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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 14/2008

of 17 December 2007

amending Regulation (EEC) No 386/90 on the monitoring carried out at the time of export of agricultural products receiving refunds or other amounts

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) Since the entry into force of Council Regulation (EEC) No 386/90 ⁽¹⁾ a number of Member States have reorganised their customs services leading to a significant reduction in the number of customs offices. The introduction of customs export procedures processed electronically with centralised control has reduced the relevance of the customs office of export as the basis for the application of checking rates.
- (2) Moreover, the use of risk management techniques including risk analysis should lead to a spread of physical checks amongst all exporters. However, the efficient allocation of checks to the sectors or exporters where they should be prioritised is hindered by the requirement to apply minimum checking rates at the level of the customs office of export. Therefore, in the interests of efficiency and simplicity and according to the

principle of shared management, those Member States applying risk analysis in conformity with Community law should have the opportunity to apply the minimum checking rate on a national level, rather than on the level of the customs office of export.

- (3) Regulation (EEC) No 386/90 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3(2) of Regulation (EEC) No 386/90 the following subparagraph shall be added:

‘Where the Member State applies the second subparagraph, it may also choose to replace the rate of 5 % per customs office by a rate of 5 % for its entire territory. The Member State shall notify the Commission before it applies or ceases to apply this subparagraph.’

Article 2

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

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

Done at Brussels, 17 December 2007.

For the Council

The President

J. SILVA

⁽¹⁾ OJ L 42, 16.2.1990, p. 6. Regulation as last amended by Regulation (EC) No 163/94 (OJ L 24, 29.1.1994, p. 2).

COUNCIL REGULATION (EC) No 15/2008**of 20 December 2007****amending Regulation (EC) No 2100/94 as regards the entitlement to file an application for a Community plant variety right**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights ⁽¹⁾ creates a Community regime for plant varieties, which allows for the grant of Community plant variety rights (CPVR), valid throughout the Community.

(2) In the interests of the facilitation of trade it is appropriate to make the CPVR easily accessible. Therefore, the conditions for entitlement to file an application for the CPVR should be simplified and one application system for all applicants should be introduced.

(3) Regulation (EC) No 2100/94 should therefore be amended accordingly,

Article 1

Regulation (EC) No 2100/94 is hereby amended as follows:

1. Article 12 shall be replaced by the following:

*‘Article 12***Entitlement to file an application for a Community plant variety right**

An application for a Community plant variety right may be filed by any natural or legal person, or any body ranking as a legal person under the law applicable to that body.

An application may be filed jointly by two or more such persons.’;

2. in Article 41(2), the words ‘12(1)(b),’ shall be deleted;

3. Article 52(4) shall be replaced by the following:

‘4. Paragraphs 2 and 3 shall also apply in respect of earlier applications that were filed in another State.’

Article 2

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

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

Done at Brussels, 20 December 2007.

For the Council
The President

F. NUNES CORREIA

⁽¹⁾ OJ L 227, 1.9.1994, p. 1. Regulation as last amended by Regulation (EC) No 873/2004 (OJ L 162, 30.4.2004, p. 38).

COMMISSION REGULATION (EC) No 16/2008**of 10 January 2008****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 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽¹⁾, and in particular Article 138(1) thereof,

Whereas:

- (1) Regulation (EC) No 1580/2007 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 138 of Regulation (EC) No 1580/2007 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 January 2008.

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

Done at Brussels, 10 January 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

to Commission Regulation of 10 January 2008 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	IL	161,6
	MA	63,0
	TN	129,8
	TR	107,8
	ZZ	115,6
0707 00 05	JO	167,7
	MA	41,7
	TR	85,8
	ZZ	98,4
0709 90 70	MA	112,8
	TR	98,8
	ZZ	105,8
0709 90 80	EG	313,6
	ZZ	313,6
0805 10 20	CL	64,2
	EG	44,1
	IL	46,8
	MA	65,6
	TR	84,4
	ZA	35,8
	ZZ	56,8
0805 20 10	MA	86,5
	ZZ	86,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	59,5
	IL	61,7
	PK	42,8
	TR	87,1
	ZZ	62,8
0805 50 10	EG	77,2
	IL	149,9
	TR	125,8
	ZA	76,9
	ZZ	107,5
0808 10 80	CA	95,9
	CN	95,5
	MK	38,0
	TR	118,1
	US	107,5
	ZA	89,0
	ZZ	90,7
0808 20 50	CN	52,3
	US	94,6
	ZA	134,7
	ZZ	93,9

⁽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 17/2008**of 10 January 2008****fixing the export refunds on white and raw sugar exported without further processing**

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 market in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

(1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(b) of that Regulation and prices for those products on the Community market may be covered by an export refund.

