and information to be contained in the annual report by the Member States to the Commission as provided for in Article 44 of Regulation (EC) No 882/2004 are to be adopted later.
- (15) The Commission is to keep the guidelines set out in this Decision under review and update them, as necessary, following the receipt and examination of the national control plans and in the light of the experience of the Member States in implementing Regulation (EC) No 882/2004.
- (16) The measures set out 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*
- The guidelines provided for in Article 43(1) of Regulation (EC) No 882/2004 to be taken into account in the multi-annual national control plan provided for in Article 41 of that Regulation (the national control plan) are set out in the Annex to this Decision.
- Article 2*
- This Decision is addressed to the Member States.
- Done at Brussels, 21 May 2007.
- For the Commission*
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 278, 10.10.2006, p. 15.

ANNEX

Guidelines for single integrated multi-annual national control plans as provided for in Article 41 of Regulation (EC) No 882/2004**Contents**

1. Purpose of the Guidelines
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 - 4.3.7. Review and adjustment of national control plans
5. Guidance on the scope of single integrated multi-annual national control plans

1. PURPOSE OF THE GUIDELINES

These guidelines are to assist Member States in preparing the single integrated multi-annual national control plan provided for in Article 41 of Regulation (EC) No 882/2004 (the national control plan). They provide guidance on the requirements for the national control plans as set out in Article 42(2) of that Regulation.

2. DEFINITIONS

- 2.1. For the purposes of these guidelines, the definitions laid down in Articles 2 and 3 of Regulation (EC) No 178/2002, Article 2 of Regulation (EC) No 882/2004 and other relevant Community legislation shall apply.

In particular, the following definitions set out in those Regulations are to be noted:

- (a) 'food law' means the laws, regulations and administrative provisions governing food in general, and food safety in particular, whether at Community or national level; it covers any stage of production, processing and distribution of food and also of feed produced for, or fed to, food producing animals. (Point 1 of Article 3 of Regulation (EC) No 178/2002);
- (b) 'feed law' means the laws, regulations and administrative provisions governing feed in general and feed safety in particular, whether at Community or national level; it covers all stages of production, processing and distribution of feed and the use of feed. (Point 3 of the second paragraph of Article 2 of Regulation (EC) No 882/2004);
- (c) 'official control' means any form of control that the competent authority or the Community performs for the verification of compliance with feed and food law, animal health and animal welfare rules. (Point 1 of the second paragraph of Article 2 of Regulation (EC) No 882/2004);
- (d) 'competent authority' means the central authority of a Member State competent for the organisation of official controls or any other authority to which that competence has been conferred; it shall also include, where appropriate, the corresponding authority of a third country. (Point 4 of the second paragraph of Article 2 of Regulation (EC) No 882/2004);

With regard to plant health, 'competent authority' includes the 'single authority' referred to in Article 1(4) of Directive 2000/29/EC and 'responsible official bodies' referred to in Article 2(1)(g) of that Directive;

With regard to organic production of agricultural products covered by Council Regulation (EEC) No 2092/91⁽¹⁾, 'competent authority' includes the 'authority' designated for the reception of notifications provided for in Article 8(2) of Regulation (EEC) No 2092/91 and the authority designated for the approval and supervision of private bodies as provided for in Article 9(4) of that Regulation;

- (e) 'control body' means an independent third party to which the competent authority has delegated certain control tasks. (Point 5 of the second paragraph of Article 2 of Regulation (EC) No 882/2004);

With regard to plant health, 'control body' includes 'legal persons' with delegated tasks as referred to in Article 2(1)(g) of Directive 2000/29/EC;

With regard to organic production of agricultural products covered by Council Regulation (EEC) No 2092/91, 'control body' includes 'approved private bodies' referred to in Article 9 of Regulation (EEC) No 2092/91;

- (f) 'control plan' means a description established by the competent authority containing general information on the structure and organisation of its official control system. (Point 20 of the second paragraph of Article 2 of Regulation (EC) No 882/2004);
- (g) 'risk' means a function of the probability of an adverse health effect and the severity of that effect, consequential to a hazard. (Point 9 of Article 3 of Regulation (EC) No 178/2002);

With regard to plant health, 'risk' must be interpreted in accordance with Directive 2000/29/EC.

⁽¹⁾ OJ L 198, 22.7.1991, p. 1.

2.2. In addition to the definitions referred to in 2.1, the following definitions apply for the purpose of these guidelines:

- (a) 'coordination' means any action(s) taken to ensure that the competent authorities are planning and implementing their official controls in a coherent and consistent manner in order to effectively contribute to the common objective(s) of achieving effective implementation of the national control plan and of Community law.
- (b) 'production chain' means the full chain of production incorporating all 'stages of production, processing and distribution', as defined in point 16 of Article 3 of Regulation (EC) No 178/2002, including, where appropriate, all stages of non-food chain related animal and plant production.
- (c) 'production stage' means any stage in the production chain for a commodity, including import, from and including the primary production up to and including processing, manufacture, storage, transport, distribution, sale or supply to the final consumer.
- (d) 'sector' means the full production chain for a particular commodity or group of commodities and which may involve the activities of one or more competent authorities.

3. GUIDANCE ON LEGAL REQUIREMENTS FOR NATIONAL CONTROL PLANS

Note regarding references to Community legislation

In these guidelines a reference to a Community act means, unless a contrary intention is indicated, a reference to that act as last amended.

3.1. NATIONAL CONTROL PLANS

3.1.1. RELEVANT COMMUNITY LEGISLATION

Article 41 of Regulation (EC) No 882/2004 provides:

'In order to ensure the effective implementation of Article 17(2) of Regulation (EC) No 178/2002, of animal health and animal welfare rules and of Article 45 of this Regulation, each Member State shall prepare a single integrated multi-annual national control plan.'

Article 27a of Directive 2000/29/EC provides:

'For the purpose of this Directive and without prejudice to Article 21 thereof, Articles 41 to 46 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules shall apply, as appropriate.'

3.1.2. GUIDANCE/DEFINITION OF REQUIREMENT

3.1.2.1. *Scope of the national control plans*

National control plans should cover the full legislative scope of Regulation (EC) No 882/2004, including plant health, in so far as provided for in Article 27a of Directive 2000/29/EC. It should be noted that with regard to feed and food law and animal health and animal welfare legislation, national control plans are required to cover all official controls relating to all relevant Community legislation and not just those relating to feed and food hygiene and safety.

Therefore with regard to official controls on feed and food, the national control plans should cover all feed and food law including, for example, feed and food hygiene, materials in contact with food, genetically modified organisms (GMOs), irradiation ⁽¹⁾, quality and compositional requirements of feed and food law, labelling, nutritional aspects, organic farming, agricultural products and foodstuffs as traditional specialities guaranteed ⁽²⁾ and protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽³⁾. In relation to animal health, all diseases and issues regulated by Community law should also be included.

The national control plans should cover all relevant commodities: food, feed, and non-food commodities of both animal and non-animal origin, including animal by-products, and all production stages, (including, as applicable, importation, primary production, processing, manufacture up to and including storage, transport, distribution and sale or supply to the final consumer). With regard to plant health, all controls required under Directive 2000/29/EC should be included in the national control plans.

See Section 5 for further clarification on the scope of the national control plans.

3.1.2.2. **Application to Plant Health**

Article 27a of Directive 2000/29/EC provides that Articles 41 to 46 of Regulation (EC) No 882/2004 are to apply to plant health. However, the information required under Articles 42(2)(f) to (k) of that Regulation refers to provisions of the Regulation that are not applicable to plant health.

It should also be noted that as provided for by Articles 42(2)(f), 42(2)(h), 42(2)(i) and 42(2)(k) of Regulation (EC) 882/2004, Directive 2000/29/EC has corresponding or equivalent provisions in respect of plant health. Please refer to:

- Article 42(2)(f) — delegation of tasks to control bodies for which guidance is set out at Section 3.8 of these Guidelines,
- Article 42(2)(h) — training of staff performing official controls for which guidance is set out at Section 3.10 of these Guidelines,
- Article 42(2)(i) — documented procedures for which guidance is set out in Section 3.11 of these Guidelines,
- Article 42(2)(k) — organisation of cooperation and mutual assistance for which guidance is set out in Section 3.13 of these Guidelines.

Information concerning the arrangements to comply with these matters in respect of Directive 2000/29/EC should be included in the national control plans.

These guidelines on the requirements of Article 42(2)(c), (d) and (e) contain some additional references to provisions of Regulation (EC) No 882/2004 which are not applicable to plant health. When addressing these requirements it is not necessary to apply those aspects of these guidelines to plant health. For example, the guidelines at Section 3.6 refer to audits of competent authorities as required by Article 4(6) of Regulation (EC) No 882/2004 which are not applicable to plant health. However, if Member States carry out such audits, or apply other provisions of the guidelines in relation to official controls in respect of plant health they may provide this information on a voluntary basis in their description of their control system for plant health.

3.1.2.3. **Single integrated multi-annual national control plans**

Article 41 of Regulation (EC) No 882/2004 provides that each Member State is to prepare a single integrated multi-annual national control plan. Those national control plans should apply to official controls by all competent authorities at all levels (central, regional and local), as applicable according to national arrangements for official controls.

⁽¹⁾ Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (OJ L 66, 13.3.1999, p. 16).

⁽²⁾ Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed (OJ L 93, 31.3.2006, p. 1).

⁽³⁾ Council Regulation (EC) No 510 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 93, 31.3.2006, p. 12).

For Member States with decentralised administrations, the national control plan should outline how coordination between the various administrations is ensured in order to arrive at a single integrated national control plan.

A simple compilation of individual competent authority or sectoral plans which does not address the integration and coordination of official controls within and across competent authorities and sectors, with regard to related official controls, does not satisfy the requirement for a single integrated multi-annual national control plan.

Competent authorities should devise appropriate systems for the integrated planning, development and coordination of activities regarding national control plans. This process should include putting in place arrangements for the transmission of a single national control plan to the Commission and the identification of a single contact point in the Member State for communications regarding the national control plan.

When preparing a single national control plan, Member States should provide that during its implementation, evidence of compliance is gathered, retained and made available to any body involved in carrying out audits, and to the Commission upon request, to allow verification of its effective implementation. Such evidence should include written procedures, documentation and records of official controls.

3.1.2.4. ***Periodicity (length of planning cycle)***

The period of validity/duration of the national control plan is a matter for the Member State to decide and may be set to correspond with other national planning activities, such as, the budgetary cycle. The reasons for selecting the chosen duration should be briefly stated in the national control plan.

It is suggested that in order to be multi-annual, the national control plan should cover a minimum period of three years. In view of the difficulty for planning ahead in an evolving environment, it is suggested that the period of a single planning cycle should not exceed five years.

Uncertainties and constraints dictate the level of detail on official controls that can be provided for in each year of the plan. In particular, operational goals/objectives for official controls may have to be set provisionally for the later years of the national control plan and updated on an ongoing basis in conjunction with the preparation of the annual report required under Article 44(1) of Regulation (EC) No 882/2004. In that respect, please refer to the provisions regarding the adjustment or amendment of the national control plan as provided for in Article 42(3) of that Regulation.

3.2. GENERAL REQUIREMENTS FOR NATIONAL CONTROL PLANS

3.2.1. RELEVANT COMMUNITY LEGISLATION

Article 42(2) of Regulation (EC) No 882/2004 provides:

'Each multi-annual national control plan shall contain general information on the structure and organisation of the systems of feed and food control, and of animal health and animal welfare control in the Member State concerned, in particular on: (...).'

Article 27a of Directive 2000/29/EC provides that that provision of Regulation (EC) No 882/2004 also applies to plant health.

3.2.2. GUIDANCE/DEFINITION OF REQUIREMENT

National control plans are required to contain general information on the structure and organisation of the Member States systems of official controls covering all sectors and all stages of the feed and food production chain, animal health, animal welfare and, as is provided for by Article 27a of Directive 2000/29/EC, plant health. Although general in nature, the national control plans are required to include information on the specific issues provided for in Article 42(2)(a) to (k) of Regulation (EC) No 882/2004. Guidance on those specific issues is set out in Sections 3.3 to 3.13 of these Guidelines. In addition, Section 3.14 of these Guidelines contains guidance on adjustments of the national control plans.

Specific control plans, provided for under other relevant Community legislation are not replaced by the national control plans. However, the national control plans should integrate the planning and implementation of such specific control plans into the overall national control plans. A general description of the structure and organisation of the system of official controls for each of these specific areas should be included in the national control plans, and that description may make cross-references to the specific control plans.

3.3. STRATEGIC OBJECTIVES OF NATIONAL CONTROL PLANS

3.3.1. RELEVANT COMMUNITY LEGISLATION

Article 42(2)(a) of Regulation (EC) No 882/2004 provides:

‘The strategic objectives of the plan and on how the prioritisation of controls and allocation of resources reflect these objectives.’