(2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.

(3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.

(4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Regulation (EC) No 318/2006.

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

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 11 January 2008.

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

Done at Brussels, 10 January 2008.

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 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

ANNEX

Export refunds on white and raw sugar exported without further processing applicable from 11 January 2008

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	28,34 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	27,63 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	28,34 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	27,63 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3081
1701 99 10 9100	S00	EUR/100 kg	30,81
1701 99 10 9910	S00	EUR/100 kg	30,03
1701 99 10 9950	S00	EUR/100 kg	30,03
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,3081

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

- (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), Croatia, Bosnia-Herzegovina, Serbia (*), Montenegro, Albania and the former Yugoslav Republic of Macedonia;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 % the refund amount applicable shall be multiplied, for each exporting operation concerned, by a conversion factor obtained by dividing by 92 the yield of the raw sugar exported, calculated in accordance with paragraph 3 of Point III of the Annex I of Regulation (EC) No 318/2006.

COMMISSION REGULATION (EC) No 18/2008**of 10 January 2008****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 900/2007**

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⁾, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 900/2007 of 27 July 2007 on a standing invitation to tender to determine refunds on exports of white sugar for the 2007/08 marketing year ⁽²⁾ requires the issuing of partial invitations to tender.

(2) Pursuant to Article 8(1) of Regulation (EC) No 900/2007 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 10 January 2008, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 10 January 2008, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 900/2007 shall be 35,033 EUR/100 kg.

Article 2

This Regulation shall enter into force on 11 January 2008.

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

Done at Brussels, 10 January 2008.

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 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

⁽²⁾ OJ L 196, 28.7.2007, p. 26. Regulation as last amended by Commission Regulation (EC) No 1298/2007 (OJ L 289, 7.11.2007, p. 3).

COMMISSION REGULATION (EC) No 19/2008**of 10 January 2008****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 1060/2007**

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⁾, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

tenders submitted in response to the partial invitation to tender ending on 9 January 2008, it is appropriate to fix a maximum export refund for that partial invitation to tender.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

- (1) Commission Regulation (EC) No 1060/2007 of 14 September 2007 opening a standing invitation to tender for the resale for export of sugar held by the intervention agencies of Belgium, the Czech Republic, Spain, Ireland, Italy, Hungary, Poland, Slovakia and Sweden ⁽²⁾ requires the issuing of partial invitations to tender.

Article 1

For the partial invitation to tender ending on 9 January 2008, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 1060/2007 shall be 408,83 EUR/t.

- (2) Pursuant to Article 4(1) of Regulation (EC) No 1060/2007 and following an examination of the

Article 2

This Regulation shall enter into force on 11 January 2008.

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

Done at Brussels, 10 January 2008.

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 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

⁽²⁾ OJ L 242, 15.9.2007, p. 8. Regulation as amended by Regulation (EC) No 1476/2007 (OJ L 329, 14.12.2007, p. 17).

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 6 December 2007

appointing a French alternate member of the Committee of the Regions

(2008/31/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the French Government,

Whereas:

- (1) On 24 January 2006 the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 ⁽¹⁾.
- (2) A seat as an alternate member of the Committee of the Regions has fallen vacant, following the resignation of Ms MORIN,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Jean-Jacques FRITZ, conseiller régional de la région Alsace, is hereby appointed an alternate member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2010.

Article 2

This Decision shall take effect on the date of its adoption.

Done at Brussels, 6 December 2007.

For the Council
The President
A. COSTA

⁽¹⁾ OJ L 56, 25.2.2006, p. 75.

COUNCIL DECISION
of 6 December 2007
appointing a Belgian member and a Belgian alternate member of the Committee of the Regions
(2008/32/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Belgian Government,

Whereas:

- (1) On 24 January 2006 the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 ⁽¹⁾.
- (2) A seat as a member of the Committee of the Regions has fallen vacant following the end of the mandate of Mr LETERME. A seat as an alternate member has fallen vacant, following the appointment of Mr SAUWENS as a member,

HAS DECIDED AS FOLLOWS:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which ends on 25 January 2010:

- (a) as a member:

Mr Johan SAUWENS, Member of the Flemish Parliament,

and

- (b) as an alternate member:

Mr Ludwig CALUWE, Member of the Flemish Parliament.

Article 2

This Decision shall take effect on the date of its adoption.

Done at Brussels, 6 December 2007.

For the Council
The President
A. COSTA

⁽¹⁾ OJ L 56, 25.2.2006, p. 75.

COUNCIL DECISION
of 6 December 2007
appointing a Spanish alternate member of the Committee of the Regions
(2008/33/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) On 24 January 2006 the Council adopted Decision 2006/116/EC ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010.
- (2) A seat as an alternate member of the Committee of the Regions has become vacant following the end of the mandate of Mr GÓMEZ-REINO LECOQ,

HAS ADOPTED THIS DECISION:

Article 1

Ms Elsa CASAS CABELLO, Comisionada de Acción Exterior, Comunidad Autónoma de Canarias, is hereby appointed an alternate member of the Committee of the Regions for the remainder of the term of office, which runs until 25 January 2010.

Article 2

This Decision shall take effect on the date of its adoption.

Done at Brussels, 6 December 2007.

For the Council
The President
A. COSTA

⁽¹⁾ OJ L 56, 25.2.2006, p. 75.

COUNCIL DECISION
of 6 December 2007
appointing a Finnish alternate member to the Committee of the Regions
(2008/34/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Finnish Government,

Whereas:

- (1) On 24 January 2006 the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 ⁽¹⁾.
- (2) One alternate member's seat on the Committee of the Regions has become vacant following the resignation of Mr Håkan NORDMAN,

HAS DECIDED AS FOLLOWS:

Article 1

Ms Martina MALMBERG, chair of the municipal council of Inkoo, is hereby appointed alternate member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2010.

Article 2

This Decision shall take effect on the date of its adoption.

Done at Brussels, 6 December 2007.

For the Council
The President
A. COSTA

⁽¹⁾ OJ L 56, 25.2.2006, p. 75.

COMMISSION

COMMISSION DECISION

of 8 January 2008

concerning a draft Regulation from the Hellenic Republic on the labelling of bakery products from frozen dough

(notified under document number C(2007) 6750)

(Only the Greek text is authentic)

(2008/35/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽¹⁾, and in particular Articles 19 and 20 thereof,

Whereas:

(1) In accordance with the procedure provided for in Article 19(2) of Directive 2000/13/EC, the Greek authorities notified to the Commission on 15 May 2007 a draft Regulation on specific provisions on the compulsory labelling of bakery products from frozen dough.

(2) Pursuant to the notified draft, bakery products from frozen dough should be labelled with the date of production and the origin of the frozen dough.

(3) In accordance with the provisions of Article 19(2) of Directive 2000/13/EC, the Commission consulted Member States via the Standing Committee on the Food Chain and Animal Health.

(4) Directive 2000/13/EC contains provisions on the labelling of the origin of foodstuffs (Article 3(1) points 7 and 8) and of the types of date indications for foodstuffs (Article 9(5)). According to these rules, particulars of the place of origin or provenance of a foodstuff shall only be compulsory on the labelling of foodstuff, where failure to give such particulars might mislead the consumer to a material degree as to the true origin or provenance of the foodstuff (Article 3(1) point 8).

(5) A mandatory labelling of the country of origin of the frozen dough would be an extra burden for those food business operators that produce bread with dough from another EU Member State and therefore constitute a potential barrier to the free movement of goods and endangers the smooth functioning of the single market. The cases where non-harmonised national provisions governing the labelling and presentation of certain foodstuffs or foodstuffs in general may be acceptable are listed in an exhaustive manner in Article 18(2) of Directive 2000/13/EC. Apart from cases relating to the protection of public health, such measures may be admissible only where justified for the prevention of fraud or the protection of industrial and commercial property rights, indications of provenance, registered designations of origin and prevention of unfair competition.

(6) The grounds of the Greek notification do refer to hygienic reasons and thus to the protection of public health. The Greek notification does not take into account that there is an established basis of common rules on food hygiene, especially Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽²⁾. The Greek notification does not provide any evidence that the notified measures are necessary to attain a higher level of public health protection.

⁽¹⁾ OJ L 109, 6.5.2000, p. 29. Directive as last amended by Commission Directive 2007/68/EC (OJ L 310, 28.11.2007, p. 11).

⁽²⁾ OJ L 139, 30.4.2004, p. 1. Corrected version in OJ L 226, 25.6.2004, p. 3.