Article 27a of Directive 2000/29/EC provides that that provision of Regulation (EC) No 882/2004 also applies to plant health.

3.3.2. GUIDANCE/DEFINITION OF REQUIREMENT

Taking into account that the main objective of Regulation (EC) No 882/2004 is to ensure effective enforcement of feed and food law and rules applicable to animal health, animal welfare, and plant health as provided for by Article 27a of Directive 2000/29/EC and the general obligation on Member States to enforce Community law, Member States should develop appropriate objectives and strategies to achieve that purpose. Those objectives and strategies should form the basis of and be briefly set out in a single integrated multi-annual national control plan.

The strategy adopted by the Member State may involve the concentration or prioritisation of official controls or the allocation of resources on certain activities or at certain stages of the production chain. Where this is the case, such concentration or priorities and the reasons therefore, should be indicated in the national control plan.

3.4. RISK CATEGORISATION

3.4.1. RELEVANT COMMUNITY LEGISLATION

Article 42(2)(b) of Regulation (EC) No 882/2004 provides:

‘The risk categorisation of the activities concerned.’

Article 27a of Directive 2000/29/EC provides that that provision of Regulation (EC) No 882/2004 also applies to plant health.

3.4.2. GUIDANCE/DEFINITION OF REQUIREMENT

Taking into account that with regard to feed and food law and animal health and animal welfare, Article 3(1) of Regulation (EC) No 882/2004 requires official controls to be carried out on a risk basis with appropriate frequency, national control plans should indicate the risk categorisation, if any, assigned to the various activities subject to official controls.

It should be noted that Article 3(1) of Regulation (EC) No 882/2004 does not apply to plant health. However, where Member States assign a risk categorisation for the performance of official controls under Directive 2000/29/EC a description of the risk categorisation, applied for those purposes should be provided in the national control plans.

A brief description of the process of risk categorisation used by the Member State may be included in the national control plan, if desired. That information may, at a future date, contribute to the development of guidelines concerning the identification of risk-based priorities and the most effective official control procedures, as provided for by Article 43(1)(b) of Regulation (EC) No 882/2004.

3.5. DESIGNATION OF COMPETENT AUTHORITIES

3.5.1. RELEVANT COMMUNITY LEGISLATION

Article 42(2)(c) of Regulation (EC) No 882/2004 provides:

'The designation of competent authorities and their tasks at central, regional and local level, and on the resources available to these authorities.'

Article 27a of Directive 2000/29/EC provides that that provision of Regulation (EC) No 882/2004 also applies to plant health.

3.5.2. GUIDANCE/DEFINITION OF REQUIREMENT

National control plans should provide a comprehensive overview of the structure and tasks of the competent authorities.

The national control plans should:

- (a) identify the organisations, or, where appropriate, the categories of organisations, that are designated as competent authorities responsible for official controls; all competent authorities, or where appropriate the category of competent authority, at all levels, (central, regional and local level) should be identified, as should all control bodies to which certain official control tasks have been delegated in relation to plant health;
- (b) describe the allocation of official control tasks and responsibilities for the entire feed and food production chain, and for animal health, animal welfare and plant health;
- (c) indicate the resources (see guidance at the fourth paragraph of this Section), available to the competent authorities;
- (d) list the national reference laboratories designated in accordance with Article 33(1) of Regulation (EC) No 882/2004, the areas for which they are designated as responsible and the competent authority responsible for the laboratory.

The information referred to in points (a) to (d) may be illustrated in the form of an integrated national-level organigramme of the competent authorities and their respective tasks and responsibilities.

The description of resources available to the competent authorities should include the human resources and supporting facilities and services, such as specialist IT systems and laboratory, diagnostic, research and training facilities and services, as applicable. Human resources should be described in terms of authorised full-time or 'full-time equivalent' posts. The facilities and services available may be quantified in terms of level of service, laboratory capacity and range of analytical activities and, if appropriate, the information may be provided on a national or regional level indicating the number of competent authorities sharing the facilities.

A full list of official laboratories designated to carry out analysis on samples taken during official controls is not required to be included in the plan, but should be maintained by the competent authority and made available for Community audits and inspections.

When addressing this requirement, Member States should include the organisations equivalent to competent authorities under Article 1(4) and Article 2(1)(g) of Directive 2000/29/EC and Article 8(2) of Regulation (EEC) No 2092/91.

3.6. GENERAL ORGANISATION AND MANAGEMENT

3.6.1. RELEVANT COMMUNITY LEGISLATION

Article 42(2)(d) of Regulation (EC) No 882/2004 provides:

'The general organisation and management of official controls at national, regional and local level, including official controls in individual establishments.'

Article 27a of Directive 2000/29/EC provides that that provision of Regulation (EC) No 882/2004 also applies to plant health.

3.6.2. GUIDANCE/DEFINITION OF REQUIREMENT

Article 42(2)(d) of Regulation 882/2004 provides for the national control plan to contain a general description of the organisation and structure of each organisation, designated as a competent authority, at all levels taking account of the specific requirements of Regulation (EC) No 882/2004, where applicable. A generic description may be provided for the same category of competent authority at regional and/or local level when the organisation and structure of the competent authorities is essentially the same. The national control plan should describe how official controls, including import controls, are organised and managed at national, regional and local level.

For the purpose of completing the national control plan, the descriptions of the organisation and management of official controls may be provided under the headings of feed and food law, animal health, animal welfare and plant health law.

3.6.2.1. The national control plans should include a general description of:

- (a) the organisation of the competent authorities;
- (b) the hierarchical relationships and reporting arrangements within and between competent authorities and with control bodies;
- (c) arrangements for verification to ensure the quality, impartiality, consistency and effectiveness of official controls at all levels within and across competent authorities including across all regional and/or local authorities as provided for by Article 4(4) of Regulation (EC) No 882/2004;
- (d) for plant health, the legal and administrative powers that the competent authorities and control bodies have to enforce the applicable legislation, (for other areas, this matter is covered under Section 3.9);
- (e) the procedure for the designation of laboratories for the analysis of samples taken during official controls and the arrangements to ensure that such laboratories conform to and operate in accordance with the European standards referred to in Article 12(2) of Regulation (EC) No 882/2004;
- (f) the arrangements to ensure that national reference laboratories designated in accordance with Article 33(1) of Regulation (EC) No 882/2004, conform to and operate in accordance with the requirements of Article 33 of that Regulation.

The national control plan should describe how the audits of competent authorities, to ensure effectiveness and suitability of official controls, as provided for by Article 4(6) of Regulation (EC) No 882/2004, are organised and managed at national, regional and local level.

3.6.2.2. The national control plans should include a description of the arrangements in place:

- (a) for internal or external audits of competent authorities;
- (b) to ensure that competent authorities take appropriate measures in the light of the results of the audits referred to in point (a);

- (c) to ensure that the audits referred to in point (a) are subject to independent scrutiny and are carried out in a transparent manner.

Those arrangements should take account of the guidelines laying down the criteria for the conduct of audits as provided for in Commission Decision 2006/677/EC.

3.7. CONTROL SYSTEMS AND COORDINATION OF ACTIVITIES

3.7.1. RELEVANT COMMUNITY LEGISLATION

Article 42(2)(e) of Regulation (EC) No 882/2004 provides:

‘Control systems applied to different sectors and coordination between the different services of competent authorities responsible for official controls in these sectors.’

Article 27a of Directive 2000/29/EC provides that that provision of Regulation (EC) No 882/2004 also applies to plant health.

3.7.2. GUIDANCE/DEFINITION OF REQUIREMENT

3.7.2.1. **Organisation of official controls**

3.7.2.1.1. The organisation of official control systems should take account of:

- (a) the need to determine the nature, frequency, time and point of the official control, in order to maximise compliance with feed and food law, animal health, animal welfare and plant health law;
- (b) the role of prioritisation in determining the balance between tasks and resources;
- (c) the specific national control plans or programmes provided for by Community legislation;
- (d) any specific national disease control or eradication plans;
- (e) any relevant risk categorisations.

3.7.2.1.2. The national control plan should describe:

- (a) the official control systems applied to different sectors, in particular:
 - (i) the official control methods and techniques used, such as, monitoring, surveillance, verification, audit, inspection, sampling and analysis, taking account of the requirements of Articles 10 and 11 of Regulation (EC) No 882/2004, and where and when such official control methods and techniques are used;
 - (ii) the frequency, or as appropriate, the criteria for determining the frequency and nature of the official controls;
 - (iii) the extent and operation of official controls on imports of all feed and food, animals and products of animal origin;
- (b) how the risk categories referred to in Section 3.4.1 are applied to target official controls effectively;
- (c) how the official control arrangements for horizontally applicable Community legislation and the specific control plans referred to in Section 3.2.2 are integrated into the official controls applicable to each relevant sector or sub-sector; where more than one sector or sub-sector is involved appropriate ‘linkages’ should be established between the different sectors or sub-sectors.

3.7.2.2. *Coordination and cooperation*

Arrangements should be in place to ensure effective coordination of activities and cooperation within and between competent authorities, especially in relation to issues which involve joint action or cooperation between different services within a competent authority or between different competent authorities. Those arrangements should also contribute to ensuring the quality, impartiality, consistency and effectiveness of official controls. In particular, information should be provided on the general measures to manage the relationship between the different competent authorities responsible for different sub-sectors or different stages of the production chain and on the arrangements to ensure efficient and effective cooperation where competence is conferred on, or shared with regional and/or, local competent authorities.

National control plans should describe:

- (a) the arrangements to ensure effective and efficient cooperation and coordination of activities within a competent authority, between two or more competent authorities involved in the same sector, and in particular where a Member State confers competence to carry out official controls on an authority other than a central competent authority between the relevant central, regional and local authorities, as laid down in Article 4(3) and Article 5 of Regulation (EC) No 882/2004 and Article 2(1)(g) of Directive 2000/29/EC; for example, formal arrangements for coordination of activities and ensuring consistency of official controls such as meetings, joint committees and liaison groups and requirements for joint agreements or actions;
- (b) shared training initiatives for staff involved in official controls, such as technical skills, supervision of control services, quality management and auditing, if applicable;
- (c) sharing access to laboratory and diagnostic facilities if applicable;
- (d) management and use of shared national databases if applicable;
- (e) the areas where coordination and communication between competent authorities is an important issue, including:
 - (i) the measures in place to ensure the effective operation of such activity so there is no breakdown in official controls;
 - (ii) how the necessary information is exchanged between competent authorities to ensure the continuity and consistency of official controls and to enable traceability systems to operate effectively.

3.8. *DELEGATION TO CONTROL BODIES*

3.8.1. *RELEVANT COMMUNITY LEGISLATION*

Article 42(2)(f) of Regulation (EC) No 882/2004 provides:

‘Where appropriate the delegation of tasks to control bodies.’

Article 27a of Directive 2000/29/EC provides that that provision of Regulation (EC) No 882/2004 also applies to plant health, as regards responsible official bodies designated under Article 2(1)(g) of that Directive.

3.8.2. *GUIDANCE/DEFINITION OF REQUIREMENT*

National control plans should where appropriate:

- (a) identify the competent authorities that delegate official control tasks to control bodies;
- (b) list the specific tasks delegated to each category of control body;

(c) describe the arrangements in place to ensure that delegating competent authorities and control bodies meet, as applicable, the requirements of:

- (i) Article 5(2)(b), (c), (d) and (f) and Article 5(3) of Regulation (EC) No 882/2004;
- (ii) Annex II, Chapter II, point 2 of Regulation (EC) No 882/2004;
- (iii) Article 2(1)(g) of Directive 2000/29/EC with regard to plant health;
- (iv) Article 9 of Regulation (EEC) No 2092/91 with regard to organic farming;
- (v) Article 15 of Regulation (EC) No 509/2006 with regard to agricultural products and foodstuffs as traditional specialities guaranteed;
- (vi) Article 11 of Regulation (EC) No 510/2006 with regard to protection of geographical indications and designations of origin for agricultural products and foodstuffs.

Where the same official control tasks are delegated to a number of control bodies, the delegation of such tasks may, for the purposes of the national control plan be described in terms of category of control body.

Where that option is taken, the relevant competent authorities should maintain a comprehensive and up-to-date list of control bodies to whom official control tasks are delegated and make this list available for audits and inspections.

3.9. COMPLIANCE WITH OPERATIONAL CRITERIA

3.9.1. RELEVANT COMMUNITY LEGISLATION

Article 42(2)(g) of Regulation (EC) No 882/2004 provides:

‘Methods to ensure compliance with the operational criteria of Article 4(2).’

3.9.2. GUIDANCE/DEFINITION OF REQUIREMENT

That requirement does not apply to official controls regarding plant health. National control plans should describe the methods employed to ensure that organisations designated as competent authorities are effectively implementing the requirements of Article 4(2) of Regulation (EC) No 882/2004.