- (7) According to Article 9(5) dash 5 of Directive 2000/13/EC, an indication of the durability date for bakers' or pastry cooks' wares shall not be required, subject to Community provisions imposing other types of date indication. Community law does not provide any rule on any other type of date indications but the exemption for bakers' wares for the indication of the durability date.
- (8) A compulsory labelling of the production date of the frozen dough would concern in particular products from other Member States that only can be marketed after having undergone a preservation procedure like freezing. This obligation therefore constitutes a potential barrier to the free movement of goods and endangers the smooth functioning of the single market.
- (9) According to the case law the competent national authorities have to proof, that the draft measures are on the one hand necessary in order to achieve the objective they aim for and that the draft measures comply on the other hand with the principle of proportionality (cf. ruling of 30 November 1983, *Van Bennekom*, Case 227/82, ECR 1983, p. 03883, paragraph 40; ruling of 13 March 1997, *Morellato*, Case C-358/95, ECR 1997, p. I-01431, paragraph 14, and ruling of 8 May 2003, *ATRAL*, Case C-14/02, ECR 2003, p. I-4431, paragraph 67).
- (10) The notified measures applied unilaterally and indiscriminately by the Hellenic Republic would very likely hinder intra-Community trade to a disproportionate extent. It would oblige producers or operators processing dough from other Member States to provide specific labelling.
- (11) The Commission will be continuing discussions with the Member States with regard to origin labelling of food-stuffs.
- (12) In light of these observations, the Commission has delivered a negative opinion pursuant to Article 19(3) of Directive 2000/13/EC.
- (13) The measures provided for in this Decision are in line with the opinion of the Standing Committee on the Food Chain and Animal Health,
- HAS ADOPTED THIS DECISION:
- Article 1*
- The Hellenic Republic is required to refrain from adopting its draft Decree on the labelling of bakery products from frozen dough.
- Article 2*
- This Decision is addressed to the Hellenic Republic.
- Done at Brussels, 8 January 2008.
- For the Commission*
Markos KYPRIANOU
Member of the Commission
-

COMMISSION DECISION

of 10 January 2008

authorising the placing on the market of rice drinks with added phytosterols/phytostanols as novel food under Regulation (EC) No 258/97 of the European Parliament and of the Council*(notified under document number C(2008) 6)***(Only the Finnish and Swedish texts are authentic)**

(2008/36/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

(1) On 12 October 2004 the company Teriaka Ltd. Paulig Group made a request to the competent authorities of Finland to place rice drinks with added phytosterols on the market as a novel food or novel food ingredient.

(2) On 12 January 2005 the competent food assessment body of Finland issued its initial assessment report. In that report it came to the conclusion that the rice drinks with added phytosterols are safe for human consumption.

(3) The Commission forwarded the initial assessment report to all Member States on 31 January 2005.

(4) Within the sixty day-period laid down in Article 6(4) of Regulation (EC) No 258/97 reasoned objections to the marketing of the product were raised in accordance with that provision.

(5) Therefore the European Food Safety Authority (EFSA) was consulted on 28 October 2005.

(6) On 15 February 2006 EFSA adopted the 'Statement of the Scientific Panel on dietetic Products, Nutrition and Allergies on a request from the Commission related to a novel food application on rice drinks with added phytosterols'.

(7) In the statement the panel came to the conclusion that there is no reason to believe that the introduction of rice drinks with added phytosterols/phytostanols will increase the risk of overconsumption of phytosterols.

(8) On the basis of the scientific assessment, it is established that rice drinks with added phytosterols/phytostanols comply with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.

(9) Commission Regulation (EC) No 608/2004 of 31 March 2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters ⁽²⁾ ensures that consumers receive the information necessary in order to avoid excessive intake of additional phytosterols.

(10) 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

Rice drinks with added phytosterols/phytostanols as specified in the Annex may be placed on the market in the Community as a novel food.

Article 2

1. Rice drinks referred to in Article 1 shall be presented in such a manner that they can be easily divided into portions that contain either a maximum of 3 g (in case of 1 portion/day) or a maximum of 1 g (in case of 3 portions/day) of added phytosterols/phytostanols.

2. The amount of phytosterols/phytostanols added to a container of rice drinks shall not exceed 3 g.

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

⁽²⁾ OJ L 97, 1.4.2004, p. 44.

Article 3

This Decision is addressed to Teriaka Ltd., Siirakuja 3, 01490 Vantaa, Finland.

Done at Brussels, 10 January 2008.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

Specifications of phytosterols and phytostanols for the addition to rice drinks**Definition:**

Phytosterols and phytostanols are sterols and stanols that are extracted from plants and may be presented as free sterols and stanols or esterified with food grade fatty acids.

Composition (with GC-FID or equivalent method):

- < 80 % β -sitosterol
- < 15 % β -sitostanol
- < 40 % campesterol
- < 5 % campestanol
- < 30 % stigmasterol
- < 3 % brassicasterol
- < 3 % other sterols/stanols

Contamination/Purity (GC-FID or equivalent method)

Phytosterols and phytostanols extracted from sources other than vegetable oil suitable for food have to be free of contaminants, best ensured by a purity of more than 99 % of the phytosterol/phytostanol ingredient.