In particular, the national control plans should describe the arrangements in place to ensure the following, in respect of all competent authorities:

- (a) that effective and appropriate official controls are applied at all stages of production, processing and distribution of animals, food, feed and plants and the use of feed, as required by Article 4(2)(a) of Regulation (EC) No 882/2004;
- (b) that measures are in place to ensure that staff carrying out official controls are free from any conflict of interest which could impair their objectivity and independence or compromise their professional judgement and to deal with any potential conflict of interest which may arise, as required by Article 4(2)(b) of Regulation (EC) No 882/2004;
- (c) that measures are in place to ensure that, where external or contract staff are performing official controls, they have the same degree of independence and accountability as permanent staff in the performance of their official control duties;
- (d) that all competent authorities have, or have access to, adequate laboratory capacity for testing and a sufficient number of suitably qualified and experienced staff so that official controls and control duties can be carried out efficiently and effectively, as required by Article 4(2)(c) of Regulation (EC) No 882/2004;

- (e) that all competent authorities have appropriate and properly maintained facilities and equipment to ensure that staff can perform official controls efficiently and effectively, as required by Article 4(2)(d) of Regulation (EC) No 882/2004;
- (f) that there are adequate legal powers to carry out official controls, as required by Article 4(2)(e) and taking account of the requirements of Article 8(2) and Articles 54 and 55 of Regulation (EC) No 882/2004, including the power to enter onto premises, to inspect animals, plants, products, records or other documents including computing systems, to take samples, and to take appropriate actions in the case of suspicion or detection of non-compliances including the imposition of effective, proportionate and dissuasive sanctions;
- (g) that there are contingency plans in place, and competent authorities are prepared to operate such plans in the event of an emergency, as required by Article 4(2)(f) of Regulation (EC) No 882/2004;
- (h) that feed and food business operators are obliged to undergo any inspection carried out in accordance with Regulation (EC) No 882/2004 and to assist staff of the competent authority in the accomplishment of their tasks, as required by Article 4(2)(g) of Regulation (EC) No 882/2004.

3.10. TRAINING OF STAFF PERFORMING OFFICIAL CONTROLS

3.10.1. RELEVANT COMMUNITY LEGISLATION

Article 42(2)(h) of Regulation (EC) No 882/2004 provides:

‘The training of staff performing official controls referred to in Article 6.’

Article 27a of Directive 2000/29/EC provides that provision of Regulation (EC) No 882/2004 also applies to plant health, as regards the requirements of Article 2(1)(i) of Directive 2000/29/EC and points 1 and 2 of the Annex to Commission Directive 98/22/EC ⁽¹⁾.

3.10.2. GUIDANCE/DEFINITION OF REQUIREMENT

With regard to feed and food law, animal health and animal welfare, national control plans should describe the systems or arrangements in place to ensure that staff performing official controls receive, or have received the training, provided for in Article 6 of Regulation (EC) No 882/2004.

For all sectors, including plant health, national control plans should also describe the arrangements to ensure that all staff performing official controls have the necessary qualifications, training and competencies to perform such controls in an effective manner.

With regard to plant health, national control plans should, in particular, describe how the requirements of Article 2(1)(i) of Directive 2000/29/EC and points 1 and 2 of the Annex to Directive 98/22/EC are met.

National control plans should, for all sectors, set out the systems or arrangements in place to:

- (a) identify the training needs for staff performing official controls;
- (b) provide and evaluate such training;
- (c) document such training for audit purposes.

The documentation of such training by the competent authorities should include recording the subject and level of training, number of days training, and the number of participants. Those records should be maintained up-to-date and be available for audits and inspections.

Arrangements for the delegation of official control tasks to control bodies, should ensure that the staff of such control bodies have the necessary training, qualification and competencies to perform those tasks in an effective manner (see also guidance at Section 3.8.2).

⁽¹⁾ OJ L 126, 28.4.1998, p. 26.

3.11. DOCUMENTED PROCEDURES

3.11.1. RELEVANT COMMUNITY LEGISLATION

Article 42(2)(i) of Regulation (EC) No 882/2004 provides:

‘The documented procedures referred to in Articles 8 and 9.’

Article 27a of Directive 2000/29/EC provides that that provision of Regulation (EC) No 882/2004 also applies to plant health, as regards the requirements of points (a) and (b) of paragraph 1 of the Annex to Directive 98/22/EC.

3.11.2. GUIDANCE/DEFINITION OF REQUIREMENT

With regard to feed and food law and animal health and animal welfare, the national control plan should describe the systems or arrangements in place to ensure the effective implementation of the requirements of Article 8(1) and (3) of Regulation (EC) No 882/2004, regarding documented procedures and Article 9 of that Regulation regarding reports on official controls.

For plant health, national control plans should, in particular, describe the systems or arrangements in place to ensure the effective implementation of point 1(a) and (b) of the Annex to Directive 98/22/EC.

3.11.2.1. For all sectors, national control plans should describe the systems or arrangements in place to ensure that:

(a) the relevant documented procedures are readily accessible to:

- (i) all staff performing official controls;
- (ii) the competent authorities concerned;
- (iii) the central competent authority;
- (iv) any body involved in carrying out audits;
- (v) the Commission upon request.

(b) documented procedures are reviewed and updated at appropriate intervals.

A comprehensive list or index of documented procedures should be maintained by the competent authority and be available for audits and inspections.

3.11.2.2. For all sectors, national control plans, should describe the systems or arrangements in place to provide for the recording of the performance and outcome of official controls, as provided for by Article 9(1) and (2) of Regulation (EC) No 882/2004, the filing of such records and for ensuring that such records are readily accessible to:

- (a) all staff performing those official controls;
- (b) the competent authority concerned;
- (c) the central competent authority;
- (d) any body involved in carrying out audits;
- (e) the Commission upon request.

3.12. OPERATIONAL CONTINGENCY PLANS

3.12.1. RELEVANT COMMUNITY LEGISLATION

Article 42(2)(j) of Regulation (EC) No 882/2004 provides:

‘The organisation and operation of contingency plans for animal or food-borne disease emergencies, feed and food contamination incidents and other human health risks.’

3.12.2. GUIDANCE/DEFINITION OF REQUIREMENT

That requirement does not apply to official controls regarding plant health.

3.12.2.1. This Section applies, in particular, to the contingency plans referred to in Article 4(2)(f) and Article 13(1) of Regulation (EC) No 882/2004, but reference should also be made to other contingency plans required under relevant Community legislation, such as:

(a) Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽¹⁾;

(b) Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EC and amending Directive 92/46/EEC ⁽²⁾;

(c) 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 ⁽³⁾.

3.12.2.2. National control plans should:

(a) indicate each of the sectors for which specific contingency plans are in place;

(b) indicate the scope of each such contingency plan;

(c) in relation to each such contingency plan, identify the body or bodies responsible for their preparation and maintenance;

(d) describe the system or arrangements in place for dissemination of the contingency plans and for appropriate training in relation to their implementation.

However, it is not necessary to attach a copy of the individual contingency plans.

If appropriate, those arrangements may be described using an organigramme or table or other easily presented format.

3.13. ORGANISATION OF COOPERATION AND MUTUAL ASSISTANCE

3.13.1. RELEVANT COMMUNITY LEGISLATION

Article 42(2)(k) of Regulation (EC) No 882/2004 provides:

‘The organisation of cooperation and mutual assistance.’

Article 27a of Directive 2000/29/EC provides that that provision of Regulation (EC) No 882/2004 also applies to plant health as regards the requirements of the second subparagraph of Article 12(4), Article 13c(2)(c) and Article 16(1) and (2) of Directive 2000/29/EC.

⁽¹⁾ OJ L 316, 1.12.2001, p. 5.

⁽²⁾ OJ L 306, 22.11.2003, p. 1.

⁽³⁾ OJ L 62, 15.3.1993, p. 69.

3.13.2. GUIDANCE/DEFINITION OF REQUIREMENT

3.13.2.1. With regard to feed and food law, the national control plans should:

- (a) describe the general arrangements in place to ensure that the requirements of Articles 34 to 39 of Regulation (EC) No 882/2004 are met;
- (b) identify the designated liaison body or bodies and their respective areas of responsibility or competence.

3.13.2.2. With regard to animal health (veterinary and zootechnical legislation), the national control plans should describe the general arrangements in place to ensure that the requirements of Council Directive 89/608/EEC ⁽¹⁾ are met.

3.13.2.3. With regard to plant health, the national control plans should describe the arrangements in place to comply with the second subparagraph of Article 12(4), Article 13c(2)(c) and Article 16(1) and (2) of Directive 2000/29/EC.

3.14. ADJUSTMENT OF NATIONAL CONTROL PLANS

3.14.1. RELEVANT COMMUNITY LEGISLATION

Article 42(3) of Regulation (EC) No 882/2004 provides:

'Multi annual national control plans may be adjusted during their implementation. Amendments may be made in the light of, or in order to take account of factors including:

- (a) new legislation;
- (b) the emergence of new diseases or other health risks;
- (c) significant changes to the structure, management or operation of the competent national authorities;
- (d) the results of Member States' official controls;
- (e) the results of Community controls carried out in accordance with Article 45;
- (f) any amendment of the guidelines referred to in Article 43;
- (g) scientific findings;
- (h) the outcome of audits performed by a third country in a Member State.'

Article 27a of Directive 2000/29/EC provides that that provision of Regulation (EC) No 882/2004 also applies to plant health.

3.14.2. GUIDANCE/DEFINITION OF REQUIREMENT

Member States are reminded of their obligation to consider adjustments to the national control plan during its implementation in the light of the factors set out in Articles 42(3), 44(5) and 45(5) of Regulation (EC) No 882/2004 and for the inclusion of any subsequent adjustments in the annual report provided for in Article 44(1) of that Regulation.

The national control plan should therefore describe:

- (a) the process for the review of the operation of the national control plan that should take place annually as a contribution to the annual report on the implementation of the national control plan;

⁽¹⁾ OJ L 351, 2.12.1989, p. 34.

(b) how the outcome of the audits of national competent authorities required under Article 4(6) of Regulation (EC) No 882/2004 shall feed into this process.

4. **GUIDANCE ON FORMAT OF SINGLE INTEGRATED MULTI-ANNUAL NATIONAL CONTROL PLANS**

In order to have a consistent and comprehensive approach to the organisation and implementation of official controls the single integrated multi-annual national control plan should be presented in accordance with the following format.

4.1. *TITLE*

Single integrated multi-annual national control plan presented by (Member State) for the period from to (period of validity of the plan).

4.2. *CONTACT POINT IN MEMBER STATE (FOR COMMUNICATION REGARDING THE PLAN)*

Contact point (may be a unit or office of a named administration and not necessarily a named individual official):

Address:	
E-mail address:	
Telephone:	
Fax:	

4.3. *CONTENT OF PLAN*

4.3.1. *OVERALL NATIONAL STRATEGIC OBJECTIVES*

4.3.2. *DESIGNATION, OF THE COMPETENT AUTHORITIES, NATIONAL REFERENCE LABORATORIES AND CONTROL BODIES*

4.3.3. *ORGANISATION AND MANAGEMENT OF OFFICIAL CONTROLS BY COMPETENT AUTHORITIES*

4.3.4. *CONTINGENCY PLANS & MUTUAL ASSISTANCE*

4.3.5. *ARRANGEMENT FOR AUDIT OF COMPETENT AUTHORITIES*

4.3.6. *MEASURES TO ENSURE COMPLIANCE WITH THE OPERATIONAL CRITERIA OF REGULATION (EC) No 882/2004*

4.3.7. *REVIEW AND ADJUSTMENT OF THE NATIONAL CONTROL PLAN*

4.3.1. *OVERALL NATIONAL STRATEGIC OBJECTIVES*

Reference Guidance: Section 3.1 National control plans
 Section 3.3 Strategic objectives of the national control plan

List Strategic objectives e.g.

Objective 1

Objective 2

Objective 3 etc.

4.3.2. DESIGNATION OF THE COMPETENT AUTHORITIES, NATIONAL REFERENCE LABORATORIES AND DELEGATED CONTROL BODIES

Reference Guidance: Section 3.5 Designation of competent authorities
 Section 3.8 Delegation to control bodies

Designated competent authorities (designation, structure and organisation on a national basis)

Provide an overview of the:

— Areas of competence/scope of responsibilities

— Reporting and communication channels

Organisational charts or tables may be used to describe the structure, responsibilities, reporting or communication channels, etc.

Delegation of official control tasks to control bodies

Competent authority responsible	Control bodies or category of control body as appropriate	Official control tasks delegated

Describe the arrangements to ensure that the legislative requirements regarding delegation of control tasks to control bodies are met.

National reference laboratories ⁽¹⁾:

This requirement does not apply to official controls regarding plant health.

National reference laboratories	Competent authority responsible	Designated analytical activities

Describe the quality control or management systems applied in each national reference laboratory.

Describe arrangements for the planning and conduct of proficiency/ring tests and the programme for proficiency/ring tests during the duration of the national control plan as applicable.

Describe the arrangements to ensure that national reference laboratories designated in accordance with Article 33(1) of Regulation (EC) No 882/2004 conform to and operate in accordance with Article 33 of that Regulation.

⁽¹⁾ National reference laboratories are not prescribed by Plant Health Law.

4.3.3. ORGANISATION AND MANAGEMENT OF OFFICIAL CONTROLS BY COMPETENT AUTHORITIES

Reference Guidance:	Section 3.2	General requirements for national control plans
	Section 3.4	Risk categorisation
	Section 3.6	General organisation and management
	Section 3.7	Control systems and coordination of activities
	Section 3.9	Compliance with operational criteria
	Section 3.10	Training of staff performing official controls
	Section 3.11	Documented procedures

Competent authority (complete individually for each designated competent authority; however this information may be aggregated at national or regional level for the same category of regional or local competent authorities).

Describe the:

- internal organisation and structure in general terms
- human resources available for the purpose of performing official controls (full-time equivalents)
- resources supporting official control actions
 - laboratory facilities
 - other resources/infrastructure

as applicable

The information on competent authorities may be presented on a sectoral basis (Food/Feed/Animal Health/Animal Welfare/Plant Health) for example as in the following manner:

Sector (namely the Food/Feed/Animal Health/Animal Welfare/Plant Health as appropriate)

Central Competent Authorities (CCA)

Competent Authority CCA 1

Competent Authority CCA 2

Etc.

Regional (for example, Federal/Provincial) Competent Authorities (RCA)

Competent Authority RCA 1, 2, 3 ..., and/or

Competent Authority 'RCA Category 1, 2, 3 ...'

Etc.

Local (for example, District/Municipal) Competent Authorities (LCA)

Competent Authority LCA 1 or Category 1

Competent Authority LCA 2 or Category 2

Etc.

Laboratories (other than national reference laboratories):

Describe procedures for:

- designation of laboratories
- ensuring that requirements which apply to official laboratories are met

Control systems (by sector, including horizontal arrangements where applicable)

For each of the following sectors describe:

- the control methods and techniques used and where and when applied
- control priorities, resource allocation and how they relate to risk categorisation
- verification of planned arrangements including reporting arrangements
- arrangements for the application of horizontal legislation across different sectors/sub-sectors
- how specific control plans or programmes required by Community legislation are integrated into the control systems for the relevant sectors or sub-sectors as appropriate.

1. Control system for food law

2. Control system for feed law

3. Control system for animal health law

4. Control system for animal welfare law

5. Control system for plant health law

In relation to the control systems describe the measures to:

- manage coordination between competent authorities with related responsibilities
- ensure efficient and effective cooperation both within and between competent authorities
- ensure that all areas where coordination and cooperation are required both within and between competent authorities are addressed

Training arrangements (These may be included under each competent authority or per category of competent authority where there are equivalent systems, as appropriate. If appropriate the training arrangements may be described on a sectoral basis).

Describe the arrangements to ensure the following:

- impartiality, quality and consistency of official controls
- staff are free from conflict of interest
- adequate laboratory capacity
- sufficient number of suitably qualified & experienced staff
- adequate facilities & equipment
- adequate legal powers
- food & feed business operators cooperate with staff performing official controls
- documented procedures are available
- records are maintained

4.3.7. REVIEW AND ADJUSTMENT OF NATIONAL CONTROL PLANS

Reference Guidance: Section 3.14 Adjustment of national control plans

Describe the process for the review of the operation of the single integrated multi-annual national control plan.

5. GUIDANCE ON THE SCOPE OF SINGLE INTEGRATED MULTI-ANNUAL NATIONAL CONTROL PLANS

The arrangements for all official controls coming within the scope of Regulation (EC) No 882/2004 should be addressed in the national control plan. The following tables give an indication of the range of legislation/topics to be addressed in the plan. It is not and does not purport to be, an exhaustive list of all the relevant legislative topics. Requirements of both primary legislation and implementing measures should be taken into account in preparing the national control plan.

ANIMAL HEALTH LAW INCLUDES

<i>Live Animals</i>	Aquaculture Bovine Equine Ovine and Caprine Porcine Poultry and Hatching Eggs Pets Others e.g. wild animals
<i>Semen, Ova and Embryos</i>	Bovine Equine Ovine and Caprine Porcine

<i>Animal Diseases</i>	Control measures — specific diseases — general Eradication and monitoring Animal Disease Notification System Animo/Traces Animal movement and traceability Community Reference Laboratories
<i>Animal by-products</i>	
<i>Animal identification</i>	Bovine Equine Ovine and Caprine Porcine Pets
<i>Import controls</i>	all above categories as appropriate

ANIMAL WELFARE LAW INCLUDES

<i>Welfare on farm</i>	
<i>Welfare during transport</i>	
<i>Welfare at slaughter</i>	

PLANT HEALTH LAW INCLUDES

<i>Harmful organisms (within the meaning of Council Directive 2000/29/EC)</i>	Control measures required under Council Directive 2000/29/EC
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FOOD AND FEED LAW INCLUDES

<i>General Food and Feed Law</i>	Operators responsibilities and procedures Official Controls Traceability Rapid Alert System Import Controls
<i>Food Labelling and Nutrition</i>	General Food Labelling Nutrition and Health Claims Nutrition Labelling Natural Mineral Waters Food Supplements Addition of Vitamins and Minerals Foods for Particular Nutritional Uses (Dietetic Food) Food Intended for Infants and Young Children Food for Weight Reduction Specific Food Products (Dietary foods for special medical purposes)

<i>Hygiene (all food)</i>	Food Hygiene (general all sectors and commodities) — primary production — processing — manufacture — storage — distribution — transport — retail Sampling and analysis Approval of establishments
<i>Biological Safety</i>	Salmonella and food-borne diseases Food Hygiene (food of animal origin) — meat/meat products/preparations etc. (including poultry meat) — game meat/products/preparations etc. — milk and milk products — eggs and egg products — fish/fishery products — aquaculture — bivalve molluscs — other products TSE's Animal by-products (also animal health issue)
<i>Chemical safety</i>	Food Additives Food Flavourings Novel Foods Contaminants Residues — medicinal products — pesticides Hormones/prohibited substances in products of animal origin Sampling and Analysis Food Contact Materials
<i>Community Reference Laboratories</i>	Laboratories for both chemical and biological analysis
<i>Irradiation</i>	Directive 1999/2/EC of the European Parliament and of the Council
<i>Biotechnology</i>	GM Food and Feed GM Plants and Seeds
<i>Other Food Law</i>	Organic farming Agricultural Products and Foodstuffs as traditional specialties guaranteed Geographical Indications and Designations of Origin of agricultural products and foodstuffs
<i>Fraudulent practices</i>	e.g. false or misleading labelling, quality or compositional claims e.g. food or feed adulteration

Animal Nutrition

Feed Materials
Feed Labelling
Certain products used in animal nutrition —
'Bioproteins' (Council Directive 82/471/EEC ⁽¹⁾)
Feed Additives
Compound feedingstuffs (including pet food)
Animal feedingstuffs for particular nutritional
purposes
Medicated feed
Undesirable substances
Methods of sampling and analysis
Prohibited Substances
Feed Hygiene

⁽¹⁾ Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition (OJ L 213, 21.7.1982, p. 8).

COMMISSION DECISION

of 23 May 2007

concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation (*Dianthus caryophyllus* L., line 123.2.38) genetically modified for flower colour

(notified under document number C(2007) 2120)

(Only the Dutch text is authentic)

(Text with EEA relevance)

(2007/364/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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 of a Member State, in accordance with the procedure laid down in that Directive.
- (2) A notification concerning the placing on the market of a genetically modified carnation (*Dianthus caryophyllus* L., line 123.2.38) was submitted by Florigene Ltd, Melbourne, Australia, to the competent authority of the Netherlands in September 2004.
- (3) The notification covers import, distribution and retailing of *Dianthus caryophyllus* L., line 123.2.38 as for any other carnation.
- (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 was submitted to the Commission and the competent authorities of the 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 cut flowers of the genetically modified carnation (*Dianthus caryophyllus* L., line 123.2.38) for ornamental use should be withheld, if specific conditions are fulfilled.

- (5) The competent authorities of certain Member States raised objections to the placing on the market of the product.
- (6) The opinion adopted on 17 May 2006 (published 27 June 2006) by the European Food Safety Authority (EFSA), concluded, from all evidence provided, that cut flowers of the genetically modified carnation (*Dianthus caryophyllus* L., line 123.2.38) are unlikely to have an adverse effect on human and animal health or the environment in the context of its proposed ornamental use. EFSA also found that the scope of the monitoring plan provided by the consent holder is in line with the intended use of the carnation.
- (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 EFSA, discloses no reason to believe that the placing on the market of cut flowers of the genetically modified carnation (*Dianthus caryophyllus* L., line 123.2.38) will adversely affect human or animal health or the environment in the context of its proposed ornamental use.
- (8) A unique identifier has been assigned to the genetically modified carnation (*Dianthus caryophyllus* L., line 123.2.38) for the purposes of Regulation (EC) No 1830/2003 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⁾.

⁽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 10, 16.1.2004, p. 5.

- (9) In light of the opinion of the European Food Safety Authority, it is not necessary to establish specific conditions for the intended use with regard to the handling or packaging of the product and the protection of particular ecosystems, environments or geographical areas.
- (10) Proposed labelling, on a label or in an accompanying document, should include wording to inform operators and final users that the cut flowers of *Dianthus caryophyllus* L., line 123.2.38 can not be used for human or animal consumption nor for cultivation.
- (11) 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 ⁽¹⁾, the measures should be adopted by the Commission,

HAS ADOPTED THIS DECISION:

Article 1

Consent

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 Florigene Ltd, Melbourne, Australia (Reference C/NL/04/02).

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 product, hereinafter 'the product', are cut flowers of carnation (*Dianthus caryophyllus* L.), with modified flower colour,

derived from a *Dianthus caryophyllus* L. cell culture, and transformed with *Agrobacterium tumefaciens*, strain AGL0, using the vector pcGP1470, and resulting in line 123.2.38.

The product contains the following DNA in three cassettes:

(a) Cassette 1

The promoter from a snapdragon gene encoding chalcone synthase, petunia flavonoid 3'5' hydroxylase (F3'5'H) cDNA, the terminator from the petunia gene encoding a phospholipid transfer protein homologue;

(b) Cassette 2

The constitutive promoter Mac, the petunia dihydroflavonol 4 reductase (DFR) cDNA, the terminator from the *Agrobacterium tumefaciens* gene encoding mannopine synthase (Mas);

Simultaneous expression of both genes in carnation results in a modified flavonoid synthesis in flowers, and subsequent formation of the blue pigment delphinidin.

(c) Cassette 3

The cauliflower mosaic virus 35S promoter, a non-translated region from the cDNA corresponding to the petunia gene encoding chlorophyll a/b binding protein 5, the *SuRB (als)* gene coding for a mutant acetolactate synthase protein (ALS), which confers tolerance to sulfonylurea, derived from *Nicotiana tabacum*, including its terminator.

This gene was used for *in vitro* selection.

2. The consent shall cover progeny derived through vegetative reproduction of the genetically modified carnation (*Dianthus caryophyllus* L., line 123.2.38).

Article 3

Conditions for placing on the market

The product may be put to ornamental use only, with the exception of cultivation, and may be placed on the market subject to the following conditions:

- (a) the period of validity of the consent shall be 10 years starting from the date on which the consent is issued;

⁽¹⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

- (b) the unique identifier of the product shall be FLO-4Ø644-4;
- (c) without prejudice to Article 25 of Directive 2001/18/EC, the methodology for detecting and identifying the product, including experimental data demonstrating the specificity of the methodology, as verified by the Community Reference Laboratory, shall be made available to the competent authorities and to inspection services of Member States as well as to the Community control laboratories.
- (d) 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 and to inspection services of Member States as well as to the Community control laboratories;
- (e) the words 'This product is a genetically modified organism' or 'This product is a genetically modified carnation', and the words 'not for human or animal consumption nor 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 and consisting of a general surveillance plan to check for any adverse effects on human and animal health or the environment arising from handling or use of the products, 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 cultivation.
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 be revised by the consent holder, where appropriate and subject to the agreement of the Commission and the competent authority of the Member State which received the original notification, and/or by the competent authority of the Member State which received the original notification, subject to the agreement of the Commission, in the light of the results of the monitoring activities. Proposals for a revised monitoring plan shall be submitted to the competent authorities of the Member States.

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, including national botanic survey networks and plant protection services, as specified in the monitoring plan contained in the notification, gather the information relevant for the monitoring of the products; 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 the detection method specific to the carnation (*Dianthus caryophyllus* L., line 123.2.38) referred to in Article 3(c) of this Decision, is verified by the Community Reference Laboratory.

Article 6

Addressee

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 23 May 2007.

For the Commission

Stavros DIMAS

Member of the Commission